

United States Department of the Interior
U.S. Fish and Wildlife Service
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In Reply Refer To:
AESO/SE
02-21-02-F-0101 R2

March 21, 2006

Ms. Elaine Zieroth
Forest Supervisor
Apache-Sitgreaves National Forest
P.O. Box 640
Springerville, Arizona 85938-0640

RE: Apache-Trout Enhancement Project

Dear Ms. Zieroth:

Thank you for your request for reinitiation of consultation with the U.S. Fish and Wildlife Service pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), as amended (Act). Your February 21, 2006, request for formal consultation was received on February 23, 2006. The project is located within the Apache-Sitgreaves National Forests (Forest) in Apache and Greenlee counties, Arizona.

The original proposal for the project included constructing seven new fish barriers, renovating three existing fish barriers, renovating several streams using the fish toxicant Antimycin-A, and reintroducing Apache trout (*Oncorhynchus apache*). It is our understanding that much of the barrier work and renovation of streams has occurred. The Forest was notified that cooperators have modified and anticipate future modification to the project by placing strains of Apache trout in streams that were scheduled to receive different strains of the fish. Additionally, Table 1 of the April 19, 2002, biological opinion which summarizes the proposed actions could continue to change in regards to which Apache trout strain is placed in specific streams.

Consultation History

- September 2000: Informal consultations began regarding the Apache trout enhancement project.

- February 28, 2002: Concurrence letter that the proposed action was not likely to adversely affect the endangered jaguar (*Panthera onca*) and southwestern willow flycatcher (*Empidonax traillii extimus*). In addition, the Forest determined that the proposed action will not jeopardize the continued existence of the Mexican gray wolf (*Canis lupus baileyi*) and the proposed Chiricahua leopard frog.

- April 19, 2002: A final biological opinion was issued for effects of the proposed Apache Trout Enhancement Project on Apache trout, Little Colorado spinedace, loach minnow and its critical habitat, bald eagle (*Haliaeetus leucocephalus*), and Mexican spotted owl.
- May 2, 2003: We received the Forest Service's request for reinitiation of consultation. A modification of the project was proposed that rescinded timing restrictions for certain actions during the breeding season of the MSO. The Forest determined that the elimination of timing restrictions would adversely affect Mexican spotted owls. In addition, a new breeding pair of bald eagles was located at Crescent Lake (within 5 mi of some project activities). This pair likely foraged within the action area. This new information was not considered in the previous opinion and also triggered a need for reinitiation (50 CFR 402.16[b]).
- July 2, 2003: A final biological opinion was issued to the Forest.
- December 10, 2003: We received the Forest Service's request for reinitiation of consultation. The project was modified to include renovation of four additional streams, to allow for a range of locations on where the proposed barriers can be constructed on the West and East Fork of the Little Colorado River, to allow for a barrier back-fill option, and to change the implementation schedule.
- February 23, 2004: A final biological opinion was issued.
- February 26, 2006: Forest Service requested reinitiation of formal consultation due to changes in proposed action.

BIOLOGICAL OPINION

DESCRIPTION OF THE PROPOSED ACTION

The description of the proposed action remains the same except for the specific stocking strain which may be placed in each stream may be changed.

STATUS OF THE SPECIES AND CRITICAL HABITAT (range wide and/or recovery unit)

The status of the species remains the same as the above-mentioned biological opinions.

ENVIRONMENTAL BASELINE [in the action area]

The environmental baseline remains the same as the above-mentioned biological opinions.

EFFECTS OF THE ACTION

We do not believe this action will change the effects of the action to any of the species addressed in the biological opinions.

CUMULATIVE EFFECTS

The cumulative effects remain the same as the above-mentioned biological opinions.

CONCLUSION

The conclusions remain the same as the above-mentioned biological opinions.

INCIDENTAL TAKE STATEMENT

We believe that the incidental take statement remains the same. Therefore, the reasonable and prudent measures and associated terms and conditions remain the same.

AMOUNT OR EXTENT OF TAKE

We believe that the incidental take statement remains the same.

REASONABLE AND PRUDENT MEASURES AND TERMS AND CONDITIONS

The reasonable and prudent measures and associated terms and conditions remain the same and shall be implemented.

CONSERVATION RECOMMENDATIONS

We do not have any additional conservation recommendations from the previous biological opinions.

REINITIATION NOTICE

Please note the reinitiation clause remains the same. Reinitiation of formal consultation is required if the amount or extent of incidental take is exceeded, if new information reveals effects of the action that may impact listed species or critical habitat in a manner or to an extent not considered in this opinion, if the action is subsequently modified in a manner or to an extent that causes an effect to the listed species or critical habitat that was not considered in this opinion, or if a new species is listed or critical habitat designated that may be affected by this action.

The Fish and Wildlife Service appreciates the Forest Service's efforts to identify and minimize effects to listed species from this project. For further information please contact Jennifer Graves (x232) or Debra Bills (x239). Please refer to the consultation number, 02-21-01-F-0101 R2, in future correspondence concerning this project.

Sincerely,

/s/ Steven L. Spangle
Field Supervisor

cc: Stewart Jacks, Pinetop Fishery Resource Office, Pinetop, AZ
Jerry Ward, Apache-Sitgreaves National Forest, Springerville, AZ

Julie Meka, Habitat Branch, Arizona Game and Fish Department, Phoenix, AZ
Bob Broscheid, Habitat Branch, Arizona Game and Fish Department, Phoenix, AZ
Paul Barrett, Fish and Wildlife Service, Tucson, AZ