

**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  
22410-2009-F-0053

December 1, 2008

Ms. Martie Schramm  
District Ranger  
Williams Ranger District  
742 South Clover Road  
Williams, Arizona 86046-9122

RE: Biological Opinion for the Authorization of Additional Activities at Elk Ridge Ski Area

Dear Ms. Schramm:

Thank you for your request for formal consultation with the U.S. Fish and Wildlife Service (FWS) pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), as amended (Act). Your request was dated November 24, 2008, and received by us on November 24, 2008. At issue are impacts that may result from the proposed Authorization of Additional Activities at Elk Ridge Ski Area located in Coconino County, Arizona. The proposed action may affect the Mexican spotted owl (MSO) (*Strix occidentalis lucida*). Your correspondence included a determination that the proposed action will not affect MSO critical habitat.

This biological opinion is based on information provided in the November 24, 2008, biological assessment (BA), telephone conversations, email messages, 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, ski areas and their effects, or on other subjects considered in this opinion. A complete administrative record of this consultation is on file at this office.

## CONSULTATION HISTORY

Table 1 is a summary of the consultation history for the proposed action.

<i>Date</i>	<i>Event</i>
September 24, 2008	The Williams Ranger District (District) advised us that consultation would be necessary for follow-up to the term permit for, and additions to the operations of, the Elk Ridge Ski Area.
October 1, 2008	We discussed project consultation needs with the District by telephone.
October 29, 2008	We received a draft BA of the proposed Authorization of Additional Activities at Elk Ridge Ski Area.
October 31, 2008	We provided initial comments on the draft BA by email.
November 24, 2008	We received a request for formal consultation and a final BA.
November 25, 2008	We issued a draft BO for review.
November 26, 2008	The Williams Ranger District advised us that they had no comments on the draft.

## BIOLOGICAL OPINION

### DESCRIPTION OF THE PROPOSED ACTION

Most of the information regarding the project in this biological opinion is from the BA (Waters 2008). The proposed action is an amendment of the current term special use permit for the Elk Ridge Ski Area to authorize the following activities: 1) year-round daytime and evening recreational use of a synthetic tubing hill; 2) evening skiing and snowboarding on the beginner slope of the ski area during the winter (daytime skiing is already authorized under the current special use permit); and 3) year-round daytime and evening food services operation in the ski lodge when the resort is open.

The permitted area is 37 acres. User capacity is up to 250 skiers and 60 snowplay users at one time. There are eight ski runs and one tubing run that cover an area of 16 acres. The longest run is 1,800 feet with a vertical drop of 560 feet. Ski run widths range from 35 to 200 feet.

One detachable platter type Poma lift rises 585 vertical feet over a length of 1,850 feet and is powered by a propane-fueled engine. A power supply building and an operator shed are associated with this lift. One rope tow rises 110 vertical feet over a length of 600 feet. The rope tow is powered by a gasoline-fueled engine. A power supply building is associated with this building.

The lodge at the base of the ski area has an inside area of 4,435 square feet, and an outside area of 1,008 square feet for the deck and walkway. The lodge has a kitchen and dining area. The parking area covers 68,250 square feet and can accommodate 170 vehicles.

Potable water is hauled from the city water system and stored in a 500-gallon tank. Precipitation is also collected and stored in a 34,500-gallon cistern. The septic system is designed for 515 people per day peak usage. Electricity is generated on-site with a propane-fueled 30-kilowatt generator. On-site propane storage is used for heating, food preparation, refrigeration, and power generation.

The wooden frame for the tubing hill was constructed in December 2007 and is located 160 feet east of the lodge. The wooden frame consists of an elevated starting platform and two runs, each approximately 6 feet wide by 200 feet long. On top of each run is a synthetic surface called PowderPak which is a recycled material that is neither light nor temperature sensitive. The backing of the material is vented to allow rain and snow to seep through. Special inner tubes are used for tubing on the runs.

Year-round daytime and evening tubing on the synthetic tubing hill will be authorized for the remainder of the term of the current special use permit, which expires December 31, 2028. The activity will be authorized for up to seven days per week between 9:30 AM and 10:00 PM. Lights will be attached to trees above the tubing hill. Only the minimum amount of lighting to provide for public safety, and only light fixtures certified by the International Dark Sky Association as "dark sky friendly," will be authorized. Three GlareBuster lights will be installed on each side of the tubing runs for a total of six lights.

Evening skiing and snowboarding will be authorized for the beginner slope only and not for any of the other slopes to the east. A rope tow is used to access the beginner slope. Daytime skiing is currently authorized and offered by the current owners between 9:30 AM and 4:30 PM. Evening skiing will be authorized between 5:00 PM and 9:00 PM. Daytime and evening skiing will be offered during winter months as conditions allow. Lights will be attached to the five wooden poles along the edge of the beginner slope. Only the minimum amount of lighting to provide for public safety, and only light fixtures certified as "dark sky friendly," will be authorized. Two GlareBuster lights will be installed on each of the five wooden poles. The GlareBuster lights illuminate an area with a radius of approximately 30 feet.

The main generator for the ski resort is currently being replaced, and the new Triton Power Model XC175 175 kW diesel generator has a sound-attenuating insulated metal enclosure. In addition, the generator will be enclosed in a utility shed. The rope tow is currently powered by a 1954 Ford gasoline engine which is located in a utility shed at the top of the rope tow. Noise from these sources will occur during the day and evening when the ski resort is open.

The ski lodge contains a kitchen and dining area. The proposed action authorizes daytime and evening food services operation at the ski lodge. Food services will be provided at the restaurant between 9:30 AM and 10 PM on days that the ski resort is open. Outdoor dining will be authorized.

Directional overhead lighting will be added in the parking lot. Only the minimum amount of lighting to ensure public safety will be authorized, and only lights certified as "dark sky friendly," will be authorized for the parking lot.

The proposed action authorizes regular operation and maintenance activities associated with tubing, evening skiing, and food services. Such activities include maintenance and replacement of lights, maintenance of the rope tow for the beginner slope, operation and maintenance of the main generator, food and drink delivery to the ski lodge, and maintenance of the parking lot (including surface grading), the ski lodge, tubing hill frame, generator shed, and other existing infrastructure.

## **STATUS OF THE SPECIES**

The MSO was listed as a threatened species in 1993 (USFWS 1993). The primary threats to the species were cited as even-aged timber harvest and stand-replacing wildfire, although grazing, recreation, and other land uses were also mentioned as possible factors influencing the MSO population. The Fish and Wildlife Service appointed the Mexican Spotted Owl Recovery Team in 1993, which produced the Recovery Plan for the Mexican Spotted Owl (Recovery Plan) in 1995 (USFWS 1995).

A detailed account of the taxonomy, biology, and reproductive characteristics of the MSO is found in the Final Rule listing the MSO as a threatened species (USFWS 1993) and in the Recovery Plan (USFWS 1995). The information provided in those documents is included herein by reference. Although the MSO's entire range covers a broad area of the southwestern United States and Mexico, the MSO does not occur uniformly throughout its range. Instead, it occurs in disjunct localities that correspond to isolated forested mountain systems, canyons, and in some cases steep, rocky canyon lands. Surveys have revealed that the species has an affinity for older, uneven-aged forest, and the species is known to inhabit a physically diverse landscape in the southwestern United States and Mexico.

The U.S. range of the MSO has been divided into six recovery units (RU), as discussed in the Recovery Plan. The primary administrator of lands supporting the MSO in the United States is the Forest Service. Most owls have been found within Forest Service Region 3 (including 11 National Forests in Arizona and New Mexico). Forest Service Regions 2 and 4 (including two National Forests in Colorado and three in Utah) support fewer owls. According to the Recovery Plan, 91 percent of MSO known to exist in the United States between 1990 and 1993 occurred on lands administered by the Forest Service.

Historical and current anthropogenic uses of MSO habitat include both domestic and wild ungulate grazing, recreation, fuels reduction treatments, resource extraction (e.g., timber, oil, gas), and development. These activities have the potential to reduce the quality of MSO nesting, roosting, and foraging habitat, and may cause disturbance during the breeding season. Livestock and wild ungulate grazing is prevalent throughout Region 3 National Forest lands and is thought to have a negative effect on the availability of grass cover for prey species. Recreation impacts are increasing on all forests, especially in meadow and riparian areas. There is anecdotal information and research that indicates that owls in heavily used recreation areas are much more erratic in their movement patterns and behavior. Fuels reduction treatments, though critical to reducing the risk of severe wildfire, can have short-term adverse effects to MSO through habitat modification and disturbance. As the population grows, especially in Arizona, small communities within and adjacent to National Forest System lands are being developed. This

trend may have detrimental effects to MSO by further fragmenting habitat and increasing disturbance during the breeding season. West Nile Virus also has the potential to adversely impact the MSO. The virus has been documented in Arizona, New Mexico, and Colorado, and preliminary information suggests that owls may be highly vulnerable to this disease (Courtney et al. 2004). Unfortunately, due to the secretive nature of owls and the lack of intensive monitoring of banded birds, we will most likely not know when owls contract the disease or the extent of its impact to MSO range-wide.

Currently, high-intensity, stand-replacing fires are influencing ponderosa pine and mixed conifer forest types in Arizona and New Mexico. Uncharacteristic, severe, stand-replacing wildfire is probably the greatest threat to MSO within the action area. As throughout the West, fire severity and size have been increasing within this geographic area.

A reliable estimate of the numbers of owls throughout its entire range is not currently available (USFWS 1995) and the quality and quantity of information regarding numbers of MSO vary by source. USFWS (1991) reported a total of 2,160 owls throughout the United States. Fletcher (1990) calculated that 2,074 owls existed in Arizona and New Mexico. However, Ganey *et al.* (2000) estimates approximately  $2,950 \pm 1,067$  (SE) MSOs in the Upper Gila Mountains RU alone. The Forest Service Region 3 most recently reported a total of approximately 1,025 PACs established on National Forest System (NFS) lands in Arizona and New Mexico (B. Barrera, pers. comm. June 18, 2007). The FS Region 3 data are the most current compiled information available to us; however, survey efforts in areas other than NFS lands have resulted in additional sites being located in all Recovery Units.

Researchers studied MSO population dynamics on one study site in Arizona ( $n = 63$  territories) and one study site in New Mexico ( $n = 47$  territories) from 1991 through 2002. The Final Report, titled "Temporal and Spatial Variation in the Demographic Rates of Two Mexican Spotted Owl Populations," (*in press*) found that reproduction varied greatly over time, while survival varied little. The estimates of the population rate of change ( $\Lambda = \text{Lamda}$ ) indicated that the Arizona population was stable (mean  $\Lambda$  from 1993 to 2000 = 0.995; 95 percent Confidence Interval = 0.836, 1.155) while the New Mexico population declined at an annual rate of about 6 percent (mean  $\Lambda$  from 1993 to 2000 = 0.937; 95 percent Confidence Interval = 0.895, 0.979). The study concludes that spotted owl populations could experience great (>20 percent) fluctuations in numbers from year to year due to the high annual variation in recruitment. However, due to the high annual variation in recruitment, the MSO is then likely very vulnerable to actions that impact adult survival (e.g., habitat alteration, drought, etc.) during years of low recruitment.

Since the owl was listed, we have completed or have in draft form a total of 201 formal consultations for the MSO. These formal consultations have identified incidences of anticipated incidental take of MSO in 410 PACs. The form of this incidental take is almost entirely harm or harassment, rather than direct mortality. These consultations have primarily dealt with actions proposed by Forest Service Region 3. However, in addition to actions proposed by Forest Service Region 3, we have also reviewed the impacts of actions proposed by the Bureau of Indian Affairs, Department of Defense (including Air Force, Army, and Navy), Department of Energy, National Park Service, and Federal Highway Administration. These proposals have

included timber sales, road construction, fire/ecosystem management projects (including prescribed natural and management ignited fires), livestock grazing, recreation activities, utility corridors, military and sightseeing overflights, and other activities. Only two of these projects (release of site-specific owl location information and existing forest plans) have resulted in biological opinions that the proposed action would likely jeopardize the continued existence of the MSO. The jeopardy opinion issued for existing Forest Plans on November 25, 1997 was rendered moot as a non-jeopardy/no adverse modification BO was issued the same day.

In 1996, we issued a biological opinion on FS Region 3 adoption of the Recovery Plan recommendations through an amendment to their Land and Resource Management Plans (LRMPs). In this non-jeopardy biological opinion, we anticipated that approximately 151 PACs would be affected by activities that would result in incidental take of MSOs. In addition, on January 17, 2003, we completed a reinitiation of the 1996 Forest Plan Amendments biological opinion, which anticipated the additional incidental take of five MSO PACs in Region 3 due to the rate of implementation of the grazing standards and guidelines, for a total of 156 PACs. Consultation on individual actions under these biological opinions resulted in the harm and harassment of approximately 243 PACs on Region 3 NFS lands. FS Region 3 reinitiated consultation on the LRMPs on April 8, 2004. On June 10, 2005, the FWS issued a revised biological opinion on the amended LRMPs. We anticipated that while the Region 3 Forests continue to operate under the existing LRMPs, take is reasonably certain to occur to an additional 10 percent of the known PACs on NFS lands. We expect that continued operation under the plans will result in harm to 49 PACs and harassment to another 49 PACs. To date, consultation on individual actions under the amended Forest Plans, as accounted for under the June 10, 2005, biological opinion has resulted in the incidental take of owls associated with 41 PACs. Incidental take associated with Forest Service fire suppression actions, which was not included in the LRMP proposed action, has resulted in the incidental take of owls associated with 14 PACs.

## **ENVIRONMENTAL BASELINE**

The environmental baseline includes past and present impacts of all Federal, State, or private actions in the action area, the anticipated impacts of all proposed Federal actions in the action area that have undergone formal or early section 7 consultation, and the impact of State and private actions which are contemporaneous with the consultation process. The environmental baseline defines the current status of the species and its habitat in the action area to provide a platform to assess the effects of the action now under consultation.

### **Description of the Action Area**

The ski resort is located approximately 4 miles south of the town of Williams, Arizona. The special use permit for the ski area includes 37 acres on the Williams Ranger District of the Kaibab National Forest. The ski resort is located on the northeast flank of Bill Williams Mountain. The ski lodge is located at an elevation of approximately 7,500 feet, and the northwest corner of the parking lot is 0.2 mile from the Bill Williams PAC boundary. MSO habitat is located adjacent to the ski resort to the west and east and on top of the hill on the southern end of the ski resort.

The Forest Service defined the action area as a 211-acre area included within a 0.25-mile radius around the five wooden poles along the beginner slope, the corners of the parking lot, the tubing hill, and main generator. Potential disturbance from lights, noise, and human presence associated with the proposed action are likely to be minimal beyond the 0.25-mile distance. Vegetative and topographic screening occur around the ski area, and attenuation of noise and light are anticipated. The action area contains 51 acres of MSO habitat and three acres of the Bill Williams PAC.

#### **A. STATUS OF THE SPECIES WITHIN THE ACTION AREA**

The BA (Waters 2008) includes a comprehensive history of MSO surveys and observations for Bill Williams Mountain. Based on surveys and detections up to that time, the Kaibab National Forest designated a MSO protected activity center (PAC) on Bill Williams Mountain in 1995. No nest sites are known within the PAC. In August 1984, an adult and juvenile MSO were observed near Bixler Saddle at a distance of 2.3 miles southwest of the ski lodge. The eastern boundary of the PAC is within the action area (less than 0.25 mile from the edge of the recreation area). Locations of three of the owl detections that led to designation of the PAC are less than 0.5 mile from the edge of the recreation area.

Forest visitors with some experience in conducting MSO surveys reported hearing a pair of MSO on July 9, 2005. The approximate location of the detection is approximately 0.25 mile from the edge of the recreation area. Additional survey efforts in 2005 conducted after the report did not result in any other detections of MSO.

Some portions of the Bill Williams PAC were partially monitored in 2006. Partial surveys were conducted south of the project area in 2007. One year of surveys were conducted to cover the project area in 2008. These efforts did not result in the detection of MSO.

The project area is within MSO critical habitat unit UGM-13.

#### **B. FACTORS AFFECTING SPECIES' ENVIRONMENT WITHIN THE ACTION AREA**

Formal consultation was conducted on a proposed expansion of the Bill Williams Ski Area. A BO was issued on December 8, 1999. The BO concluded that the proposed expansion would not jeopardize the continued existence of the MSO but included an incidental take statement for one pair of MSO (Arizona Ecological Services Office [AESO] file number 2-21-96-F-095). Plans for proposed expansion of the ski area were abandoned before a final environmental impact statement was completed.

In the 2006 description of a proposed special use permit authorization, the Kaibab National Forest stated: "In the April 8, 1993 'Amendment for all *No Effect* Biological Evaluations for the Mexican spotted owl -- Williams, Chalender, & Tusayan Ranger Districts,' Kaibab National Forest wildlife biologists determined that the existing ski area operations had *No Effect* on the threatened Mexican spotted owl (*Strix occidentalis lucida*)."

Formal consultation was conducted for the City Project and Twin Prescribed Burn Project, and a BO was issued for both projects on July 14, 2005. The BO concluded that the projects would not jeopardize the continued existence of the MSO and would not destroy or adversely modify MSO critical habitat. The BO included an incidental take statement for one pair of spotted owls due to impacts to the Bill Williams PAC (AESO file numbers 2-21-03-F-0144 and 2-21-03-F-0145).

Informal consultation was conducted on an amendment to the Elk Ridge Ski Area term special use permit to allow daytime synthetic tubing recreational activities. The amendment authorized synthetic tubing activities for a period of one year or less beginning November 28, 2007. The Forest Service determined that the proposed action was not likely to adversely affect the MSO and would not affect MSO critical habitat. We concurred with the not likely to adversely affect determination on November 20, 2007 (AESO file number 22410-2008-I-0059).

### **EFFECTS OF THE ACTION**

Effects of the action refer to the direct and indirect effects of an action on the species or critical habitat, together with the effects of other activities that are interrelated and interdependent with that action, that will be added to the environmental baseline. Interrelated actions are those that are part of a larger action and depend on the larger action for their justification. Interdependent actions are those that have no independent utility apart from the action under consideration. Indirect effects are those that are caused by the proposed action and are later in time, but are still reasonably certain to occur.

Effects to the MSO are anticipated to be auditory and visual disturbance of the normal behavior of individuals due to noise and lights. Sources of noise include human recreation at the parking lot, ski lodge, tubing hill, and beginner slope; the main generator; and the small engine that powers the rope tow at the beginner slope. Sources of light include overhead lights above the tubing hill and beginner slope, lights from the ski lodge, and lights from cars using the parking lot. The radius of the action area was selected by the Forest Service because potential disturbance from lights, noise, and human presence are likely to be minimal beyond a 0.25 distance from the sources of noise and lights (Waters 2008). The Fish and Wildlife Service has recommended 400 m (0.25 mile) buffer zones around MSO nest sites (Delaney et al. 1999). Three acres of the PAC and 51 acres of restricted MSO habitat occur within the 0.25-mile radius.

Because the proposed action includes authorization for recreational activities during the MSO breeding season (March 1 – August 31), noise and light associated with these proposed activities may disturb MSO using habitat in close proximity to the ski resort, including MSO associated with the Bill Williams PAC. Noise and light disturbance within the area could disrupt normal MSO feeding and breeding behavior and cause owls to avoid habitat located adjacent to the resort to the east and west. A 100-acre core area was designated in the western portion of the PAC for protection of some MSO habitat from fire treatments. However, the PAC and core area are based entirely on human conception of MSO habitat and some detections. There are no known consistently used roost sites or any nest sites in the Bill Williams PAC due to limited survey. Based upon our assessment of the MSO restricted and protected (3 acres) habitat within 0.25 mile of the project, we believe it is unlikely that MSO would roost or nest in this immediate area.

Potential disturbance effects may be minimized because the ski area is small and a relatively small number (maximum of 250) of visitors are allowed per day, the new generator is modern and relatively quiet, only "dark sky friendly" overhead directional lights will be used, and sound and light may attenuate relatively rapidly in the relatively dense forest cover that occurs to the east and west, and the rugged topography to the north and south, of the resort.

The proposed action does not authorize ground-disturbing activities beyond routine maintenance of existing infrastructure located at previously disturbed sites. Routine maintenance will include occasional pruning and removal of individual trees. Pruning and removal of trees must be approved by the Forest Service and there are no plans to remove trees within the action area. Thus, MSO habitat will not be affected by the proposed action.

### **CUMULATIVE EFFECTS**

Cumulative effects include the effects of future State, tribal, local or private actions that are reasonably certain to occur in the action area considered in this biological opinion. Future Federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the Act.

The land within the project boundary is of Federal ownership. Recreation is the primary non-Federal activity that occurs in the project area. The recreation activity may result in disturbance effects to the MSO. The extent of such possible disturbance is unknown but is expected to be relatively minor. The Bill Williams Trail, which is located 1.1 miles west of the ski lodge, receives recreational day-use hiking activity. The trail is probably used by only 5 to 15 groups of hikers per week during spring, summer, and fall months. The Bixler Saddle Trail on the west side of Bill Williams Mountain receives little use. The Bill Williams Lookout Road (Forest Road 111) receives both recreational vehicle use and limited vehicle use associated with maintenance of communications facilities on the summit. Vehicle traffic on this road has probably increased during the last 10 years, but is still relatively light. Wildfires inadvertently started by recreationists could affect MSO habitat to an unknown extent.

### **CONCLUSION**

After reviewing the current status of the MSO, the environmental baseline for the action area, the effects of the proposed actions and the cumulative effects, it is the FWS's biological opinion that the Authorization of Additional Activities at Elk Ridge Ski Area is not likely to jeopardize the continued existence of the MSO. We present this conclusion for the following reason:

Although MSO in the vicinity of the proposed action may be adversely affected by disturbance from noise and lights, the scope of the project is limited to one MSO PAC and a small amount of MSO habitat outside of the PAC.

The conclusions of this biological opinion are based on full implementation of the project as described in the *Description of the Proposed Action* section of this document, including any Conservation Measures that were incorporated into the project design.

## **INCIDENTAL TAKE STATEMENT**

Section 9 of the Act and Federal regulations pursuant to section 4(d) of the Act prohibit the take of endangered and threatened species, respectively, without special exemption. "Take" is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. "Harm" is defined (50 CFR 17.3) to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. "Harass" is defined (50 CFR 17.3) as intentional or negligent actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding or sheltering. "Incidental take" is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered to be prohibited taking under the Act provided that such taking is in compliance with the terms and conditions of this Incidental Take Statement.

### **AMOUNT OR EXTENT OF TAKE**

We do not anticipate that the proposed authorization of additional activities at Elk Ridge Ski Area will result in the incidental take of MSO. Although the increased noise and light at the recreation site may affect the MSO, the increased disturbance is on the periphery of the Bill Williams PAC. The quality of the MSO habitat close to the ski resort and within the PAC is unknown. The distance that noise and light travels from the sources is unknown, but the Forest Service believes that noise and light beyond 0.25 mile will be minimal. The integrity of MSO habitat within the PAC will not be degraded because the habitat will not be affected. We do not anticipate that breeding or foraging activity by MSO will be significantly impaired.

### **Disposition of Dead or Injured Listed Species**

Upon locating a dead, injured, or sick listed species initial notification must be made to the FWS's Law Enforcement Office, 2450 W. Broadway Rd, Suite 113, Mesa, Arizona, 85202, telephone: 480/967-7900) within three working days of its finding. Written notification must be made within five calendar days and include the date, time, and location of the animal, a photograph if possible, and any other pertinent information. The notification shall be sent to the Law Enforcement Office with a copy to this office. Care must be taken in handling sick or injured animals to ensure effective treatment and care, and in handling dead specimens to preserve the biological material in the best possible state.

## 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. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information.

1. We recommend that the Kaibab National Forest complete surveys for MSO in the vicinity of the project area.
2. We recommend that the Kaibab National Forest continue monitoring of the Bill Williams PAC.

In order for the FWS to be kept informed of actions minimizing or avoiding adverse effects or benefiting listed species or their habitats, the FWS requests notification of the implementation of any conservation recommendations.

## REINITIATION NOTICE

This concludes formal consultation on the action(s) outlined in the request. 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.

The FWS appreciates the Forest Service's efforts to identify and minimize effects to listed species from this project. For further information please contact Bill Austin (x102) or Brenda Smith (x101) at (928) 226-0614.

Sincerely,

/s/Brenda Smith for

Steven L. Spangle  
Field Supervisor

cc: Field Supervisor, Fish and Wildlife Service, Albuquerque NM  
Forest Supervisor, Kaibab National Forest, Williams AZ  
Shaula Hedwall, Fish and Wildlife Service, Flagstaff AZ

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

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**LITERATURE CITED**

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