



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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February 8, 2010

Mr. Allan L. Balliett
Chief, Environmental Division
Directorate of Public Works
IMWE-MCY-PWEN
2171 South 8th Avenue
Fort McCoy, Wisconsin 54656-5226

re: Amendment to the March 24, 1994 Biological
Opinion for Fort McCoy pertaining to Land
Leased from Habelman Brothers Company, and
S7 consultation on gray wolf.

Dear Mr. Balliett:

The U.S. Fish and Wildlife Service (Service) received your letter dated January 15, 2010, requesting re-initiation of formal consultation in order to increase the authorized level of incidental take of the Karner blue butterfly (KBB) that may result from military training activities on leased property currently owned by the Habelman Brothers Company (Habelman Tract). This would entail amending the March 24, 1994, Biological Opinion (BO) completed for Fort McCoy (Fort) to include military activities conducted on the Hableman tract.

You have also requested our concurrence with your Endangered Species Act (ESA) Section 7 determination that the Fort's activities on the Habelman Tract may affect but are not likely to adversely affect the gray wolf.

Karner Blue Butterfly

According to the Fort, a wide range of training activities may occur on the Habelman Tract to include all of the military activities identified in Table 1 of the 1994 BO and subsequent amendments to the BO (e.g., vehicle training, digging, bivouac activities, etc.). Based on surveys conducted in 2009, about 5.5 acres of lupine occur on the Habelman Tract of which up to 1.0 acres may be affected by the proposed military activities. While KBB surveys have not been completed on the Habelman Tract, the Fort is assuming that all the lupine patches are occupied by the butterfly.

The Fort will implement all the reasonable and prudent measures and conservation measures identified in the 1994 BO and subsequent amendments when conducting military activities on the Habelman Tract in order to minimize disturbance to lupine, and thus the KBB.

Based on a review of the information provided by the Fort, we have determined that the effect of military activities on the KBB will not be greater than that analyzed in the original BO and subsequent amendments. In addition, the description of the proposed action has not changed sufficiently to warrant additional discussion or modification. It is the Fort's and the Service's opinion that this amendment will not prevent the Fort from reaching its conservation goals for the butterfly for several reasons, including: 1) the amount of lupine surveyed on the Fort increased by about 512 acres between 2001 and 2006 (3,806 acres present in 2006), and 2) KBB population numbers on the Fort have exceeded the Karner Blue Butterfly Recovery Plan (2003) criteria of 6,000 butterflies for a viable metapopulation since 2001.

Therefore the Service approves the following amendments to the March 24, 1994, BO as follows:

Description of the Proposed Action

The "Description of the Proposed Action" section of the BO is amended to include military activities (as described in Table 1 of the 1994 BO) that could occur on the 500 acres of Habelman Brothers Company land leased by the Fort, provided the following conservation measure is implemented to minimize harm to the butterfly (numbering continues from the September 23, 2009 BO amendment).

Conservation Measure

74. The Fort will implement all the reasonable and prudent measures and conservation measures associated with conducting military activities identified in the 1994 BO and subsequent amendments in order to minimize disturbance to lupine, and the Karner blue butterfly.

Incidental Take Statement

An additional taking of 1 acre per year of occupied KBB habitat (lupine) is authorized. The total amount of take authorized annually is now 1,829.4 acres (of which 547.3 acres are in the North Impact Area).

Gray Wolf

Based on the information provided in your January 15, 2010, letter including implementation of measures to protect wolf den and rendezvous sites, we concur with your ESA Section 7 determination that the Fort's military activities on the Habelman Tract may affect, but are not likely to adversely affect the gray wolf.

If during the course of further actions, the Fort anticipates exceeding the amount or extent of the incidental take anticipated in the 1994 BO and incidental take statement, and/or subsequent

amendments, the Fort should immediately reinitiate consultation with the Service to avoid violating Section 9 of the Act. As part of the information package to reinitiate consultation, the Fort should provide an explanation of the causes of the taking.

We commend the Fort on all the habitat restoration and monitoring work being done to restore and manage two large viable KBB populations and for the measures you implement to help protect and conserve the gray wolf.

Should you have any questions on the above comments, please call Ms. Catherine Carnes of my staff who can be reached at 920-866-1732.

Sincerely,

A handwritten signature in black ink that reads "Louise Clemency". The signature is written in a cursive, flowing style.

Louise Clemency
Field Supervisor

cc: Fort McCoy, Fort McCoy, WI Attn: Tim Wilder