



United States Department of the Interior

FISH AND WILDLIFE SERVICE
2369 W Orton Circle, #50
West Valley City, Utah 84119



In Reply Refer to:
FWS/R6/FF06E2300
2023-0035474

Susan Eickhoff, Forest Supervisor
Ashley National Forest
355 North Vernal Ave.
Vernal, UT 84078

Subject: North American Wolverine, Conference to Consultation, Ashley National Forest, Forest Plan

Dear Susan,

As you are aware, the U.S. Fish and Wildlife Service (Service; we) recently published a final rule in the Federal Register on November 30, 2023, listing the North American Wolverine (*Gulo gulo luscus*) United States distinct population segment (DPS) under the Endangered Species Act (Act) as a threatened species (FWS-R6-ES-2023-0216). That final rule became effective on January 2, 2024.

As the species has been proposed for listing since February 4, 2013, you consulted with our office on the Ashley National Forest Plan in accordance with the procedures for informal consultation (50 CFR 402.13) to address any potential effects to wolverine from the proposed project. Such consultation resulted in a conference concurrence for wolverine. We received your letter dated December 12, 2023, requesting your conference concurrence be “rolled over” to a concurrence for wolverine under the Act.

Pursuant to 50 CFR 402.10(d), a conference opinion or concurrence may be adopted as a biological opinion or concurrence when the species is listed or critical habitat is designated, only if no significant new information is developed prior to listing that would alter the content of the opinion or letter. Given there have been no changes to the Forest Plan that would alter the content of our conference concurrence, you may consider your conference concurrence “rolled over” to a concurrence under Section 7 of the Act upon receipt of this letter.

As provided in 50 CFR 402.16, reinitiation of consultation is required and shall be requested by the Federal agency or by the Service, where discretionary Federal involvement or control over the action has been retained or is authorized by law and:

- (1) If the amount or extent of taking specified in the incidental take statement is exceeded;
- (2) If new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered;
- (3) If the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the Concurrence; or
- (4) If a new species is listed or critical habitat designated that may be affected by the identified action.

Thank you for your commitment to conserving threatened and endangered species. If you have any questions regarding this letter, please contact Samuel Schratz at (801) 239-0562 or Samuel_Schratz@fws.gov.

Sincerely,

Acting Field Office Supervisor