



United States Department of the Interior

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BUREAU OF LAND MANAGEMENT
ROSWELL FIELD OFFICE

August 17, 2006

Memorandum

To: Field Office Manager, Bureau of Land Management, Roswell Field Office, Roswell, New Mexico

From: Acting Field Supervisor, U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office, Albuquerque, New Mexico

Subject: Section 7 consultation (22420-2006-I-0144). Re-initiation for BLM/BLNWR Habitat Protection Zone

Thank you for your Biological Assessment (BA) for authorized actions, within the Bureau of Land Management/Bitter Lake National Wildlife Refuge Habitat Protection Zone (HPZ), Chaves County, New Mexico, received on June 28, 2006. The Bureau of Land Management (BLM) is re-initiating consultation because new species have been listed as threatened or endangered since the 1997 Resource Management Plan was consulted on (Consultation #2-22-96-F-102) and these species may be affected by BLM land management actions (primarily oil and gas activities). You request concurrence that the proposed project "may affect, is not likely to adversely affect" the endangered Roswell springsnail (*Pyrgulopsis roswellensis*), the endangered Koster's springsnail (*Juturnia kosteri*), the endangered Noel's amphipod (*Gammarus desperatus*), the endangered Pecos assimineia (*Assimineia pecos*) (four invertebrates), and the threatened Pecos sunflower (*Helianthus paradoxus*). No critical has been designated for these species within New Mexico, so none will be affected.

The proposed action is to continue current management direction for the HPZ. The BLM/Bitter Lake National Wildlife Refuge HPZ was designated to protect the groundwater resources supplying springs at Bitter Lake National Wildlife Refuge (BLNWR). The HPZ is comprised of a subsurface area defined by the hydrologic formation of water supplying the springs within the BLNWR and the surface subwatershed area draining toward BLNWR. The HPZ encompasses an area of about 16,685 acres of federal surface estate and about 18,385 acres of federal mineral estate. The HPZ is divided into a primary area of protection that includes public surface and minerals in which use authorizations may potentially affect the source-water capture zone for springs located on the BLNWR, and a secondary area of protection which includes public surface and mineral between the Salt Creek Wilderness and the BLNWR Middle Unit, straddling the Pecos River. All proposed oil and gas activities falling within the primary area would receive the full groundwater protection design features such as steel tanks instead of earthen pits and a stringent casing protocol (described in detail in the Biological Assessment). Within the

secondary area: 1) all unleased tracts within the 100-year floodplain of the Pecos River are closed to new oil and gas leasing, 2) there can be no surface disturbance within 200 meters of the outer edge of the 100 year floodplain, and 3) gas wells will have the same protective features as those within the primary protective zone. Within the secondary area outside of the 100-year floodplain, oil and gas wells would not be required to have steel tanks or be required to follow the stringent casing program, unless other resource values would dictate this level of protection.

The four invertebrates do not occur within the HPZ and are known only to occur within the boundary of the BLNWR. However, they depend on the groundwater-fed springs that have their source on BLM land. The ground water supplying the springs on BLNWR should be protected from possible hydrocarbon contamination by the casing and cementing requirements and other restrictions on wells located within the groundwater protection area. Further, the monitoring program would allow detection and remediation of possible leaks. Measures that were implemented (i.e., the HPZ) to protect Pecos gambusia, which co-occurs with the four invertebrate species, should ensure protection of the four invertebrate species as well.

Within the groundwater protection zone of the HPZ, there would be no impact to the Pecos sunflower as populations do not currently occur within the groundwater protection zone portion of the HPZ. Within the secondary area of the HPZ, there are potential or occupied sites along the Pecos River and Lloyd's Draw; however, the BA states that these sites will be avoided by relocation of proposed oil and gas wells to eliminate impacts to the sunflower and potential habitat.

As a result of BLM's commitment to continue the groundwater protection as provided by the Habitat Protection Zone, the Service concurs with BLM's determination of "may affect, not likely to adversely affect" the four invertebrates and Pecos sunflower. Please contact the Service if: 1) future surveys find threatened or endangered species in areas where they have not been previously observed; 2) the project is changed or new information reveals effects of the actions to the listed species or their habitat to an extent not considered in the BA; or 3) a new species is listed that may be affected by these projects.

This concludes section 7 consultation on the re-initiation of consultation for BLM/BLNWR Habitat Protection Zone. In future correspondence about this project, please refer to consultation #22420-2006-I-0144. If you have any questions, please contact Marilyn Myers at the letterhead address or at (505) 761-4754.


Acting Field Supervisor

cc:

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