



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Washington Fish and Wildlife Office
510 Desmond Dr. SE, Suite 102
Lacey, Washington 98503

In Reply Refer To:
01EWF00-2017-F-0826

September 4, 2019

Zachary Griefen
Brinklin and Newman, LLP
1424 Fourth Avenue, Suite 500
Seattle, Washington 98101

Dear Mr. Griefen:

This letter is in response to your July 10, 2019, Notice of Intent to Sue (NOI) under Sections 7 and 9 of the Endangered Species Act (ESA) and its implementing regulations in which you, on behalf of Ebey's Reserve for a Healthy, Safe, and Peaceful Environment and Paula Spina allege that the U.S. Navy (Navy) and the U.S. Fish and Wildlife Service (Service) are in violation of the ESA (16 U.S.C. §§ 1531–1544). The alleged ESA violations are related to the Service's June 14, 2018 Biological Opinion issued to the Navy analyzing the effects of the *Naval Air Station Whidbey Island Complex EA-18G "Growler" Airfield Operations Project (Naval Air Station Project)* on marbled murrelets.

The Navy and the Service have coordinated on this response to your NOI. The Navy has requested reinitiation of formal consultation on the *Naval Air Station Whidbey Island Complex EA-18G "Growler" Airfield Operations Project* in a letter sent to the Service dated August 20, 2019, (attached). The Service will complete consultation and issue a revised biological opinion on or about January 3, 2020, as described in the Service's reinitiation response letter of August 23, 2019, (attached). In the interim, the Navy will fully comply with Section 7(d) of the ESA, as explained in the Navy's August 20, 2019 letter.

We commit to providing you a copy of the 2020 biological opinion once it is finalized. In the interim, if you have questions, please contact Brad Thompson, (brad_thompson@fws.gov), Acting State Supervisor at (360) 753-9440; or Lydia Grimm (lydia_grimm@sol.doi.gov), Attorney-Advisor, Pacific Northwest Regional Solicitor's Office, U.S. Department of Interior, (503) 231-2174.

Sincerely,

Brad Thompson
Acting State Supervisor

cc: U.S. Fleet Forces Command (USFF), Fleet Installation and Environmental
Readiness Division, N46 (Ms. Tracy Riker, Acting Director)
Captain M.L. Army, Commanding Officer, Naval Air Station Whidbey Island
Cara Johnson, Department of the Navy Office of General Counsel
Lydia Grimm, SOL