

## **Appendix G**

### **U.S. Fish and Wildlife Service Section 7 Letter**





# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Ecological Services  
764 Horizon Drive, Building B  
Grand Junction, Colorado 81506-3946

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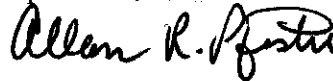
IN REPLY REFER TO:  
ES/CO:BLM/GSFO  
TAILS 65413-2007-F-0036

February 7, 2007

## Memorandum

To: Field Manager, Bureau of Land Management, Glenwood Springs Field Office,  
Glenwood Springs, Colorado

From: Western Colorado Supervisor, Fish and Wildlife Service, Ecological Services, Grand  
Junction, Colorado



Subject: Roan Plateau Resource Management Plan

This responds to your January 8, 2007, letter requesting consultation under section 7 of the Endangered Species Act for the Roan Plateau resource management plan amendment (RMPA). We received the final biological assessment for the RMPA on January 9, 2007. As documented in the biological assessment, you have determined that the RMP may affect, but is not likely to adversely affect, the Canada lynx (*Lynx canadensis*), Mexican spotted owl (*Strix occidentalis lucida*), and bald eagle (*Haliaeetus leucocephalus*). You have also determined that the RMP would involve the depletion of water from the upper Colorado River watershed, which may affect the four endangered Colorado River fish: Colorado pikeminnow (*Ptychocheilus lucius*), razorback sucker (*Xyrauchen texanus*), humpback chub (*Gila cypha*), and bonytail (*Gila elegans*).

Under the proposed RMPA, a total of 44,267 acres of lands not currently available for oil and gas leasing within the Roan Plateau planning area would be made available. The proposed RMPA also includes land use and resource management actions associated with other minerals, grazing and range management, recreation, motorized or mechanized travel, fire, and resource protection or restoration, among other issues. The need for the RMPA and associated environmental impact statement arose because of the transfer of management responsibility for Naval Oil Shale Reserves (NOSRs) No. 1 and 3 from the U.S. Department of Energy (DOE) to the Bureau of Land Management (BLM) for the stated purpose of making those lands available for oil and gas leasing and development within the context of multiple-use, sustained-yield management.

Because you have determined that the proposed RMPA would not affect the black-footed ferret (*Mustela nigripes*), southwestern willow flycatcher (*Empidonax trailii extimus*), Dudley Bluffs (=Piceance) twinpod (*Physaria obcordata*), and Uinta Basin hookless cactus (*Sclerocactus glaucus*), consultation and concurrence are not necessary on these species. The biological assessment also includes treatment of Federal candidate species and species that we have been

petitioned to include on the list of threatened and endangered species. We applaud the inclusion of the protections outlined in the biological assessment for these species. However, because these species are not included on the list of threatened and endangered species at this time, they are not addressed in this memorandum (other than the technical assistance provided below). Should any of these species become listed as threatened or endangered at a future date, consultation under section 7 of the Endangered Species Act should be initiated at that time.

You have requested our concurrence with your determination that the Roan Plateau RMPA may affect, but is not likely to adversely affect the Canada lynx, bald eagle, and Mexican spotted owl. We concur with your determination for these three species based on the following:

#### Lynx

- 1) The Roan Plateau is isolated to some degree from other areas containing suitable habitat for the lynx.
- 2) The Roan Plateau contains a relatively small amount of potentially suitable lynx habitat compared to that needed to support lynx residency. Long-term use of the planning area by lynx is not expected (for these reasons, lynx habitat was not mapped within the planning area during the lynx habitat mapping effort for the Glenwood Springs Field Office resource area).
- 3) We have no records of lynx within the planning area. We are aware of some lynx activity recorded by satellite adjacent to the planning area near Piceance Creek. This activity was likely from a transitory individual moving through the area.
- 4) Most of the relatively small habitat patches within the planning area that may be suitable for lynx are protected by a no surface occupancy provision (NSO). Furthermore, only one percent of the area on top of the Roan Plateau could be disturbed at any one time.

#### Bald Eagle

- 1) Long-term ground disturbing activities would be prohibited within 0.5 mile of the Colorado River and within bald eagle winter range, as mapped by the Colorado Division of Wildlife, which primarily occurs along the Colorado River. The most sensitive and important bald eagle habitats in or adjacent to the planning area are found along the Colorado River.
- 2) A 0.25 mile buffer prohibiting long-term ground-disturbing activities would be placed around all bald eagle nest and roost sites. Additionally, a 0.5 mile seasonal buffer prohibiting ground-disturbing activities would be placed around bald eagle nest and roost sites. This protective buffer would apply to other actions with the potential to disturb nesting or roosting eagles as well, such as geophysical exploration.

#### Mexican Spotted Owl

- 1) The Mexican spotted owl has not been documented in the planning area, or in Garfield County. The nearest Mexican spotted owl observations are from Pitkin and Moffat counties.

- 2) Classic or prime Mexican spotted owl habitat is rare within the planning area. Potentially suitable habitat may exist within the Magpie Gulch Area of Critical Environmental Concern (ACEC) or along the perennial streams on top of the Plateau; however, these areas are protected by an NSO stipulation.
- 3) A 0.25 mile buffer prohibiting long-term ground-disturbing activities would be placed around any Mexican spotted owl nest. Additionally, a 0.5 mile seasonal buffer prohibiting ground-disturbing activities would be placed around Mexican spotted owl nests during the nesting season. This protective buffer would apply to other actions with the potential to disturb nesting spotted owls, such as geophysical exploration.

The Service concurs with your determination that water depletions associated with activities proposed under the Roan Plateau RMPA would adversely affect the Colorado pikeminnow (*Ptychocheilus lucius*), razorback sucker (*Xyrauchen texanus*), humpback chub (*Gila cypha*), and bonytail (*Gila elegans*) and their designated critical habitats. Projected water depletions associated with the project (83.6 acre-feet/year) are less than 100 acre-feet/year and can be addressed by the programmatic biological opinion issued to the BLM on June 13, 1994 (amended March 2, 2000 and September 27, 2005) for small water depletions caused by BLM authorized activities in the Colorado River basin in Colorado (biological opinion number ES/GJ-6-CO-94-F017). This biological opinion does not require individual consultation for each small depletion project but it does require the BLM to provide the Service an annual report of all water depletions associated with BLM authorized activities. Therefore, the Glenwood Springs Field Office should include the depletions associated with the Roan Plateau RMPA in the annual report to the BLM State Office.

You have provided various protections for both listed and non-listed species, and their habitats, in the Roan Plateau RMPA. We would like to commend you for these protective measures and add our support. We have two additional recommendations for resource protection that we have not found in the RMPA. First, although candidate and sensitive plant species would be protected from long-term ground-disturbing activities, it appears that they may not be fully protected from actions involving short-term disturbance (e.g., pipeline installation, geophysical exploration). We recommend that they be protected from all actions involving ground disturbance. Second, although various stipulations in the plan would serve to protect water quality, details regarding water quality testing and monitoring appear to be lacking. We recommend that surface water be regularly tested to ensure that its quality is being maintained in the face of increased natural gas extraction. For example, water samples could be periodically taken in the primary creeks on the Roan Plateau prior to leaving BLM land (i.e., East Fork and East Middle Fork of Parachute Creek and Ben Good Creek). The water should be tested for contaminants potentially associated with hydrocarbon extraction and surface disturbance in this area, such as total hydrocarbons, salinity, sediment load, possibly selenium, etc. This way, water quality impacts could be identified and corrective actions taken, if necessary. Water quality maintenance is important for the Colorado River cutthroat trout (*Oncorhynchus clarki pleuriticus*), which lives in these streams, as well as the endangered Colorado River fish occurring downstream.

No further consultation pursuant to section 7 of the Endangered Species Act of 1973, as amended, is required at this time. If you become aware of new information regarding the design or timing of the proposed project or the occurrence of listed species in the vicinity of the project area, we recommend that you contact us as soon as possible to assess any potential impacts to listed species and the need for further consultation.

If you have any questions, please contact Creed Clayton of my staff at (970) 947-5219.

CClayton:BLMGSFORoanPlateauRMPADepletion&CL.doc:020707