



United States Department of the Interior

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May 14, 2008

Ms. Jeanine A. Derby
USDA, Forest Service
Coronado National Forest, Supervisor's Office
300 West Congress
Tucson, Arizona 85701

Dear Ms. Derby:

On November 2, 2007, we received your October 29, 2007, request for reinitiation of formal consultation regarding the effects of re-authorizing ongoing and long-term grazing on the Clanton/Cloverdale, Geronimo, Guadalupe, Maverick, Robertson, and Walnut allotments in the Peloncillo Mountains, Douglas Ranger District, to the endangered lesser long-nosed bat (*Leptonycteris curasoae yerbabuena*), the endangered Mexican long-nosed bat (*Leptonycteris nivalis*), threatened New Mexico ridge-nosed rattlesnake (*Crotalus willardi obscurus*) with critical habitat and the threatened Chiricahua leopard frog (*Rana chiricahuensis*), in accordance with section 7(a)(2) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (ACT). The Chiricahua leopard frog was addressed only informally in previous consultations. You also requested our concurrence that the proposed action may affect, but is not likely to adversely affect, the endangered jaguar (*Panthera onca*), the experimental nonessential population of endangered northern aplomado falcon (*Falco femoralis*), and the threatened Mexican spotted owl (*Strix occidentalis lucida*) and its critical habitat. We concur with your determinations for these three species. Our reasons for these concurrences are documented in Appendix A.

This biological opinion is based on information provided in the October 29, 2007, biological assessment, the July 5, 2007, scoping notice and request for comments for these allotments, the prior consultations for this ongoing action, and other sources of information. Literature cited in this biological opinion is not a complete bibliography of all literature available on the species of concern, livestock grazing and its effects, or on other subjects considered in this opinion. A complete administrative record of this consultation is on file at this office.

CONSULTATION HISTORY

- October 24, 2002: We issued the Final Biological and Conference Opinion on Continuation of Livestock Grazing on the Coronado National Forest (02-21-98-F-0399-R1) (U.S. Fish and Wildlife Service 2002)
- September 24, 2004: We issued the Conference Opinion on the effects of the Coronado National Forest, On-going and Long Term Grazing, to proposed critical habitat for the Mexican spotted owl (02-21-98-F-0399-R2) (U.S. Fish and Wildlife Service 2004)
- June 10, 2005: We issued the Programmatic Biological and Conference Opinion for The Continued Implementation of the Land and Resource Management Plans for the Eleven National Forests and National Grasslands of the Southwestern Region (02-22-03-F-0366) (U.S. Fish and Wildlife Service 2005b).
- November 02, 2007: We received your October 29, 2007, request for reinitiation of formal consultation regarding the Clanton/Cloverdale, Geronimo, Guadalupe, Maverick, Robertson, and Walnut allotments.
- February 27, 2008: We issued our draft biological opinion regarding proposed grazing in the Clanton/Cloverdale, Geronimo, Guadalupe, Maverick, Robertson, and Walnut allotments.
- May 13, 2008: We received your May 6, 2008, comments on the draft biological opinion.

This reinitiated biological opinion tiers to and includes by reference the previous biological opinions, listed above, on these allotments. Only information that has changed from those previous documents is included below.

DESCRIPTION OF THE PROPOSED ACTION

The five allotments are located in the Peloncillo EMA distributed across the following watersheds:

<u>Animas Creek:</u>	<u>Cloverdale Creek:</u>	<u>San Bernardino Valley:</u>	<u>San Simon:</u>
Walnut Canyon	Robertson	Guadalupe	Walnut Canyon
Maverick	Maverick	Geronimo	
Clanton/Cloverdale	Clanton/Cloverdale	Maverick	

The proposed action as described in the 2002 Biological and Conference Opinion is extended for the duration of the renewed 10-year grazing permits, which will expire in 2018. The only other changes are as follows:

- The Geronimo allotment will remain at 980 animal unit months (AUMs) or equivalent, but the 5.5 month period of use may fall between November 1 through July 15, which is an extension from the November 16 through April 30 period in the 2002 Biological and

Conference Opinion. This is to provide flexibility in the timing of grazing to meet management objectives.

- A number of water development projects are identified for these allotments in order to control livestock distribution and improve pasture reliability. All proposed range facilities will be designed and constructed to have no adverse affect on listed species.
- The adaptive management, allotment management plans, and range improvements that are part of the proposed action for all six allotments are designed to enable the Forest Service to meet management goals for improved soil, vegetation, and range conditions as described in your Scoping Notice and Request for Comments and Biological Assessment.

STATUS OF THE SPECIES

Lesser Long-nosed Bat and Mexican Long-nosed Bat

The lesser long-nosed bat and Mexican long-nosed bat were listed as endangered in September 1988 (53 FR 38456) without designated critical habitat. The status of the lesser long-nosed bat and Mexican long-nosed bat remains similar to that described in the 2002 BO. Our June 10, 2005, Programmatic BO for the Continued Implementation of the Land and Resource Management Plans for the Eleven National Forests and National Grasslands of the Southwestern Region (U.S. Fish And Wildlife Service 2005b) included a detailed Status of the Species for the lesser long-nosed bat and the Mexican long-nosed bat. This BO is available on our website at <http://www.fws.gov/arizonaes>, under Document Library; Section 7 Biological Opinions. In addition, an up-to-date discussion of the lesser long-nosed bat is provided in the 2007 lesser long-nosed bat 5-year review (U.S. Fish and Wildlife Service 2007a), available at: http://www.fws.gov/southwest/es/arizona/Documents/SpeciesDocs/LLNB/LLNB_5yr_Final.pdf. Herein, we incorporate these status discussions by reference.

New Mexico Ridge-nosed Rattlesnake

The New Mexico ridge-nosed rattlesnake was federally listed as threatened on August 4, 1978 (43 FR 34479) with critical habitat. Critical habitat for the New Mexico ridge-nosed rattlesnake was designated in Bear, Spring, and Indian canyons in the Animas Mountains between 6,048 ft (1,844 m) and 8,320 ft (2,536 m), but is not within the action area of this BO. Our June 10, 2005, Programmatic Biological and Conference Opinion for the Continued Implementation of the Land and Resource Management Plans for the Eleven National Forests and National Grasslands of the Southwestern Region (U.S. Fish and Wildlife Service 2005b) and our October 24, 2002, Biological Opinion on the Continuation of Livestock Grazing on the Coronado National Forest (U.S. Fish and Wildlife Service 2002) include a detailed Status of the Species for the New Mexico ridge-nosed rattlesnakes. These BOs are available on our website at <http://www.fws.gov/southwest/es/arizona/>, under Document Library; Section 7 Biological Opinions. Herein, we incorporate the status discussions by reference.

The only significant change in the status of this species since the 2002 BO on the continuation of livestock grazing on the Coronado National Forest (U.S. Fish and Wildlife Service 2002) is the effects of the Adobe fire in the Animas Mountains. High-severity fire can reduce canopy and subcanopy cover that affect microclimate parameters and potentially availability of prey species.

The loss of ground cover through fire has resulted in increased erosion and sediment accumulation in talus piles used as denning sites of New Mexico ridge-nosed rattlesnakes. The Adobe wildfire burned through designated critical habitat for this species, with much of the area in Indian Creek being subjected to high-severity fire effects. Much of the riparian and pine woodland overstory in Indian Creek was lost to this wildfire. Areas in Bear and Spring canyons appear to have been similarly affected, but an evaluation has not occurred. Several occupied talus slides in Indian Creek were partially buried in sediment and ash during post-fire runoff events. Preliminary results from prey base monitoring in 2007, shows no discernable difference inside and outside the burn area. Individual snakes that appeared healthy were located within the severely affected areas of Indian Creek (Charlie Painter, NM Department of Game and Fish, pers. comm. 2007). However, based upon preliminary observations in the Sierra San Luis where a stand replacing fire burned through an occupied canyon in 1989, there may be some long-term effects of fire on the demographics of the snake population (Matt Goode, University of Arizona, pers. comm. 2007). Photo points were established in Indian Creek to monitor vegetation growth.

Chiricahua Leopard Frog

The Chiricahua leopard frog was listed as Threatened in June 2002 (67 FR 40790) without designated critical habitat. Our June 10, 2005, Programmatic Biological and Conference Opinion for the Continued Implementation of the Land and Resource Management Plans for the Eleven National Forests and National Grasslands of the Southwestern Region (U.S. Fish and Wildlife Service 2005b) included a detailed Status of the Species for the Chiricahua leopard frog. This BO is available on our website at <http://www.fws.gov/southwest/es/arizona/>, under Document Library; Section 7 Biological Opinions. In addition, the Chiricahua Leopard Frog Recovery Plan (U.S. Fish and Wildlife Service 2007b) includes a detailed summary of the biology and status of this species. This Recovery Plan is also available on our website at <http://www.fws.gov/southwest/es/arizona/>, under Document Library; Documents by Species. Herein, we incorporate these status discussions by reference.

ENVIRONMENTAL BASELINE

Data collected by your staff for these allotments over the past five years indicate that rangeland conditions appear to be improving since the 2002 BO.

Lesser Long-nosed Bat and Mexican Long-nosed Bat

The status of lesser long-nosed bat and Mexican long-nosed bat within the action area has not changed significantly since the 2002 BO.

New Mexico Ridge-nosed Rattlesnake

The status of New Mexico ridge-nosed rattlesnake within the action area has not changed significantly since the 2002 BO. Implementation of the Peloncillo Programmatic Fire Management Plan has resulted in two prescribed fires and one wildland fire use decision, covering approximately 6,007 acres in total. High severity fire effects to New Mexico ridge-

nosed rattlesnake core habitat (Holycross and Smith 2001, U.S. Fish and Wildlife Service 2005a) have been less than 2.2 acres.

Chiricahua Leopard Frog

In the 2002 BO, Chiricahua leopard frog was thought to be extirpated from the Peloncillo EMA. Chiricahua leopard frogs have since been documented in Guadalupe Canyon, Cloverdale watershed, and State Line Tank either on the Forest or within dispersal distance of suitable habitat on the Forest. In addition, activities on adjacent private lands through the efforts of the private landowners and the Malpai Borderlands Group Safe Harbor Agreement is likely to result in additional population sites and an increased certainty that Chiricahua leopard frogs either will be present in these allotment or will become established within the term of the reauthorized 10-year grazing permits.

EFFECTS OF THE ACTION AND CUMULATIVE EFFECTS

Lesser Long-nosed Bat and Mexican Long-nosed Bat

The change in the timing of grazing on the Geronimo allotment will expand the potential duration for livestock presence during the agave bolting season from the current one month to the entire bolting season. Widmer (2002) found no significant difference in percentage of agave bolt herbivory between areas grazed by livestock during the agave flowering season and ungrazed areas in the two years of her study. Because bolting agaves are often heavily used by wildlife, especially deer, they concluded that removing cattle during the bolting season does not necessarily ensure a significantly lower level of herbivory. In addition, Widmer (2002) found that livestock herbivory on agaves diminished significantly at distances greater than 1.21 km (0.75 mi) from water. Thus, many remote (from water) agave populations are likely to be unaffected by livestock grazing, regardless of the season of use. On the Geronimo allotment, cattle are now proposed to be present from May 1 through July 15, which is an extension of the previously authorized grazing period (which ended April 30). This will place cattle on the allotment when agaves are likely to be bolting, which may cause some increase in cattle-related agave bolt herbivory (but as noted above, this may not affect an increase in overall agave bolt herbivory). As a result of this, and because no increases in AUMs and cow/calf days are proposed, and the management goals and objectives remain the same, we do not find that the proposed renewal of the 10-year grazing permits, which will expire in 2018, significantly changes the effects of the action from that described in the 2002 BO. The cumulative effects on this species in the action area have not changed from those described in the 2002 BO (U.S. Fish and Wildlife Service 2002) and the 2005 BO (U.S. Fish and Wildlife Service 2005b).

New Mexico Ridge-nosed Rattlesnake

The potential overlap of grazing and associated activities within the New Mexico ridge-nosed rattlesnake's active season has increase in the Geronimo allotment by 2.5 months. This is a potential increase of approximately 12.8%, based upon head of cattle per month or head months, over the activity in the 2002 BO (U.S. Fish and Wildlife Service 2002). However, since the AUMs and cow/calf days have not increased over those in the 2002 BO the actual use on the

allotment has not changed, just the timing may result in a potential for more overlap with the active season in some or all years. Since the actual use has not increased and the management goals and objectives remain the same, we do not find that the proposed renewal of the 10-year grazing permits, which will expire in 2018, significantly changes the effects of the action from that described in the 2002 BO. The cumulative effects on this species in the action area have not changed from those described in the 2002 BO (U.S. Fish and Wildlife Service 2002) and the 2005 BO (U.S. Fish and Wildlife Service 2005b).

Chiricahua Leopard Frog

The inclusion of the extant populations in the Peloncillo EMA is an improvement in the status of the species that was documented in the 2002 BO. The authorized AUMs and cow/calf days have not increased, and the management goals and objectives remain the same as those described in the 2002 BO and have been in effect during the period the additional populations have been documented. The effects of the action on the populations in the action area would be the similar to those described in the 2002 BO for other allotments with extant populations on the Coronado National Forest. These effects would extend for the duration of the renewal of the 10-year grazing permits which will expire in 2018. The cumulative effects on this species in the action area have not changed from those described in the 2002 BO (U.S. Fish and Wildlife Service 2002) and the 2005 BO (U.S. Fish and Wildlife Service 2005b), and are extended to the Peloncillo EMA allotments.

CONCLUSIONS AND INCIDENTAL TAKE STATEMENTS

Lesser Long-nosed Bat and Mexican Long-nosed Bat

After reviewing the current status of the lesser long-nosed bat and Mexican long-nosed bat, the environmental baseline for the action area, the effects of the proposed action, and the cumulative effects, it is our biological opinion that the proposed action is not likely to jeopardize the continued existence of the lesser long-nosed bat and Mexican long-nosed bat. No critical habitat has been designated for these species; therefore, none will be affected. Our conclusion is based on the rationales given in our 2002 biological opinion.

The Incidental Take Statement remains the same, because we anticipate that effects of the action will be similar to those described in the 2002 biological opinion but are extended for the duration of the reissued grazing permits.

New Mexico Ridge-nosed Rattlesnake

After reviewing the current status of the New Mexico ridge-nosed rattlesnake, the environmental baseline for the action area, the effects of the proposed action, and the cumulative effects, it is our biological opinion that the proposed action is neither likely to jeopardize the continued existence of the New Mexico ridge-nosed rattlesnake, nor likely to result in destruction or adverse modification of critical habitat. No critical habitat has been designated for this species within the action area; therefore, none will be affected. Our conclusion is based on the rationales given in our 2002 biological opinion.

The Incidental Take Statement remains the same, because we anticipate that effects of the action will be similar to those described in the 2002 biological opinion, but are extended for the duration of the reissued grazing permits.

Chiricahua Leopard Frog

After reviewing the current status of the Chiricahua leopard frog, the environmental baseline for the action area, the effects of the proposed action, and the cumulative effects, it is our biological opinion that the proposed action is not likely to jeopardize the continued existence of the Chiricahua leopard frog. No critical habitat has been designated for this species; therefore, none will be affected. Our conclusion is based on the rationales given in our 2002 biological opinion. These rationales are extended to the Peloncillo EMA allotments, which were addressed only in informal consultation in previous opinions (U.S. Fish and Wildlife Service 2002, 2005b)

The Incidental Take Statement (amount and extent of incidental take, effects of the take, reasonable and prudent measures, and terms and conditions) from the 2002 BO is hereby extended to cover these Peloncillo EMA allotments for the duration of the reissued grazing permits.

CONSERVATION RECOMMENDATIONS

Conservation recommendations for livestock management activities as described in the 2002 BO and following subsequent reinitiated BOs are included herein by reference. In addition, we recommend that all water development and maintenance projects in the action area follow the guidelines in the recovery plan for the Chiricahua leopard frog (U.S. Fish and Wildlife Service 2007b).

REINITIATION NOTICE

This concludes reinitiation of formal consultation. As provided in 50 CFR §402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.

Should you require further assistance or if you have any questions, please contact Marty Tuegel at (520) 670-6150 (x232) or Sherry Barrett at (520) 670-6150 (x223). Please refer to consultation number 22410-2008-F-0051 for future correspondence concerning this project. Thank you for your continued efforts to conserve endangered species.

Sincerely,



SR Steven L. Spangle
Field Supervisor

cc: Assistant Field Supervisor, Fish and Wildlife Service, Tucson, AZ
Rick Gerhart, Coronado National Forest, Tucson, AZ

Regional Supervisor, Arizona Game and Fish Department, Tucson, AZ
Chief, Habitat Branch, Arizona Game and Fish Department, Phoenix, AZ

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APPENDIX A

CONCURRENCES

Jaguar

The non-U.S. population was listed as endangered in March 1972 (37 FR 6476). The geographical extent of the listing was expanded to include jaguars in the U.S. on July 22, 1997 (62 FR 39147). Jaguars historically occurred in the mountains of eastern Arizona and southwestern New Mexico, including the analysis/project area (Lange 1960). Only male jaguars have been found in Arizona and New Mexico since 1963. Given the location of the project area relative to recent jaguar observations and the remote, rugged characteristics of the allotments, all five allotments are considered to be jaguar habitat.

On October 24, 2002, we concurred that the effects of the Coronado National Forest ongoing and long-term grazing may affect, but were not likely to adversely affect, the jaguar (U.S. Fish and Wildlife Service 2002).

Conclusion

After reviewing the status of the jaguar, the environmental baseline for the action area, and the effects of the proposed action, we concur that the proposed action may affect, but is not likely to adversely affect, the jaguar based upon the following:

- Confirmed sightings have been reported from the Peloncillo Mountains and adjacent mountain ranges that are connected by corridors of suitable habitat. There is some likelihood that jaguars could occur in the project area during the period that livestock are grazing.
- Proposed grazing and livestock management will not reduce cover in riparian areas or uplands. Herbaceous cover is projected to increase over existing conditions.
- Livestock management activities will not permanently disrupt connectivity corridors within the U.S. or between the U.S. and Mexico.
- The proposed action largely continues the management already in place on the allotments and is not expected to result in effects in a manner or to an extent not considered previously.

Mexican Spotted Owl

The Mexican spotted owl was listed as threatened in 1993 (58 FR 14248) and critical habitat was designated in 2004 (69 FR 53182). We appointed the Mexican Spotted Owl Recovery Team in 1993, which produced the Recovery Plan for the Mexican Spotted Owl (U.S. Fish and Wildlife Service 1995). The Recovery Plan summarizes the effects of livestock grazing on Mexican spotted owls in four broad categories: 1) altered prey availability, 2) altered susceptibility to fire,

3) degeneration of riparian plant communities, and 4) impaired ability of plant communities to develop into spotted owl habitat.

On September 27, 2004, we concurred that the effects of the Coronado National Forest ongoing and long-term grazing may affect, but were not likely to adversely affect, the Mexican spotted owl and its proposed critical habitat (U.S. Fish and Wildlife Service 2004). These allotments are not within designated critical habitat

Conclusion

After reviewing the status of the Mexican spotted owl, the environmental baseline for the action area, and the effects of the proposed action, we concur that the proposed action may affect, but is not likely to adversely affect, the Mexican spotted owl and designated critical habitat, based upon the following:

- The rangewide status of the species, the status of the species within the action area, and the effects of the proposed action have not changed from those identified in the 2002 consultation.
- The proposed action largely continues the management already in place on the allotments and is not expected to result in effects in a manner or to an extent not considered previously.
- Mexican spotted owls, while documented within the action area, are not known to nest in within the action area and no Protected Activity Centers are within the action area.
- Critical habitat for this species is not designated within the action area and therefore, no effects on primary constituent elements and critical habitat are possible.

Northern Aplomado Falcon

The northern aplomado falcon was federally listed as endangered on March 27, 1986 (51 FR 6686). Critical habitat for the species has not been designated. Factors cited for listing were habitat degradation (i.e., brush encroachment into open rangeland habitats) and contamination with organochlorine pesticides (51 FR 6686). In 2006, a proposal to reestablish northern aplomado falcon populations in New Mexico and Arizona was finalized. This plan includes re-introduction of captive-bred northern aplomado falcons in New Mexico in cooperation with willing landowners and managers over the next 10 years. As part of this effort, FWS designated the northern aplomado falcon population in New Mexico or Arizona as “non-essential experimental” under section 10(j) of the Act (71 FR 42298). Under section 9 of the Act, a population designated as experimental is treated as threatened, regardless of the species designation elsewhere in its range. In conjunction with the designation of the non-essential experimental population, a special rule was promulgated to enhance survival of the species. This special rule exempted any incidental take, within the boundaries of the non-essential experimental designation, from the section 9 prohibitions against take of this species (71 FR 42298). Experimental non-essential populations are treated as proposed species in regard to

section 7, unless they occur within a National Wildlife Refuge or National Park Service unit, in which case they are treated as a threatened species. As such, conferencing on the Aplomado falcon within the Coronado National Forest is only required if a Federal action is likely to jeopardize the continued existence of the species.

A detailed discussion of the current status of this northern aplomado falcon and existing threats to this species is included in our July 26, 2006, Final Rule for the Establishment of a Nonessential Experimental Population of Northern Aplomado Falcons in New Mexico (71 FR 42298) and is included herein by reference.

On October 24, 2002, we concurred that the effects of the Coronado National Forest ongoing and long-term grazing may affect, but were not likely to adversely affect, the northern aplomado falcon (U.S. Fish and Wildlife Service 2002).

Conclusion

After reviewing the status of the northern aplomado falcon, the environmental baseline for the action area, and the effects of the proposed action, we concur that the proposed action may affect, but is not likely to adversely affect, the northern aplomado falcon, based upon the following:

- The rangewide status of the species, the status of the species within the action area, and the effects of the proposed action have not changed from those identified in the 2002 consultation.
- The proposed action largely continues the management already in place on the allotments and is not expected to result in effects in a manner or to an extent not considered previously.
- While transient individuals have been observed in the valley to the east of the action area, there are no recent observations of northern aplomado falcons within the action area.