



**United States Department of the Interior
Fish and Wildlife Service**

Arizona Ecological Services Office

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AESO

02-EAAZ-2015-I-0600

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June 12, 2019

David J. Castanon
Chief, Regulatory Division
U.S. Army Corps of Engineers, Los Angeles District
915 Wilshire Boulevard, Suite 930
Los Angeles, California 90017-3489

Dear Mr. Castanon:

This responds to your letter of May 23, 2019, in which you provide a reconfirmation of the Army Corps of Engineers' (Corps) May 26, 2017, conclusion that the proposed action at the Villages at Vigneto Development offsite mitigation parcel may affect, but is not likely to adversely affect western yellow-billed cuckoo (*Coccyzus americanus*) and, in conference, its proposed critical habitat; the southwestern willow flycatcher (*Empidonax traillii extimus*); and the northern Mexican gartersnake (*Thamnophis eques megalops*) and, in conference its proposed critical habitat. You also asked whether the U.S. Fish and Wildlife Service (Service) has changed its October 26, 2017, concurrence with the Corps' effects determination in light of recent allegations of political interference made by former Service employee Steve Spangle.

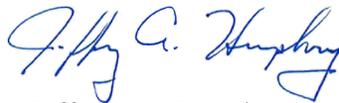
The Arizona Ecological Services Office has reviewed our October 26, 2017, correspondence and the records leading to our concurrence, including the Corps' and El Dorado Holdings, Inc.'s confirmation that development of Villages at Vigneto is feasible with or without a Clean Water Act 404 Permit. We continue to defer to the Corps' determination regarding the "no Federal action alternative" for the Villages at Vigneto Development and concur with the Corps' effects determination limited to the activities at the mitigation parcel.

We take the allegations made by Mr. Spangle seriously. For this reason, our reevaluation has occurred at the field office level only with no regional or Washington D.C. headquarters review. Mr. Spangle's allegations do not change our previous determinations regarding the effects of the Corps' actions on listed species or their designated or proposed critical habitat in the action area. Our decision is based only upon facts contained in the records supporting our October 26, 2017 concurrence.

In the event that typical section 7 reinitiation triggers are met, there is a change in Corps' or El Dorado Holdings' intent, or a redirection from the Court in the ongoing litigation on the project, we will be available to assist with further consultation pursuant to the Endangered Species Act's implementing regulations at 50 CFR § 402.

Should you require further assistance or if you have any questions, please contact me at (602) 242-0210. Thank you for your continued efforts to conserve endangered species.

Sincerely,



Jeffrey A. Humphrey
Field Supervisor

cc: Regional Director, Fish and Wildlife Service, Albuquerque, NM (ARD-ES)
(Attn: Seth Willey)
Assistant Field Supervisor, Fish and Wildlife Service, Tucson, AZ
U.S. Army Corps of Engineers, Phoenix, AZ (Attn: Sallie Diebolt)
Mike Reinbold, El Dorado Benson, LLC
Chief, Habitat Branch, Arizona Game and Fish, Phoenix, AZ (pep@azgfd.gov)

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