



# 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

22410-2011-I-0438

22410-2009-FA-0112

22410-2007-F-0463

August 29, 2011

## Memorandum

To: Field Manager, U.S. Bureau of Land Management, Arizona Strip Field Office,  
St. George, Utah

From: Field Supervisor

Subject: Request for Concurrence for Northern Arizona Mineral Withdrawal

Thank you for your correspondence of August 8, 2011, received on August 10, 2011. This letter documents our review of the Northern Arizona Mineral Withdrawal Project, in Mohave and Coconino counties, 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 concluded that the proposed project may affect, but is not likely to adversely affect, the endangered Brady pincushion cactus (*Pediocactus bradyi*), the endangered California condor (*Gymnogyps californianus*), the endangered humpback chub (*Gila cypha*) and its critical habitat, the endangered Kanab ambersnail (*Oxyloma haydeni kanabensis*), the threatened Mexican spotted owl (*Strix occidentalis lucida*) and its critical habitat, the endangered razorback sucker (*Xyrauchen texanus*) and its critical habitat, the endangered sentry milk-vetch (*Astragalus cremnophylax* var. *cremnophylax*), the threatened Siler pincushion cactus (*Pediocactus sileri*), the endangered southwestern willow flycatcher (*Empidonax traillii extimus*) and its critical habitat, the endangered Virgin River chub (*Gila seminuda*) and its critical habitat, the endangered woundfin (*Plagopterus argentissimus*) and its critical habitat, and the endangered Yuma clapper rail (*Rallus longirostris yumanensis*). We concur with your determinations and provide our rationale below.

### Description of the Proposed Action

A complete description of the proposed action is found in your August 8, 2011, memorandum, the draft Environmental Impact Statement (DEIS), as well as several telephone and electronic mail discussions between your staff and ours. The proposed action is the withdrawal of approximately 1,010,776 acres of federal mineral estate from location and entry of new mining claims for a period of 20 years as described in Section 2.4.3 of the DEIS. This Federal mineral estate includes 626,354 acres underlying public lands managed by the Arizona Strip Field Office, 360,349 acres underlying National Forest System lands managed by the Kaibab National Forest, 4,284 acres underlying lands

administered by the Arizona State Land Department, and 19,789 acres underlying privately-owned surface estate. A description of the action area is provided in Chapter 3 of the DEIS. Under the proposed action, existing locatable mineral operations in the withdrawal area will continue to be managed under current agency (BLM or Forest Service) regulations. However, notices of intent or plans of operations for mineral exploration or development on BLM and National Forest System lands on existing claims submitted after the effective date of the withdrawal would not be able to proceed unless the mining claim was determined to be valid under the Mining Law of 1872 as of the date of the segregation from new mining claims (July 21, 2009). Therefore, only a small number of new mines would be developed under the proposed action, as described in the Reasonably Foreseeable Development Scenario (Appendix B.8.2 of the DEIS).

The effects of development of new mines were considered programmatically in our consultations on the Arizona Strip Resource Management Plan /EIS (Arizona Ecological Services Office [AESO] file number 22410-2007-F-0463; November 7, 2007) and the Kaibab National Forest Plan /EIS (Region 2 file number 2-22-03-F-366; June 10, 2005), but if specific mines associated with valid existing rights are proposed for development in the future, those actions would be subject to additional site-specific National Environmental Policy Act (NEPA) analysis and compliance with the ESA.

The analysis included in the DEIS considered impacts to 26 listed threatened or endangered plant and animal species on the U.S. Fish and Wildlife Service county lists for Mohave and Coconino counties in Arizona. A description of the listed species and critical habitat in the action area is provided in Section 3.8.1 of the DEIS. As described in Section 4.8.3 of the DEIS, the proposed action would remove potential threats to listed species and designated critical habitat associated with the location and development of new mining claims, except for development of new mines associated with valid existing rights. The BLM determined that 12 species may be affected, but are not likely to be adversely affected, by the proposed action.

#### DETERMINATION OF EFFECTS

We concur with your determination that the proposed action may affect, but is not likely to adversely affect, the 12 species listed above and their associated critical habitat for the following general reason:

The proposed action will remove potential effects to these species and their critical habitat associated with the location of new mining claims for 20 years and threats associated with development of most of the existing claims within the withdrawal area. Any effects associated with degradation of water quality, reduction in water quantity, changes in stream flows, and airborne dust and contaminants will be insignificant.

In addition, the following are taxa-and species-specific rationales for our concurrence that the proposed action may affect but is not likely to adversely affect the 12 species and their associated critical habitats:



*Plants (Brady pincushion cactus, Sentry milk-vetch, Siler pincushion cactus)*

Withdrawing approximately one million acres of land from mining activities will protect habitat quantity and quality for these species. The proposed action is anticipated to result in long-term protection of these species from potential disturbance associated with mineral exploration and development by significantly reducing activities associated with mining in or near their habitats. Furthermore, the proposed action is anticipated to aid in their recovery.

*Fish (humpback chub and critical habitat, razorback sucker and critical habitat, Virgin River chub and critical habitat, woundfin and critical habitat)*

The proposed withdrawal will greatly reduce the number of new mines that may be developed on lands that drain into the Colorado and Virgin rivers over the next 20 years. The withdrawal will protect these species from the effects of mining-related changes in water quality or quantity in the Colorado and Virgin Rivers.

*California condor and Mexican spotted owl*

Withdrawing approximately one million acres of land from mining activities will protect these species from mining-related effects associated with human disturbance, human interactions, and potential contamination of food or prey items. The proposed action is anticipated to result in long-term protection to these species by significantly reducing mining activities in or near their habitats.

*Riparian-obligate birds (southwestern willow flycatcher, Yuma clapper rail)*

The proposed withdrawal will greatly reduce the number of new mines that may be developed on lands that drain into the Colorado River, Virgin River, and Kanab Creek over the next 20 years. The withdrawal will protect these species over the long-term from the effects of mining-related changes in water quality or quantity that could affect the size or quality of riparian habitat used for breeding or migration in these areas.

*Kanab ambersnail*

The proposed withdrawal will greatly reduce the number of new mines that may be developed on lands that drain into the Colorado River and Kanab Creek over the next 20 years. The withdrawal will protect this species over the long-term from the effects of mining-related changes in water quality or quantity that could affect the size or quality of wetland habitat occupied by this species.

In keeping with our trust responsibilities to American Indian Tribes, by copy of this letter, we will notify all of the tribes that may be affected by this proposed action and encourage you to invite the Bureau of Indian Affairs to participate in the review of your proposed action. We also encourage you to coordinate the review of this project with the Arizona Game and Fish Department.

Thank you for your continued coordination and efforts to protect and conserve our Federal trust resources. 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 related correspondence on this project, please refer to the consultation number 22410-2011-I-0438. Should you require further assistance or if you have any questions, please contact Brian J. Wooldridge at (928) 226-0614 (x105) or Brenda Smith (x101) of our Flagstaff Suboffice.

*Brenda H. Smith*

*efw* Steven L. Spangle

ccs: (electronic)

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 Forest Supervisor, Kaibab National Forest, Williams, AZ  
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ccs: (hard copy)

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