



United States Department of the Interior

Fish and Wildlife Service
Arizona Ecological Services Office

9828 North 31st Avenue, Suite C3

Phoenix, Arizona 85051

Telephone: (602) 242-0210 Fax: (602) 242-2513



In reply refer to:

AESO/SE

02EAAZ00-2020-F-0822

July 9, 2020

Neil Bosworth
Forest Supervisor, Tonto National Forest
2324 East McDowell Road
Phoenix, Arizona 85006

Subject: Resolution Copper Mine Biological and Conference Opinion

Dear Mr. Bosworth:

Thank you for your June 26, 2020, letter and accompanying biological assessment, requesting formal section 7 consultation under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.). This consultation concerns the Tonto National Forest's authorization for Resolution Copper Mine's General Plan of Operations (including construction, operation, maintenance, closure and reclamation) and special use permit for new transmission and pipeline corridors in Gila and Pinal counties, Arizona.

You determined that the proposed action "may affect, and is likely to adversely affect" the endangered Arizona hedgehog cactus (*Echinocereus triglochidiatus* var. *arizonicus*). You also concluded that the project "may affect, but is not likely to adversely affect" the endangered Gila chub (*Gila intermedia*) and southwestern willow flycatcher (*Empidonax traillii extimus*) and their designated critical habitats; the threatened northern Mexican gartersnake (*Thamnophis eques megalops*); and the threatened yellow-billed cuckoo (*Coccyzus americanus*) and proposed critical habitat. We will provide our rationale for our concurrence in an appendix to the biological opinion.

All information required of you to initiate consultation was included in your revised biological assessment or is otherwise accessible for our consideration and reference. Given the complexity of this project, we continue to coordinate with your staff on further clarifications to the proposed action. Some of these clarifications include construction methods, species locations and effects, and the proposed conservation measures associated with the Clean Water Act mitigation parcels.

Section 7 allows up to 90 calendar days to conclude formal consultation with your agency and an

additional 45 calendar days to prepare our biological opinion, unless we mutually agree to an extension. Therefore, if the full 135 days are required, we would provide you with our biological opinion no later than November 8, 2020. We recognize the timely nature of this project and are working closely with your staff. We have assigned file number 02EAAZ00-2020-F-0822 to this consultation. Please refer to that number in future correspondence on this consultation.

We also encourage you to coordinate the review of this project with the Arizona Game and Fish Department. Thank you for your efforts to address effects to listed species. If you have any questions or concerns regarding this consultation or the consultation process, please contact Kathy Robertson (602-889-5957, Kathy_Robertson@fws.gov) or Greg Beatty (602-242-0210/602-889-5941, Greg_Beatty@fws.gov).

Sincerely,



Jeffrey A. Humphrey
Field Supervisor

cc (electronic):

Forest Project Lead, Tonto National Forest, Phoenix, AZ (Attn: Mary Rasmussen)
Ecosystem Staff Officer, Tonto National Forest, Phoenix, AZ (Attn: Mike Martinez, Drew Ulberg, Mark Taylor)
SWCA Environmental Consultants, Phoenix, AZ (Attn: Chris Garrett, Donna Morey, Eleanor Gladding)
Assistant Field Supervisor, Fish and Wildlife Service, Tucson, AZ (Attn: Susan Sferra, Jeff Servoss)
Assistant Field Supervisor, Fish and Wildlife Service, Phoenix, AZ (Attn: Ryan Gordon)
Chief, Habitat Branch, Arizona Game and Fish Department, Phoenix, AZ
Manager, Environmental Department, Fort McDowell Yavapai Nation, Fountain Hills, AZ
Tribal Historic Preservation Officer, Tribal Historic Preservation Office, Gila River Indian Community, Sacaton, AZ
Tribal Historic Preservation Officer, Cultural Preservation Office, Hopi Tribe, Kykotsmovi, AZ
Resource Management and Protection, Mescalero Apache Tribe, Mescalero, NM
Director & Tribal Historic Preservation Officer, Cultural Resource Enterprise, Pueblo of Zuni, Zuni, NM
Director, Cultural Resources Department, Salt River Pima-Maricopa Indian Community, Scottsdale, AZ
Director, Historic Preservation and Archaeology Department, San Carlos Apache Tribe, San Carlos, AZ
Director, Cultural Resource Department, Tonto Apache Tribe, Payson, AZ
Director, Cultural Resources Department, White Mountain Apache Tribe, Whiteriver, AZ
Yavapai Culture Director, Yavapai-Apache Culture Resource Program, Yavapai-Apache Nation, Camp Verde, AZ

Apache Culture Director, Yavapai-Apache Culture Resource Program, Yavapai-Apache Nation,
Camp Verde, AZ
Director, Cultural Research Department, Yavapai-Prescott Indian Tribe, Prescott, AZ
Tribal Liaison, Southwest Region, Fish and Wildlife Service, Albuquerque, NM

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