



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

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October 19, 2007

*In Reply Refer To:*  
6840 (CA930)P

EMS TRANSMISSION: 10/19/07  
Information Bulletin No. **CA-2008-003**

**To:** District Manager, California Desert  
Field Managers, El Centro and Palm Springs-South Coast

**From:** State Director

**Subject:** Proposed Rule to Revise Critical Habitat for Peninsular Bighorn Sheep (*Ovis canadensis nelsoni*) and Proposed Taxonomic Revision **DD: 12/05/07**

On October 10, 2007, the Fish and Wildlife Service (Service) published a proposed rule (*Federal Register* 72: 57739-57780) to revise critical habitat for Peninsular bighorn sheep (*Ovis canadensis nelsoni*). (See Attachment 1.) The proposed rule would designate approximately 384,410 acres as critical habitat for Peninsular bighorn sheep, of which about 92,454 acres are administered by BLM. The overlap of proposed critical habitat with BLM administered land is distributed among the following critical habitat units: San Jacinto Mountains (3,757 acres), North Santa Rosa Mountains (44,669 acres), South Santa Rosa Mountains (16,266 acres), and Carrizo Canyon (27,762 acres). In this proposal, the Service also proposes to revise the taxonomy of Peninsular bighorn sheep from a Distinct Population Segment (DPS) of *Ovis canadensis* to a DPS of the subspecies *Ovis canadensis nelsoni*. The Service is preparing a draft economic analysis of the proposed critical habitat that will be released for public review and comment at a later date.

This proposal to revise critical habitat for Peninsular bighorn sheep stems from a lawsuit filed against the Service by the Agua Caliente Tribe and others challenging the February 2001 final rule (*Federal Register* 66: 8650-8677). In the February 2001 final rule, the Service designated 844,897 acres of Peninsular bighorn sheep critical habitat, of which approximately 244,008 acres were Federal lands managed by BLM or the U.S. Forest Service. A consent decree resulting from the lawsuit reduced the current amount of designated critical habitat to about 814,972 acres. The currently designated critical habitat remains in effect until the Service completes a new revised final designation.

The proposed rule solicits information on several topics, including whether any areas should or should not be excluded from the revised designation under section 4(b)(2) of the Act and why.<sup>1</sup>

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<sup>1</sup> Section 4(b) of the ESA requires the Service to designate critical habitat, and make revisions thereto, on the basis of the best scientific data available and after taking into consideration the economic impact, and any other relevant impact, of specifying any particular area as critical habitat. **The Service may exclude any area from critical habitat if it determines that the benefits of such exclusion outweigh the benefits of specifying such area as**

Of the lands considered essential to the conservation of Peninsular bighorn sheep, the Service is proposing to exclude approximately 4,512 acres of Agua Caliente Band of Cahuilla Indians Tribal land and approximately 19,211 acres of private land covered under the draft Coachella Valley Multiple Species Habitat Conservation Plan (MSHCP). However, no BLM lands are proposed for exclusion. The Service has specifically solicited comments on whether Federal land managed by BLM and State land managed by the California Department of Fish and Game should also be considered for exclusion, based on the agencies' status as partners to the Coachella Valley MSHCP through a Memorandum of Understanding.

Please review the proposed rule, and associated maps, and advise CA-930 (Attn: Ed Lorentzen) if you have comments or suggestions regarding the proposed rule. The deadline for submitting comments to the Service is December 10, 2007. Please provide us with your comments, if any, in electronic format by the close of business December 5, 2007.

In December 2001, we requested that the Service adjust the critical habitat boundary to exclude several existing sand and gravel mines in western Imperial County, as well potential expansion areas. (See Attachment 2.) This request was based on information submitted to BLM by Imperial County subsequent to the February 2001 final rule regarding economic effects that were not considered by the Service in its Economic Analysis of the original critical habitat designation. Please coordinate with Imperial County regarding the areas in question to ensure that our comments on the proposed critical habitat revision adequately address the issues raised in our December 2001 correspondence.

Questions regarding this proposed rule may be directed to Ed Lorentzen at (916) 978-4646.

Signed by:  
James Wesley Abbott  
Associate State Director

Authenticated by:  
Richard A. Erickson  
Records Management

**Attachment**

- 1 - Proposed rule to revise critical habitat for Peninsular Bighorn Sheep (*Ovis canadensis nelsoni*) (41 pp.)
- 2 - Memorandum to FWS from the Acting State Director requesting an adjustment in the critical habitat boundary for Peninsular Bighorn Sheep (3 pp.)

Distribution

WO-230 (Attn: Steve Lydick)

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**part of the critical habitat**, unless it determines, based on the best scientific and commercial data available, that the failure to designate such area as critical habitat will result in the extinction of the species concerned.