



United States Department of the Interior

FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE
2369 WEST ORTON CIRCLE, SUITE 50
WEST VALLEY CITY, UTAH 84119

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SAN JUAN RESOURCE AREA

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DEPT. OF THE INTERIOR
BUREAU OF LAND MGMT

In Reply Refer To

FWS/R6
ES/UT
03-1060

July 23, 2003

Memorandum

To: Field Manager, Bureau Land Management, Monticello Field Office, P.O. Box 7, Monticello, Utah 84535

From: Utah Field Supervisor, Ecological Services, U.S. Fish and Wildlife Service, West Valley City, Utah

Subject: Informal Section 7 Consultation, San Juan ATV Safari Permit, Monticello and Moab Field Offices

Based on information provided in your letter and biological assessment of July 16, 2003, we concur with your "not likely to adversely affect" determination for the bald eagle, southwestern willow flycatcher, and Mexican spotted owl, and your determination that the proposed action will not adversely modify or destroy Mexican spotted owl critical habitat.

We base our concurrence in part on the following items described in the biological assessment:

- The nearest known spotted owl nesting site is approximately 1 to 2 miles from the closest ATV route. Mexican spotted owl nesting habitat potential is considered to be low adjacent to the ATV routes.
- The ATV safari is scheduled to occur in late September, after the nesting seasons of the southwestern willow flycatcher and Mexican spotted owl, and before the wintering season of the bald eagle.
- Safari routes will be limited to existing roads and trails that are used daily by recreational vehicles.
- Riparian condition along suitable willow flycatcher habitats is considered properly functioning, and ATVs will be restricted to existing roads and trails in these areas.

In addition to our concurrence, we are providing the following Conservation Recommendations for your consideration:

- Monitor the condition of stream crossings for possible riparian damage, and reroute roads and trails if negative impacts are observed.
- Conduct surveys for southwestern willow flycatchers in suitable habitats along the Arch Canyon and Falls Missile trails. Survey information in coordination with riparian monitoring efforts will allow continued analyses of potential recreational impacts and provide opportunities to minimize impacts if they become apparent. This specific information should also prove more applicable for reviews of recreational activities than is currently provided by functioning condition analyses.
- Continue surveys for the Mexican spotted owl and southwestern willow flycatcher in all suitable habitats in the Moab and Monticello Field Office areas. Survey information can be used to continue evaluations and assist planning of special recreation events with emphasis on minimizing impacts to listed species.

Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination may be reconsidered. We appreciate your interest in conserving endangered species. If further assistance is needed or you have any questions, please contact Laura Romin, at (801) 975-3330 extension 142.



cc: Ron Bolander, Bureau Land Management, State Office, Salt Lake City, Utah
Field Manager, Bureau Land Management, Moab Field Office, Moab, Utah



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Monticello Field Office
P.O. Box 7
Monticello, Utah 84535

6843
(UT-090)

Memorandum

JUL 16 2003

To: Field Supervisor, U.S. Fish and Wildlife Service

From: Field Manager

Subject: Informal Section 7 Consultation, San Juan ATV Safari Permit

Introduction

The Bureau of Land Management (BLM) (Monticello and Moab Field Offices) and the Manti La-Sal U.S. Forest Service (FS) are currently preparing an environmental assessment (UT-090-03-13) to consider the issuance of a Special Recreation Permit (SRP) for a San Juan ATV Safari event. Although the EA also incorporates lands managed by the Manti La-Sal U.S. FS, this informal consultation only covers the agencies preferred alternative and routes that lie within the Moab and Monticello BLM Field Office areas. The purpose of this biological assessment is to analyze and evaluate the potential effects of the issued permit on the threatened or endangered species which occur near the trails/routes proposed to be used.

Agency Preferred Alternative

This alternative includes all the routes in the proposed action with some modifications to help eliminate conflict or environmental impacts.

While on BLM administered lands, all travel would be limited to existing roads and trails. The groups would leave staging areas led by trail guides to the different trailheads. All of the proposed routes are existing roads and trails in the San Juan County road system. Guides that oversee the trip participants would be familiar with the various routes, the SRP stipulations, and would be briefed on cultural, "Leave No Trace" and "Tread Lightly" principles. An operation plan that would be used by San Juan ATV Safari would incorporate the standard land based stipulations (see attachment). In addition, the BLM requires that Archaeological Resources Protection Act (ARPA) training conducted by BLM be given to ATV guides. BLM will provide trail signs to protect cultural resources in sensitive areas. Pending survey results, trails may be modified in order to prevent adverse impacts to cultural properties.

The River House/Lime Ridge route would be modified and would be terminated at River House with no travel to the west of Comb Wash. The private land is beyond BLM's jurisdiction to permit.

John's Canyon route would terminate at the old cowboy camp, which is approximately 2.3 miles past the steam drill hole and homestead (map 15). The trail would be clearly marked and ATV riders would be required to stay on the marked trail. Approval from the Park Service for the portion of road under their jurisdiction would also be required. This permission is being obtained separately. BLM and the FS have no jurisdiction over this land.

The Hook and Ladder route would be modified to avoid impacts to riparian zones. An alternate trail and slick rock route would be marked and ATVs could then avoid the riparian zone. Note that the permit stipulation "for vehicles to minimize vegetative disturbance" is included in the operating plan.

Species List

Eleven of the thirteen routes that traverse BLM land, are within or near, potential or designated critical habitat for the Mexican Spotted Owl (*Strix occidentalis*). Two of the thirteen routes, traverse through an area that is potential southwestern willow flycatcher (*Empidonax traillii extimus*) habitat. All thirteen routes traverse through foraging habitat for the bald eagle (*Haliaeetus leucocephalus*).

Affected Environment

Mexican Spotted Owls

In Utah, Mexican spotted owls (MSO) have a strong association with steep canyon terrain that is cooler and often more humid than surrounding areas. The habitat consists of clumps or stringers of trees and/or canyon walls containing crevices, ledges, or caves. MSOs may also be associated with riparian areas.

There is designated critical habitat and potential breeding habitat according to the 1997 and 1999 Habitat Model developed by Spotskey and Willey within the Moab and Monticello Field Office areas. Surveys to determine the presence of MSOs have been conducted in these areas since 1991. Two Protected Activity Centers (PAC) areas have been identified within the Monticello Field Office area (Dark Canyon and Black Steer) and two PAC areas have also been identified two to three miles southwest of Shafer Canyon within the Moab Field Office area.

Of all the known MSOs to occur within the BLM lands, the Arch Canyon trail traverses the closest to any MSOs. These owls have been found nesting on the Forest Service in Texas Canyon and foraging in Arch Canyon approximately 1 to 2 miles north (up canyon) from where the ATV trail ends. The John's Canyon trail traverses along John's Canyon which was surveyed for MSOs in 1994 by Damian Fagan. He found no spotted owls and stated that the canyon contains some nesting or roosting locations but potential

breeding habitat was thought to be low in this canyon. Surveys are currently being conducted near the Hook and Ladder trail in the Cameo cliffs area and near the Behind the Rocks Trail in Kane and Trough Springs. They are currently in the second year of survey and no Mexican spotted owls have been found as of today.

Some of the trails (Falls Missile, River House Ruin/Lime Ridge Trail, Piute Pass, Jacob's Chair, Bridger Jack, Wooden Shoe, Table of the Sun, and South Cottonwood, Elk Ridge) are inside the designated critical habitat or run within one half mile of potential nesting habitat using a predictive Mexican spotted owl habitat model (Spotskey and Willey 1997 and 1999) that was developed for the state of Utah. Although the trails are near or on top of cliffs, there is not adequate vegetative cover for the spotted owl to be considered good nesting habitat. With the use of aerial photos and field visits, these areas were found to be lacking the common vegetation communities found within spotted owl habitat in Utah such as Douglas fir, mixed conifer, pinyon/juniper with large trees and deciduous riparian or deciduous upland trees. They also lack the microclimatic features such as cooler and more humid conditions. The potential breeding habitats are considered to be low near these trails. These areas do not support the primary constituent elements and by definition are not considered to be critical habitat.

Southwestern Willow Flycatcher

In Utah, the Southwestern willow flycatcher (SWWF) is typically found in mixed native and exotic riparian vegetation, generally dominated by coyote willow, tamarisk, and Russian olive associated with streams, rivers, lakes, springs, and other watercourses and wetlands. Most of the suitable habitat for SWWF is found along the Colorado River and San Juan River. There is a lot of potential habitat found along washes or streams throughout the two resource area. No flycatcher surveys have been conducted along the Arch Canyon or Falls Missile trails, which are two of the three trails proposed which cross or travel along riparian habitat that could be considered potential SWWF habitat. The River House Ruin/Lime Ridge trail ends along the San Juan River. Surveys for SWWF have been conducted along the San Juan River and were found during the migration season, but no SWWFs have been documented during the nesting season along the river. The remainder of the route crosses either dry or intermittent streams with little to no riparian vegetation. In 1994, the section of Indian Creek in which the Falls Missile trail follows was given a riparian functioning condition analysis rating of properly functioning. In 1995, Arch Canyon riparian vegetation was given a riparian functioning condition analysis rating of properly functioning. In 1997, the San Juan River was also given a riparian functioning condition analysis rating of properly functioning.

Bald Eagle

The bald eagle winters throughout the Moab and Monticello Field Office Areas from November 1 through March 31. They can be observed foraging along highways and are most often seen around large water sources such as Lake Powell, the San Juan, and Colorado River, and Recapture Reservoir. The rivers and adjacent riparian and upland areas provide forage such as fish, waterfowl, small mammals, and carrion from deer and sometimes livestock. There have been no known nesting bald eagles in the Moab or Monticello Field Office areas.

Anticipated Impacts of the Agency's Preferred Alternative

Habitat

BLM recognizes that vehicular travel can cause degradation to riparian areas, especially if they are removing vegetation to develop a road or trail. However, the trails proposed for the ATV Safari are already designated roads and trails and have been used for years in the county for recreation. The impacts of the ATV Safari are minimal compared to all the traffic received by these existing roads and trails throughout the year.

This event would have similar impacts as those of the Jeep Safari held in Moab, but on a much smaller scale because of the lower numbers and smaller size (Jeeps vs. ATVs). In Moab, the BLM began monitoring the stream crossings for possible riparian damage resulting from the Easter Jeep Safari. Riparian areas showed no further signs of deterioration directly resulting from the Jeep Safari event. Vegetation density and composition remained constant along the streams from 1991 to 1995. The monitoring consisted of photo trend studies and information gathered from the ride-along monitoring reports.

With the required stipulations given with the permit, education, law enforcement, and ATV ride-along guides, off road travel should be minimal, therefore not impacting any habitat beyond the designated roads and trails.

Wildlife

Direct and indirect impacts to wildlife, especially Mexican spotted owls, southwestern willow flycatchers, and bald eagles will be minimal. Since the ATV Safari will be held from September 25-27, 2003, there will be no effects to the MSO or SWWF during the breeding season and bald eagles are typically not seen within the resource areas until November. If ATVs disturb any of these animals or their prey, they are extremely mobile this time of year and have the ability to move to less disturbed areas. Since ATVs will be confined to the designated roads and trails, the effects to the habitat for these animals should have little to no impact.

Conclusion

The ATV Safari will be held in the fall after the critical nesting periods of the Mexican spotted owl and southwestern willow flycatcher. Wintering bald eagles will not be in the Moab or Monticello Field Office areas yet. Their habitats should not be affected if the stipulations are adhered to throughout the safari. All of the proposed roads and trails are currently designated as roads and trails and are used on a daily basis.

It is the opinion of the Moab and Monticello Field Office Wildlife Biologists that the issuance of the San Juan ATV Safari permit **“may affect but is not likely to adversely affect”** the species discussed in this memorandum and **“will not result in destruction or adverse modification”** of Mexican spotted owl Critical Habitat.

We are requesting your concurrence with this determination.

For additional information, please contact Tammy Wallace at (435) 58

s/SHERWIN N. SANDBERG

2 Attachments:

Acting

- 1- Monticello Field Office Land Based General Recreation Stipulation
- 2- Trail Maps (13)

NOAB

Twallace:sr: 07/14/03 SJATVsafariBA207.03

CHI

cc: moab, (UT-060)

United States
Department of the Interior
Bureau of Land Management
Monticello Field Office

CONVERSATION CONFIRMATION REPORT

With: Laura Romin
Office: U.S. Fish and Wildlife Service
Location: Salt Lake City
Phone: 801-975-3330 ext. 142
Date: May 14, 2003

Purpose of Call/ Conversation:

Informal consultation was initiated with the U.S. Fish and Wildlife Service (USFWS) about the proposed San Juan ATV Safari when I called Laura to discuss the proposed action. I explained to Laura the proposed action and which types of habitats the action would take place in. We discussed issues about the Mexican Spotted Owl (MSO) and Southwestern Willow Flycatcher (WIFL).

Because of the time of the year the action would take place and the fact that it would occur on already existing roads and trails, Laura agreed with me that the BLM should write a Biological Assessment discussing the action and say that we feel that it "may affect, but not likely to adversely affect" the MSO and WIFL.

I told her that I would start working on the biological assessment for her and that I would call her again if I had any questions or changes arose.


Signature



United States Department of the Interior
FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE
2369 WEST ORTON CIRCLE, SUITE 50
WEST VALLEY CITY, UTAH 84119

In Reply Refer To

FWS/R6
ES/UT
03-1124

August 4, 2003

Mr. Scott Steinberg, Acting District Ranger
Manti-La Sal National Forest
Moab/Monticello Ranger District
P.O. Box 386
62 East 100 North
Moab, UT 84532

RE: San Juan ATV Safari, Manti-LaSal National Forest, Section 7 Consultation

Dear Mr. Steinberg:

Based on information provided in your letter of July 30, 2003, we concur with your "not likely to adversely affect" determination for the Mexican spotted owl, and your no effect determination for other threatened and endangered species.

We base our concurrence in part on the following items described in your letter:

- The nearest known spotted owl nesting site is approximately 1 mile from the closest ATV route.
- The ATV safari is scheduled to occur in late September, after the nesting season of the Mexican spotted owl, and before the wintering season of the bald eagle. The event lasts for three days and trail riding is limited to two groups of a maximum fifteen riders and two guides per trail.
- None of the Forest Service proposed routes traverse suitable southwestern willow flycatcher habitat, and the safari occurs outside of the southwestern willow flycatcher breeding season.
- Safari routes will be limited to existing roads and trails that are used daily by recreational vehicles. There will be no new surface disturbance and no off-road travel is permitted; therefore no habitat loss or modification is expected as a result of the ATV safari.

In addition to our concurrence, we are providing the following Conservation Recommendations for your consideration:

- Monitor the condition of stream crossings for possible riparian damage, and reroute roads and trails if negative impacts are observed.
- Continue surveys for the Mexican spotted owl and southwestern willow flycatcher in all suitable habitats in the Moab and Monticello Ranger District areas. Survey information can be used to continue evaluations and assist planning of future special recreation events with emphasis on minimizing impacts to listed species.

Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination may be reconsidered. We appreciate your interest in conserving endangered species. If further assistance is needed or you have any questions, please contact Laura Romin, at (801) 975-3330 extension 142.

Sincerely,



Henry R. Maddux
Utah Field Supervisor