



UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

ECOLOGICAL SERVICES
3616 W. Thomas, Suite 6
Phoenix, Arizona 85019

2-21-90-F-052

March 23, 1990

MEMORANDUM

TO: District Manager, Bureau of Land Management, St. George, Utah

FROM: Field Supervisor

SUBJECT: Biological Opinion, Draft Final Wilderness Management Plan,
Paiute and Beaver Dam Mountains

This responds to your request of January 8, 1990 for formal consultation pursuant to Section 7 of the Endangered Species Act of 1973, as amended (Act), on implementation of the draft "Final Wilderness Management Plan; Paiute and Beaver Dam Mountains" (Plan) in Mohave County, Arizona and Washington County, Utah. The species of concern are the endangered woundfin (Plagopterus argentissimus), Virgin River chub (Gila robusta seminuda), peregrine falcon (Falco peregrinus anatum), and desert tortoise (Gopherus [=Xerobates] agassizii). The 90-day consultation period began on January 10, 1990, the date your request was received by this office.

The following biological opinion is based on information provided in the February 1990 Plan, other information provided by the Shivwits Resource Area, data in our files, and other sources of information.

BIOLOGICAL OPINION

It is my biological opinion that implementation of the draft "Final Wilderness Management Plan; Paiute and Beaver Dam Mountains" 1) is not likely to affect the peregrine falcon; 2) is not likely to jeopardize the the continued existence of the woundfin and desert tortoise; and, 3) is not likely to jeopardize the continued existence of the Virgin River chub and is not likely to adversely affect its proposed critical habitat.

BACKGROUND INFORMATION

Project Description

The proposed action is the implementation by the Bureau of Land Management (BLM) of a Wilderness Management Plan for the Paiute and Beaver Dam Mountains Wilderness Areas. This Plan provides overall management guidance for the administration of these two wilderness areas. It provides objectives, policies, and certain prescribed actions.

Species Descriptions

The peregrine falcon was listed as an endangered species on October 13, 1970. It is a medium-sized blue-gray falcon which inhabits rocky, steep cliffs, preferably near water. Although the Virgin River gorge has been identified as superior habitat for the peregrine falcon, none are known to inhabit the area. It is, therefore, not expected to be affected by the Plan.

The woundfin was listed as an endangered species on October 13, 1970. It is a small, silver minnow which inhabits shallow runs and riffles. It was originally distributed throughout basins of the Virgin, lower Colorado, and lower Gila Rivers. It is now found only in the Virgin River in Utah, Arizona, and Nevada. Habitat for the woundfin within the Paiute and Beaver Dam Wilderness Areas is limited.

The Virgin River chub was listed as an endangered species on August 24, 1989. Critical habitat was proposed for this fish on June 24, 1986, but has not yet been finalized. Proposed critical habitat is located in the Utah and Arizona portions of the Virgin River from the Arizona/Nevada border upstream to the mouth of the Virgin River "Narrows" (T.41N., R.14W., west boundary Sec. 31) and from the Arizona/Utah border upstream to Utah State Highway 9. The Virgin River chub is a silvery medium-sized minnow. It is endemic to the Virgin River, however within that river, the range of the species has become more restricted.

The Mohave population of the desert tortoise was listed on an emergency basis as an endangered species on August 4, 1989. A proposed rule to add the Mohave desert tortoise to the endangered species list as a regular listing was published in the Federal Register on October 13, 1989. The Mohave population of desert tortoise includes all of that species inhabiting areas north and west of the Colorado River. The desert tortoise is a relatively large, land-dwelling tortoise which inhabits portions of the Mohave and Sonoran deserts in California, Nevada, Arizona, Utah, and in Sonora and Sinaloa, Mexico.

IMPACTS OF THE ACTION

Environmental Baseline

The area encompassed by the Paiute and Beaver Dam Mountains Wilderness Areas has been subjected to a large number of modifications as a result of human uses. Some of these uses have resulted in loss or degradation of habitat for the four species considered in this opinion. Past and ongoing human uses include numerous roads and tracks, a gypsum mine, a heliport, cabins, wells, corrals, pipelines, fences, reservoirs, stockpounds, spring developments, vegetation manipulation, and area-wide livestock grazing. Excluded from the Wilderness Area, but within the overall boundaries, are an interstate highway, power and telephone lines, and a campground.

Direct and Indirect Effects of the Proposed Action

Effects of the proposed implementation of the Plan will result from changes in ongoing management and human uses of the area. Overall there will be less human use of the area than would occur if the area were placed under long-term multiple-use management. This will generally result in less adverse impacts to the listed species in the area. However, continuation of some ongoing actions will allow some adverse impacts to continue to some of the species.

Overall effects of the implementation of this Plan to the woundfin and Virgin River chub are expected to be beneficial to the survival of the two species; however, some adverse impacts will occur from ongoing livestock grazing and vegetation manipulation. Habitat for these fish in the Virgin River corridor between the two Wilderness areas is already limited and is heavily impacted by Interstate 15. Limiting of overall human activity on the immediate watershed may have some slight beneficial affect. The primary beneficial effect of the Plan will be BLM acquisition of instream flow rights in the Virgin River. Overall beneficial effects to these two fish will occur only if and when instream flow rights are acquired and protected.

The proposed critical habitat for the Virgin River chub may be adversely affected by ongoing grazing and vegetation manipulation, and beneficially affected by BLM acquisition and protection of instream flow rights. Adverse effects do not reach the threshold definition of destruction and adverse modification of critical habitat as that which appreciably diminishes the value of the habitat for both the survival and recovery of a listed species. Therefore, implementation of this plan will not result in adverse modification of proposed critical habitat.

Ongoing human activity occurs in the two wilderness areas that is likely to adversely affect the Mohave desert tortoise. The two primary actions thought to be impacting the tortoise are livestock grazing and vegetation manipulation. Grazing management will not change as a result of this Plan and vegetation manipulation will still be allowed, although under more limited conditions. Therefore, implementation of the Plan will not result in beneficial effects to the desert tortoise. The overall effect will be adverse although limited to a small portion of the Mohave desert tortoise range; and therefore, not of an extent to jeopardize the survival of the species.

INCIDENTAL TAKE

Section 9 of the Act prohibits any taking (harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage in any such conduct) of listed species without a special exemption. Harm is further defined to include significant habitat modification or degradation that

results in death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering. Under the terms of Sections 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 bounds of the Act provided that such taking is in compliance with the incidental take statement.

No take of peregrine falcon, woundfin, or Virgin River chub is expected to occur as a result of implementation of the Plan. Incidental take of desert tortoise could result from road maintenance, construction of range improvements, and vegetation manipulation projects. Any such action taken under the overall umbrella of this plan and that is expected to have any effect (beneficial or otherwise) must undergo additional Section 7 consultation. At that time the potential for incidental take from those actions can be addressed.

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 Fish and Wildlife Service (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. The following constitute FWS conservation recommendations:

1. Range improvements should be implemented to increase forage availability for desert tortoises.
2. An education program should be implemented to advise the public of the need to protect the desert tortoise.

In order for the FWS to be kept informed of actions that either minimize or avoid adverse effects or benefit listed species or their habitats, we are requesting notification of the implementation of any conservation recommendations.

This concludes formal consultation on this action. 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 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 the action.

If we can be of further assistance, please contact Sally Stefferud or me
(Telephone: 602/379-4720 or FTS 261-4720).

Lesley A. Fitzpatrick
for Gilbert D. Metz

cc: Regional Director, Fish and Wildlife Service, Albuquerque, NM
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