SOUTHWEST ENDANGERED SPECIES ACT TEAM ANNUAL ACCOMPLISHMENT REPORT FOR 2008

Calendar Year 2008 accomplishments by the Southwest Endangered Species Act (SWESA) Team were:

1. The SWESA Team conducted two Biological Assessment Workshops in Albuquerque, New Mexico, and two in Phoenix, Arizona, in April 2008 and October 2008, respectively, in cooperation with the U.S. Fish and Wildlife Service's National Conservation Training Center (NCTC). This workshop was developed as a streamlining tool to increase the efficiency and effectiveness of section 7 consultations in the Southwest. The instructors cover all aspects of a complete biological assessment, including among other topics, methodologies for determining effects on species and habitats, the action area, and project description. The training cadre consisted of biologists from the Bureau of Land Management (BLM), Bureau of Reclamation (BoR), the Navy as part of the Department of Defense (DoD), Natural Resources Conservation Service (NRCS), and the New Mexico and Arizona Ecological Services Field Offices of the Fish and Wildlife Service. These workshops received funding from the Forest Service Regional Office in Albuquerque and Fish and Wildlife Service, and printing of instructional materials provided by BoR. Certificates of Appreciation were presented to the Forest Service and Phoenix Office of the Bureau of Indian Affairs (BIA) for their support of the workshops. Logistical assistance was provided by both Phoenix and Albuquerque BIA offices. A total of approximately 125 biologists completed these workshops, representing numerous agencies, including several Native American Tribes, New Mexico Department of Transportation, BIA, Forest Service, BoR, National Park Service, BLM, NRCS, DoD, and private consultants, among others. These attendees are stationed in New Hampshire, Georgia, Montana, California, Nevada, Idaho, and Alaska, with the majority in New Mexico and Arizona. Course evaluations demonstrated that the workshops received high ratings and that the participants would recommend it to colleagues. The total number of biologists and others who have participated in this training since 2003 in Albuquerque and Phoenix is approximately 800 individuals. NCTC is now offering this course nationally to help fill requests.

2. The Considerations for Making Effects Determinations (CMED) document for the Chiricahua leopard frog (*Lithobates chiricahuensis*) was completed by the SWESA Team in 2008, and has been submitted to the funding agency, the Department of Defense Legacy Program, for final review. The general goals of the CMED are to focus the effects analysis of proposed Federal activities on critical elements, reduce uncertainty in determining effects, and improve and facilitate section 7 consultations under the Endangered Species Act. The CMED is a guide to assess potential effects of a proposed action to a species, and is used in conjunction with site-specific information to make final determinations of effects. The SWESA Team is planning for CMED implementation by developing a training module for biologists within the range of the Chiricahua leopard frog and a protocol to monitor its application.

3. The SWESA Team maintains and continues to update our webpage hosted by the U.S. Fish and Wildlife Service Arizona Ecological Services Field Office (AESO) at http://www.fws.gov/southwest/es/arizona/SWStrategy.htm. The webpage was transferred from the Southwest Strategy's (SWS) website to the AESO website in 2006 and contains the "Long-Term Strategy for Streamlining Consultations under the Endangered Species

Act in Arizona and New Mexico" (SWS, 1999), the Team's Charter, a regularly updated Membership List with contact information for all Teams members, and documents that the Team has produced. Produced documents include the "Species at Risk Report for New Mexico and Arizona" (funded by a U.S. Department of Defense Legacy Grant) and the Team's Annual Accomplishments Reports. The Chiricahua Leopard Frog CMED will be posted upon approval by the Department of Defense Legacy Program. From the AESO website homepage (http://www.fws.gov/southwest/es/arizona/Threatened.htm) the SWESA webpage can be accessed by clicking on "LINKS", or "THREATENED & ENDANGERED SPECIES" and then "Consultation".

4. The SWESA Team is coordinating with the National Conservation Training Center (NCTC) to design a Biological Assessment Practicum. The Design Team for the Practicum consists of biologists from the Bureau of Land Management, the Navy as part of the Department of Defense, Bureau of Indian Affairs, Natural Resources Conservation Service, and the New Mexico and Arizona Ecological Services Field Offices of the Fish and Wildlife Service. This new workshop will provide a "hands-on" learning and writing opportunity for biologists in the Southwest to improve the adequacy, analyses, and effects determinations in their biological assessments and evaluations. In November 2008, an NCTC training coordinator completed a 2-week detail with the New Mexico Ecological Services Field Office, during which he assisted the SWESA Design Team for the Biological Assessment Practicum in the "Mager" method of teaching. The Mager method is the recently adopted format for courses at NCTC, which incorporates reduced emphasis on lecturing while encouraging the students to perform and practice the tasks and concepts being taught in the workshop. The Mager method was identified in a recent GAO report to produce more effective teaching than one that emphasizes lecturing. In the future, the Biological Assessment Workshop that is currently being conducted may be revised as an on-line course and pre-requisite for the Biological Assessment Practicum. In the meantime, the current workshop will continue to be delivered until the new Practicum is ready for implementation.

5. Four members of the SWESA Team are collaborating with others in the Southwest to develop a new course for New Mexico and Arizona on Secretarial Order 3206, Consulting with Native American Tribes. The Design Team consists of Bureau of Indian Affairs representatives from Albuquerque and the Navajo Nation, and Fish and Wildlife Service representatives from the New Mexico and Arizona Ecological Services Field Offices and the Regional Office. The course will cover topics including a synopsis of SO3206, an overview of the Endangered Species Act relevant to application of SO3206, sovereignty and trust background topics for SO3206, cultural considerations, and implementation of SO3206 in practice.

The SWESA Team will remain a Southwest Strategy (SWS) affiliate and will continue the multi-year Biological Assessment Workshop training effort sponsored by SWS member agencies, as well as other projects that facilitate implementation of the Endangered Species Act and help conserve species of concern in the Southwest. Provided as an attachment to this report are several examples of projects in Arizona or New Mexico where streamlining techniques and early coordination were used to improve the section 7 consultation process with the U.S. Fish and Wildlife Service.

Examples of Section 7 Consultation Streamlining and Related Activities in New Mexico and Arizona for 2008

Throughout Arizona and New Mexico, Federal agencies are working with the U.S. Fish and Wildlife Service to agree upon more effective and efficient compliance with the Endangered Species Act. These efforts were initiated due to the growing volume of work associated with section 7 consultations in times of reducing agency staff to perform that work. In contrast to a "traditional" section 7 consultation, these "streamlining" techniques can take different forms. For example:

- Many similar projects may be 'batched' into a single consultation, rather than separate consultations for each project.
- A 'programmatic' consultation may set the framework for design of future projects. Guided by the framework, projects are assured to fall into the realm of 'no effect' or 'not likely to adversely affect' listed species.
- A 'consultation agreement' may be entered into to document the timelines and analyses required for a complex consultation.

In addition to the specific examples below, many Federal agencies are employing the method of "early coordination." This practice involves U.S. Fish and Wildlife Service staff early in the development of a project, so their suggestions to reduce project effects to listed species can be incorporated into the original design of the project, rather than added later. These meetings and field visits also give U.S. Fish and Wildlife Service biologists an opportunity to share information on how best to prepare an analysis of the effects in the section 7 documentation. The net result is consultation with fewer delays for additional information, and better-designed projects with reduced impacts to listed species.

1. Natural Resources Conservation Service Arizona. Arizona NRCS completed a Programmatic Consultation (draft) for 49 NRCS conservation practices at the No Effect Level. These are currently under U.S. Fish and Wildlife Service review. The Statewide Programmatic Consultation on remaining NRCS conservation practices/systems is in progress. NRCS anticipates submitting the programmatic document to the U.S. Fish and Wildlife Service on October 1, 2009.

2. Bureau of Reclamation. The Albuquerque Area Office initiated a consultation agreement between the Fish and Wildlife Service, Elephant Butte Irrigation District and the El Paso County Water Improvement District No. 1 in 2008 entitled "Participation in Section 7 Consultation Process on Activities That May Affect Southwestern Willow Flycatcher in Elephant Butte Reservoir, New Mexico". The purpose of the agreement is to establish time periods for the consultation process and to identify roles and responsibilities of participating entities. The consultation agreement covers Reclamation's Rio Grande Project operations and effects to the endangered flycatcher. Reclamation believes that working together proactively is the best course to develop the biological assessment, identify potential beneficial or compensatory activities, and ensure that the terms of the biological opinion are know and acceptable in advance. The consultation process will include the non-federal entities that benefit from the Rio Grande Project

and whose actions or broad authorities may affect the flycatcher. It is likely that the proposed action will consist of federal and non-federal actions, both discretionary and non-discretionary. Reclamation will seek ESA coverage for a period of 5 years (May 1, 2009- April 30, 2014) for Elephant Butte and Caballo Reservoirs in south-central New Mexico.

3. In July of 2008, the U.S. Forest Service Southwestern Region completed the final phase (Phase II) of a three step effort to consult under section 7(a)(2) of the Endangered Species Act for utility company activities conducted on National Forests in the state of Arizona. This was an interagency effort involving five National Forests (Apache-Sitgreaves, Coconino, Kaibab, Tonto, and Prescott), five utility companies (Arizona Power Service, Garkane, Navopache, Salt River Project, and Western Power Administration) and the Fish and Wildlife Service, and was conducted under the auspices of a consultation agreement signed by all parties. Over a two year period, three consultations (Emergency, Phase I, and Phase II) were completed. The final Phase II consultation covers a period of ten years and includes all routine utility company activities such as aerial utility line surveys, line maintenance activities, and the removal of hazard trees. This interagency effort resulted in the development of several conservation measures for the listed species addressed, minimizing the effects to species significantly. It is anticipated that this programmatic approach will save time and financial resources for the Forest Service, Fish and Wildlife Service, and the utility companies by greatly reducing the amount of project level ESA section 7(a)(2) consultations that would have been needed over the next 10 years. This effort has received national attention among the utility companies and may serve as a template for other areas of the country.

4. The New Mexico Ecological Services Field Office completed informal consultation with the Bureau of Land Management, Las Cruces District Office, on thirteen 10-year livestock grazing permits and their effects to the federally endangered Kuenzler's hedgehog cactus (*Echinocereus fendleri* variety *kuenzleri*). Biologists used streamlining techniques that included early coordination, incorporation of recent scientific findings, additional analyses of habitat, new survey information, and previously agreed-upon guidance criteria for livestock grazing and listed plants to reach concurrence and protect habitat. Surveys for Kuenzler's hedgehog cactus will be conducted in future years to ensure that new developments of roads, fences, and water systems will not directly impact individuals or populations of the cactus. Surveys will also be conducted to ensure that troughs and other improvements that concentrate livestock will be placed away from suitable habitat or cactus populations.

5. Following a coordination meeting between the New Mexico Department of Transportation and the New Mexico Ecological Services Field Office, a SWESA Team member from the Field Office was invited to speak at State Task Force meetings in Las Cruces and Roswell, New Mexico, to present an overview of consultation under the Endangered Species Act and how to conduct section 7 consultations in an emergency. These Task Force meetings are primarily for engineers and maintenance staff who have responsibilities for compliance with numerous regulations, including the Endangered Species Act. The presentations provide an introduction to the background and framework for compliance measures under the Act. Several State employees subsequently registered for the SWESA Team's Biological Assessment Workshops in April 2008.