United States Department of the Interior

FISH AND WILDLIFE SERVICE
New Mexico Ecological Services Field Office
2105 Osuna NE
Albuquerque, New Mexico 87113
Phone: (505) 346-2525 Fax: (505) 346-2542

June 26, 2013

Cons. # 02ENNM00-2013-FC-0052

Gregory L. Heitmann, Environmental Specialist
U.S. Department of Transportation
Federal Highway Administration
4001 Office Court Drive, Suite 801
Santa Fe, New Mexico 87507

Dear Mr. Heitmann:

This responds to your request for formal conferencing with the U.S. Fish and Wildlife Service (Service) under section 7 of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.). The request concerns the proposed New Mexico Highway 314 Bridge Replacement Project over the Belen Highline Canal within the Pueblo of Isleta, Bernalillo County, New Mexico.

This **DRAFT** conference opinion analyzes the anticipated adverse effects of the proposed action on the proposed endangered New Mexico meadow jumping mouse (*Zapus hudsonius luteus*). We are providing you a **DRAFT** conference opinion on this project for your review. We will consider your comments prior to preparing the final conference opinion. Please be advised that if a **DRAFT** conference opinion is released to others that are not applicants to the conference, the document may no longer be considered an interagency document exempt from the disclosure requirements of the Freedom of Information Act.

In future communications regarding this project please refer to consultation #02ENNM00-2013-FC-0052. If you have any questions or would like to discuss any part of this **DRAFT** conference opinion, please contact Eric Hein of my staff at 505-761-4735.

Sincerely,

Wally "J" Murphy
Field Supervisor

Enclosure

United States Department of the Interior

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Dear Mr. Heitmann:

Thank you for your request for formal conferencing with the U.S. Fish and Wildlife Service (Service) pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), as amended (Act). This document transmits the Service's Conference Opinion, in accordance with section 7 of the Act, based on our review of the New Mexico Highway 314 Bridge Replacement Project over the Belen Highline Canal within the Pueblo of Isleta, Bernalillo County, New Mexico. The Federal Highway Administration's (FHWA) request for formal conferencing was received by the Service on May 3, 2013. You have determined that the proposed action "may affect, is likely to adversely affect" the proposed endangered New Mexico meadow jumping mouse (*Zapus hudsonius luteus*) (jumping mouse). Consequently, this conference concerns the possible effects of the proposed project on the jumping mouse.

You also determined that the proposed action "may affect, is not likely to adversely affect" the proposed jumping mouse critical habitat. We concur with your determination because the proposed jumping mouse critical habitat is not located within the project area, no primary constituent elements will be affected, and proposed construction work will occur when the Belen Highline Canal is dry. Consequently, the direct and indirect effects to the proposed critical habitat are considered insignificant and discountable.

This **DRAFT** Conference Opinion is based on information provided in the May 2, 2013, biological assessment (BA), and supplemental information as detailed in the conference history below. A complete record of this conference is on file at our office.

Conference History

- **October 18, 2012:** Service received a biological evaluation from the New Mexico Department of Transportation (NMDOT) for the proposed project that identified jumping mouse habitat was likely to be affected by the proposed bridge replacement.

- **October 30, 2012:** Service personnel conducted a preconstruction field site visit with the NMDOT to discuss potential impacts of bridge reconstruction and section 7 conferencing.

- **January 11, 2013:** Service personnel met with NMDOT and the U.S. Army Corps of Engineers to discuss potential impacts of bridge reconstruction and section 7 conferencing.

- **May 3, 2013:** Service received the biological assessment for the proposed action. Because of timing constraints related to the production deadline (July 2013) and construction timing requirements (November 2013–March 2013) specific to this project, NMDOT and FHWA assume that the action area is occupied by the jumping mouse in lieu of conducting species-specific surveys to determine presence or absence; therefore, you initiated formal conferencing.

- **May 8, 2013:** Service personnel met the NMDOT to discuss section 7 conferencing and the biological assessment.

CONFERENCE OPINION

DECRIPTION OF THE PROPOSED ACTION

The proposed action is to replace and reconstruct the existing bridge crossing Belen Highline Canal within the Pueblo of Isleta to meet current NMDOT design standards. The full project description and conservation measures from is incorporated by reference from the BA. In summary, the existing timber frame bridge would be replaced with a precast concrete arch bridge capable of accommodating a 688 cubic foot-per-second canal flow. The proposed project includes: demolition of the existing bridge, construction of a replacement bridge, earthwork, roadway reconstruction, signing, striping, and guardrail replacement. The project footprint will only involve the minimum area necessary to replace the bridge.

Project permits would be obtained by NMDOT prior to construction. Such permits would include coverage under a National Pollutant Discharge Elimination System construction general permit for disturbance of more than one acre of soils, a Middle Rio Grande Conservancy District (MRGCD) crossing license/ permit for construction impacts to the Belen Highline Canal, and a Clean Water Act (CWA) sections 404/401 permit for discharge of dredge or fill material into waters of the United States.

Conservation Measures

Additionally, the NMDOT will implement the following conservation measures under the proposed action:

1. A Storm Water Pollution Prevention Plan and Temporary Erosion and Sediment Control Plan will be developed and implemented.

2. NMDOT will require the construction contractor to access the canal via the existing roadway and bridge location to further reduce construction impacts to vegetation and soils.

3. NMDOT will require that a re-vegetation plan be included as part of the final design, and will require the construction contractor to re-vegetate open soils within the project area after construction.

4. NMDOT will require the construction contractor to schedule construction activities during no flow conditions (November 15, 2013–March 1, 2014) when the jumping is hibernating and inactive.

5. The NMDOT will ensure that the contractor does not conduct equipment fueling, storage, or maintenance activities within drainages or watercourses; and does not use leaking equipment in or near any watercourse.

6. The NMDOT will close NM 314 roadway during the bridge replacement construction period in order to eliminate the need for a temporary road detour that would have impacted additional habitat.

Action Area

The action area includes all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action. [50 CFR § 402.02]. You have defined the action area as lands in the immediate vicinity of the Bridge over NM 314 crossing the Belen Highline Canal within the Pueblo of Isleta. This area includes a 0.25 mile buffer of terrestrial habitats around the project footprint and downstream 26 miles to the confluence with Rio Grande for the aquatic habitats (Figures 1 and 2).

Figure 1. Project area and vicinity.

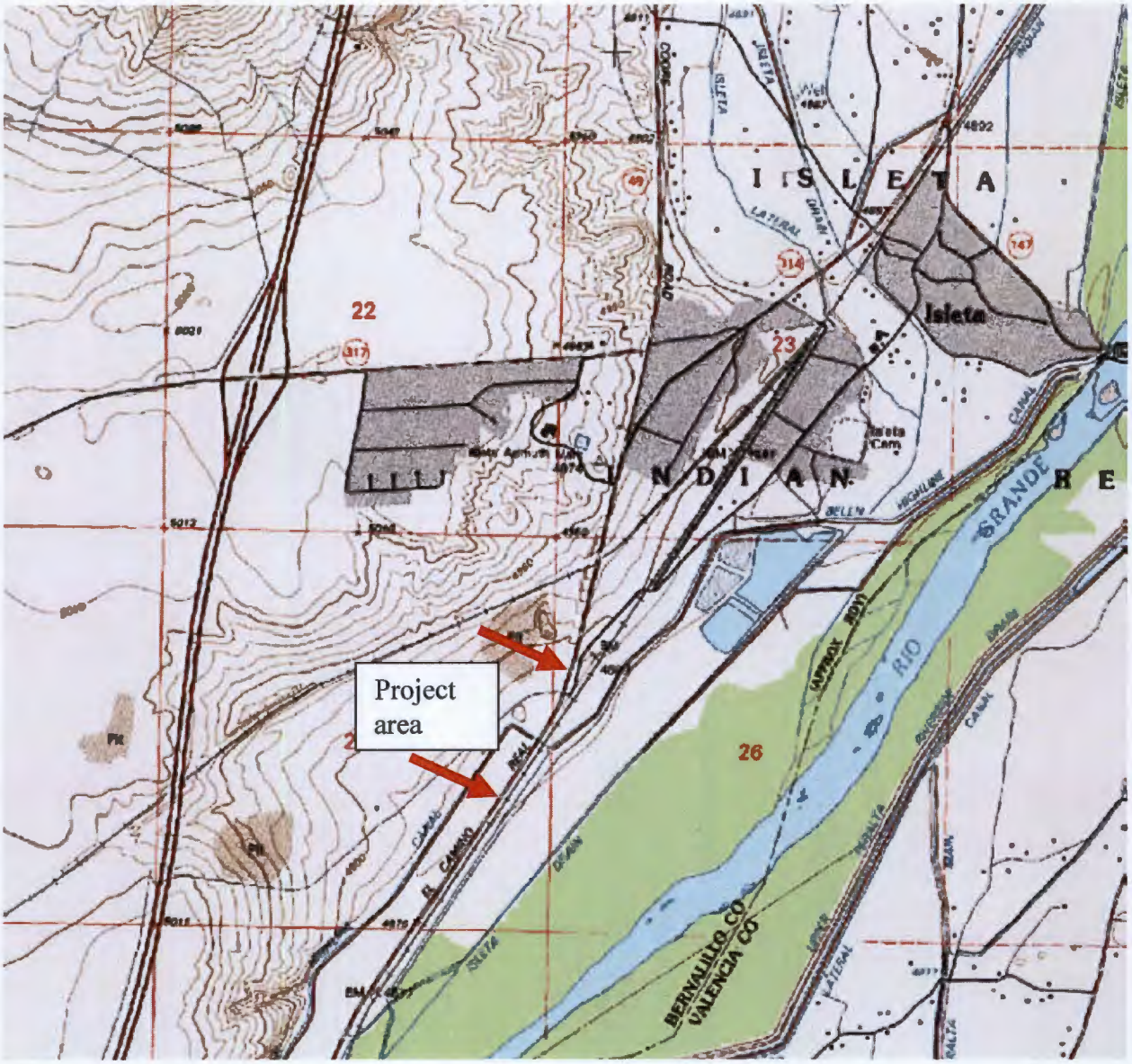

Figure 2. Immediate project area.

STATUS OF THE SPECIES

The jumping mouse was proposed as an endangered species with critical habitat on June 20, 2013 (78 FR 37363; 78 FR 37328). In addition to the summary information provided below, we completed a species status assessment report (SSA Report) for the jumping mouse in May 2013 (Service 2013). The SSA Report provides a thorough assessment of jumping mouse biology and natural history and assesses demographic risks (such as small population sizes), threats, and limiting factors in the context of determining viability and risk of extinction for the species. In the SSA Report, we also compile biological data and a description of past, present, and likely future threats (causes and effects) facing the New Mexico meadow jumping mouse. The information provided in the SSA Report is incorporated by reference.

The jumping mouse is a small mammal whose historical distribution likely included riparian wetlands along streams in the Sangre de Cristo and San Juan Mountains from southern Colorado to central New Mexico, including the Jemez and Sacramento Mountains and the Rio Grande Valley from Española to Bosque del Apache National Wildlife Refuge, and into parts of the White Mountains in eastern Arizona.

The jumping mouse life history (short active period, short life span, low fecundity, specific habitat needs, and low dispersal ability) makes populations highly vulnerable to extirpations when habitat is lost and fragmented. Based on historical (1980s and 1990s) and current (from 2005 to 2012) data, the distribution and abundance of the New Mexico meadow jumping mouse has declined significantly rangewide. The majority of local extirpations have occurred since the late 1980s to early 1990s as we found about 70 formerly occupied locations are now considered to be extirpated. Since 2005, there have been 29 documented remaining populations spread across the 8 conservation areas (2 in Colorado, 15 in New Mexico, and 12 in Arizona). Nearly all of the current populations are isolated and widely separated, and all of the 29 populations located since 2005 have patches of suitable habitat that are too small to support resilient populations of jumping mice. In addition, 11 of the 29 populations documented since 2005 have been substantially compromised since 2011 (due to water shortages, grazing, or wildfire and post-fire flooding), and these populations could already be extirpated.

Because the jumping mouse requires such specific suitable habitat conditions, populations have a high potential for extirpation when habitat is altered or eliminated. We found that there has been a significant reduction in occupied localities likely due to cumulative habitat loss and fragmentation across the range of the jumping mouse. The past and current habitat loss has resulted in the extirpation of historic populations, reduced the size of existing populations, and isolated existing small populations. Ongoing and future habitat loss is expected to result in additional extirpations of more populations. The primary sources of past and future habitat losses are from grazing pressure (which removes the needed vegetation) and water management and use (which causes vegetation loss from mowing and drying of soils), lack of water due to drought (exacerbated by climate change), and wildfires (also exacerbated by climate change). Additional sources of habitat loss are likely to occur from scouring floods, loss of beaver ponds, highway reconstruction, residential and commercial development, coalbed methane development, and unregulated recreation.

ENVIRONMENTAL BASELINE

The environmental baseline includes past and present impacts of all Federal, State, or private actions in the action area, the anticipated impacts of all proposed Federal actions in the action area that have undergone formal or early section 7 consultation, and the impact of State and private actions which are contemporaneous with the consultation process. The environmental baseline defines the current status of the species and its habitat in the action area to provide a platform to assess the effects of the action now under consultation.

Status of species within the action area

The SSA Report for the jumping mouse includes information on the status of the species in the action area (Service 2013). Within the conservation area of the middle Rio Grande, the New Mexico meadow jumping mouse had a widespread historical (pre-1930s) distribution associated with marshes and wet meadows, likely extending from Cañon del Rio Grande (20.9 kilometers (13 miles) north of the confluence of the Rio Grande and Rio Chama) to Bosque del Apache National Wildlife Refuge (Frey 2006, entire; 2008; Frey and Wright 2012). The subspecies was collected at Española (1904, 1987), Albuquerque (1917), Socorro (1909), and Bosque del Apache NWR (1930s, 1987), Pueblo of Isleta (1982, 1987), Ohkay Owingeh (1987), Rio Chama (1987), and Casa Colorado Wildlife Area (1987), suggesting that the jumping mouse had a distribution along 241 kilometers (150 miles) of the middle Rio Grande (Findley *et al.* 1975; 1981, Hink and Ohmart 1984; Morrison 1988; 1992; Frey 2006).

Although it is unknown whether the historical locality of the Pueblo of Isleta is currently occupied by the jumping mouse (Frey 2006), the subspecies is no longer found along the Rio Grande at Española, Albuquerque, Socorro, Ohkay Owingeh, and Casa Colorado Wildlife Area (Frey 2006; Frey *et al.* 2007; WildEarth Guardians 2008; U.S. Bureau of Reclamation 2007; Morrison 2012). Based on surveys and museum records from 1984 to 1988, high quality habitat within Isleta Marsh on the Pueblo of Isleta was historically occupied (Morrison 1988; Frey 2006); however, no jumping mice surveys have been conducted recently.

The action area occurs in the vicinity of historic capture locations. Based on the proximity to water and suitable vegetative structure present at the construction site, as well as historical records of occurrence for the jumping mouse within nearby high quality habitats on the Pueblo of Isleta, potential suitable habitat for the jumping mouse occurs in the action area along the Belen Highline Canal. Overall, the population of jumping mice in the project area is likely low, limited by habitat of high quality and connectivity, though we conclude that the jumping mouse likely is regularly present in the project area and may use this stream reach as a travel corridor. The current habitat suitability is low to moderate, given the existing dense cover of coyote willow, which can shade out and inhibit the maintenance of early seral stage dense herbaceous riparian vegetation with sparse tree and shrub canopy cover that is suitable habitat for the jumping mouse (Frey and Wright 2011; 2012).

Because of timing constraints related to the project production deadline (July 2013) and construction timing requirements (November 2013–March 2013) specific to this project, FHWA and NMDOT assume that the action area is occupied by the jumping mouse in lieu of conducting

species-specific surveys to determine presence or absence. The assumption of occupancy in the action area does not validate current presence of the species and should not have resource management implications for activities conducted by the Pueblo of Isleta adjacent to the action area. Given that the proposed project will occur within a riparian system that contains suitable habitat, we believe that the action area is capable of supporting jumping mice; consequently, future surveys in the action or the nearby Isleta Marsh would be valuable to determine whether the jumping mouse is still present.

The action area has been and continues to be adversely affected by drought, and management activities have regularly maintained irrigation ditches and canals (e.g., mowing, clearing, dredging, and burning of willow, grass, or forb riparian vegetation) (Chapter 5 SSA report; Service 2013). Our current understanding suggests that risks to the jumping mouse will be compounded by the continuing and future alteration and elimination of habitat in association with the additive factor of climate changes.

Conferencing

To date, no formal conferences have been completed on the jumping mouse.

EFFECTS OF THE ACTION

Effects of the action refer to the direct and indirect effects of an action on the species or critical habitat, together with the effects of other activities that are interrelated and interdependent with that action, which will be added to the environmental baseline. Indirect effects are those that are caused by the proposed action and are later in time, but are still reasonably certain to occur.

The proposed bridge replacement will permanently remove 0.037 acres of suitable jumping mouse habitat. In addition, 0.019 acres of suitable jumping mouse habitat be temporarily affected. These impacts to habitat will mostly be caused by the installation of new bridge piers and abutments, channel protection, removing vegetation, excavating of soils, and covering currently open soils with permanent surfacing. The project will result in the loss and alteration of jumping mouse habitat, but, because construction will take place during the inactive season of the species when vegetation is dormant, the activities should not cause any permanent habitat fragmentation or loss of connectivity between any populations that occur within the action area once construction and vegetation restoration are complete.

The proposed action will occur outside of the irrigation season between November 2013–March 2013 when the Belen Highline Canal is dry. During this time period, the jumping mouse would be hibernating and inactive. Direct effects of the project occurring during the jumping mouse's inactive season (between mid-October and mid-May) would potentially disrupt hibernating individuals. Direct effects could include injury or mortality to hibernating individuals due to crushing by construction equipment or workers. Other effects could include noise and vibration from machinery, vehicles, and increased human activity. The incorporation of conservation measures and the elimination of a temporary detour route during bridge construction will reduce the likelihood that individual jumping mice will be injured or killed.

The probability of indirect effects occurring have been reduced through the incorporation of conservation measures including the installation of erosion control measures and the requirement to revegetate open soils with the project area. As such, there is a low potential for indirect impacts to the jumping mouse or its habitat such as the introduction of petrochemicals or other materials into the Belen Highline Canal as a result of construction activities or from a storm at or upstream of the work area. Alternatively, other possible indirect effects could occur through the introduction of roadway de-icers and other toxins and chemicals due to the wider bridge footprint. De-icers would only be applied during the inactive period of the jumping mouse, whereas the effects from other toxins and chemicals are largely unknown. Nevertheless, the incorporation of conservation measures will reduce the likelihood that individual jumping mice will be injured or killed.

CUMULATIVE EFFECTS

Cumulative effects include the effects of future State, tribal, local, or private actions that are reasonably certain to occur in the action area considered in this CO. Future Federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the Act.

Future irrigation management activities on ditches and canals are reasonably expected to occur within the action area and will contribute as cumulative effects to the proposed action. These management activities regularly maintain irrigation ditches and canals (e.g., mowing, clearing, dredging, and burning of willow, grass, or forb riparian vegetation), potentially affecting jumping mouse populations by reducing the suitability of habitat through the elimination of food or cover resources. Careful management is needed along irrigation canals and ditches to address the reduction, alteration, or elimination of vertical cover of dense herbaceous riparian vegetation, which renders the habitat too sparse for use by the mouse or may disrupt normal behaviors. Alternatively, active management is needed to restore or expand potential jumping mouse habitat by periodically thinning, mowing, or removing tamarisk (also known as saltcedar, *Tamarix ramosissima*), decadent stands of willow that are greater than 3 years old or 1.5 meters (4.9 feet) tall, or other vegetation that is not used by the jumping mouse.

We also anticipate that jumping mouse habitat will be negatively affected by climate change occurring now and into the future, which may amplify the lack of available water within streams and springs resulting from lower precipitation trends and drought (see also SSA Report; Service 2013). For example, increased and prolonged drought associated with changing climatic patterns are likely to adversely affect jumping mouse habitats by reducing water availability and potentially shrinking the amount of herbaceous riparian vegetation as water recedes. However, we lack sufficient certainty to accurately predict how climate change will ultimately affect jumping mouse populations.

CONCLUSION

Jeopardize the continued existence of, is defined as, to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of

that species (50 CFR § 402.02).

Recovery calls for improvement in the status of listed species to the point at which listing is no longer appropriate under the criteria set out in section 4(a)(1) of the Act (50 CFR § 402.02).

After reviewing the current status of the New Mexico meadow jumping mouse, the environmental baseline for the action area, the effects of the proposed NM 314 bridge replacement and the cumulative effects, it is the Service's **DRAFT** conference opinion that the project, as proposed, is not likely to jeopardize the continued existence of the proposed endangered New Mexico meadow jumping mouse. We also do not expect the effects of the proposed action to impede the survival or recovery of New Mexico meadow jumping mouse. Effects to critical habitat are anticipated to be insignificant and discountable. We make these findings for the following reasons:

1. The Service has based this determination on the small amount of low to moderate quality jumping mouse habitat that will be impacted by the proposed action.

2. The activities will occur outside of the active season of the jumping mouse and would only affect hibernating individuals that might be found within the action area.

3. The action area constitutes a small portion of the species' entire range. Although take of the jumping mouse from project construction is possible, the anticipated level is small in proportion to range-wide population.

4. The project area is likely only occasionally used by the species, and reproduction, numbers, and distribution of the species are unlikely to be affected by its loss.

5. The likelihood that the survival and recovery of the jumping mouse will be compromised due to the implementation of the proposed action is extremely remote. This is because the action area contains low to moderate quality habitat that is unlikely to be occupied by numerous jumping mice.

INCIDENTAL TAKE STATEMENT

Section 9 of the Act and Federal regulation pursuant to section 4(d) of the Act prohibit take of endangered and threatened species without special exemption. Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Harm means an act that actually kills or injures listed species. Such acts may include significant habitat modification or degradation that result in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass means an intentional or negligent act or omission that creates the likelihood of injury to a listed species by annoying it to such an extent as to significantly disrupt normal behavior that includes, but is not limited to, breeding, feeding or sheltering. Incidental take is incidental to, and not the purpose of, carrying out an otherwise lawful activity. In section 7(b)(4)(iv) and section 7(o)(2) of the Act, incidental take not intended as part of agency action is not considered prohibited taking if such taking meets the terms and conditions of an Incidental Take Statement.

The prohibitions against taking the species found in section 9 of the Act do not apply until the species is listed. However, the Service advises the FHWA to consider implementing the following reasonable and prudent measures. If this conference opinion is adopted as a biological opinion following a listing or designation of critical habitat, these measures, with their implementing terms and conditions, will be non-discretionary. The FHWA has discretion to regulate the activity that is covered by this incidental take statement. If the species is listed and the FHWA: 1) fails to adhere to the terms and conditions of the incidental take statement through enforceable terms that are added to permits or contracts, and/or 2) fails to retain oversight to ensure compliance with these terms and conditions, the protective coverage of section 7(o)(2) may lapse. In order to monitor the impact of incidental take, we recommend that the FHWA report the progress of the action and its impact on the species to the Service as specified in the incidental take statement.

AMOUNT OR EXTENT OF TAKE

Based on the best available information concerning the jumping mouse, the habitat needs of the species, the project description, and information furnished by the FHWA, take is considered likely. Based upon the proposed project, it is estimated that temporary and permanent changes in the habitat characteristics needed by the species will occur as a result of the project. The Service anticipates that the construction of the NM 314 bridge will result in the incidental take of an undetermined number of New Mexico meadow jumping mice associated with a maximum of 0.06 acres of potential jumping mouse habitat and in the take of no more than one individual jumping mouse. Take will be difficult to detect because of the species' small size and construction activities will occur when individual mice are hibernating underground. However, the following level of take can be anticipated by the temporary and permanent loss of habitat.

We have assumed that individual jumping mice may be present within the action area; however, surveys were not conducted to confirm occupancy or estimate population abundance. Based on the proximity to water, vegetation structure, as well as historical records of occurrence within nearly high quality habitats, we assume that the proposed action is reasonably certain to result in incidental take of jumping mice. Nevertheless, it is difficult to quantify the number of individual jumping mice taken because: (1) dead or impaired individuals are difficult to find and losses may be masked by seasonal fluctuations in environmental conditions; and (2) we do not have recent survey information regarding the current number of jumping mice occupying the area. For these reasons, we will attribute incidental take using 0.06 acres of temporary and permanent wetland impacts. This metric is appropriate because suitable jumping mouse habitat is composed of dense herbaceous riparian vegetation, which is an element of wetland habitat that is anticipated to be lost through the implementation of the proposed action by removing vegetation, excavating soils, and covering areas with permanent road surfacing.

EFFECT OF THE TAKE

In the accompanying conference opinion, the Service determined that this level of anticipated take is not likely to jeopardize the continued existence of the jumping mouse.

REASONABLE AND PRUDENT MEASURES

The reasonable and prudent measures, and implementing terms and conditions are designed to minimize the effects of incidental take that might otherwise result from the action. In addition to the Conservation Measures already proposed as part of the project description, the Service believes that the following reasonable and prudent measures are necessary and appropriate to minimize impacts of incidental take of the New Mexico meadow jumping mouse:

1. The FHWA will monitor the extent of habitat impacted to ensure that it does not exceed the authorized area or the authorized take limits.

2. The FHWA will monitor all aspects of onsite restoration and enhancement to assure project completion and success.

TERMS AND CONDITIONS

In order to be exempt from the prohibitions of section 9 of the Act, the FHWA and their employees, contractors, or subcontractors must comply with the following terms and conditions, which implement the reasonable and prudent measures described above and outline required reporting/monitoring. These terms and conditions are nondiscretionary.

The reasonable and prudent measures, with their implementing terms and conditions, are designed to minimize incidental take that might otherwise result from the proposed action. If, during the course of the action, this level of incidental take is exceeded, such incidental take would represent new information requiring review of the reasonable and prudent measures provided. The Federal agency must immediately provide an explanation of the causes of the taking and review with the Service the need for possible modification of the reasonable and prudent measures.

The following Terms and Conditions are established to implement Reasonable and Prudent Measure 1.

1.1 Within the project area, the FHWA shall ensure that construction activities are strictly limited to the pre-defined project footprint (i.e., those areas identified in the NMDOT design documents).

1.2 Project footprint boundaries shall be discussed with all construction crews to ensure that construction activities disturb additional suitable jumping mouse habitat outside of identified impact areas.

1.3 The FHWA shall conduct a post-construction survey prior to onset of irrigation season to inspect and remove any materials that are present within the project footprint boundaries to limit the likelihood of indirect impacts from construction-related materials entering the riparian system.

The following Terms and Conditions are established to implement Reasonable and Prudent Measure 2.

2.1 Where impacts to New Mexico meadow jumping mouse habitat are unavoidable, compensatory habitat will be provided through enhancement or replacement with suitable habitat. Permanent impacts will be mitigated at least a 3:1 compensatory to impact ratio; temporary impacts will be compensated at least a 1:1 ratio. Compensatory measures for New Mexico meadow jumping mouse habitat could be combined with wetland mitigation. Coordination with the Service will occur prior to implementation to determine the appropriateness of compensatory measures.

2.2 The FHWA shall monitor and eradicate noxious weeds in project and revegetation areas. The following Terms and Conditions are established to implement Reasonable and Prudent Measure 2.

2.3 All unauthorized activities (i.e., impacts outside of the proposed project description) shall be immediately reported to the Service.

2.4 The FHWA shall provide a post-construction report documenting how the project complied with the proposed action (i.e., implementation monitoring).

2.5 The FHWA will ensure that BMPs designed to minimize take are implemented and successful.

Disposition of dead or injured listed animals

Upon finding dead, injured, or sick individual endangered or threatened species, initial notification must be made to the nearest Service Law Enforcement Office. In New Mexico, contact the Law Enforcement Office (505-346-7828) or the New Mexico Ecological Services Field Office (505-346-2525). Written notification must be made within 5 calendar days and include date, time, and location, photograph, and any other pertinent information. Care must be taken in handling sick or injured animals to ensure effective treatment and care, and in handling dead specimens to preserve biological material in the best possible condition. If feasible, remains of intact specimens of listed species will be submitted to educational or research institutions holding appropriate State and Federal permits. If such institutions are not available, information noted above will be obtained and the carcass left in place.

Arrangements regarding proper disposition of potential museum specimens will be made with the institution before carrying out of the action. A qualified biologist should transport injured animals to a qualified veterinarian. Should any listed species survive treatment, we should be contacted regarding final disposition of the animal.

CONSERVATION RECOMMENDATIONS

Section 7(a)(1) of the Act directs Federal agencies to use their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information. The recommendations provided here do not represent

complete fulfillment of the agency's section 7(a)(1) responsibility for this species. We recommend the following conservation recommendations be implemented:

1. We strongly recommend that the FHWA and NMDOT schedule adequate time into future projects to complete comprehensive jumping mouse surveys. This information will greatly assist all parties in determining not only project-related impacts, but also gain a better understanding the current status of the species. The Service will discourage FHWA and NMDOT from assuming future projects within potential jumping mouse habitat are occupied in lieu of conducting surveys.

REINITIATION NOTICE

This concludes the conference opinion for the New Mexico Highway 314 Bridge Replacment Project over the Belen Highline Canal within the Pueblo of Isleta. You may ask the Service to confirm the conference opinion as a biological opinion issued through formal consultation if the proposed species is listed and critical habitat is designated. The request must be in writing. If the Service reviews the proposed action and finds there have been no significant changes in the action as planned or in the information used during the conference, the Service will confirm the conference opinion as the biological opinion for the project and no further section 7 consultation will be necessary. After listing as threatened or endangered and any subsequent adoption of this conference opinion, the Federal agency shall request reinitiation of consultation if: 1) the amount or extent of incidental take is exceeded; 2) new information reveals effects of the agency action that may affect the species in a manner or to an extent not considered in the conference opinion; 3) the agency action is subsequently modified in a manner that causes an effect to the species that was not considered in this opinion; or 4) a new species is listed or critical habitat designated that maybe affected by the action.

The incidental take statement provided in this conference opinion does not become effective until the species is listed and the conference opinion is adopted as the biological opinion issued through formal consultation. At that time, the project will be reviewed to determine whether any take of the jumping mouse or its habitat has occurred. Modification of the opinion and incidental take statement may be appropriate to reflect that take. No take of the jumping mouse or its habitat may occur between the listing of the species and the adoption of the conference opinion through formal consultation, or the completion of a subsequent formal consultation. Although not required, we recommend that the Federal agency implement the reasonable and prudent measures and terms and conditions herein prior to our final listing decision. If the species is subsequently listed, implementation of reasonable prudent measures and terms and conditions in any conference opinion adopted as a biological opinion, is mandatory.

In future communications regarding this project, please refer to conference #02ENNM00-2013-FC-0052. If you have any questions or would like to discuss any part of this conference opinion, please contact Eric Hein of my staff at (505) 761-4735.

Sincerely,

Wally "J" Murphy
Field Supervisor

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