



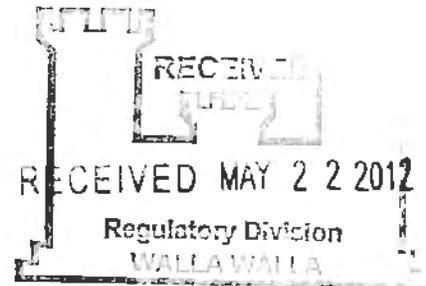
UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Northwest Region  
7600 Sand Point Way N.E., Bldg. 1  
Seattle, WA 98115

Refer to NMFS No: P/NWR/2010/01122(FHWY)  
& P/NWR/2010/06828(COE)

May 17, 2012

Mr. Peter J. Hartman  
Federal Highway Administration  
Idaho Division  
3050 Lakeharbor Lane, No. 126  
Boise, Idaho 83703

Lt. Col. David A. Caldwell  
U.S. Army Corps of Engineers  
Walla Walla District  
201 North Third Avenue  
Walla Walla, Washington 99362



Re: Endangered Species Act Section 7 Formal Programmatic Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for the Funding or Permitting of Routine Maintenance Activities on State Highways; Salmon River Basin, Clearwater River Basin, and Lower Snake-Asotin Subbasins; 170602, 170603, 17060103; Idaho.

Dear Mr. Hartman and Lt. Col. Caldwell:

The enclosed document contains a programmatic biological opinion (Opinion) prepared by the National Marine Fisheries Service (NMFS) pursuant to section 7(a)(2) of the Endangered Species Act (ESA) on the effects of the funding or permitting of routine maintenance activities on state highways. In this Opinion, NMFS concludes that the action, as proposed, is not likely to jeopardize the continued existence of Snake River sockeye salmon, Snake River fall Chinook salmon, Snake River spring/summer Chinook salmon, and Snake River Basin steelhead, or result in the destruction or adverse modification of designated critical habitat for Snake River sockeye salmon, Snake River fall Chinook salmon, Snake River spring/summer Chinook salmon, and Snake River Basin steelhead.

As required by section 7 of the ESA, NMFS provides an incidental take statement with the Opinion. The incidental take statement describes reasonable and prudent measures NMFS considers necessary or appropriate to minimize the impact of incidental take associated with this action. The take statement sets forth nondiscretionary terms and conditions, including reporting requirements, that the Federal agency and any person who performs the action must comply with to carry out the reasonable and prudent measures. Incidental take from actions that meet these terms and conditions will be exempt from the ESA take prohibition.

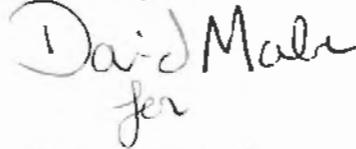


This document also includes the results of our analysis of the action's likely effects on Essential Fish Habitat (EFH) pursuant to section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), and includes four conservation recommendations to avoid, minimize, or otherwise offset potential adverse effects on EFH. These Conservation Recommendations are a non-identical set of the ESA Terms and Conditions. Section 305(b)(4)(B) of the MSA requires Federal agencies to provide a detailed written response to NMFS within 30 days after receiving these recommendations.

If the response is inconsistent with the EFH conservation recommendations, the Federal Highway Administration and U.S. Army Corps of Engineers must explain why the recommendations will not be followed, including the justification for any disagreements over the effects of the action and the recommendations. In response to increased oversight of overall EFH program effectiveness by the Office of Management and Budget, NMFS established a quarterly reporting requirement to determine how many conservation recommendations are provided as part of each EFH consultation and how many are adopted by the action agency. Therefore, in your statutory reply to the EFH portion of this consultation, we ask that you clearly identify the number of conservation recommendations accepted.

If you have questions regarding this consultation, please contact Ms. Sarah Fesenmyer at (208) 378-5660 or Ms. Nikki Leonard at (208) 378-5708.

Sincerely,

A handwritten signature in black ink that reads "David Maler" with a large "D" and "M", and "Jr" written below it.

William W. Stelle, Jr.  
Regional Administrator

Enclosure

cc: L. Phillips – COE  
N. Braspenickx – COE  
D. Mitchell - COE  
S. Sullivan – ITD  
T. Cramer - ITD  
R. Holder - USFWS  
Y. Tuell – SBT  
Mike Lopez - NPT

bcc: F/NWR - CHRON File  
 ISHO - File copy, Read File, S. Fesenmyer, N. Leonard

Fesenmyer:Lind:ITD Maintenance Programmatic BO:blw:3/1/12:[ P/NWR/2010/01122/P/NWR/2010/06828]

NMFS No.: P/NWR/2010/01122/P/NWR/2010/06828

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