



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

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### Memorandum

**To:** Manager, California-Nevada Operations Office, U. S. Fish and Wildlife Service  
2800 Cottage Way, Suite W-2610, Sacramento, CA 95825

**From:** Acting State Director, California

**Subject:** Request to Adjust Critical Habitat Boundary for Peninsular Ranges Bighorn Sheep

Subsequent to the publication of the final rule designating critical habitat for the Peninsular Ranges population of bighorn sheep (*Federal Register* 66:8650-8677), we received information from Imperial County regarding economic effects that were not considered in the Economic Analysis conducted by the Fish and Wildlife Service pursuant Section 4(b)(2) of the Endangered Species Act (ESA). The present critical habitat boundary includes several existing sand and gravel mines in western Imperial County, as well potential expansion areas. This area of concern is at the periphery of the Peninsular bighorn sheep's current range. The requested boundary adjustment is depicted on the attached GIS map. The rationale for the requested boundary change is described below.

#### Economic Factors Related to Critical Habitat Designation

The negative economic impacts identified by the County resulting from the Peninsular bighorn sheep critical habitat designation involve existing and future sand and gravel mining activities along the base of the Coyote Mountains in western Imperial County. This source of aggregate is located approximately 25 west of El Centro, north of the town of Ocotillo. The alluvial fan material at the base of this desert range provides the major source of construction aggregate for Imperial County. Major sand and gravel pits along this alluvial fan include those operated by Val Rock Inc., Granite Construction, Cal-Grade Company, and the Imperial County Public Works Department.

In addition to high quality aggregate, this area is located relatively close to the market (i.e., within 30 miles of the towns of El Centro, Brawley, Calexico and the Naval Air Facility), as compared to the other major source of similar aggregate (Frink area) near the south shore of the Salton Sea (i.e., approximately 35 to 60 miles from the market).

Data from Caltrans indicate that approximately \$250 million worth of road construction and maintenance is tentatively planned for Imperial County over the next three to four years (i.e., 2001 to

2005). The dollar value of the proposed projects could rise due to increased costs, such as rising energy prices, in California. The aggregate for the planned projects will be supplied primarily from the mining sites near the Coyote Mountains. If the mining operations in this area are significantly restricted or shut down, project costs would increase, especially due to long hauling distances from other mineral material sources. This could negatively impact highway safety due to increased volume and intensity of truck traffic related to construction activities. In addition, the existing competitive environment of highway contractors could be altered and even preclude some contractors from winning future projects (due to increased costs from long hauls to construction sites). Other concerns would include delays in construction schedule and potential decrease in aggregate quality.

Furthermore, if mining operations in the Coyote Mountains are impacted, shut down or confined to a limited area or a specified quantity of mineral resources, a large number of employees and residents of the Imperial Valley will be impacted. With the loss of building materials and without the need for supporting businesses (e.g., the trickle down effect), the economic impact on the Imperial Valley would be significant.

According to a new study (October, 2001) released by the Construction Materials Association of California (CMAC), policymakers and planners have failed to consider whether local supplies of construction aggregates will be available to meet the state's urgent need of upgrading, maintaining and building new infrastructure. Maintaining access to locally available aggregates is especially critical, as investment in California's crumbling infrastructure has been identified as one of the state's most pressing concerns. Overcoming deficiencies in the maintenance and development of transportation systems, school facilities and affordable housing will depend upon local, low-cost, and large sources of aggregates.

The study also shows that throughout California, many local sources of permitted aggregate supplies are rapidly running out. Without local, low-cost and accessible quality aggregates, California communities will be unable to sustain an attractive quality of life or economy. Local and county jurisdictions will need to give greater consideration to aggregates in their land-use planning and policies, and provide for the development of these resources at the local level.

### Biological Considerations

The boundary change in the Coyotes and Jacumbas would affect approximately 8,000 acres – less than 1% of the 844,897 acres of currently designated critical habitat. The biological effects of removing the western Imperial County alluvial fan area from designated critical habitat are difficult to quantify. However, they are not expected to be significant for the following reasons. As can be seen from the attached map, the areas currently subject to sand and gravel mining are highly disturbed and do not likely provide the constituent elements essential for feeding, resting, reproduction and population recruitment, dispersal, connectivity between ewe groups, and isolation from detrimental human disturbance.

From a regulatory standpoint, the requested critical habitat boundary adjustment should have little, if any, impact on the level of protection provided to Peninsular bighorn sheep because BLM will continue to consult on any proposed actions that may affect the species regardless of whether they

are within designated critical habitat. Because the western Imperial County sand and gravel mines and potential expansion areas are within the range of the species, the consultation requirement of Section 7(a)(2) of the ESA would continue to apply. For geographical areas that are within the range of Peninsular bighorn sheep, the final critical habitat rule notes:

Because areas proposed for critical habitat are within the geographic range of bighorn sheep, activities that may affect critical habitat may also affect the species, and would thus be subject to consultation whether or not critical habitat is designated. We believe that any project that would adversely modify or destroy critical habitat likely would also jeopardize the continued existence of the species, and that reasonable and prudent alternatives to avoid jeopardizing the species would also avoid adverse modification of critical habitat.

Given the similarity of the standards for “jeopardy to the species” and “adverse modification of critical habitat,” removal of the requested area from designated critical habitat should not diminish the regulatory protection provided to Peninsular bighorn sheep under Section 7(a)(2) of the ESA. If the above citation from the final rule does not accurately reflect the Service’s current position concerning the effects that critical habitat designation (or the lack thereof) has on interagency consultations conducted pursuant to Section 7(a)(2) of the ESA, please advise.

In view of the above considerations, we hereby request that you consider adjusting the critical habitat boundary for Peninsular bighorn sheep, as depicted on the attached map. Questions regarding this issue may be directed to Greg Thomsen in the El Centro Field Office at (760) 337-4410.

/s/ Mario Gonzalez

Attachment

1 - Map of Sand and Gravel Operations in Critical Habitat for Peninsular Bighorn Sheep

cc: Field Supervisor, Carlsbad Field Office (w/ attachment)  
Field Manager, El Centro Field Office (w/o attachment)  
District Manager, California Desert (w/o attachment)