U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
CALIFORNIA DIVISION
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IN REPLY REFER TO
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BY:

Mr. Jeff Morales, Director
California Department of Transportation
1120 N Street
Sacramento, CA 95814

Attention: Federal Resources Office, Room 3500
For Gary Winters

Dear Mr. Morales:

SUBJECT: Inferred Presence of Federally Listed Species

The Federal Highway Administration (FHWA) and the California Department of Transportation (Caltrans) have formed a Biological Consultancy Group in an effort to streamline environmental processes and reviews. One of these efforts has resulted in draft guidance and a document template on inferring presence of federally listed threatened and endangered species. We believe that implementation of this guidance is an important step in proper evaluation of transportation project impacts to these species and identification of appropriate mitigation measures in accordance with reasonable and prudent use of public resources.

Through discussions between Larry Vinzant of my staff and Richard Hill of your staff, the guidance (i.e., "Guidance for Inferred Presence Determination") and template ("Inferred Presence Determination") have been finalized. Therefore, we now encourage wide distribution and use of these environmental documents for concurrence determinations from FHWA.

While justification for inferred presence can be provided to us in routine environmental documents (e.g., environmental assessments, biological assessments, etc.), this justification can also be provided as a separate document early in environmental analysis, particularly if there is some doubt on inferring presence. FHWA will either concur on the conclusions in the document, identify where additional supportive information is necessary or direct Caltrans to obtain additional information, as appropriate. We emphasize that the conclusions of Caltrans cannot be based solely on convenience, cost, logistics, timelines or because they were directed to do so by the resource agencies; there must be a supportable reasonable expectation that the species is in the project area and would be affected by the work. However, the conclusions can incorporate non-biological considerations if these are in the public interest, further our efforts in species recovery and additional data gathering would not appreciably add to our existing knowledge.

We look forward to continuing our joint streamlining efforts that will result in benefits to both listed species and the general public. If you have any questions or comments, please feel free to call me.

Sincerely,

For
Gary N. Hamby
Division Administrator