



United States Department of the Interior

Fish and Wildlife Service Arizona Ecological Services Office

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In Reply refer to:

02EAAZ00-2020-F-0822

December 31, 2020

Tom Torres
Acting Forest Supervisor, Tonto National Forest
2324 East McDowell Road
Phoenix, Arizona 85006

Dear Mr. Torres:

Thank you for your request for formal consultation with the U.S Fish and Wildlife Service (FWS) pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. § 1531-1544), as amended (ESA). We received your request and revised Biological Assessment (BA) dated June 26, 2020, the same day. At issue are effects that may result from the proposed Resolution Copper Mine located in Gila and Pinal counties, Arizona. The proposed action may affect the endangered Arizona hedgehog cactus (*Echinocereus triglochidiatus* var. *arizonicus*).

In your letter, you requested our concurrence that the proposed action is not likely to adversely affect the endangered Gila chub (*Gila intermedia*) and southwestern willow flycatcher (*Empidonax traillii extimus*) and their designated critical habitat; the threatened northern Mexican gartersnake (*Thamnophis eques megalops*); and the threatened yellow-billed cuckoo (*Coccyzus americanus*) and its proposed critical habitat. We concur with your determinations and include our rationales in Appendix A.

You also determined that this action will have “no effect” on the Acuña cactus (*Echinomastus erectocentrus* var. *acunensis*), desert pupfish (*Cyprinodon macularius*), Little Colorado spinedace (*Lepidomeda vittata*), loach minnow (*Tiaroga cobitis*), spikedace (*Meda fulgida*), Colorado pikeminnow (*Ptychocheilus lucius*), Chiricahua leopard frog (*Rana chiricahuensis*), razorback sucker (*Xyrauchen texanus*), woundfin (*Plagopterus argentissimus*), Mexican spotted owl (*Strix occidentalis lucida*) and their critical habitat, and Nichol’s turk’s head cactus (*Echinocactus horizontalonius* var. *nicholii*), Apache trout (*Oncorhynchus apache*), gila trout (*Oncorhynchus gilae*), gila topminnow (*Poeciliopsis occidentalis*), Sonoran pronghorn (*Antilocapra americana sonoriensis*), Mexican wolf (*Canis lupus baileyi*), and ocelot (*Leopardus pardalis*). “No effect” determinations do not require our review and we will not address them further in this biological opinion.