



United States Department of the Interior

U.S. Fish and Wildlife Service
Arizona Ecological Services Field Office
2321 West Royal Palm Road, Suite 103
Phoenix, Arizona 85021-4951



Telephone: (602) 242-0210 Fax: (602) 242-2513

In Reply Refer to:

AESO/SE
22410-2007-I-0040

November 2, 2007

Ms. Colleen Pelles Madrid
District Ranger
Cave Creek Ranger District
Tonto National Forest
40202 North Cave Creek Road
Scottsdale, Arizona 85262

Dear Ms. Pelles Madrid:

Thank you for your correspondence of October 22, 2007, received on October 23, 2007. This letter documents our review of the Cartwright Grazing Allotment near the lower Verde River and Cave Creek, in Maricopa County, Arizona, in compliance with section 7 of the Endangered Species Act of 1973 (ESA) as amended (16 U.S.C. 1531 et seq.). Your letter requested our concurrence with your determination that the proposed project may affect, but is not likely to adversely affect the endangered southwestern willow flycatcher (flycatcher) (*Empidonax traillii extimus*). We concur with your determination and provide our rationale below. You also concluded that there would be "no effect" to the Gila topminnow (*Poeciliopsis occidentalis occidentalis*). Species with "no effect" determinations do not require review from the Fish and Wildlife Service, and are not addressed further.

Description of the Proposed Action

A complete description of the proposed action is found in your October 2007 biological evaluation and assessment (BAE). As described in the BAE, the proposed livestock grazing action (Alternative C) will be a five-pasture deferred rotation with 350 cattle yearlong, yearling progeny from January 1 to May 31, and 10 yearlong horses. Three pastures will be eliminated from grazing (Long Canyon, Lime Creek, and Professor). The 6L pasture will be set aside as a grass bank, only being used when other pastures require rest.

Conservation measures are proposed for the southwestern willow flycatcher (see BAE for Gila topminnow conservation measures). Within the Cartwright Allotment, a mile of potential flycatcher nesting habitat along Cave Creek will be fenced and excluded from grazing. Additionally, in order to reduce and minimize potential impacts to the closest population of

flycatchers from cowbird parasitism, there will be no grazing within two miles of the nesting birds at Horseshoe Lake (which occurs outside of the Cartwright Allotment boundaries).

DETERMINATION OF EFFECTS

We concur with your determination that the proposed action may affect, but is not likely to adversely affect the flycatcher for the following reasons:

- Because there is no proposed grazing of occupied, suitable, or developing/potential flycatcher nesting habitat on this allotment, we do not anticipate that the proposed action will adversely affect the flycatcher or its nesting habitat.
- In order to reduce and/or prevent adverse affects to nesting flycatchers from cattle increasing natural populations of cowbirds and subsequent parasitism, cattle will stay at least two miles away from occupied flycatcher nesting habitat at Horseshoe Lake during the breeding season. No cowbird parasitism of flycatcher nests was detected at Horseshoe Lake in 2005 or 2006. As a result, we anticipate that continuing to maintain a minimum two-mile distance from flycatcher nesting habitat during the breeding season will result in natural levels of parasitism. Therefore, we anticipate that effects related to the influence of cattle and cowbird parasitism rates will be insignificant.

Thank you for your continued coordination. No further section 7 consultation is required for this project at this time. Should project plans change, or if information on the distribution or abundance of listed species or critical habitat becomes available, this determination may need to be reconsidered. In all future correspondence on this project, please refer to consultation number 22410-2007-I- I-0040. We also encourage you to coordinate the review of this project with the Arizona Game and Fish Department. Should you require further assistance or if you have any questions, please contact Greg Beatty (x247) or Debra Bills (x239).

Sincerely,



Steven L. Spangle
Field Supervisor

cc: Chief, Habitat Branch, Arizona Game and Fish Department, Phoenix, AZ
Steve Lohr, Forest Biologist, Tonto National Forest, Phoenix, AZ
Lisa Ellis, Research Branch, Arizona Game and Fish Department, Phoenix, AZ