United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Nebraska Field Office
9325 South Alda Road
Wood River, Nebraska 68883

IN REFERENCE REFER TO:
FWS/R6/NEFO
06E22000-2017-I-0071
06E22000-2017-CP-0009

January 31, 2017

FWS-NE: 2017-116

Ms. Melissa Maiefski
Program Delivery Team Lead
Federal Highway Administration
100 Centennial Mall
Room 220
Lincoln, NE 68508-3803

RE: Biological Assessment, Re-Evaluation of the Nebraska Biological Evaluation Process for the Federal-Aid Transportation Program in Nebraska and Programmatic Agreement

Dear Ms. Maiefski:

This responds to your December 29, 2016, e-mailed request for concurrence from the U.S. Fish and Wildlife Service (Service) regarding the renewal of the Nebraska Biological Evaluation Process (Process) under the Endangered Species Act of 1973 (ESA); this renewal includes both the Federal-Aid Transportation Program in Nebraska (Program) and an interagency Programmatic Agreement (PA), both of which have both been in place for the past five years.

As discussed in your December 29, 2016, letter, this programmatic approach for consultations was jointly developed by the Federal Highway Administration (FHWA), the Nebraska Department of Roads (NDOR), the Nebraska Game and Parks Commission (NGPC) and the Service. This PA and Process covers all state and federally protected species in Nebraska as well as federally designated critical habitat. The BA Re-evaluation assessed the effects of the Program's actions by using the consultation process, along with the suite of tools that were developed to specifically evaluate potential project impacts to species, as well as the implementation of the PA.

Over the past five years, our agencies have met annually to conduct audits and update assessment tools, which not only improve the Process and streamline consultations, but also provide additional assurances to as to the conservation efforts being implemented to protect state and federally listed species in Nebraska. Based on the past five years of implementation as well as the information that has been provided within the BA, we concur that implementation of the Process for the next five years, as also outlined in the PA, may affect, but is not likely to

adversely affect, federally listed species and/or federally designated critical habitat. However, should changes to projects occur or new information regarding federally listed species and/or critical habitat become available, this concurrence is no longer valid. Further section 7 consultation with the Service will be necessary.

The Service commends FHWA, NDOR, and NGPC for their hard work and contributions to ensuring the Program's successful implementation. The Process has facilitated collaboration amongst the agencies and development of a strategy that streamlines consultations and project reviews but also encourages transportation agencies such as yours to integrate species-specific conservation into projects that benefit protected species throughout the state of Nebraska.

The Service appreciates your continued efforts to ensure the conservation of the public trust resources in Nebraska. Should you have any questions or need additional information, please contact Ms. Brooke Stansberry within our office at Brooke_Stansberry@fws.gov or at (308) 382-6468, extension 207.

Sincerely,

Eliza Hines
Nebraska Field Supervisor

cc: FHWA; Lincoln, NE (Attn: Scott Stapp)
FHWA; Lincoln, NE (Attn: Taylor Peters)
USFWS; Wood River, NE (Attn: John Cochnar)
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