



United States Department of the Interior

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February 25, 2009

Mr. Gary Smith
District Ranger
Tonto Basin Ranger District
HC02 Box 4800
Roosevelt, Arizona 85545

Dear Mr. Smith:

Thank you for your correspondence of December 16, 2008, received in our office on December 18, 2008. This letter documents our review of the Campaign Grazing Allotment, in Gila and Maricopa counties, in compliance with section 7 of the Endangered Species Act of 1973 (ESA) as amended (16 U.S.C. 1531 et seq.).

Your letter concluded that the proposed project "may affect, but is not likely to adversely affect" the southwestern willow flycatcher (*Empidonax traillii extimus*) and its critical habitat and the Gila topminnow (*Poeciliopsis occidentalis*). We concur with your determinations and provide our rationales below. You also concluded there would be "no effect" to the bald eagle (*Haliaeetus leucocephalus*). Species with "no effect" determinations do not require review from the Fish and Wildlife Service, and are not addressed further.

Allotment Description/Condition

The Campaign/Bar V Bar Allotments encompass 34,158 acres between Roosevelt Lake and the Superstition Mountains in Gila and Maricopa counties, Arizona (Figure 1). Topography varies from gentle slopes broken by washes on the south side of the lake to clay flats south of Highway 188 and steeper slopes in the foothills of the Superstition Mountains.

The Campaign/Bar V Bar Allotments are part of the Pinto Creek and Salt River watersheds. They comprise about 23.9 percent (%) and 3.5% of the Pinto Creek and the upper Salt River watersheds, respectively.

On the Campaign Allotment, 60% of the soils are in satisfactory condition, 15% are impaired, while 25% are classified as unsatisfactory condition. Pastures with a high percentage of unsatisfactory Sonoran desert soils include: Campaign, Schoolhouse, Badlands, Grapevine, Spring Creek, Jojoba, Dry, Tidwell, and West Ridge pastures, and parts of the Brake, Fowler and Cholla pastures (Figure 2).

DESCRIPTION OF THE PROPOSED ACTION

A description of the proposed action is found in your December 16, 2008, biological evaluation and assessment, and an excerpt of the Environmental Assessment for this allotment. Additional information provided through email correspondence and telephone conversations helped clarify the proposed action, which is summarized below.

Allotment Management

The Campaign/Bar V Bar allotments have been managed together as one unit since the 1960s, and has been renamed the Campaign Allotment. Prior management was limited and livestock distribution was poor due in part to a lack of interior fencing and inadequate water supply. Interior fences and water developments have been added and subsequently, distribution of livestock has improved in recent years.

The allotments are cross-fenced with barbed wire to create 15 primary pastures and several smaller bull and holding pastures (Figure 2). The main pastures are: Grapevine, Schoolhouse, Badlands, Spring Creek, Fowler, Brake, Jojoba/Bobcat, Tule, Campaign, Two Bar, Granite, Reevis, Cholla, Tidwell, and West Ridge. The Jojoba/Bobcat pasture will be divided by a new pasture fence running from east to west, creating two separate units. In the Fowler pasture there is a natural boundary along Spring Creek which allows for use in the unit as two separate pastures when resource conditions permit.

Grazing Management, Utilization, and Monitoring

The Tonto Basin Ranger District proposes to continue to authorize cattle grazing on the Campaign Allotment in compliance with USFS policy and Forest Land Management Plan objectives through issuing a new term grazing permit in accordance with FSH 2209.13. The permit would extend cattle use on the allotment for 10 years.

The term grazing permit would provide for year-long grazing. If proper use in the management units/pastures is reached before the end of the grazing year or season, livestock may have to be removed from the allotment to avoid exceeding utilization guidelines identified in this decision. Better distribution of livestock avoids concentrating effects and provides the best opportunity for livestock to remain on the allotment for the entire grazing season.

Cattle will move through the primary pastures on the allotments using a deferred rotation grazing system. This means that pastures are not used during the same time each grazing year, providing for seasonal rest in each pasture over time. The permittee manages yearlings separate from cow/calf pairs and concurrently from January through April, generally using some of the pastures on the allotment for yearlings and the remainder for cow/calf rotation. These pastures and rotation schedules vary depending on resource conditions and climatic factors.

Permitted numbers would remain the same as they are on the current term grazing permit and a combination of cows, bulls, and yearlings could be grazed within those limits. The current term grazing permit was issued in 1999 following a 1992 Environmental Assessment. Permitted use is as follows: 575 cows/bulls from January 1 through December 1 (year long) and 365 yearlings from January 1 through May 31. Of the 575 cows/bulls, 50 are listed on the permit in non-use

status. Currently, a reduced number of cattle have been authorized to graze on the allotment (220 cows/bulls from November through May, 100 cows/bulls from June through October, and 148 yearlings from January through April). Use by yearlings will remain seasonal. The permittee moves a portion of the herd each summer to other public grazing lands.

Forage utilization on rangelands would be managed at a level corresponding to light to moderate intensity (30-40% on herbaceous key forage species). Use of browse species and annuals would be limited to not more than 50% of current annual growth in order to provide for grazed plant recovery, increases in herbage production and retention of herbaceous litter to protect soils (implementation monitoring).

Once riparian vegetation has become re-established in key reaches and is available for monitoring, riparian utilization measurements (implementation monitoring) will be implemented. Use guidelines are as follows: *obligate riparian tree species* – limit use to < 50% of terminal leaders (top 1/3 of plant) on palatable riparian tree species accessible to livestock (usually \leq 6 feet tall); *deergrass* – limit use to < 40% of plant species biomass; *emergent species* (rushes, sedges, cat-tails, horse-tails) – maintain six to eight inches of stubble height during the grazing period. Once riparian utilization guidelines are met, regardless of available forage in the uplands, cattle will be moved to the next scheduled pasture.

The proposed action will implement the use of Adaptive Management which uses monitoring results to continually modify management in order to achieve specific resource objectives. The proposed action will provide sufficient flexibility to adapt management to changing circumstances. On the ground changes, may include annual administrative decisions to adjust the specific number of livestock, specific dates for grazing, class of animal or pasture rotations. These changes will not exceed the limits for timing, intensity, duration and frequency as defined in the term grazing permit. Adaptive management would be implemented through annual operating instructions, which would adjust livestock numbers and the timing of grazing so that use is consistent with current productivity and capacity and is meeting management objectives.

Adaptive management also includes monitoring to determine whether identified structural improvements are necessary or need to be modified. In the case that changing circumstances require physical improvements or management actions not disclosed or analyzed herein, further interdisciplinary review would occur. The review would consider the changed circumstances and site-specific environmental effects of the improvements in the context of the overall project.

As livestock use each specific unit/pasture, the District will monitor effects of grazing activities in the uplands such as use on herbaceous and woody vegetation, trampling, and effects on soils and wildlife habitat. This information would be used to help determine when cattle should rotate out of the scheduled unit during the grazing season. If livestock are reaching use limits for current annual production or causing undesirable effects, they would be moved from the pasture to the next scheduled unit. Post-grazing monitoring would then document effects and, when combined with actual livestock use information over time, would help determine the carrying capacity of each unit for livestock to refine future allotment management. If livestock consistently reach forage use limits before their scheduled move dates, annual authorized numbers would be

adjusted in the next year's annual operating instructions. Over time, this information could be used to adjust permitted numbers on the term grazing permit.

Riparian use guidelines for implementation monitoring will be applied where specialists have identified "key reaches" or "key areas". Key reaches, similar to upland key areas, are those stream channels, springs, or riparian areas that are representative, responsive to changes in management, accessible to livestock, and contain key vegetative species. In early seral or degraded riparian areas, appropriate monitoring cannot take place until riparian vegetation re-establishes. Additionally, changes in riparian vegetation and stream channel geomorphology condition and trend will be measured at 5 to 10 year intervals (effectiveness monitoring) using specified protocols.

Conservation Measures

Currently, a fence is being constructed to control livestock access to Campaign Creek in the Granite pasture. The fence will create a riparian unit that is used only as a travel corridor for livestock as they are moved to and from pastures in this portion of the allotment (less than two weeks of anticipated use each grazing year). Unlike a riparian enclosure which prevents livestock use, some use will be expected within guidelines as the livestock are passing through the pasture. This is the location where previously Gila topminnows were detected. The fencing will result in better control of livestock in and around potential Gila topminnow habitat.

The Forest Service proposes to build a 1.3-mile and 1.1-mile fence along the northern boundaries of the Badlands and Grapevine pastures, respectively. The fence will follow the high water mark of Roosevelt Lake, and has the purpose of excluding cattle from grazing in southwestern willow flycatcher habitat year long. This action may necessitate construction of troughs and pipelines to provide livestock water and aid in broad distribution of livestock in these pastures. The proposed water system will aid in cattle distribution, thus reducing vegetation trampling and benefiting upland vegetation and overall wildlife habitat.

To reduce impacts to riparian habitat from livestock in the Two Bar (Two Bar Creek), Tule (Tule Creek), and Reeves (Campaign Creek) pastures, grazing will be limited to the winter months (November through March), when livestock are less likely to impact sensitive riparian plants.

The following pastures would be deferred during years lacking significant production (< 100 lbs./acre of annual forbs and grasses): Grapevine, Badlands, Schoolhouse, West Ridge, Campaign, Spring Creek, Tidwell, and Jojoba. This will help minimize impacts to jojoba and other key browse species during important spring growing periods and aid in recovery of impaired soils. This deferment would not exclude use of these pastures for short periods of time in any given year to allow the permittee to process livestock during key shipping periods.

DETERMINATION OF EFFECTS

We concur with your determination that the proposed action may affect, but is not likely to adversely affect the southwestern willow flycatcher and its designated critical habitat and the Gila topminnow for the following reasons:

- The streams and watershed of the Campaign Allotment borders Roosevelt Lake. Impacts to upland watersheds and tributaries can influence and impact river flow and the quality, quantity, and persistence of riparian habitat (USFWS 2002, 2005). However, the Campaign Allotment does not border a free-flowing stream with flycatcher habitat, but instead, borders a body of water regulated behind a dam. As result, the combination of these factors causes us to conclude that any upland watershed effects to flycatchers and flycatcher habitat at Roosevelt Lake from the proposed action on the Campaign Allotment are insignificant.
- There is no critical habitat designated for the southwestern willow flycatcher within the allotment boundaries, therefore we do not anticipate any direct effects to designated critical habitat from the proposed action. Similarly, there is no critical habitat designated at Roosevelt Lake for the flycatcher, and any potential effects through watershed impacts are believed to be insignificant. Therefore, we do not believe there will be measurable adverse indirect watershed effects to the habitat-based primary constituent elements of flycatcher critical habitat.

Gila topminnow

- The proposed actions meet the “May Affect, Not Likely to Adversely Affect” criteria for the Gila topminnow in the March 31, 2004, Framework for Streamlining Informal Consultation for Livestock Grazing Activities (USFS 2005).
- Stocked Gila topminnow were previously placed into this stream and persisted with varying success from 1983 to 2003. Two-hundred topminnows were stocked in 1983 and then an additional 20 fish were placed in Campaign Creek in 2001. No Gila topminnow were detected in Campaign Creek from 1994 through 1998, nor were any detected in 2007 and 2008. However, Arizona Game and Fish and Forest Service surveyors did find considerable numbers of non-native predatory crayfish. As a result of the lack of topminnows found in current surveys, previous variable population history, and current abundance of predatory crayfish, there is the likelihood that if any Gila topminnow currently exist in Campaign Creek they are rare and may be absent. Therefore, because Gila topminnow are likely not present (or very rare) and the brief anticipated two-week use of this stream area by livestock, that any direct impacts to Gila topminnows are discountable and indirect effects are 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, these determinations may need to be reconsidered. In all future correspondence on this project, please refer to the consultation number 22410-2009-I-0178. We also encourage you to coordinate the review of this project with the Arizona Game and Fish Department.

Southwestern willow flycatcher

- The proposed actions meet the “May Affect, Not Likely to Adversely Affect” criteria for southwestern willow flycatcher in the March 31, 2004, Framework for Streamlining Informal Consultation for Livestock Grazing Activities (USFS 2005).
- There is no known potential, suitable, or occupied flycatcher breeding habitat within the boundaries of the Campaign Allotment that cattle can access. The riparian areas found within the Campaign Allotment boundary are along small streams that have a very low likelihood of developing into the quality and abundance of vegetation used by breeding flycatchers (USFWS 2002) during the life of this project. Southwestern willow flycatcher breeding habitat is typically found on larger streams with wider floodplains such as nearby Tonto Creek, and the Verde, Salt, Gila, San Pedro, and lower Colorado rivers (USFWS 2002). Current high lake levels and proposed fencing will prevent cattle from reaching Roosevelt Lake where habitat exists and/or can develop. As a result, we do not anticipate that there will be any direct effects to breeding southwestern willow flycatchers or its habitat within the Campaign Allotment from the proposed action.
- As a result of the proximity of the Campaign Allotment to Roosevelt Lake where flycatchers are found nesting, it is reasonable to anticipate that migrating or dispersing southwestern willow flycatchers will briefly use riparian habitat along streams within the Campaign Allotment. Because of the infrequency and short period of time that migratory/dispersing flycatchers are anticipated to use this habitat, and the broad quality of habitat conditions believed to be used by migratory/dispersing flycatchers, we anticipate that that any potential impacts to riparian areas within this allotment due to the proposed action will have an insignificant effect on migratory/dispersing flycatchers.
- During the flycatcher breeding season from April through July, cattle on the Campaign Allotment will be approximately a mile and a half from known flycatcher nesting sites. To achieve this, cattle are not anticipated to use the Schoolhouse or Grapevine pastures (the closest in proximity to Roosevelt Lake) during the breeding season. Cowbirds can be attracted to feeding areas created by livestock activity. As a result, the Southwestern Willow Flycatcher Recovery Plan (USFWS 2002) recommended that increasing the distance between cowbird foraging and flycatcher nesting areas during the breeding season through livestock management could minimize cowbird nest parasitism. During the last few years (2003 to 2005) of comprehensive flycatcher nest monitoring in Tonto Basin, parasitism of flycatcher nests was less than four percent annually. While cowbirds are a native and natural part of the landscape, its location and abundance can be manipulated by man-made actions such as housing, agriculture, livestock, corrals, etc. Therefore, we expect some parasitism of flycatcher nests will occur. We anticipate that cattle being present at the proposed distance from occupied flycatcher nesting habitat during the breeding season will not measurably contribute to the observed low parasitism rate of known flycatcher nests at Tonto Basin and that the effect of livestock on the Campaign Allotment on the parasitism rate of nearby nesting flycatchers will be insignificant.

Mr. Gary Smith, District Ranger

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Should you require further assistance or if you have any questions, please contact please contact Greg Beatty (x247) or Debra Bills (x239).

Sincerely,

Debra T. Bills

for Steven L. Spangle
Field Supervisor

cc: Chief, Habitat Branch, Arizona Game and Fish Department, Phoenix, AZ
Forest Biologist, Supervisor's Office, Tonto National Forest, Phoenix, AZ

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Literature Cited

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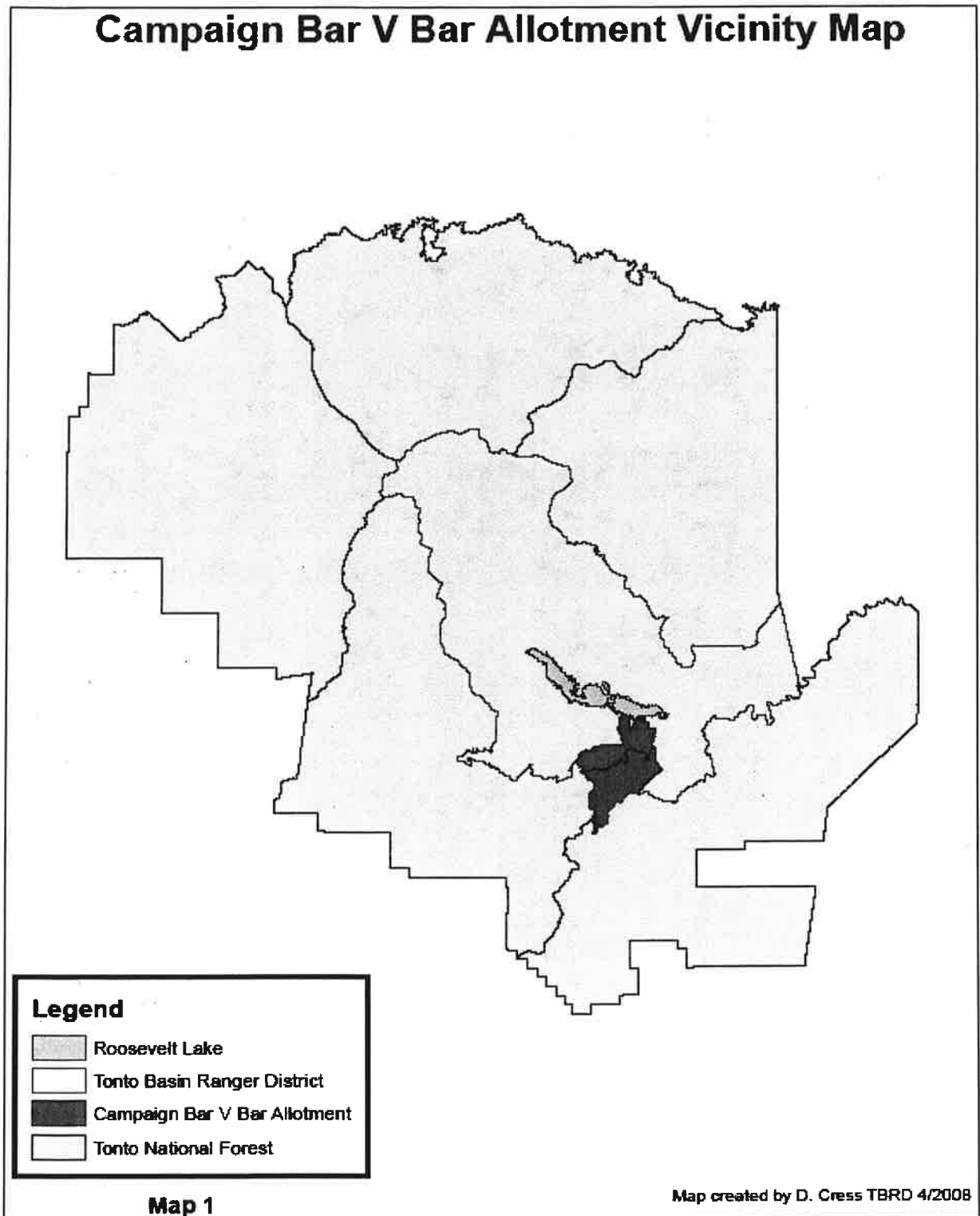


Figure 1. Campaign Allotment and Tonto Basin Ranger District Boundaries