



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
FISH AND WILDLIFE SERVICE  
ECOLOGICAL SERVICES  
3616 W. Thomas, Suite 6  
Phoenix, Arizona 85019

2-21-91-F-060

March 28, 1991

MEMORANDUM

TO: District Manager, Phoenix District Office, Bureau of Land  
Management, Phoenix, Arizona

FROM: Acting Field Supervisor

SUBJECT: Amendment to February 21, 1991 Biological Opinion,  
Tule Creek Riparian Exclosure

This is in response to your March 1991 request for amendment of a formal consultation pursuant to Section 7 of the Endangered Species Act of 1973, as amended, on the proposed construction of a fenced riparian exclosure at Tule Creek, Yavapai County, Arizona. The species of concern is the Gila topminnow (Poeciliopsis occidentalis). Formal Section 7 consultation was initiated by your office on November 23, 1990, and ended with the issuance of a biological opinion by this office on February 21, 1991. That opinion concluded that the proposed project was not likely to jeopardize the continued existence of the Gila topminnow.

BIOLOGICAL OPINION AMENDMENT

It is my biological opinion that modification of the original proposed fenced riparian exclosure to include two locked gates is not likely to jeopardize the continued existence of the Gila topminnow.

PROPOSED PROJECT CHANGES

The proposed changes in the construction of the fenced riparian exclosure on Tule Creek would add two gates to the exclosure fence. Those gates would be kept locked, with keys in the possession of the Bureau of Land Management and the mining claimant who possesses claims in and adjacent to the proposed exclosure. The gates would provide the claimant with legally mandated access.

## EFFECTS OF THE ACTION

The anticipated effects of the proposed change in the action on the Gila topminnow would not be substantially different from those expected under the original proposal, as described in the February 21, 1991 biological opinion.

## INCIDENTAL TAKE

Incidental take of the Gila topminnow which may occur as a result of the proposed amendment to the action would not be substantially different from that expected as a result of implementation of the original proposal. The Reasonable and Prudent Measures as implemented by the Terms and Conditions of the February 21, 1991 biological opinion are sufficient to minimize take of Gila topminnow.

The provisions in the Conclusion of the February 21, 1991, biological opinion providing for reinitiation of consultation under certain circumstances apply to this amendment. If we can be of further assistance, please contact Sally Stefferud (Telephone: 602/379-4720 or FTS 261-4720).



Ronald M. McKinstry

cc: Regional Director, U.S. Fish and Wildlife Service, Albuquerque,  
New Mexico (FWE/HC)  
Director, Arizona Game and Fish Department, Phoenix, Arizona  
Director, Fish and Wildlife Service, Washington, D.C. (HC)