



United States Department of the Interior

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In Reply Refer To:

AESO/SE
2-21-95-F-177R1
2-21-96-F-160R5

May 3, 2001

Memorandum

To: Acting Field Manager, Bureau of Land Management, Tucson, Arizona

From: Field Supervisor

Subject: Reinitiation of Biological Opinions for the Cienega Creek Interim Grazing Plan

This responds to your request for reinitiation of consultation on the Cienega Creek Interim Grazing Plan biological opinion, pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), as amended. Your request was dated April 18, 2001, and received in this office April 20, 2001. You requested that the biological opinion and incidental take statement be extended until January 8, 2002, or until the formal consultation for the Las Cienegas Draft Resource Management Plan is completed.

The biological opinion was completed January 8, 1995 (2-21-95-F-177) and covered the following species: endangered Gila topminnow (*Poeciliopsis occidentalis occidentalis*), endangered southwestern willow flycatcher (*Empidonax traillii extimus*), and endangered lesser long-nosed bat (*Leptonycteris curasoae yerbabuena*). Incidental take and terms and conditions were given for the Gila topminnow and the lesser-long-nosed bat. The September 27, 1997, biological opinion for the Safford/Tucson grazing program (2-21-96-F-160) superseded the January 8, 1995, opinion, and included updated environmental baselines for the above species, included the 1995 opinion by reference, and presented an analysis of effects to the endangered Huachuca water umbel (*Lilaeopsis schaffneriana* spp. *recurva*), which was found at Empire Gulch after the 1995 opinion was issued. As a result, your request for reinitiation applies to this later opinion, as well. The biological opinions concluded that the proposed action was not likely to jeopardize the continued existence of listed species or result in adverse modification or destruction of critical habitat. The biological opinions are incorporated here by reference. No measures of incidental take, reasonable and prudent measures, or terms and conditions will be changed except for those listed below.

The Service agrees that continuing the action as proposed will not change the effects for the four listed species for the following reasons:

The only action that will affect listed species is the additional year the proposed action will be in affect;

- The effects to the listed species are addressed in the biological opinions;
- All conservation actions are still in effect; and
- the changed livestock crossings are in areas where Gila topminnow and Huachuca water umbel have not been found with repeated monitoring.

AMENDMENT TO THE BIOLOGICAL OPINION

The proposed action is amended to include the changed creek crossings. Rick's crossing lane will be replaced with a crossing at either the hardened road crossing (T18S, R17E, Sect. 35, NW ¼) or immediately upstream of the second weir (T18S, R17E, Sect. 26, SW ¼). Cobbles will be added to the stream channel at the crossing locations and will be maintained periodically.

Term and condition 1.12 of the 1995 opinion, and thus by reference in the 1996 opinion, is changed to the following:

- 1.12 This biological opinion will be in effect until January 8, 2002, or until formal consultation on the Las Cienegas Draft Resource Management Plan is completed, whichever comes first.

There are no other changes to the biological opinions.

REINITIATION NOTICE

This concludes reinitiation number 1 of formal consultation on the Cienega Creek Interim Grazing Plan, and reinitiation 5 of the Safford/Tucson grazing program biological opinion. 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 maintained (or is authorized by law) and if: (1) any incidental take occurs, (2) new information reveals effects of the agency action that may adversely 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 way that causes an effect to a 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 this action. In instances where any incidental take occurs, any operations causing such take must cease pending reinitiation.

We have assigned log numbers 2-21-95-F-177R1 and 2-21-96-F-160R5 to this consultation. Please refer to these numbers in future correspondence on this consultation. Any questions or comments should be directed to Doug Duncan at (520) 670-4860 or Sherry Barrett at (520) 670-4617.


David L. Harlow

Acting Field Manager, Bureau of Land Management

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cc: Regional Director, Fish and Wildlife Service, Albuquerque, NM (ARD-ES)
Director, Arizona Game and Fish Department, Phoenix, AZ
Regional Supervisor, Arizona Game and Fish Department, Tucson, AZ
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