



United States Department of the Interior

U.S. Fish and Wildlife Service

Arizona Ecological Services Office

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In reply refer to:

AESO/SE

22410-2009-I-0178-R001

FILE COPY

April 29, 2011

Mr. Kelly L. Jardine, District Ranger
Tonto Basin Ranger District
28079 North Arizona Highway 188
Roosevelt, Arizona 85545

Dear Mr. Jardine:

Thank you for your correspondence of March 28, 2011, received in our office on March 30, 2011, requesting our review, in accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et. seq.), on the proposed issuance of a 10-year grazing permit for the Campaign Grazing/Bar V Bar Allotment in Gila and Maricopa counties.

Your letter concluded that the proposed action "may affect, but is not likely to adversely affect" the southwestern willow flycatcher (*Empidonax traillii extimus*) and the Gila topminnow (*Poeciliopsis occidentalis*). We concur with your determinations and provide our rationales below. You also concluded "no effect" to critical habitat for the southwestern willow flycatcher. Please note that "no effect" determinations do not require concurrence from the Fish and Wildlife Service. Therefore, critical habitat for the flycatcher is not addressed further.

DESCRIPTION OF THE PROPOSED ACTION

A description of the proposed action is found in your March 28, 2011, biological evaluation and assessment. Additional information provided through an updated biological evaluation and assessment received by this office via email correspondence on April 12, 2011 and a telephone conversation helped clarify the proposed action. The proposed action is a modification to a prior grazing permit issuance for the Campaign Allotment. This modification includes changing yearling grazing from a fixed seasonal use to year-long use to allow for opportunistic grazing based on resource conditions.

Allotment Description/Condition

The Campaign/Bar V Bar Allotments encompass 34,158 acres near Roosevelt Arizona. Lake Roosevelt bounds them on the north, and they contain portions of the Superstition Wilderness in the Superstition Mountains. Access to the allotments is obtained from several forest roads both north and south of State Highway 188. Several forest system hiking trails leading into the

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 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 of comprehensive flycatcher nest monitoring in Tonto Basin (2003 to 2005), 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.
- 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.

Superstition Wilderness also provide access. 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.

Sixty percent, 15%, and 25% of soils are in satisfactory condition, impaired, and unsatisfactory condition, respectively. The Campaign/Bar V Bar Allotments are part of the Pinto Creek and Upper Salt River Watersheds. They comprise about 23.9% and 3.5% of the Pinto Creek (118,942 acres) and the Upper Salt River (165,949 acres) watersheds, respectively. The northern border of the allotment is unclear, but historically the USFS has allowed grazing to the water line. The proposed deferred grazing management strategy could limit grazing in years without significant annual production of forbs on these allotments by as much as 23.5%.

Grazing Management

The Tonto Basin Ranger District proposes to permit continued cattle grazing on the Campaign Allotment for a period of 10 years. The permittee proposes to continue cattle grazing year-long on the allotment. In addition, the permittee proposes to change yearling grazing from a fixed-seasonal use to year-long use, meaning that yearlings could be placed on the allotment opportunistically based on resource conditions. Those numbers could be combined in the same pastures being utilized by cow/calf pairs or they could be run concurrently in other available pastures as a separate herd. Permitted numbers would remain the same as on the current term grazing permit. A combination of cows, bulls, and yearlings could be grazed within those limits using a deferred rotation grazing system. The initial stocking rate would be the number of cattle currently authorized on the allotment (220 cows/bulls from November through May, 100 cows/bulls from June through October, and 148 yearlings from January through April). All pastures could be utilized during each grazing year based on resource conditions and water and forage availability. Adaptive management principals will be implemented.

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 the Gila topminnow for the following reasons:

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

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 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) that any direct impacts to Gila topminnows are discountable.

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-R001. 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 please contact Marc Wicke (x217) or Debra Bills (x239).

Sincerely,



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

Literature Cited

USFS. 2005. Framework for streamlining informal consultation for livestock grazing activities. Southwestern Region of the FS. 108 pp.

USFWS. 2002. Southwestern Willow Flycatcher Recovery Plan, Region 2, Albuquerque, NM.

-----, 2005. Designation of Critical Habitat for the Southwestern Willow Flycatcher: Final Rule. *Federal Register* 70 (201): 60886.