



UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
ECOLOGICAL SERVICES
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Phoenix, Arizona 85019

2-21-91-F-089

March 8, 1991

MEMORANDUM

TO: District Manager, Phoenix District Office, Bureau of Land Management, Phoenix, Arizona

FROM: Acting Field Supervisor

SUBJECT: Biological Opinion for Kingman Resource Area Resource Management Plan

This responds to your request of December 13, 1990, for formal consultation with the Fish and Wildlife Service (FWS) pursuant to Section 7 of the Endangered Species Act (Act) of 1973, as amended, on the subject Resource Management Plan (RMP) for Bureau of Land Management (BLM) lands in the Kingman Resource Area in Coconino, Mohave and Yavapai Counties, Arizona.

The endangered Hualapai Mexican vole (Microtus mexicanus hualpaiensis), peregrine falcon (Falco peregrinus anatum), bald eagle (Haliaeetus leucocephalus), and Arizona cliffrose (Purshia subintegra) are the listed species of concern within the proposed RMP area. The BLM has also provided an assessment of effects to the desert tortoise (Gopherus agassizii), a species under petition to be listed as endangered or threatened. The 90-day consultation period began on December 14, 1990, the date your request was received in our office.

The following biological opinion is based on information contained in the biological assessment for the RMP dated December 13, 1990 and the draft Environmental Impact Statement (EIS) and RMP description dated November 27, 1990, data in our files and other sources of information.

BIOLOGICAL OPINION

It is my biological opinion that the proposed RMP is not likely to jeopardize the continued existence of the Hualapai Mexican vole, peregrine falcon, bald eagle or Arizona cliffrose. Specific actions implemented under the RMP will require analysis of effects to threatened or endangered species and may require separate formal consultation under the Endangered Species Act.

BACKGROUND INFORMATIONSpecies Descriptions

The Hualapai Mexican vole (Hualapai vole) was listed as an endangered species on November 2, 1987. The known range of the subspecies is confined the riparian associated areas of the Hualapai Mountains in Mohave County. Only one population of the Hualapai vole was located in a survey of known and recent historic habitats in the fall of 1990. That population was on private land in Pine Peak Canyon. Drought over the past two to three years may have reduced habitat quality, and thus populations at the other three known locales.

Threats to the Hualapai vole come largely from the destruction of its riparian and historic upland habitats by grazing of livestock and introduced wildlife, recreation use and human developments within the habitat areas. These threats are continuing and some are likely to increase.

The peregrine falcon was listed as endangered on October 3, 1970. This species is widespread in the northern hemisphere with the anatum subspecies found in North America. Populations of the peregrine falcon in Arizona have been increasing in recent years with birds occupying more and more of the suitable habitats available. On the project area, the known eyries are in the northern portions near the Grand Canyon.

Largely a predator on other birds, the peregrine falcon was endangered by pesticide bioaccumulation and loss of breeding habitats due to disturbances. Disturbance of eyrie sites remains a significant threat to the species in Arizona.

The bald eagle was listed as endangered on March 11, 1967. In Arizona, breeding pairs of bald eagles are found along most of the major river and reservoir systems in the state, with exception of the Colorado River below Lake Mead. Wintering bald eagles utilize the same river systems and may also be found around small lakes and ponds. Arizona's breeding bald eagles nest earlier than bald eagles from more northern climates, probably to avoid effects of the intense summer heat on eggs or young eaglets.

Threats to this species include bioaccumulation of pesticides from its diet of fish, loss of nesting areas due to reservoir construction, depletion or alteration of riverine flows, loss of nest trees and human disturbances.

The Arizona cliffrose was listed as endangered on May 29, 1984. Four isolated populations are known, all located on Tertiary limestone lakebed soils. These white soils are very distinctive and may occur in other areas of Arizona below the Mogollon Rim.

Threats to this species include loss of habitat due to mining operations, overgrazing by livestock, feral burros and wildlife, off-highway vehicle (OHV) use and other human developments such as recreation areas, roads, and powerline and gas line corridors.

Project Description

The proposed RMP will guide management directions and programs on the Kingman Resource Area (KRA) for the next 20 years. The RMP is not a stand-alone management document. Grazing management will remain as described under the existing EIS's (Cerbat/Black Mountain and Hualapai-Aquarius) and the wilderness management will be tied to the plan described in the appropriate EIS (Upper Sonoran, Phoenix and Arizona Mohave) as well as final legislation passed by the Congress to designate such areas. The RMP does provide for some integration of the different documents that will guide multiple-use management on the KRA. Portions of previous management documents (Management Framework Plans and others) are incorporated into the RMP as common to all alternatives under examination.

The RMP analyzes three alternatives. Alternative 1 represents the current management emphasis and is the "No Action" alternative. Alternative 2 is the BLM proposed action and emphasizes allowing for multiple use while protecting the environment. Alternative 3 is very similar to Alternative 2, except it has more of an emphasis on recreation, closes more areas to livestock and has more cultural resource protection. Each of the alternatives is very complex and a full exploration of their features is not possible in this opinion. We have therefore appended to this opinion a table from the draft EIS that compares the important points of each (Appendix 1). More complete information on the alternatives is available in the draft EIS.

EFFECTS OF THE ACTION

Direct and Indirect Effects

Although the BLM has selected a proposed action in its draft EIS, we will briefly examine the other two alternatives as well, in the event that some of the features of those alternatives are incorporated into the final

proposed action. For clarity, each listed species will be discussed separately. Only the major points of each alternative are mentioned below. For more complete information, please refer to the biological assessment and the draft EIS and RMP.

Hualapai Mexican Vole

Alternative 1 would continue present risks to Hualapai vole populations from mineral activities, grazing management, recreation and utility corridors. Under present emphases on riparian and watershed management, some benefits to the Hualapai vole could be realized as physical habitat conditions improve under these programs. No special management emphasis in Hualapai vole habitats would occur beyond what could be accommodated under the existing MFP guidance. This alternative does contain the intent to acquire no-federal lands that currently support Hualapai voles and this would likely benefit the species. However there is a large and significant level of impacts to this species that will continue and increase over time from recreation, grazing and wildlife management decisions.

Alternative 2 would provide for a mineral withdrawal (entry and material disposal) in Hualapai vole habitat areas (2180 acres), development of or revisions to Allotment Management Plans (AMPs) to reduce or eliminate effects of livestock grazing, confining utility corridors to existing rights of way and creating an Area of Critical Environmental Concern (ACEC) on 3000 acres of Hualapai vole habitat. Designation of this ACEC would provide more directed management emphasis, especially in riparian and watershed issues, as well as other identified needs of the species and thus is likely to assist in recovery implementation. The alternative also restricts the use of OHVs from washes, which would protect Hualapai vole habitat. But the intent to construct an organized camping area at Pine Flat is not likely to protect Hualapai vole habitat in that location and the Moss Wash campground may influence development of habitat there. Significant effects to existing and recoverable Hualapai vole habitats from human use, especially recreation, grazing and wildlife management decisions will continue at some level. Because the status of the Hualapai vole is so precarious, the BLM may wish to be especially protective of vole habitats and evaluate all management actions and human use pressures that may have an effect on this species.

The effects of Alternative 3 for Hualapai voles is the same as for Alternative 2.

Peregrine Falcon

Alternative 1 would continue potential effects to peregrines from mineral activity, new linear rights of way, grazing, and recreation management. Watershed and riparian programs may improve overall habitat conditions which could improve the prey base. Federal acquisition of land near eyrie

locations would likely help to protect those sites from some adverse effects of human activity, but actual benefit would depend upon the management of those lands. No special management areas would be designated.

Alternative 2 would provide for both overall habitat enhancement by the proposed ACECs in riparian and watershed areas which would influence minerals, grazing and lands acquisition and management. None of the eyries sites are in these ACECs, but areas may be used by resident as well as wintering peregrines during the year. A proposed recreation development at Antelope Spring may increase the opportunity for human disturbance near that eyrie.

Alternative 3 would differ from Alternative 2 in the reduced level of protection given to riparian and watershed areas under ACEC designations.

Bald Eagle

Alternative 1 would continue potential effects due to mineral activity, grazing, recreation and rights of way establishment. Since the bald eagle is associated with the riparian corridors, efforts to improve conditions there under watershed and riparian initiatives may be of benefit, as would acquisition of non-federal lands in bald eagle habitats, again subject to management emphasis.

Alternative 2, with the ACECs for riparian and watershed, would provide opportunity to improve bald eagle habitats in these important areas. Restrictions on minerals, grazing, and recreation, especially OHV use may enable enhancement of these habitats, although new recreation developments, like that at Six Mile Crossing and proposed recreation trails in Burro Creek, may have an adverse impact on breeding sites. Land acquisition and confining rights of way to existing corridors also have potential for beneficial effects.

Alternative 3 would differ from Alternative 2 in the reduced level of protection given to riparian and watershed areas under ACEC designations.

Arizona Cliffrose

Alternative 1 would continue the considerable threats to this species from minerals development, grazing, recreation, and rights of way. No special management efforts would be made for Arizona cliffrose habitat.

Alternative 2 would provide protection for Arizona cliffrose habitat by creation of an ACEC with a mineral withdrawal of unclaimed lands. Mineral exploration on claimed lands within the ACEC would be subject to tighter regulations under this alternative. The ACEC designation would also allow greater management of grazing, rights of way and recreation activities in the

habitat, although the Six Mile Crossing recreation site could increase visitation to the Arizona cliffrose habitat and thus increase the potential for habitat damages.

The effects of Alternative 3 for Arizona cliffrose would be the same as for Alternative 2.

Cumulative Effects

Cumulative effects are those effects of private and State funded non-Federally regulated activities that are reasonably certain to occur within the area of the Federal action subject to consultation that may have an effect on the listed threatened or endangered species.

Development of private lands in the KRA would put greater stress on the public lands for recreation, sale of harvestable commodities and minerals and, identification of lands for disposal to the private sector. Management of the public land resource to protect endangered species values from these increased demands would, therefore, become more intensive over the life of the RMP. As specific portions of the RMP are implemented, there would have to be an assessment of the identifiable cumulative effects.

CANDIDATE SPECIES

Of the category 1 and 2 candidate species that may be found on the KRA, only one is described in any detail in the biological assessment. The Sonoran population of the desert tortoise, (Gopherus agassizii), is a candidate category 2 species under evaluation for listing. Significant steps have been taken within the range of the Sonoran tortoise in Arizona to address the impacts of human activities and provide for management of the species. The RMP alternatives would provide for implementing the management guidelines developed for Arizona and Alternatives 2 and 3 would contain ACECs to protect important Sonoran tortoise habitats.

Incidental Take

Section 9 of the Act, as amended, prohibits any taking (harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage in any such conduct) of listed animal species without a special exemption. Harm is further defined to include significant habitat modification or degradation that results in injury to listed species by significantly impairing behavioral patterns such as breeding, feeding or sheltering. Amendments to the Act in 1988 extended protection under Section 9 to plant species on Federal lands in cases of malicious damage or destruction or when removed and reduced to possession. Under the terms of section 7(b)(4) and 7(o)(2), taking that is incidental to, and not intended as part of the agency action is not considered taking within the bound of the Act provided that such

taking is in compliance with the incidental take statement. The measures below are not discretionary and must be undertaken by the agency or made a binding condition of any grant or permit issued to the applicant, as appropriate.

The FWS does not anticipate any incidental take to occur as a result of the administrative action of finalizing the RMP, thus, no incidental take level is set for any of the listed species in the KRA. As specific actions are implemented, they will each have to go through Section 7 consultation and if a formal consultation is required, an incidental take for that action would be set in the biological opinion for that specific action.

Taking that is not incidental, and therefore likely to be in violation of the Act is, and has occurred for the Arizona cliffrose and Hualapai vole. These takings must be resolved by the BLM through appropriate Section 7 consultation and implementation of biological opinions.

CONSERVATION RECOMMENDATIONS

Section 7(a)(1) of the Act directs Federal agencies to utilize their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of endangered and threatened species. The term conservation recommendations has been defined as suggestions of the FWS regarding discretionary measures to minimize or avoid adverse effects of a proposed action on listed species or critical habitat or regarding the development of information.

Specific conservation recommendations for each of the programs described in the RMP are not contained in this biological opinion. As the RMP programs are implemented, conservation recommendations will be incorporated into the biological opinions developed for those actions as appropriate.

We do have one general conservation recommendation to make on the RMP. The implementation of the RMP will be complex and require careful scheduling to prepare the management plans of the new ACECs, write or revise AMPs and other environmental documents within a timely and effective manner. Many of the RMP actions are designed to protect endangered and threatened species and in order to provide the maximum protection possible, should be implemented as quickly as possible. We recommend that the BLM set up a priority system to identify the most critical endangered species issues and proceed with their resolution as quickly as possible.

CONCLUSION

This concludes formal consultation on this action. As required by 50 CFR 402.16, reinitiation of formal consultation is required if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may impact 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 that was not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action.

If we can be of further assistance, please contact Ms. Lesley Fitzpatrick or me (Telephone: 602/379-4720; FTS 216-4720).



Gilbert D. Metz

cc: Director, Arizona Game and Fish Department, Phoenix, Arizona
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