

## United States Department of the Interior

U.S. Fish and Wildlife Service  
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AESO/FA

June 14, 2001

Ms. Cindy Lester  
Chief, Regulatory Branch  
U.S. Army Corps of Engineers  
3636 North Central Avenue, Suite 760  
Phoenix, Arizona 85012-1936

Dear Ms. Lester:

The Service has received Public Notice 984-0174-MB (PN) dated May 18, 2001, issued by the U.S. Army Corps of Engineers. The City of Yuma has applied for a section 404 permit to construct a boat ramp and conduct mechanized land clearing associated with the Yuma West Wetlands Restoration Project. These comments are provided under the authority of, and in accordance with, the Fish and Wildlife Coordination Act (48 Stat. 401, as amended U.S.C. 661 et. seq.).

The Service is supportive of environmental restoration projects aimed at revegetating sites with native riparian and wetland plant species. The only component of the proposed project that is of concern to the Service is the proposal to eradicate salt cedar. In general the Service recognizes the desirability of eradicating salt cedar and revegetating with native riparian vegetation along southwestern streams and rivers. However, we are continually concerned that many areas currently occupied by salt cedar may not necessarily be suitable environments for establishment, regeneration, and survival by cottonwood and willow. As a result, we only support restoration programs when site specific analyses indicate that microhabitat conditions such as depth to water table, soil texture, soil salinity, flood frequency, and flood intensity would be appropriate to support and maintain the life history requirements of native riparian vegetation including factors such as seed bed formation, seed dispersal, germination, seedling establishment, recruitment, and survival.

Additionally, due to the propensity of the endangered southwestern willow flycatcher (*Empidonax traillii extimus*) to nest and forage in salt cedar thickets, we must urge those entities involved in restoration projects to recognize that although the net environmental effects of salt cedar eradication may be considered desirable, and perhaps beneficial, adverse affects to the flycatcher could still be realized. Due to the high variability and dynamic nature of riparian ecosystems and the flycatcher's status, we believe that salt cedar eradication projects must be

evaluated individually and structured accordingly to reduce or eliminate the potential for adverse effects to, or incidental take of, the southwestern willow flycatcher.

The PN states that by letter dated July 1, 1999, the Service concurred that the proposed project may affect, but is not likely to adversely affect the southwestern willow flycatcher. Please note that at that time the proposed project did not, to our knowledge, include the removal of salt cedar. The information in the PN and supporting documentation does not provide a detailed description of the salt cedar to be removed nor does it provide a discussion of the importance, or lack thereof, of that salt cedar for flycatchers. In our view, the loss of suitable habitat that is available for use by a listed species would exceed the threshold of may affect. If the salt cedar to be removed is in fact suitable for use by the flycatcher, its proposed removal would constitute new project information that would warrant a reinitiation of section 7 consultation.

We request that the Corps evaluate the suitability and importance of the salt cedar proposed for removal for the flycatcher. If the Corps determines that the project may affect the flycatcher, consultation should be reinitiated. We are available to meet with the Corps and City to discuss this matter. If we can be of further assistance please contact Mike Martinez (x224) or Don Metz (x217).

Sincerely,

/s/ David L. Harlow  
Field Supervisor

cc: Project Manager, Army Corps of Engineers, Tucson, AZ  
Regional Administrator, Environmental Protection Agency, San Francisco, CA  
Supervisor, Project Evaluation Programs, Arizona Game and Fish Department, Phoenix, AZ