United States Department of the Interior

FISH AND WILDLIFE SERVICE
New Mexico Ecological Services Field Office
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February 25, 2013

Cons. # 02ENNM00-2013-F-0033 (Reclamation)
Cons. # 02ENNM00-2013-F-0034 (Corps)
Cons. # 02ENNM00-2013-F-0035 (Refuge)

Kristopher T. Schafer, P.E., PMP
Chief, Planning Branch, Albuquerque District
U.S. Army Corps of Engineers
4101 Jefferson Plaza NE
Albuquerque, New Mexico 87109-3435

Mike Hamman
Area Manager
U.S. Bureau of Reclamation
555 Broadway NE, Suite 100
Albuquerque, NM 87102-2352

Kevin Cobble
Refuge Manager
Bosque del Apache National Wildlife Refuge
1001 Highway 1
PO Box 280
San Antonio, NM 87832

Dear Mr. Schafer, Mr. Hamman, and Mr. Cobble:

This letter acknowledges the U.S. Fish and Wildlife Service New Mexico Ecological Services Field Office's (Service) receipt of revised biological assessments requesting initiation of formal section 7 consultation under the Endangered Species Act. Most recently, we received revised biological assessments on February 22, 2013 from Bosque del Apache National Wildlife Refuge (Refuge) on its Comprehensive Conservation Plan, on February 15, 2013 from Corps of Engineers (Corps) on its Middle Rio Grande (MRG) Reservoir Operations, and on January 16, 2013 from Bureau of Reclamation (Reclamation) on its MRG Water Operations and River Maintenance Program. In its biological assessment, Reclamation included actions proposed by

the State of New Mexico, the Middle Rio Grande Conservancy District and the Albuquerque-Bernalillo County Water Utility Authority. In addition to section 7 consultation, the Refuge also requested initiation of formal conferencing because of potential effects to two candidate species on Refuge lands.

These consultation requests concern the possible effects of your proposed actions on the Rio Grande silvery minnow (*Hybognathus amarus*), the Southwestern willow flycatcher (*Empidonax trailii extimus*) and their designated critical habitats, the interior least tern (*Sternula antillarum athalassos*) and the Pecos sunflower (*Helianthus paradoxus*). In addition, the Refuge requested to conference on the candidate species, the New Mexico meadow jumping mouse (*Zapus hudsonium luteus*) and the yellow-billed cuckoo (*Coccyzus americanus*) and to consult on the aplomado falcon (*Falco femoralis*).

On February 22, 2013, we initiated formal consultation with the Corps, Reclamation and the Refuge and initiated formal conferencing with the Refuge. We will conduct a single analysis of effects to the MRG endangered species and their designated critical habitats that may result from implementation of the actions proposed by Corps, Reclamation, and the Refuge. The conclusion of our analysis will be issued in separate biological opinion documents. In addition, we will assess effects to the New Mexico meadow jumping mouse, the yellow-billed cuckoo, and the aplomado falcon (*Falco femoralis*) that may result from actions proposed by the Refuge. The conclusion of this analysis will be issued to the Refuge in a biological and conference opinion. We have assigned separate log numbers to each federal action agency consultation (Reclamation = 02ENNM00-2013-F-0033; Corps = 02ENNM00-2013-F-0034, Refuge = 02ENNM00-2013-F-0035). Please refer to these numbers in future correspondence regarding this consultation and conference.

The Service considers the February 22, 2013 initiation of formal consultation as the reinitiation referred to in the reinitiation notice of the March 17, 2003 biological and conference opinion issued to Corps and Reclamation. The 2003 reinitiation notice states: "Consultation must be reinitiated prior to the expiration of this biological opinion to ensure continued compliance with section 7 and 9 of the ESA."

Section 7 allows the Service up to a total of 135 days to issue its biological opinion. Therefore, we expect to provide you with our biological opinion of the effects of your proposed actions no later than July 7, 2013.

As a reminder, the Endangered Species Act requires that after initiation of formal consultation, the Federal action agency may not make any irreversible or irretrievable commitment of resources that limits future options. This practice insures agency actions do not preclude the formulation or implementation of reasonable and prudent alternatives that avoid jeopardizing the continued existence of endangered or threatened species or destroying or modifying their critical habitats.

If you have any questions or concerns about this consultation or the consultation process in

Kristopher Schafer, Mike Hamman, and Kevin Cobble

general, please feel free to contact me or Lori Robertson of this office at (505) 761-4710.

Sincerely yours,

Wally Murphy
Field Supervisor

cc:

Mr. Subhas Shah, Middle Rio Grande Conservancy District, Albuquerque, New Mexico
Mr. Estevan Lopez, New Mexico Interstate Stream Commission, Santa Fe, New Mexico
Mr. Scott Verhines, New Mexico Office of the State Engineer, Santa Fe, New Mexico
Mr. John Stomp, Albuquerque-Bernalillo County Water Utility Authority, Albuquerque, New Mexico
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