



United States Department of the Interior

FISH AND WILDLIFE SERVICE

P.O. Box 1306
Albuquerque, New Mexico 87103
<http://ifw2es.fws.gov>

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Consultation No. 2-21-96-F-160

Memorandum

To: State Director, Bureau of Land Management, Phoenix, Arizona

From: Regional Director, Region 2, Albuquerque, New Mexico

Subject: Amendment to "Programmatic Biological Opinion for the Safford/Tucson Field Offices' Livestock Grazing Program, Southeastern Arizona"

The Bureau of Land Management (BLM) and the Fish and Wildlife Service (Service) signed the Amended Consultation Agreement governing reinitiation of consultation on the subject grazing program on November 16, 1998.

- I. That Agreement states that the Service will delay the effective date of the specific Term and Condition of the September 26, 1997, Biological Opinion (Page 175) that requires removal of cattle from riparian areas to reduce incidental take of the razorback sucker. That Term and Condition reads:
 - a. No grazing of cattle shall occur on BLM-administered lands in the 100-year floodplain of the Gila River, and the riparian corridors of Bonita Creek and the San Francisco River through the project area for the life of the project (through December 31, 2006). Actions shall be taken, including fencing, monitoring for and removal of trespass cattle, and other measures to ensure grazing do [sic] not occur on these lands.

The Biological Opinion is hereby amended to delay the effective date for implementation of this term and condition until completion of reinitiated consultation, but no later than May 1, 1999.

- II. That Agreement additionally states that the Service will delay the effective date of the specific Term and Condition of the September 26, 1997, Biological Opinion (Page 232) that requires removal of cattle from riparian areas to reduce incidental take of the cactus ferruginous pygmy owl. The first paragraph of that Term and Condition reads:
 - a. Maintain habitat features necessary to support breeding populations of pygmy-owls within their historic range by excluding cattle from riverine riparian areas on Bureau lands in the following allotments:

#4001 - Metcalf	#4002 - San Francisco
#4003 - Morenci	#4010 - Smuggler Peak
#4014 - Gila	#4021 - Twin C
#4022 - County Line	#4615 - Johnny Creek
#4616 - Bonita Creek	#4617 - Bullgap
#4618 - Turtle Mtn	

The Biological Opinion is hereby amended to delay the effective date for implementation of this portion of this term and condition until completion of reinitiated consultation, but no later than May 1, 1999.

- III. To accommodate the change in Term and Condition "a." for the razorback sucker, Term and Condition "b." for the razorback sucker is also amended by deleting the term "riparian." This affects subsections "b.1)" and "b.3)", which, after this amendment, state:

- b.1) cattle are present for the shortest period of time possible in aquatic areas,
- b.3) trailing across aquatic areas is conducted as infrequently as possible, [.]

All other aspects of Term and Condition "b." for the razorback sucker remain unchanged.

- IV. To accommodate the change in the second half of Term and Condition "a." for the cactus ferruginous pygmy owl, Term and Condition "a.1)" and "a.3)" dealing with trailing, after this amendment, should state:

Trailing should be conducted so that:

- 1) the fewest number of cattle are present for the shortest period of time possible in aquatic areas,
- 3) trailing across aquatic areas is conducted as infrequently as possible, [.]

All other aspects of Term and Condition "a." remain unchanged.

Modification of the terms and conditions as described herein does not alter our previous determinations that the proposed action would not jeopardize the continued existence of listed species and would not result in adverse modification or destruction of critical habitat. All other aspects of the biological opinion remain unchanged.

Thomas M. Kaufman