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In Reply Refer to:

AESO/SE
02-21-96-F-0160

June 12, 2008

Memorandum

To: Acting 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 June 3, 2008. 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). Seven amendments/reinitiations were completed for the 1997 BO through 2004. The term for the 1997 BO was to expire on December 31, 2006. A reinitiation for the 1997 BO to extend the expiration date to September 30, 2007, was completed on December 27, 2006 (#22410-2007-F-0119).

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 developing a Biological Opinion for this recent request, but it will not be completed until sometime this summer. 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, 2008.

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, 2008, 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 look forward to 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/ Jason Douglas 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