

FINDING OF NO SIGNIFICANT IMPACT
FOR ISSUANCE OF A PERMIT
TO ALLOW INCIDENTAL TAKE OF THREATENED AND ENDANGERED SPECIES
UNDER SECTION 10(a)(1)(B) OF THE ENDANGERED SPECIES ACT
TO THE EL CORONADO RANCH AND CATTLE COMPANY
COCHISE COUNTY, ARIZONA

The U.S. Fish and Wildlife Service (Service) has adopted an environmental assessment (EA) for a Habitat Conservation Plan (HCP) for Federally threatened and endangered species on the El Coronado Ranch (ECR) in Cochise County, Arizona. ECR is in the West Turkey Creek (WTC) watershed of the Chiricahua Mountains. The EA evaluates the potential environmental effects of the issuance of a section 10(a)(1)(B) permit, required by the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended (Act), for the incidental take of Yaqui chub (*Gila purpurea*) and Yaqui catfish (*Ictalurus pricei*) associated directly or indirectly with operation, maintenance, and use of water facilities as part of a ranching enterprise and related activities. The unlisted Yaqui form of longfin dace (*Agosia chrysogaster*) is covered by the HCP. The unlisted species provision provides for the issuance of further permits for the incidental take of species not presently listed under the Act, but which might become listed during the term of the proposed permit. The term of the permit is for 25 years from the date of issue. Documents reviewed in the preparation of this Finding of No Significant Impact include the combined EA/HCP and the Implementing Agreement. All documents are incorporated herein, by reference, as described in 40 CFR 1508.13.

On November 25, 1997, the Applicant submitted to the Service an application for a section 10(a)(1)(B) permit, along with a HCP and its accompanying Implementing Agreement. The HCP establishes measures to minimize the take of Plan Species on-site during operation and maintenance of water structures, and for ranching and related activities. The plan contributes to the conservation and recovery of the listed species in addition to other species of concern. The permit allows the take of Yaqui chub and Yaqui catfish that may result from direct and indirect mortalities due to management actions and resulting changes in habitat conditions. This take is unquantifiable. Take is also anticipated to occur through habitat modification (harm) and harassment and is also unquantifiable.

ALTERNATIVES CONSIDERED

The alternatives to this project as proposed are: a) the No Action alternative; b) the Proposed Action (Preferred), which is issuance of the section 10(a)(1)(B) incidental take permit to allow the incidental take of listed fish species from the ECR; and c) Alternatives Considered but Rejected.

1. **No Action**

This alternative assumes no application for incidental take is processed and no activities pursuant to that permit are undertaken. Water would continue to be diverted, ditches and control structures would remain in use, and ponds would be maintained for livestock watering. Incidental take would be avoided where possible, but might likely occur, jeopardizing reasonable ranching operations and development. Actions to enhance and recover chub would be hampered by a lack of agreements relative to access, information exchange, and recovery actions. This alternative would result in restrictions on both land use and conservation.

2. **Proposed (Preferred) Action**

The proposed (preferred) action is direct issuance of a permit to Applicant under section 10(a)(1)(B) of the Act, authorizing incidental take of Yaqui chub, Yaqui catfish, and Yaqui form of longfin dace that may occur under current and future circumstances. The anticipated on- and off-site consequences of the proposed action are addressed in Section 5.2 of the EA/HCP. A HCP has been developed as part of the proposed alternative to minimize and mitigate for incidental take of the Plan Species. The HCP is habitat and ecosystem oriented, including provisions for habitat maintenance, consideration of grazing adjustments to minimize impacts, prevention and repair of adverse watershed modification, monitoring provisions, and cooperation among Applicant, agencies, and organizations involved.

Issuance of a section 10(a)(1)(B) permit will lead to implementation of a conservation strategy for Yaqui chub, Yaqui catfish, and the Yaqui form of longfin dace (on both private lands and leased grazing allotments) by ECR and partners for maintaining and restoring populations in the WTC watershed. This strategy uses existing, off-stream ditches and ponds as refuge and rearing sites and watershed enhancement measures (*i.e.*, installation of sediment-trapping gabions on ephemeral channels) to improve both watershed and stream condition. The strategy is compatible with step-down objectives 2.2, 2.4.3, 2.5, 4.4, and 5.4 of the Yaqui Fishes Recovery Plan (FWS 1994).

The proposed action includes the following mitigating actions:

- Manage diversions to maintain a balance of water supply in both West Turkey Creek (WTC) and ponds to enhance survival of Plan Species.
- Perform routine maintenance at Applicant expense on all components of the water-delivery system and ponds to ensure they remain in good repair.
- Maintain water levels and biological conditions in ponds where fishes of concern are located to ensure adequate habitat to the extent possible given the variable water supply from WTC. To the extent possible, avoid reintroduction of and eliminate non-indigenous predators and competitors of resident populations of chub and other species of concern.

- Implement plans which minimize adverse impacts of livestock grazing in the watershed on native fish habitat or indigenous fishes.
- Avoid adverse modifications to the watershed on private land that may negatively impact native fish habitat or indigenous fishes.
- Allow Agency personnel access to ECR on reasonable notice where necessary for monitoring, sampling, research and other activities including translocation and reintroduction of fishes, when related to management of species and habitats of concern.

This alternative was selected as the proposed (preferred) action because it will allow continued ranching operations while offsetting potential adverse impacts to species of concern. The alternative further provides measures commensurate with and complementing or directly applicable to recovery actions delineated in the Rio Yaqui Fishes Recovery Plan (FWS 1994) and provides a net benefit to the species.

3. Alternatives Considered but Rejected

Three additional options were rejected as invariable except under conditions where Alternative 1, above, might prevail.

Request removal of chubs from private lands. This alternative does not support chub recovery from endangered status and for enhancement to minimize the potential for future listing of the Yaqui form of longfin dace. It is further unacceptable due to ongoing interest and dedication of Applicant to conserving the indigenous biota.

Petition to down- or delist. Since alternative criteria for downlisting have not been met and delisting is unlikely in the foreseeable future due to the chub's limited range in the USA (FWS 1995), it is unlikely that a petition to downlist would be warranted.

Await regional Section 10(a)(1)(B) permit. The Applicant could wait for completion and implementation of a Service regional Section 10(a)(1)(B) permit for operations and development on ECR. Such delay does not serve the best interests of the Applicant or the native biota. Development of a regional HCP is unlikely.

PUBLIC AVAILABILITY AND PUBLIC COMMENT

The Service published a Notice of Availability of an EA/HCP and Receipt of Application for an

Incidental Take Permit for the El Coronado Ranch and Cattle Company, in the Federal Register on January 4, 1998. Publication of the notice initiated a 30-day comment period, which closed on January ??, 1998. The notice, EA, and supporting documents were mailed to government agencies, private organizations, libraries for the Cochise County, and interested individuals. The FONSI is attached to the EA.

FINDINGS AND MITIGATION

In summary, the Service finds that the proposed issuance of a section 10(a)(1)(B) permit for the take of Plan Species on the El Coronado Ranch will not have a significant effect on the human environment because:

1. No habitat will be permanently lost. Temporary losses will be minimized and mitigated to the maximum extent practicable, and monitored;
2. Implementation of the preferred alternative should support the conservation and recovery of the Plan Species;
3. The take of listed species will not appreciably reduce the likelihood of survival and recovery of the species in the wild;
4. The impact upon populations of native species, including sensitive species, will be minimal and should lead to a net benefit;
5. The proposed take is incidental to an otherwise lawful activity; and,
6. Irreversible and irretrievable commitments of resources will be limited to the employee hours, supplies, and funds used to process the application for the section 10(a)(1)(B) permit.

RELATED DOCUMENTS

US Fish and Wildlife Service. 1997. Environmental Assessment and Habitat Conservation Plan for issuance of an Endangered Species Act Section 10(a)(1)(B) Permit for incidental take of Yaqui chub (*Gila purpurea*) and other Rio Yaqui fishes for ranching and related activities on El Coronado Ranch and associated grazing allotments on West Turkey Creek, Cochise County, Arizona. Prepared by W. L. Minckley, Department of Zoology, Arizona State University, Tempe, Arizona; and Douglas K. Duncan, Ecological Services, US Fish and Wildlife Service, Phoenix, Arizona.

U.S. Fish and Wildlife Service. 1997. Implementing Agreement, El Coronado Ranch, West Turkey Creek, Cochise County, Arizona, Habitat Conservation Plan to establish a program for the conservation of Yaqui chub, Yaqui form of longfin dace, and Yaqui catfish. 17pp.

US Fish and Wildlife Service. 1994. Rio Yaqui Fishes Recovery Plan. USDI Fish and Wildlife Service, Albuquerque, New Mexico. 48pp.

DETERMINATION

Based upon the information in the EA/HCP, the documents referenced above, and supporting documents in the Service's files, I have determined that the approval of a section 10(a)(1)(B) permit for incidental take of the federally listed Yaqui chub and Yaqui catfish, with provisions for the unlisted Yaqui form of longfin dace, associated directly or indirectly with operation, maintenance, and use of water facilities as part of a ranching enterprise is not a major federal action and will not significantly affect the quality of the human environment within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969. Therefore, an environmental impact statement will not be prepared.

It is my decision to issue the section 10(a)(1)(B) permit for ranching and related activities on El Coronado Ranch and associated grazing allotments on West Turkey Creek, Cochise County, Arizona.

Regional Director

Date