



United States Department of the Interior



FISH AND WILDLIFE SERVICE Colorado Ecological Services

IN REPLY REFER TO:
FWS/R6/ES CO

Front Range:
Post Office Box 25486
Mail Stop 65412
Denver, Colorado 80225-0486

Western Slope:
445 W. Gunnison Avenue
Suite 240
Grand Junction, Colorado 81501-5711

TAILS: 06E24000-2019-F-0553

March 29, 2019

Stephanie Gibson
Federal Highway Administration – Colorado Division
12300 West Dakota Avenue, Suite 180
Lakewood, Colorado 80228

Dear Ms. Gibson:

On April 4, 2012, the U.S. Fish and Wildlife Service (Service) concluded that the combination of existing and new depletions to the Platte River system above the Loup River confluence resulting from the Federal Highway Administration Federal-Aid Highway Program's (FAHP) highway construction activities is consistent with the Tier 1 Programmatic Biological Opinion (PBO) for effects to listed species and critical habitat associated with the Platte River in Nebraska (06E24000-2012-F-0328). Typical depletions include water used for mixing of concrete, compaction of road base, and dust suppression. The Colorado Department of Transportation (CDOT) and the Colorado Division of FHWA share responsibility for oversight of the FAHP in Colorado. The consultation analyzed the effects of the average use of 169 acre-feet of water per year for a portion of the Platte River Recovery Implementation Program's first 13-year increment, which concludes December 31, 2019. Our review was performed consistent with our authority under the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*). Our analysis concluded that the project would not jeopardize the continued existence of the endangered whooping crane (*Grus americana*), the interior least tern (*Sternula antillarum*), the pallid sturgeon (*Scaphirynchus albus*), the threatened northern Great Plains population of the piping plover (*Charadrius melodus*), or the western prairie fringed orchid (*Platanthera praeclara*). The action is also not likely to destroy or adversely modify designated critical habitat for the whooping crane.

On March 12, 2019, we received your request to extend the project for the next 13-year increment and to allocate 2,200 acre-feet of water for CDOT's construction-related impacts. This amount of water is based on the average annual amount currently allocated (i.e., 169 acre-feet) and calculated for 13 years.

Given that the amount of water depleted is not expected to increase and that the Department of the Interior, acting through the Service and Bureau of Reclamation, continues to implement all pertinent Reasonable and Prudent Measures and Terms and Conditions stipulated in the Tier 1 PBO Incidental Take Statement (pages 309-326 of the PBO) to minimize the anticipated incidental take of federally listed species, we continue to expect the impacts from the project will not result in jeopardy to the species.

Please note that reinitiation of consultation will be required if:

1. New information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not considered in this consultation;
2. The action is subsequently modified in a manner that causes an adverse effect to the listed species or critical habitat that was not considered in this consultation; or
3. A new species is listed or critical habitat designated that may be affected by the action.

We appreciate your submitting this report to our office for review and comment. If the Service can be of further assistance, please contact Alison Deans Michael of my staff at alison_michael@fws.gov or (303) 236-4758.

Sincerely,

**DRUE
DEBERRY**

Digitally signed by DRUE
DEBERRY
Date: 2019.03.29 13:56:50
-06'00'

Drue L. DeBerry
Colorado and Nebraska Field Offices Supervisor

ec: FWS, R6 (Tom Econopouly)
FWS, Nebraska Field Office (Matt Rabbe)
CDOT, HQ (Jeff Peterson)