

## Kelly, Shaheerah

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**From:** Nystedt, John <john\_nystedt@fws.gov>  
**Sent:** Wednesday, April 18, 2018 12:39 PM  
**To:** Kelly, Shaheerah  
**Cc:** Pam Kyselka; Chad Smith; Nora Talkington; Harrilene Yazzie  
**Subject:** Re: [EXTERNAL] No Effect Determination for Window Rock Airport Project

Kelly,

Thank you for your April 16, 2018, email. This email documents our response regarding the subject project, in compliance with section 7 of the Endangered Species Act of 1973 (ESA) as amended (16 U.S.C. 1531 et seq.). Based on the information you provided, we believe no endangered or threatened species or critical habitat will be affected by this project; nor is this project likely to jeopardize the continued existence of any proposed species or adversely modify any proposed critical habitat. No further review is required for this project at this time. Should project plans change or if new information on the distribution of listed or proposed species becomes available, this determination may need to be reconsidered. In all future communication on this project, please refer to consultation number 02EAAZ00-2015-TA-0686.

In keeping with our trust responsibilities to American Indian Tribes, by copy of this email, we will notify the Navajo Nation, which may be affected by the proposed action and encourage you to invite the Bureau of Indian Affairs to participate in the review of your proposed action.

Should you require further assistance or if you have any questions, please contact me as indicated below, or my supervisor, Brenda Smith, at 556-2157. Thank you for your continued efforts to conserve endangered species.

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Fish and Wildlife Biologist/AESO Tribal Coordinator  
USFWS AZ Ecological Services Office - Flagstaff Suboffice  
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<http://www.fws.gov/southwest/es/arizona/>

On Mon, Apr 16, 2018 at 2:28 PM, Kelly, Shaheerah <[Kelly.Shaheerah@epa.gov](mailto:Kelly.Shaheerah@epa.gov)> wrote:

Good Afternoon John,

I am working on a federal action for the Window Rock Airport. The federal action is to issue a permit to allow the operation of a small concrete batch plant that will be used to reconstruct the existing Runway 2-20 (7,000 feet by 75 feet). Attached are the relevant maps and application documents.

Below is a list of species in the area that was provided to us, and also attached is the letter from the U.S. Fish and Wildlife Service providing these species.

**List of Threatened, Endangered, or Candidate Species**

Type	Name	Status
Mammal	Gray Wolf ( <i>Canis lupus</i> )	Proposed Experimental Population Non-Essential
Birds	Mexican Spotted Owl ( <i>Strix occidentalis lucida</i> ) Yellow-Billed Cuckoo ( <i>Coccyzus americanus</i> )	Threatened
Reptiles	Northern Mexican Gartersnake ( <i>Thamnophis eques megalops</i> )	Threatened
Fishes	Zuni Bluehead Sucker ( <i>Catostomus Dicobolus Yarrowi</i> )	Endangered
Flowering Plants	Zuni Fleabane ( <i>Erigeron Rhizomatus</i> )	Threatened
Critical Habitats	None	--

Based on a review of the information provided to us, although the potential for the named species to occur in the vicinity of the proposed Project exists, no known species or critical habitats are known to exist within site for the proposed operation since it would occur on existing airport property on existing pavement and graded runway safety areas.

Therefore, the proposed project would have “no effect” on federally listed threatened or endangered, or result in the destruction or adverse modification of any federally designated critical habitat.

Please let me know whether you concur with this determination. I look forward to your response.

Thanks.

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Shaheerah Kelly

Permits Office, Air Division (AIR-3)

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