



U.S. Department
of Transportation
Federal Highway
Administration

400 Seventh St., S.W.
Washington, D.C. 20590

AUG 07 1985

In Reply Refer To:
HEV-20

Mr. Marvin E. Moriarty
Chief, Office of Endangered Species
U.S. Fish and Wildlife Service
1000 N. Glebe Rd., Suite 500
Arlington, Virginia 22201

Dear Mr. Moriarty:

This letter is in reference to the final rule published on June 3 concerning Interagency Cooperation--Endangered Species Act of 1973--as amended (50 CFR, Part 402). The Federal Highway Administration (FHWA) is pleased with your response to the many concerns expressed on the draft rule. The flexibility incorporated into the final rule will allow the Federal-aid highway program to progress in an orderly manner.

Section 402.08 of the final rule permits a non-Federal representative to conduct the informal consultation and/or prepare the biological assessment. To reduce the volume of designation documents, this letter will serve as the FHWA nationwide designation of non-Federal representatives. The FHWA hereby designates the State highway or transportation agency as the non-Federal representative unless a FHWA Division Office desires to make all contacts with the U. S. Fish and Wildlife Service or the National Marine Fisheries Service. The FHWA field offices will continue active involvement in the biological assessment process. We will furnish the necessary guidance and shall independently review and evaluate the scope and contents of the biological assessment. Ultimate responsibility for compliance with Section 7 remains with the FHWA, as mandated in 23 CFR, Part 771. A similar letter has been sent to the National Marine Fisheries Service.

Unless you have reservations concerning the procedures outlined above, we will notify our Regional Offices in the near future. If you have any questions, please contact Mr. Charles DesJardins at 366-2068.

Sincerely yours,

Ali F. Sevin, Director
Office of Environmental Policy

[An identical letter has been sent to:

Charles Karnella
Office of Protected Species
& Habitat Conservation
National Marine Fisheries
Service

In Reply Refer To:
FWS/OES

AUG 18 1986

Memorandum

To: Regional Director, Regions 1, 2, 3, 4, 5, 6, and 7
(ARD/FA or ARD/AFF)

From: Acting Deputy
Assistant Director - Fish and Wildlife Enhancement

Subject: Designated Non-Federal Representatives

John M. Murphy

Attached for your information is a letter received from the Department of Transportation, Federal Highway Administration, designating the State highway or transportation agencies as the non-Federal representatives to conduct informal consultations or biological assessments in accordance with Section 7 of the Endangered Species Act.

If you have any questions, contact Nancy Sweeney, Office of Endangered Species, 235-2760.

Attachment