



United States Department of the Interior

FISH AND WILDLIFE SERVICE
New Mexico Ecological Services Field Office
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February 2, 2001

Cons. #2-22-00-I-473

Jose M. Martinez, Forest Supervisor
Lincoln National Forest
1101 New York Avenue
Alamogordo, New Mexico 88310-6992

Dear Mr. Martinez:

This responds to your November 1, 2000, request to review the Revised Biological Assessment for Ongoing Grazing Activities on the Sacramento Allotment (BA) that addresses the potential effects of this activity on the threatened Mexican spotted owl (*Strix occidentalis lucida*) and its proposed critical habitat, the threatened bald eagle (*Haliaeetus leucocephalus*), the threatened Sacramento Mountains thistle (*Cirsium vinaceum*), and the endangered Sacramento prickly poppy (*Argemone pleiacantha* ssp. *pinnatisecta*). This consultation will cover a maximum of 3 years or until the National Environmental Policy Act (NEPA) process, including consultation under the Endangered Species Act (ESA), is completed for the Sacramento Allotment, whichever is shorter.

The Sacramento Allotment is in the Sacramento Ranger District, Lincoln National Forest. The allotment encompasses 111,350 acres of which 28,395 acres have been assigned grazing capacity. The allotment is divided into eight pastures, four for the summer range and four for the winter range. The District Ranger will authorize between 200 and 410 head of livestock each year based on predicted forage production levels and Mexican spotted owl prey cover needs. Numbers presently authorized for the winter range are 250 head.

The summer range is scheduled for grazing for the period May 15 - October 31. Maximum allowable forage use for the summer range is set at 35 percent. Use levels will be determined with three monitoring periods. Monitoring of new growth will be done in April. Mid-season monitoring will be done prior to August 1 in order to project whether 65 percent residual production and a 4 inch minimum ground cover height will remain in September/October. Monitoring in September/October will determine whether management options need to be implemented in order to maintain use levels.

The winter range is scheduled for grazing for the period November 1 - May 14. Maximum allowable forage use for the winter range is set at 45 percent. Use levels will be determined with three monitoring periods. Initial monitoring will occur in September/October to

determine available forage and the level of stocking to be allowed on the winter range. Monitoring will occur between February 1 and March 15 to determine the ability to continue grazing through May 14. Monitoring will occur in late May to determine if the 45 percent level was met and to allow better adjustment of stocking rates to seasonal conditions in future years.

If drought conditions or monitoring indicate that forage growth/production, herbaceous cover height, or utilization are not within the required limits, then the District Ranger can amend the annual operating instructions. Possible amendment options include moving livestock to lesser used areas within the same pasture, moving livestock to another pasture, removing cattle from the allotment, and for Sacramento Mountains thistle constructing temporary protective fencing.

Analysis of Effects for Threatened or Endangered Species and Proposed Critical Habitat

Your effects determinations for animals used the "Guidance Criteria for Preliminary Effects Determinations for Species Listed as Threatened, Endangered, or Proposed for Listing Related to Ongoing Grazing Activities" dated February 13, 1998. Your effects determinations for plants used the "Effects Criteria for Evaluating Range Management-related Effects to Sacramento Prickly Poppy, Sacramento Mountains Thistle, or Their Habitats".

Mexican Spotted Owl - There are 46 Mexican spotted owl Protected Activity Centers (PACs) that have some portion of the PAC within the allotment. The allotment also has suitable habitat outside of PACs. You state that within PACs there will be no human disturbance or construction actions associated with the grazing allotment during the owl's breeding season, which meets criterion "1a" for a "not likely to adversely affect" finding. You state that within PACs, allotment management plans or annual operating plans provide for recruitment of woody vegetation and herbaceous vegetation with residual height necessary to provide cover for rodent prey species, which meets criterion "1b" for a "not likely to adversely affect" finding. You support this statement with a description of the monitoring that will be in place to determine forage utilization, information on monitoring results from the July and August 2000 summer pasture monitoring, and the potential implementation by the District Ranger of a Management Options/Drought Contingency plan. You use this same information to conclude that the proposed action is "not likely to adversely affect" proposed Mexican spotted owl critical habitat. The U.S. Fish and Wildlife Service concurs with your findings of "not likely to adversely affect" for the Mexican spotted owl and for Mexican spotted owl proposed critical habitat.

Bald Eagle - The bald eagle is a winter visitor to the Lincoln National Forest. You state there are no bald eagle nests or winter roosts on the Sacramento Allotment, which meets criterion "2" for a "no effect" finding. The U.S. Fish and Wildlife Service concurs with your finding of "no effect" for the bald eagle.

Sacramento Prickly Poppy - The Sacramento prickly poppy is known only from the western slopes of the Sacramento Mountains. Surveys for Sacramento prickly poppy in 1999 located 402 plants in Alamo and Caballero canyons. These canyons are within the Alamo Pasture, which is a winter pasture for the Sacramento Allotment. About 72 percent of the plants seen in the two canyons were determined to be accessible to livestock. In 2000, a total of 13 plants, 2 of which showed grazing use, were photographed in April, May, and August in four plots throughout Alamo Canyon. Previous studies indicate that plants with some grazing early in the growing season recover fully and bloom normally during the summer. Livestock leave the winter pastures by May 14 and are absent for most of the Sacramento prickly poppy growing season. Livestock forage use in the winter pastures will be determined with three monitoring periods and the District Ranger can implement a Management Options/Drought Contingency plan, if needed. You, therefore, have concluded that the proposed action is "not likely to adversely affect" the Sacramento prickly poppy because "direct effects (herbivory or trampling) are *incidental* and indirect effects are precluded through management towards highest possible range (or ecological) conditions." The U.S. Fish and Wildlife Service concurs with your finding of "not likely to adversely affect" for the Sacramento prickly poppy.

Sacramento Mountains Thistle - Sacramento Mountains thistle occurs only in the Sacramento Mountains of south-central New Mexico. About 90 percent of the known plants occur on the Lincoln National Forest. There are 77 occupied Sacramento Mountains thistle sites in the summer pastures of the Sacramento Allotment. Of these, 22 are inaccessible or fenced to exclude livestock. Cattle do graze Sacramento Mountains thistle, predominately after the first frost in the fall and during drought years in the spring. Studies have shown that Sacramento Mountains thistle can regrow vigorously after grazing. Livestock forage use in the summer pastures will be determined with three monitoring periods. Sacramento Mountains thistle will be included as a key monitoring species during dry years. The District Ranger will enforce allowable forage use limits through the implementation of Management Options/Drought Contingency plans, if needed. Drought contingency plans may include temporary fencing for Sacramento Mountains thistle sites. You, therefore, have concluded that the proposed action is "not likely to adversely affect" the Sacramento Mountains thistle because "direct effects (herbivory or trampling) are *incidental* and indirect effects are precluded through management towards highest possible range (or ecological) conditions." The U.S. Fish and Wildlife Service concurs with your finding of "not likely to adversely affect" for the Sacramento Mountains thistle.

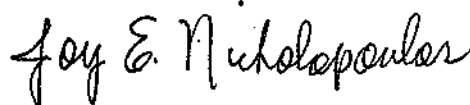
Please contact us to verify the above determinations and concurrences are still valid if: 1) future surveys find any endangered species in the project area where they were not previously observed; 2) the project is changed or new information reveals effects of the action to listed species or their habitats that were not considered in the biological evaluation; or 3) any new species are listed that may be affected by the project. In particular, we expect to be contacted if forage utilization monitoring is not conducted or if Management Options/Drought Contingency plans are not implemented in a timely way to prevent exceeding forage utilization and residual forage height limits.

Jose M. Martinez, Forest Supervisor

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Thank you for your concern for endangered species and New Mexico's wildlife habitats. If you have any questions, please contact Charlie McDonald at the letterhead address or at (505) 346-2525, ext. 112.

Sincerely,

A handwritten signature in cursive script that reads "Joy E. Nicholopoulos".

Joy E. Nicholopoulos
Field Supervisor

cc:

Director, New Mexico Department of Game and Fish, Santa Fe, New Mexico

Director, New Mexico Energy, Minerals, and Natural Resources Department, Forestry
Division, Santa Fe, New Mexico