

United States Department of the Interior
U.S. Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103
Phoenix, Arizona 85021-4951
Telephone: (602) 242-0210 FAX: (602) 242-2513

In Reply Refer To:
AESO/SE
22410-2008-F-0051
02-21-03-F-366
02-21-98-F-399-R2
02-21-98-F-399-R1

February 29, 2007

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

Dear Ms. Derby:

We received your October 22, 2007, request for reinitiation of formal consultation regarding the effects of re-authorizing ongoing and long-term grazing on the Rough Mountain, Willie Rose, West Whitetail, East Whitetail, and Cochise Head allotments in the Chiricahua Mountains, Douglas Ranger District, to the endangered lesser long-nosed bat (*Leptonycteris curasoae yerbabuena*) (LLNB) in accordance with section 7(a)(2) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act). You also requested our concurrence that the proposed action may affect, but is not likely to adversely affect, the threatened Chiricahua leopard frog (*Rana chiricahuensis*), the endangered jaguar (*Panthera onca*), 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.

The five allotments are located in the Chiricahua EMA in the following watersheds:

San Simon Creek:
Cochise Head
East Whitetail
Rough Mountain
Willie Rose

Willcox Playa:
West Whitetail

The species listed above were most recently addressed in the October 24, 2002, 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); in the September 24, 2004, 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 (*Strix occidentalis lucida*) (02-21-98-F-0399-R2) (U.S. Fish and Wildlife Service 2004); and in the June 10, 2005, Programmatic Biological and Conference Opinion: 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 2005). These allotments are being addressed by you in response to the direction set by the Federal Court in *Forest Guardians v. Veneman (CV 01-138 TUC DCB)* to assure that the consultation covers the entire term of the 10-year grazing permit at the time it is re-authorized.

This biological opinion is based on information provided in the September 6, 2007, biological assessment, the September 26, 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.

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.

Consultation History

October 22, 2007: Formal consultation was reinitiated.

December 27, 2007: Draft biological opinion sent to Coronado National Forest.

February 20, 2008: Coronado National Forest notified our office that they had no comments on the draft biological opinion.

DESCRIPTION OF THE PROPOSED ACTION

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

- West Whitehead allotment grazing will expand from 6 months of winter grazing to year-round grazing to “enhance management flexibility”. The animal unit months (AUMs) currently allowed on this allotment are approximately 570 AUMs, based upon 6 months of winter grazing for 72 cow/calves or equivalent. The proposed change to 283 AUMs on the Cross J portion and on the Sugarloaf portion of the West Whitehead allotment, based upon 12 months of grazing for 18 cow/calves or equivalent, is equivalent to or less than the use for this allotment as described in the 2002 Biological and Conference Opinion.

- The adaptive management, allotment management plans, and range improvements that are part of the proposed action for all five 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. We view this change to be a positive development in management of these allotments.

STATUS OF THE SPECIES

The status of the lesser long-nosed bat remains similar to that described in the 2002 BO and an up-to-date discussion is provided in the 2007 lesser long-nosed bat 5-year review (U.S. Fish and Wildlife Service 2007), available at:
http://www.fws.gov/southwest/es/arizona/Documents/SpeciesDocs/LLNB/LLNB_5yr_Final.pdf.

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.

EFFECTS OF THE ACTION AND CUMULATIVE EFFECTS

The change from 6-month to year-round grazing on the West Whitehead allotment will expand the 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 between areas grazed by livestock during the agave flowering season and ungrazed areas. 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. Because year-round grazing is proposed on only one of the five allotments in this area, the AUMs and cow/calf days have 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 2002) and the 2005 BO (U.S. Fish and Wildlife 2005).

CONCLUSIONS AND INCIDENTAL TAKE STATEMENTS

After reviewing the current status of the LLNB, 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 LLNB. 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.

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.

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). We also encourage you to coordinate the review of this project with the Arizona Game and Fish Department. 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,

/s/ Steven L. Spangle
Field Supervisor

cc: Chief, Habitat Branch, Arizona Game and Fish Department, Phoenix, AZ
Assistant Field Supervisor, Fish and Wildlife Service, Tucson, AZ
Regional Supervisor, Arizona Game and Fish Department, Tucson, AZ
Rick Gerhart, Coronado National Forest, Tucson, AZ

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APPENDIX A

CONCURRENCES

Chiricahua leopard frog

The Chiricahua leopard frog was listed as Threatened in June 2002 (67 FR 40790). The frog requires permanent or nearly permanent pools or ponds for breeding. The Chiricahua Leopard Frog may be extirpated from the Chiricahua Mountains (Larry Jones, USFS, personal communication) but the causes of such extirpation are unknown. The species was last recorded near the project area in 2005 and surveys in 2007 did not detect the species at several historical locations within the Chiricahua Mountains (AGFD 2007a, 2007b). The possible extirpation of Chiricahua leopard frog from the mountain range is consistent with the extensively documented range-wide decline of the species (Clarkson and Rorabaugh 1989, Sredl and Howland 1994, Rosen *et al.* 1994, Sredl *et al.* 1997, U.S. Fish and Wildlife Service 2007).

Conclusion

After reviewing the status of the Chiricahua leopard frog, the environmental baseline for the action area, and the effects of the proposed action, the FWS concurs that the proposed action may affect, but is not likely to adversely affect, the Chiricahua leopard frog, based upon the following:

- Chiricahua leopard frogs are not known to be present in the action area.
- 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.

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). No breeding populations are known to exist in the U.S. Given the location of the project area relative to those recent jaguar observations and the remote, rugged characteristics of the allotments, all five allotments are considered to be jaguar habitat.

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 adjacent mountain ranges that are connected by corridors of suitable habitat to the analysis area, but not from the project area. 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. and 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 (Recovery Plan) in 1995 (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 (2-21-98-F-0399-R2). Two allotments, Willie Rose and Rough Mountain, previously not known to contain primary constituent elements for Mexican spotted owl critical habitat, have been reevaluated and determined to have primary constituent elements present.

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.

- The addition of the two allotments found to contain primary constituent elements increases the spatial extent of the effects, but effects on primary constituent elements and critical habitat has not changed in severity from those described in the 2004 Conference Opinion on the Mexican spotted owl (U.S. Fish and Wildlife 2004).