



United States Department of the Interior



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In Reply Refer to:
AESO/SE
02-21-96-F-0160

March 19, 2009

Memorandum

To: District Manager, Gila District, Bureau of Land Management, Sierra Vista, Arizona

From: Field Supervisor

Subject: Reinitiated Programmatic Biological Opinion on the Effects of the Safford/Tucson Field Offices' Livestock Grazing Program, Southeastern Arizona

Thank you for your request for reinitiation of formal section 7 consultation on the Safford/Tucson Field Offices' Livestock Grazing Program, southeastern Arizona, pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), as amended (Act), which we received on March 19, 2009. Section 7 consultation was conducted for the Safford/Tucson Field Offices' Livestock Grazing Program, southeastern Arizona, and a programmatic biological opinion (1997 BO) was completed on September 26, 1997 (#02-21-96-F-0160). Eleven amendments / reinitiations were completed for the 1997 BO through 2009. The term for the 1997 BO was to expire on December 31, 2006. Four reinitiations for the 1997 BO to extend the expiration date have been completed. The latest was completed on January 27, 2009, extending the term to February 28, 2009.

We received your request for formal consultation of the Gila District livestock grazing program (through reinitiation of the 1997 BO and two other biological opinions) on March 24, 2008. We are currently coordinating with your office in developing a Biological Opinion for this recent request, but we do not anticipate that a final BO will be completed until sometime in spring 2009. Because your livestock grazing program under the 1997 BO is not in compliance with the Act until we send you a final BO, you are not implementing certain actions necessary to administer the program, including actions that would lessen impacts on natural resources. Therefore, you have requested reinitiation of formal consultation on the 1997 BO to extend the expiration date to September 30, 2009. While we anticipate that a final BO will be sent to you before this date, we are extending the 1997 BO expiration date to September 30, 2009, so that you will not need to request another extension due to unforeseen delays in completing the final BO.

You propose to continue to implement the 1997 BO and to continue in the consultation process. You stated in your request that you will not make any irreversible or irretrievable commitments of resources with respect to the action.

Although our understanding of how grazing activities affect species has evolved and grown, the manner to which species and critical habitats will be affected, as well as cumulative effects, for the period ending September 30, 2009, are anticipated to remain similar to those described in the 1997 BO and its amendments/reinitiations. As a result, our conclusions in regard to jeopardy and destruction/adverse modification of critical habitat in this reinitiated biological opinion are the same as the 1997 BO and its amendments/reinitiations. Incidental take, along with the appropriate reasonable and prudent measures, are the same as described in the 1997 BO and its amendments/reinitiations.

This concludes reinitiation of formal consultation on the Safford/Tucson Field Offices' Livestock Grazing Program, as described in your 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.

We appreciate your efforts to identify and minimize effects to listed species from this project, and appreciate the assistance of your office in providing the additional information necessary in completing the new reinitiation with you. For further information please contact Mark Crites (520) 670-6150 (x229) or Jim Rorabaugh (520) 670-6150 (x230). Please refer to the consultation number 02-21-96-F-160 in future correspondence concerning this project.

/ s / Scott Richardson for
Steven L. Spangle

cc: Assistant Field Supervisor, Fish and Wildlife Service, Tucson, AZ
State Director, Bureau of Land Management, Phoenix, AZ

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