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United States Department of the Interior

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

March 11, 2016

FWS-NE: 2016-123

Mr. Scott Stapp
Environmental Protection Specialist
Federal Highway Administration
100 Centennial Mall
Room 220
Lincoln, NE 68508

RE: Biological Assessment (Re-evaluation), Alma South Bridge, Project Number: NH-183-1(117), Control Number: 71180, Harlan County, Nebraska

Dear Mr. Stapp:

This responds to the March 7, 2016, e-mailed request for comments and concurrence from the U.S. Fish and Wildlife Service (Service) for the subject project due to a project scope change. The Service has responsibility for conservation and management of fish and wildlife resources for the benefit of the American public under the following authorities: 1) Endangered Species Act of 1973 (ESA); 2) Fish and Wildlife Coordination Act; 3) Bald and Golden Eagle Protection Act; and 4) Migratory Bird Treaty Act. The National Environmental Policy Act requires compliance with all of these statutes and regulations. This project was prioritized by the Nebraska Department of Roads (NDOR) and the Federal Highway Administration (FHWA) on March 7, 2016. The Service previously concurred with this project (with implemented species conservation conditions) on March 19, 2015. As we understand it, the project has determined that an additional structure, located 5 miles south of the original Alma Bridge Project location, needs repairs (bridge deck repair, crack and joint sealing, and resurfacing) and that this additional structure's location does not contain suitable Whooping Crane (Gus americanus) habitat.

The Service has reviewed the new information. With the implementation of the conservation conditions as originally proposed and outlined (with the exception of the Whooping Crane) in the March 10, 2015, biological assessment for the federally and state listed threatened Northern long-eared bat (*Myotis septentrionalis*) and the state listed threatened River otter (*Lontra canadensis*), the Service still concurs that the proposed project may affect but is not likely to

adversely affect federally listed species and/or critical habitat within the limits-of-construction (LOCs). However, should changes to the proposed project occur (i.e. direct/indirect effects are identified, off-site contractor activities such as borrow, staging, or waste sites are identified) or new information regarding federally listed species and/or critical habitat become available, this determination is no longer valid. Further section 7 consultation with the Service will be necessary.

All federally listed species under ESA are also State-listed under the Nebraska Nongame and Endangered Species Conservation Act. However, there are also State-listed species that are not federally listed. To determine if the proposed project may affect State-listed species, the Service recommends that the project proponent contact Michelle Koch (michelle.koch@nebraska.gov) or Carey Grell (carey.grell@nebraska.gov), Nebraska Game and Parks Commission, 2200 N. 33rd Street, Lincoln, NE 68503-0370.

The Service appreciates the updated information and continued assurances from NDOR/FHWA to protect fish and wildlife trust resources. Should you have any questions regarding these comments, 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: NGPC; Lincoln, NE (Attn: Michelle Koch)
NGPC; Lincoln, NE (Attn: Carey Grell)
NGPC; Lincoln, NE (Attn: Ryan Joe)
NDOR; Lincoln, NE (Attn: Melissa Marinovich)
NDOR; Lincoln, NE (Attn: Zach Cunningham)