



United States Department of the Interior

FISH AND WILDLIFE SERVICE
P.O. Box 1306
Albuquerque, New Mexico 87103

Ron Mc
Klein

In Reply Refer To:
Region 2/AESO/SE
2-21-93-F-363

FEB 20 1997

MEMORANDUM

TO: Refuge Manager, San Bernardino National Wildlife Refuge

FROM: Assistant Regional Director (GM:AZ)

SUBJECT: Amendment to Biological Opinion 2-21-93-F-363, Eight Proposed Prescribed Burns on the San Bernardino and Leslie Canyon National Wildlife Refuges

This memorandum constitutes an amendment to the June 6, 1995, Biological Opinion (attached) on Eight Proposed Prescribed Burns on the San Bernardino and Leslie Canyon Refuges (2-21-93-F-363). The Arizona Ecological Service Field Office received your e-mailed memorandum dated February 3, 1997, requesting reinitiation of section 7 consultation, on February 3. Your memorandum and later telephone conversations contained ample information to determine the change in the proposed action and the possible effects on the endangered Yaqui topminnow (*Poeciliopsis o. occidentalis*), Yaqui chub (*Gila purpurea*), and Huachuca water umbel (*Lilaeopsis schaffneriana* var. *recurva*), and the threatened beautiful shiner (*Cyprinella formosus*). All information in the original biological opinion regarding the project description, effects of the action, incidental take, and others, remain in effect unless specified below.

Amendment to Biological Opinion

Proposed Action

The biological opinion assessed the effects of prescribed burning on the listed fish and designated critical habitat. The revised proposed action modifies some of the actions that were analyzed in the previous biological opinion. The changes in the proposed action alter the effects to all four species and change the circumstances and level of anticipated take. These changes require reinitiation of formal consultation, as required by 50 CFR 402.16. The changes to the proposed action involve burning the emergent aquatic vegetation at Twin and Evil Twin Ponds. The Refuge plans on conducting

these burns on February 24, 1997, when they plan to burn Robertson Cienega. In addition, the Sacaton Burn has been changed. Now called the North Burn, it would cover 1,000 acres. This includes about 40 acres of the Sacaton Burn and 200 acres of private land. The southern portion of the Sacaton Burn was burned in a wildfire in 1995.

Status of the Species in the Action Area

Yaqui chub, beautiful shiner, and Yaqui topminnow all occurred at Twin and Evil Twin Ponds. Evil Twin has become overgrown with vegetation where there is no open water and fish probably no longer occur there. All three species are considered extant at Twin Pond. *Lilaeopsis* had been found previously at Evil Twin but can no longer be found. *Lilaeopsis* rhizomes may still occur underground.

Effects Of The Action

The changes to the proposed action should benefit the listed species in the long term. However, short term negative effects may still occur.

The change from the Sacaton Burn to the North Burn should have no additional direct effects to listed species. Indirect effects of the North Burn will be the same as those analyzed in the original Biological Opinion.

The effects of burning Twin Pond should be similar to the effects of burning Robertson Cienega. These effects were analyzed in the original Opinion. It appears that Evil Twin Pond has been lost as fish habitat. Burning the ponds will recreate fish habitat at Evil Twin, and will help maintain it at Twin Pond.

If *Lilaeopsis* still occurs at Evil Twin Pond, burning and removal of overstory vegetation may prove beneficial in the long term. However, the potential for an effect may exist. We believe *Lilaeopsis* may be affected but is not likely to be adversely affected.

Incidental Take

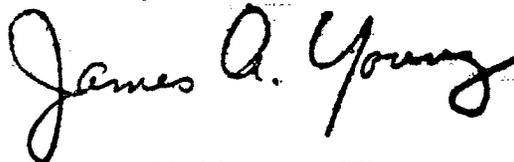
The anticipated amount of incidental take is more than in the original Biological Opinion. The incidental take of the original Opinion (pg. 26, P 3), is amended to include beautiful shiner. In addition to Robertson Cienega, Twin and Evil Twin Ponds are also included. The measures of take remain the same and apply to each pond.

All Terms and Conditions for Implementation apply to the North Burn, Term and Condition 6 is amended to change the report due date to February 28, 1998. In addition, add one Term and Condition:

7. The three ponds, Robertson Cienega, Twin Pond, and Evil Twin Pond, will be burned sequentially and not at the same time. That way, if burning causes problems at the first or second pond burned, adjustments can be made or the burning can be stopped.

This concludes the amendment to the Biological Opinion 2-21-93-F-363. The original Biological Opinion remains in effect, except the parts replaced by this amendment. 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 maintained (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 effect listed species or critical habitat in a manner or to an extent not considered in this opinion; (3) the agency action is later modified in a manner that causes an effect to the listed species or critical habitat that was 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. If you have any questions or concerns about this consultation or the consultation process in general, please contact Doug Duncan or Angie Brooks.

Sincerely,

A handwritten signature in black ink that reads "James A. Young". The signature is written in a cursive, flowing style.

Geographic Manager:AZ

cc:

Field Supervisor, Arizona Ecological Services Field Office, Phoenix, AZ

Field Supervisor, New Mexico Ecological Services Field Office, Albuquerque, NM

Director, Arizona Game and Fish Department, Phoenix, AZ