

Checklist for Determination of Existing NEPA Adequacy

Document Title: Wild Bill Guide Service
 Document Number: _____ Case File Number: AZA 31872
 Preparer Name and Title: Tom Schnell
 Date Scoping Initiated: _____ Date Scoping CLOSED: _____

Tom Schnell
 Thomas J. Schnell, AFM for Non-Renewable Resources

Tim Goodman - Jeff Conn
 Biologist Assigned

Heidi Blasius
 AFM for Renewable Resources (acting)

Deborah Morris
 NEPA Coord. Assigned

Scott C. Cooke 1/14/13
 Scott C. Cooke, SFO Field Manager

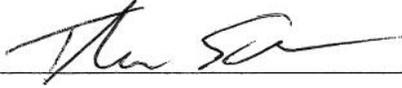
Critical Elements and Other Issues	Specialists	Affected		Comments		Document Review Signature	Date
		Yes	No	Yes	No		
Air Quality*	Heidi Blasius		✓		✓	Heidi Blasius	2/5/13
ACECs*	Deborah Morris		✓		✓	Tom Schnell	2/1/13
Climate Change	Heidi Blasius		✓		✓	Heidi Blasius	2/8/13
Cultural Resources*	Dan McGrew		✓		✓	Dan McGrew	2/6/13
Env. Jus. and Socio-economics	Tim Goodman		✓		✓	Tim Goodman	2/1/13
Floodplains*	Heidi Blasius		✓		✓	Heidi Blasius	2/5/13
Hazardous Materials*	Tom Schnell		✓		✓	Tom Schnell	2/8/13
Lands/Realty	Roberta Lopez		✓		✓	Roberta Lopez	1/29/13
NEPA Maps							
Nonnative/Invasive Plants*	Dave Arthun		✓		✓	Dave Arthun	2-6-13
Native American Rel.*	Dan McGrew		✓		✓	Dan McGrew	2/6/13
Prime/Unique Farmlands*	RJ Estes		✓		✓	RJ Estes	2/9/13
Range	RJ Estes		✓		✓	RJ Estes	2/9/13
Soils	Heidi Blasius		✓		✓	Heidi Blasius	2/5/13
Solid Waste*	Ron Peru		✓		✓	Ron Peru	1/29/13
T&E Animal Species*	Tim Goodman		✓		✓	Tim Goodman	2/1/13
T&E Fish/Fisheries	Heidi Blasius		✓		✓	Heidi Blasius	2/5/13
T&E Plant Species*	Tim Goodman		✓		✓	Tim Goodman	2/1/13
VRM* RON PERU	Deborah Morris		✓		✓	Ron Peru	1/29/13
Water Quality (Grnd. & Srfc.)*	Heidi Blasius		✓		✓	Heidi Blasius	2/5/13
Water Rights	Heidi Blasius		✓		✓	Heidi Blasius	2/4/13
Wetlands/Riparian*	Heidi Blasius		✓		✓	Heidi Blasius	2/5/13
Wild & Scenic River*	Deborah Morris		✓		✓	Tom Schnell	2/1/13
Wilderness*	Deborah Morris		✓		✓	Tom Schnell	2/1/13
Wilderness Characteristics	Deborah Morris		✓		✓	Tom Schnell	2/1/13
Wildlife	Tim Goodman		✓		✓	Tim Goodman	2/1/13

Other

*required by law

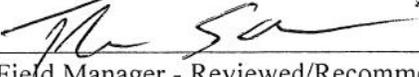
Attachments:

Planning and Environmental Coordinator:



Date:

2/11/13



Date:

2/11/13

Assistant Field Manager - Reviewed/Recommended

AZ-040-1790-2

(Rev. 08/02)

Worksheet
Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA)

U.S. Department of the Interior
Bureau of Land Management (BLM)

Note: This worksheet is to be completed consistent with the policies stated in the Instruction Memorandum entitled "Documentation of Land Use Plan Conformance and National Environmental Policy Act (NEPA) Adequacy" transmitting this worksheet and the "Guidelines for Using the DNA Worksheet" located at the end of the worksheet. (Note: The signed CONCLUSION at the end of this worksheet is part of an interim step in the BLM's internal analysis process and does not constitute an appealable decision.)

A. **BLM Office:** Safford Field Office

Lease/Serial/Case File No. AZA31872

Proposed Action Title/Type: Wild Bill Guide Service SRP

Location of Proposed Action: Safford Field Office

Description of the Proposed Action: Wild Bill Guide Service to provide big and small game hunts in the Safford Field Offices. Participants would include 1-10 clients per trip with approximately 3-5 trips per year. Overnight camping would only occur at the Round Mountain Rockhound Area. Guide to provide food, bottled water, and tents. Cooking would be over campfire with charcoal and cooking stove. Cat holes would be used to dispose of human waste. This is a renewal of a 5-year permit with the same type of activities authorized under the previous permit. The permittee has operated on BLM lands under a permit for over 10 years and there have been no issues or problems.

Applicant (if any): _____

B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans

LUP Name*	Safford Resource Management Plan (RMP)	Date Approved	<u>ROD Part I Sept, 1992 and</u> <u>ROD Part II July, 1994</u>
LUP Name*	_____	Date Approved	
Other document**	_____	Date Approved	
Other document**	_____	Date Approved	
Other document**	_____	Date Approved	

*List applicable LUPs (e.g., Resource Management Plans or applicable amendments).

**List applicable activity, project, management, water quality restoration, or program plans.

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

X The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions) and, if applicable, implementation plan decisions:

The Safford District will endeavor to provide a variety of recreational opportunities that meet public demand and are compatible with the Bureau's stewardship responsibilities.

C. Identify the applicable NEPA document(s) and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

Special Recreation Permits for Commercial Recreation Activities on Public Lands in Arizona EA Number AZ-931-93-001 and EA Number AZ-040-08-14.

DNA for Wild Bill Guide Service AZ-410-2008-0020 12/18/2007.

List by name and date other documentation relevant to the proposed action (e.g., source drinking water assessments, biological assessment, biological opinion, watershed assessment, allotment evaluation, rangeland health standard's assessment and determinations, and monitoring the report).

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed? Yes

Documentation of answer and explanation:

The proposed actions are provided for in the Safford RMP. Additionally the existing special recreation permit EA for commercial recreation activities on public lands in Arizona analyzes day use and multiple day trips for commercial recreation operators who propose activities that comply with the standard stipulations shown in Attachment A of the EA. Much of the EA analyzes overnight camping, multiple day activities, vehicle use, use of pack stock, use of campfires, and use of latrines. Wild Bill Guide Service use of the public lands includes guided hunts for javelina, mule deer and quail in SFO. Overnight camping would be at the Round Mountain Rockhound Area. Tents, meals, and bottled water will be provided by guide service. Cat hole method to be used for disposal of human waste. Cooking will be over camp stove and campfire using charcoal.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances? Yes

Documentation of answer and explanation:

The trips Wild Bill Guide Service propose are included in the types of activities analyzed in the 1993 SRP EA. The type of activities proposed are covered by the analysis of the existing EA.

3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances (including, for example, riparian proper functioning condition [PFC] reports; rangeland health standards assessments; Unified Watershed Assessment categorizations; inventory and monitoring data; most recent Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action? Yes

Documentation of answer and explanation:

The existing EA analyzes two alternatives, the Proposed Action Alternative (issues a commercial permit with stipulations) and the No Action Alternative (no permitting). That range of alternatives adequately covers Wild Bill Guide Service proposed hunts. There has been no significant change in the circumstances or significant new information germane to the Proposed Action. Additional wildlife species have been listed under the Endangered Species Act since preparation of the existing EA. The Safford Field Office reviewed the current Fish and Wildlife Service; County Species List in relation to the actions specified in the permit request in conjunction with the standard special recreation permit stipulations and concluded that there would be no effect from the proposed action on listed species. There are no issues regarding invasive species, water quality, and Environmental Justice.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action? Yes

Documentation of answer and explanation:

The methodology/analytical approach previously used is appropriate for the Proposed Action. Since the existing EA covers a broad range of commercial recreation activities over a large area (public lands in the entire State of Arizona), the analysis is somewhat general in nature. The proposed commercial activities, however, are simple, and really no different than the same activities carried out by thousands of private hunters, hikers, and horseback riders using public lands annually. The analysis in the existing EA is appropriate to cover the effects of the proposed operations.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document sufficiently analyze site-specific impacts related to the current proposed action? Yes

Documentation of answer and explanation:

The direct and indirect impacts of the proposed guiding business are not significantly different than those identified in the existing SRP EA. The impacts of these activities would be less than many of the overnight activities analyzed in the existing EA. Further, additional beneficial economic impacts would result from the issuance of a permit for the proposed guiding activity.

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)? Yes

Documentation of answer and explanation:

The proposed hunting guiding business would not change the analysis of cumulative impacts in the existing EA because it is included in the types of commercial activities analyzed in that EA. Further, the existing environment has not changed substantially since 1993, necessitating further analysis of impacts from commercial recreation uses.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequately for the current proposed action? Yes

Documentation of answer and explanation:

Public involvement in the existing SRP was substantial. About 700 draft EAs were mailed for review and comment during preparation of the analysis. Many individuals, organizations, and agencies were asked to review the draft EA.

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.

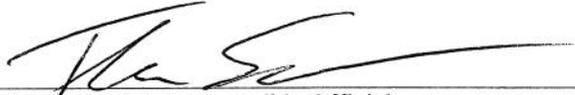
<u>Name</u>	<u>Resource Represented</u>
Thomas Schnell	Recreation/Wilderness/ACECs
RJ Estes	Range
Roberta Lopez	Lands/Realty
Tim Goodman	Wildlife
Dan McGrew	Cultural
Heidi Blasius	Fisheries

F. Mitigation Measures: See attached stipulations.

CONCLUSION

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the existing NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

Note: If one or more of the criteria are not met, a conclusion of conformance and/or NEPA adequacy cannot be made and this box cannot be checked



Signature of the Responsible Official

DECISION:

I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed action is either (a) in conformance with or (b) clearly consistent with terms, conditions, and decisions of the approved land use plan and that no further environmental analysis is required. It is my Decision to implement the project, as described, with the mitigation measures identified below.

Mitigation measures or other remarks:



Field Manager

2/12/13

Date

**Commercial Special Recreation Permit
Permit Stipulations
BLM-Administered Lands
Safford Field Office**

Administration

1. The permit will remain valid only if annual fees have been paid.
2. A post-use report is required within 30 days of the end of the use season. The report will include type and location of activity, length of stay, number of guides and camp employees, number of clients, gross revenues collected, and any problems encountered during the trip. This report will also be used to determine if additional fees are required of the permittee based upon total permitted use. If the permittee desires, use reports may be submitted periodically throughout the permit period. For hunting or fishing trips, the use reports must include a copy of the report required by Arizona Game and Fish Department.
3. The permittee is required to provide the Authorized Officer with a certificate of insurance or valid policy covering the permit period, before any use under this permit begins. The required minimum general liability limits are: \$300,000 bodily injury for any one person; \$600,000 for any one occurrence; and \$30,000 property damage for any one occurrence. The U.S. Government must be named as additionally insured on the policy.
4. For multi-year permits, the permittee is required to contact the Authorized Officer annually, at least 45 days prior to the beginning of the use season, to discuss any changes in the previous year's operating plan. Changes in the operating plan may require additional environmental analysis and permit stipulations, and must be approved by the Authorized Officer.
5. If the permittee's performance is found to be unsatisfactory, the Authorized Officer may modify or revoke the permit at any time.
6. The permittee is required to notify the BLM's Safford Field Office at least two weeks prior to any scheduled trip to provide details on location of camps, location of activity, number in party, etc.
7. The permittee must obtain all permits, licenses, etc. required by the Arizona Game and Fish Department (AGFD) to outfit and guide hunters. The permittee must also comply with all AGFD guiding, hunting, and fishing regulations.

Access

1. This permit shall not be construed in any way as to prevent public use of, or access to, any public lands except as expressly allowed under the permit.

2. The permittee agrees to allow foot and horse access through the walk-through gates on his property to public lands. This privilege does not infer or grant an easement or right-of-way, and is only good for the term of the permit.

Base and Spike Camps

1. Undeveloped base camps will be rotated to different sites to avoid over use.
2. Repeated use of a base camp is authorized if the camp is a developed site. Developed sites may include corrals to contain stock. The Authorized Officer will be notified two weeks prior to establishing and using developed base camps. Additional environmental analysis may be required.
3. The permittee is required to notify the BLM's Safford Field Office at least two weeks prior to any scheduled trip on public lands to provide details on location of camp(s). Camp locations on public lands must be approved by the Authorized Officer before use.
4. No developed base camps are permitted in wilderness.
5. If a choice exists between camping in riparian zones and the adjacent uplands, the permittee is required to camp in the less sensitive areas outside the riparian zones (Please follow Arizona Revised Statute 17-308 stated in #8 below). See the Pack and Saddle Stock Section for further stipulations on overnight camping with pack or saddle stock in riparian zones.
6. Use of corrals, developed water sources, or other livestock management facilities is permitted only after permission has been obtained from the livestock permittee, owner of the facilities, or BLM.
7. No structures or improvements will be allowed to remain after the permitted use. Such structures may include corrals, picnic tables, hanging poles, etc.
8. Arizona Revised Statute 17-308 states that it is unlawful for a person to camp within 1/4 mile of a natural water hole containing water or a human-made watering facility containing water in such a place that wildlife or domestic stock will be denied access to the only reasonably available water. This regulation is enforced by the State of Arizona. In other places where access is not denied to wildlife or domestic stock, camps will be located at least 200 feet from water holes, live water sources (springs, streams, and rivers), or human-made water facilities.
9. Placement of signs on public lands must be authorized by BLM.
10. Unless otherwise established, the maximum length of stay for recreation purposes in any one location is 14 days.

Campfires, Cooking Fires, and Firewood

1. Camp and cooking fires are permitted unless otherwise prohibited during periods of wildfire danger or for other circumstances.
2. The permittee must use existing campfire circles, rather than construct new ones, when they exist. If no fire circle exists, select a site that can be naturalized when you leave. Build your fire away from trees, shrubs and other vegetation. Do not build fires next to rock and avoid the need to encircle your fire with smaller stones. Use smaller firewood that will burn more completely. Make certain the fire is dead out (run your fingers through the ash), scatter the ash, and “naturalize” the area.
3. The permittee may use only dead and down wood for camp and cooking fires. Cutting or removing any live vegetation or standing dead vegetation is prohibited.
4. The permittee must take reasonable precautions to prevent wild land fires.

Cultural Resources

1. Any archaeological or historical artifacts or remains, or vertebrate fossils discovered during construction, maintenance and use shall be left intact and undisturbed; all work in the area shall stop immediately and the Assistant Field Manager for Non-Renewable Resources shall be notified immediately. Commencement of operations shall be allowed upon clearance by the Assistant Field Manager.
2. An additional cultural and paleontological resource survey may be required in the event that the project location is changed or additional surface disturbing operations are added to the project after the initial survey. Any such survey would have to be completed prior to commencement of operations.
3. If in connection with operations under this authorization, any human remains, funerary objects, sacred objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601; Stat. 3048; U.S.C. 3001) are discovered, the permittee shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the Assistant Field Manager for Non-Renewable Resources of the discovery. The permittee shall continue to protect the immediate area of the discovery until notified by the Assistant Field Manager that operations may resume.

Human Waste

Solid human waste must be disposed of individually by the “cat hole” method. “Cat holes” must be excavated to a depth of 6-8 inches, and be at least 200 feet from water. Portable toilets or pits and latrines may be required by the Authorized Officer, if warranted. If porta-potties or other self contained toilet systems are used, sewage and sewage treatment chemicals must be dumped in approved sewage disposal facilities.

Motor Vehicle Use

1. Use of motor vehicles will comply with existing off-highway vehicle designations, as identified in the Safford Field Office Resource Management Plan. Generally, motor vehicles must remain on existing roads and trails, with some exceptions.
2. No motorized equipment, motor vehicles, or other forms of mechanical transport are permitted in wilderness. The permittee is required to know the location of the wilderness boundaries.
3. Turkey Creek Canyon and Oak Grove Canyon are closed to motor vehicle use above the Oak Grove Canyon corral.
4. The riparian zone of Hot Spring Canyon in the Muleshoe Cooperative Management Area is closed to motor vehicle use.
5. The Desert Grasslands Research Natural Area of Critical Environmental Concern (ACEC) is closed to motor vehicle use.
6. Willcox Playa National Natural Landmark ACEC is closed to motor vehicle use.
7. Motor vehicle use in the Gila Box Riparian National Conservation Area is limited to designated roads. Motor vehicles are not permitted in the Gila River Corridor within the NCA.
8. Motor vehicles may travel cross country in the Hot Well Dunes Recreation Area.
9. Motor vehicle use may be restricted in other specially managed areas. Refer to the Safford District and Phoenix RMPs.
10. Do not park vehicles or camp in locations that will interfere with use of livestock facilities (such as corrals) or ongoing livestock operations.

Noxious Plant Stipulations:

1. All equipment and vehicles shall be power washed before going to the site to lessen the chance of introducing noxious weeds.
2. All work must be performed with the intention to incur only the minimum amount of disturbance necessary to achieve the objectives in order to decrease the establishment of noxious weeds.
3. Hay brought to the project site must be certified weed-free. If asked, permittee must be able to provide documentation of certification.
4. Any reclamation efforts requiring seeding will be done with certified, weed-free native seed.

Pack and Saddle Stock

1. Feed and water must be provided for pack and saddle stock while in camp.
2. Stock will be under control in route and in camp to protect soil, vegetation, wildlife, and other livestock.
3. The permittee is encouraged to secure stock outside of the riparian zone. If a choice exists between tying stock overnight in a riparian zone or the adjacent uplands, the permittee is required to tie, hobble, corral, or picket stock overnight outside riparian zones. Exceptions to this requirement are noted in these stipulations.
4. Stock will not be tied directly to trees for greater than one hour. If it is necessary to keep stock tied for any length of time, the permittee must use a picket line to minimize damage to soil and vegetation. The ends of the picket line must be fastened in a manner that will not girdle trees. For multi-day/night camps, picket lines must be rotated to minimize impacts on soil and vegetation. Select a dry area for the picket line to minimize trampling damage.
5. Take only the minimum number of stock needed for the trip.
6. All stock will be under control in route and in camp to protect wildlife, other livestock, soil, and vegetation.
7. No commercial pack or saddle stock are permitted in the riparian zones of the Gila Box Riparian National Conservation Area.
8. Pack and saddle stock are permitted in Aravaipa Canyon and the side canyons within the wilderness. Maximum group size is five animals, and recreation use is limited to day-use only. Pack and saddle stocks are not permitted in the mainstem or side canyons overnight.
9. In the following riparian areas with perennial water, the permittee must comply with the following rules for pack and saddle stock use:
 - (a.) maximum group size for pack and saddle stock is 10 animals.
 - (b.) recreation use is day-use only; no overnight camping with pack and saddle stock is permitted
 - (c.) the permittee is limited to one trip per week in each riparian zone

Gila River outside the Gila Box Riparian National Conservation Area
San Francisco River outside the Gila Box Riparian National Conservation Area
Left Fork of Markham Creek
Redfield Canyon
Bass Canyon
Hot Springs Canyon

Double R Canyon
Wildcat Canyon
Swamp Springs Canyon
Cherry Springs Canyon
Turkey Creek

Private Property, State Lands, and Other Lands

1. The permittee is required to contact private and other landowners, whose property is affected by the use associated with this permit. Evidence that permission has been obtained to use private or other property must be available upon request.
2. The permittee is required to sign The Nature Conservancy's visitor register at the Muleshoe Ranch before continuing along the Jackson Cabin Road.

Trash/Garbage

1. Camps and other areas of use will be kept neat and clean, with no litter.
2. All non-combustible refuse and all unburned combustible refuse must be carried out of the area and disposed of in a county approved disposal site. Burying garbage and trash is prohibited.

Wildlife and Vegetation

1. The permittee is required to camp in the less sensitive areas outside the riparian zones.
2. "Taking" any threatened or endangered animals is prohibited.
3. Permittee may not disturb, remove, or in any way harm threatened or endangered plants.
4. Conviction for the violation of any federal, state, or local laws to include fish or game or other wildlife protection laws, may be grounds for revocation of this permit, and could prohibit the permittee and his/her employees from acquiring future special recreation permits from BLM.
5. Due to possible impacts to jaguar territory, no hunting dogs are allowed south of I-10.

Other

1. Harassment of livestock and wildlife, or destruction of private and public improvements such as fences and gates is prohibited.
2. Gates will be left open or closed, as they are found.
3. The permittee must report any accidents immediately to the Authorized Officer.
4. The permittee will practice a "Leave No Trace" outdoor ethic.

5. Rock hounding is permitted as long as specimens collected are for personal use, not commercial purposes; reasonable amounts are collected, 25 pounds per day plus one piece, not to exceed 250 pounds per year; groups of people may not pool their yearly allotments; and excavation may not be aided with motorized or mechanical devices.

6. Only reasonable amounts of invertebrate fossils may be collected, under the following conditions: 25 pounds per day plus one piece, not to exceed 250 pounds per year; groups of people may not pool their yearly allotments; and excavation may not be aided with motorized or mechanical devices. Vertebrate fossils may not be collected. The permittee is required to report the discovery of any fossils to the BLM.

Site Specific Stipulations

Apache Box

The Apache Box is closed to the discharge of firearms from February 1 through August 15 each year.

Aravaipa Canyon Wilderness

1. The permittee is required to comply with the standard visitor use rules for recreation use in Aravaipa Canyon Wilderness:

- (a) The permittee is required to obtain a permit for each member of the party (within the 50 person per day limit) to visit Aravaipa Canyon or its side canyons within the wilderness. The permit can be obtained from the Safford Field Office. This commercial permit does not guarantee the permittee and party space within the daily 50 person limit. The additional permit is not required for use of the tablelands outside the main or side canyons.
- (b) Reservations for the additional permit can be made three months in advance of the party's entry date.
- (c) Maximum length of stay is three days and two nights.
- (d) Maximum group size is 10 people.
- (e) No pets are permitted.
- (f) Horse (or other pack stock) use is permitted for day use only. Maximum group size is five animals.
- (g) The permittee is required to pay the fee in effect for use of Aravaipa Canyon or the side canyons within the wilderness.
- (h) If any aspect of the permittee's Aravaipa reservation changes (numbers of people, length of stay, etc.), the permittee is required to contact BLM prior to entering the wilderness to amend the reservation/permit.

2. The floodplain of Aravaipa Creek and the first 50 vertical feet above the streambed are open to hunting with bow and arrow only.

Fourmile Canyon Campground

1. If the permittee chooses to camp in Fourmile Canyon Campground, the permittee must use the overflow camping area. Space in the campground, including the overflow camping area, is

filled on a first-come, first-served basis. This permit does not guarantee the permittee space in the campground or overflow camping area.

2. The permittee is required to pay the fee in effect for use of Fourmile Canyon Campground.

Gila Box Riparian National Conservation Area

1. All motorized vehicles are restricted to designated roads only; as described in the Gila Box Management Plan, dated January 1998.
2. No motorized vehicles are allowed in the Gila River Corridor within the boundaries of the Gila Box Riparian National Conservation Area except on designated roads.
3. No commercial pack or saddle stock are permitted in the riparian zones of the Gila Box Riparian National Conservation Area.
4. Fishing **is not** allowed in Bonita Creek. Please follow all fishing regulations in the Arizona Game and Fish Department fishing regulations with special attention paid to Commission Order 40: Fish (Live Baitfish Use Seasons).

Hot Well Dunes Recreation Area

1. The recreation area is closed year around to the discharge of firearms or other weapons, including bows and arrows, BB guns and pellet guns.
2. Camping is limited to 14 days within any period of 28 consecutive days, unless otherwise posted.
3. The permittee is required to pay the fee in effect for use of Hot Well Dunes Recreation Area.
4. Motor vehicles may travel cross country in the Hot Well Dunes Recreation Area.

Muleshoe RMA

1. The road from Reddington, east to the wilderness requires permission from private and State Land owners. Please obtain this prior to trip. Also document this for your records.
2. Permittee must sign roster at The Nature Conservancy Headquarters and register if using the Jackson Cabin access.
3. Group size is limited to a maximum of 15 people in the Redfield Canyon Wilderness.
4. To access Redfield Canyon Wilderness from Reddington (from the west), you must obtain permission from the State Land Department and private landowners to cross their lands. To access the wilderness from the south along the Jackson Cabin Road requires a four-wheel drive

vehicle. The permittee is required to sign the Nature Conservancy's visitor register at the Muleshoe Ranch before continuing along the Jackson Cabin Road.

Turkey Creek

1. The permittee is required to use existing campsites in Turkey Creek Canyon, rather than creating new ones. Please see number 10 under Pack and Saddle Stock for stipulations.
2. Turkey Creek Canyon and Oak Grove Canyon are closed to motor vehicle use above the Oak Grove Canyon corral.

AESO/SE
2-21-00-I-242

July 27, 2000

MEMORANDUM

TO: Manager, Bureau of Land Management, Safford Field Office, Safford, AZ
 040

FROM: Field Supervisor

SUBJECT: Informal Consultation on Special Recreation Use Permits for Safford Field Office

The Service received your undated letter requesting informal consultation pursuant to Section 7 of the Endangered Species Act (Act) for the proposed issuance of Special Recreation Use Permits for horse/mule use in lands administered by the Safford Field Office (SFO), on April 18, 2000. These particular Special Recreation Use Permits regard applications received by the Safford Field Office for commercial and private outfitters to use horse/mules for guided trips on public lands. Areas under request can include open uplands and sensitive riparian areas with perennial water. Appropriate recreation management in riparian areas is a primary concern of the Bureau of Land Management (BLM).

Endangered species are the southwestern willow flycatcher (*Empidonax traillii extimus*)(WIFL) with critical habitat, the cactus ferruginous pygmy-owl (*Glacidium brasilianum cactorum*)(CFPO) with critical habitat, and the razorback sucker (*Xyrauchen texanus*) with critical habitat. Threatened species are the Mexican spotted owl (*Strix occidentalis lucida*)(MSO) with proposed critical habitat, spikedace (*Meda fulgida*) with critical habitat, loach minnow (*Tiaroga cobitis*) with critical habitat, and Little Colorado River spinedace (*Lepidomeda vittata*)(LCR spinedace) with critical habitat. Details of these species' habitats, biology, and distribution are available in the project biological assessment (BA) (6840, 8370) and the Federal Register and are included by reference.

The SFO proposes to limit horse use in riparian areas by commercial outfitters to no more than 10 horses per tour group, at a maximum of one tour group per outfitter, per week, per riparian area, and horses will not be allowed to overnight in any riparian zones. Riparian zones on SFO lands are located in relatively steep-walled and narrow canyons. All rider use in riparian areas will be evaluated for effects on these areas, with adjustments made as permits are evaluated annually and granted through time. Any sites found or known to be inhabited by MSO or CFPO will be avoided or effects by riders will be minimized by requiring riders to quietly pass through an occupied area and continue to ride at least 0.25 mile away before stopping.

maximum per day could potentially be from four to 10 groups (coming in the east end of the canyon) and six to 15 from the west end. Current use is much lower; in 1999, a total of 10 groups were permitted to enter the canyon with horses.

The management plan for the Gila Box RNCA allows for dispersed recreational horseback riding. Commercial horseback riding is not allowed in the riparian areas of the Gila Box RNCA, but commercial riding use could occur in the uplands of the Gila Box RNCA.

The Muleshoe Ecosystem Management Plan allows day use only in Bass Canyon and sets a maximum group size of 15 people for Redfield Canyon Wilderness. Horse/mule use is not specifically addressed in this plan, but is assumed by BLM to be part of the recreational experience of some part of the public using this area. Monitoring was set in place to aid SFO with determining what changes, if any, are needed to regulate and protect the natural resources of the area. Riparian vegetation, bank stability, and the aquatic environment at key sites are minimally checked every three to five years by BLM personnel. Fish are monitored annually by The Nature Conservancy (TNC) and BLM personnel. Visitor use information will be gathered from sign-in stations and visitor contacts and consolidated monthly. Data will be annually analyzed and adjustments will be made as needed.

Species surveys cannot establish absence of a species; they may be used to show presence at any one point in time. Fish surveys are especially difficult to use for establishing presence; fish are small and their presence may be very difficult to detect, or other activities and natural population fluctuations can mask absence/presence. Bird surveys can also be used to indicate presence, but not absence. Designated critical habitat that occurs on SFO lands will be protected and effects will be minimized by stipulations in the special use permits.

Loach minnow

The loach minnow was listed as threatened in 1986 with critical habitat designated on April 25, 2000 (USFWS 2000a).

Loach minnow may occur on the San Francisco River above Clifton. Initial surveys on the San Francisco River above Clifton and below Morenci revealed good habitat conditions but few fish of any species and no loach minnow. These areas were surveyed again in 1998 and 1999 with the same results. Aravaipa Creek throughout the wilderness area is well known for the presence of loach minnow (USFWS 1991a). Aravaipa has experienced annual collections for about 25 years. In 1991, a small transient population was documented in the lowermost segment of Turkey Creek, a tributary to Aravaipa Creek (BLM 1991). A "new" loach minnow population was discovered in Deer Creek (a.k.a. Hell Hole Canyon), a tributary to Aravaipa Creek (BLM 1995).

Aravaipa Creek maintains a self-sustaining population that varies in size from year to year. Recreation use is being managed and will remain with the present restrictions on numbers allowed. This covers both private and commercial use.

spawning. Riparian condition was evaluated in 1999 and found to be at proper functioning condition (BLM and USFWS 1999).

The Aravaipa Creek population remains healthy; however, it is at risk from non-native fish invading the canyon, especially the red shiner (*Cyprinella lutrensis*). The spikedace population in Aravaipa Creek is being monitored annually and is doing well. Recreation use is being managed and the present restrictions on numbers allowed will continue. These restrictions cover both private and commercial use. Trailing of horses in the stream will be discouraged and perpendicular crossings will be encouraged through stipulations in the special recreation permit. The Gila River was inventoried once in a preliminary manner in 1991. Spikedace were not detected. The Gila River (in Arizona) is not expected to contain measurable populations of spikedace due to habitat modification and/or contamination with non-native fishes (Minckley 1973, USFWS 1991b), but further years of surveys will be required for a definitive determination.

The BLM commits to:

1. Restricting recreation use within the Aravaipa Canyon Wilderness, in Aravaipa Creek, to 50 persons per day; 30 from the west side and 20 from the east side.
2. Limiting horse use in Aravaipa Canyon Wilderness to five animals per group and those must be within the 50 maximum for the wilderness area.
3. Monitoring spikedace populations in Aravaipa Creek annually from established transect sites.
4. Monitoring Aravaipa Creek for exotic fish annually.
5. Constructing barrier structures on the lower part of the creek to block exotic fish.

Razorback sucker

In 1981, the State of Arizona and the Service entered into a Memorandum of Understanding (MOU) in an attempt to recover the species to a level that would prevent the need for listing. As a result, attempts were made to establish new wild populations of razorback sucker throughout Arizona. The Gila River, and its tributaries Bonita and Eagle Creeks, received hundreds of thousands of small suckers from 1981 through 1987. The razorback sucker was proposed for listing as endangered in 1990 (USFWS 1990); the razorback sucker listing was finalized in 1991 (USFWS 1991c). Critical habitat was designated in 15 reaches of the Colorado River, including the reach in eastern Arizona on the Gila River from the New Mexico border to the Coolidge Dam (USFWS 1994d).

The Gila River was inventoried once in a preliminary manner in 1991. Bonita Creek has been sampled five times, resulting in one individual razorback sucker being positively identified from photos. A large sucker was observed and photographed. The photos were shown to Dr.s Minckley, Marsh and Douglas, all experts at identifying Arizona native fishes. They concluded without hesitation that the fish was a razorback sucker. No other positive detections since then have been made of fishes in Bonita Creek. Lower Bonita Creek was surveyed extensively twice (1991 and 1992). Upper Bonita Creek was surveyed for Gila chub (*Gila intermedia*) and razorback sucker in 1993, 1996, and 1998.

1999 by BLM personnel and LCR spinedace were not detected. LCR spinedace have not been detected during surveys on any of the SFO land areas.

Mexican spotted owl

The Mexican spotted owl was listed as threatened in March 1993 (USFWS 1993). Critical habitat was proposed in July 2000 (USFWS 2000b).

Surveys for MSO species within SFO lands have been conducted in Aravaipa and Turkey Creeks, and Apache Box in 1991. MSO were not detected. Surveys of Simmon's Peak in the Dos Cabezas Mountains identified potential habitat, but MSO were not detected. On SFO lands, one MSO was observed in a small side canyon of Double R Canyon on the Muleshoe Ranch, south of the Galiuro Mountains, on Nature Conservancy lands, in 1991.

Nesting habitat for the MSO on SFO lands is marginal and limited. Dispersal and foraging habitat does exist, but the amount of use by MSO on SFO lands is unknown.

The BLM commits to:

1. Conduct MSO habitat evaluations; SFO lands contain marginal nesting habitat.
2. Conduct surveys for MSO (in potential habitat like the Aravaipa-turkey Creek area and the Dos Cabezas Mountains, using appropriate protocol if any action is proposed that could alter habitat structure).
3. Evaluate possible effects this species might experience during any present or future proposed activities within its habitat.
4. Manage riparian areas for MSO habitat enhancement. Livestock grazing has been eliminated on some of these areas and are managed for controlled winter grazing on others.
5. Conduct MSO inventories in all potential habitats before implementing any action that will alter habitat structure.
6. Evaluate all riparian areas; results are that they are in proper functioning condition or functioning-at risk with an upward trend.

Cactus ferruginous pygmy-owl

The Arizona population of this species was proposed for listing as endangered on December 12, 1994, with critical habitat, while the Texas population was proposed to be listed as threatened (USFWS 1994e). On March 10, 1997, the Arizona population was listed as endangered, with no critical habitat (USFWS 1997a), and the Texas population was not listed. On July 12, 1999, critical habitat was designated in Arizona, but none of it falls within lands administered by the SFO (USFWS 1999).

Potential exists for the CFPO to occur on SFO lands. Appropriate riparian and xeroriparian habitat occurs in several locations. The permanent flow riparian areas have been evaluated to be at proper functioning condition or functioning-at risk with an upward trend.

most of the use would occur and where the impacts would be heavier, but overall, they would be less damaging to the species' habitat.

No effects are anticipated to occur to MSO, CFPO, or WIFL (should they actually occur) in the Gila River or Bonita Creek within the Gila Box RNCA by horse use by commercial outfitters because horses are not permitted here. The limit of 10 horses per commercial outfitter, per week, per area, and the day use only restrictions, is anticipated to minimize effects to the aquatic habitats. The difficulty of accessing most of these areas will lessen the potential for use by commercial outfitters. Trailing in the stream itself will be discouraged and perpendicular crossings will be encouraged through stipulations of the special use permit.

Indirect effects could occur to MSO, CFPO, or WIFL (should they actually occur) in the form of disturbance if riders passed very close, or stopped and lingered, or camped, near an unknown roost or nest site during the bird's breeding season. Loud and repeated noises early in the breeding season could cause the birds to flush from the nest area more often (using more energy) or possibly abandon a nest site. If MSO, CFPO, or WIFL are located, that area would be avoided by recreational horseback riders where alternate routes are available. If alternative routes are not available, riders will quietly pass the location and stop/camp/rest/picnic at least 0.25 miles away.

The Service concurs with the BLM that these special use permits, as administered and described above, are not likely to adversely affect the loach minnow, spikedace, razorback sucker, little Colorado River spinedace, MSO, CFPO, and WIFL. The special use permits are not likely to adversely affect critical habitat designated for the loach minnow, spikedace, razorback sucker, little Colorado River spinedace, or Mexican spotted owl.

The Service appreciates your efforts on behalf of threatened and endangered species and the public lands they inhabit. Please contact Thetis Gamberg (520/670-4619) or Sherry Barrett (520-670-4617) of my Tucson staff with any questions or concerns. Please refer to concurrence number 2-21-00-I-242 in all future correspondence.

David L. Harlow

cc: Regional Director, Fish and Wildlife Service, Albuquerque, NM (ARD-ES: Steve Chambers)
Field Supervisor, Fish and Wildlife Service, Albuquerque, NM
Michele James, Fish and Wildlife Service, Flagstaff, AZ
State Director, Bureau of Land Management, Phoenix, AZ
John Kennedy, Habitat Branch, Arizona Fish and Wildlife Department, Phoenix, AZ

----- 1995. Memorandum describing the existence of loach minnow population in Deer Creek, tributary to Aravaipa Creek. USDI, Bureau of Land Management, Safford Field Office, Safford, Arizona.

----- 2000. Biological assessment for special use permits (commercial horseback riding). April 2000. USDI, Bureau of Land Management, Safford Field Office, Safford, Arizona.

BLM and USFWS. 1999. Guidance criteria for determinations of effects of grazing permit issuance and renewal on threatened and endangered species. Bureau of Land Management, Arizona State Field Office, Phoenix, Arizona.

Bettaso, R.H., D.D. Dorum, K.L. Young. 1995. Results of the 1992-1994 Aravaipa Creek fish monitoring project. Report to the Arizona Nature Conservancy and USDI, Bureau of Land Management. Assistance Agreement A950-A1-0010, Arizona Game and Fish Department, Phoenix, Arizona.

Knowles, G.W., Marsh P.C. and B.E. Bagley. 1995. The importance of recognizing elusory populations of fishes. Proceeding of the Desert Fishes Council 1994 Symposium. 26:51-52.

Minckley, W.L. 1973. Fishes of Arizona, Arizona Game and Fish Department, Phoenix, Arizona.

----- 1981. Ecological studies of Aravaipa Creek, Central Arizona, relative to past, present and future uses. Final contract report for USDI, Bureau of Land Management. YA-512-CT6-98. Department of Zoology, Arizona State University, Tempe, Arizona.

Roberts, B.C. and R.G. White. 1992. Effects of angler wading on trout eggs and pre-emergent fry. North American Journal of Fisheries Management. 12:450-459.

USFWS. 1986a. Endangered and threatened wildlife and plants; final rule to determine threatened status for the loach minnow. US Fish and Wildlife Service, Washington, D.C. Fed. Reg. 51(208):39468-39478.

----- 1986b. Endangered and threatened wildlife and plants; final rule to determine threatened status for the spikedace. US Fish and Wildlife Service, Washington, D.C. Fed. Reg. 51(126):39468-39478.

----- 1987. Final rule to determine Little Colorado River spinedace (*Lepidomeda vittata*), to be a threatened species with critical habitat. US Fish and Wildlife Service, Washington, D.C. Fed. Reg. 44(208):61556-61558.

----- 1990. Endangered and threatened wildlife and plants; proposal to determine the razorback sucker as an endangered species. US Fish and Wildlife Service, Washington, D.C. Fed. Reg. 55(99):21154-21161.

----- 1997a. Endangered and threatened wildlife and plants; determination of endangered status for the cactus ferruginous pygmy-owl in Arizona. US Fish and Wildlife Service, Washington, D.C. Fed. Reg. 62(46):10730-10747.

----- 1997b. Endangered and threatened wildlife and plants; final determination of critical habitat for the southwestern willow flycatcher. US Fish and Wildlife Service, Washington, D.C. Fed. Reg. 62(140):39129-39147.

----- 1997c. Endangered and threatened wildlife and plants; final determination of critical habitat for the southwestern willow flycatcher: correction. US Fish and Wildlife Service, Washington, D.C. Fed. Reg. 60(161):44228.

----- 1998a. Endangered and threatened wildlife and plants; revocation of critical habitat for the Mexican spotted owl, loach minnow, and spikedace. US Fish and Wildlife Service, Washington, D.C. Fed. Reg. 63(57):14378-14379.

----- 1998b. Razorback sucker, *Xyrauchen texanus*, recovery plan. Denver, Colorado

----- 1998c. Little Colorado River spinedace (*Lepidomeda vittata*) recovery plan. US Fish and Wildlife Service, Region 2, Albuquerque, New Mexico.

----- 1999. Endangered and threatened wildlife and plants; designation of critical habitat for the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*). US Fish and Wildlife Service, Washington, D.C. Fed. Reg. 64(132):37419-37440.

----- 2000a. Endangered and threatened wildlife and plants; designation of critical habitat for the spikedace and the loach minnow; final rule. US Fish and Wildlife Service, Washington, D.C. Fed. Reg. 65(80):24327-24372.

----- 2000b. Endangered and threatened wildlife and plants; proposal proposed designation of critical habitat for the Mexican spotted owl. US Fish and Wildlife Service, Washington, D.C. Fed. Reg. 65(141):45336-45353.

Velasco, A.L. 1994. Fish population sampling: Aravaipa Creek, Graham and Pinal Counties, Arizona, 1991-1992. Report to the Arizona Nature Conservancy and USDI, Bureau of Land Management. Assistance Agreement A950-A1-0010. Arizona State University, Tempe, Arizona.