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Forest
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File Code: 5400/1570-1

Date: November 27, 2001

Mr. Brian Segee
Center for Biological Diversity
P.O. Box 710
Tucson, AZ 85702-0710

Re: Appeal #02-03-00-0004-A215, Village of Cloudcroft Townsite Application, Sacramento Ranger District, Lincoln National Forest

Dear Mr. Segee:

This is my review decision concerning the appeal you filed regarding the Decision Notice and Finding of No Significant Impact, which selected the proposed action, transfer of 81 acres under the Townsite Act, to the village of Cloudcroft, NM.

BACKGROUND

Forest Supervisor Jose Martinez issued a decision on August 29, 2001, for the above named application under the Townsite Act. The decision selected alternative 2 (Proposed Action), transfer of 81 acres of Federal land to the village of Cloudcroft, NM.

The Forest Supervisor is identified as the Responsible Official, whose decision is subject to administrative review under 36 CFR 215 appeal regulations. Pursuant to 36 CFR 215.16, an attempt was made to seek informal resolution of your appeal. The record shows that informal resolution was not reached.

My review of this appeal was conducted in accordance with 36 CFR 215.17. I have reviewed the appeal record and recommendation of the Appeal Reviewing Officer. My review decision incorporates the appeal record.

APPEAL REVIEWING OFFICER'S RECOMMENDATION

The Appeal Reviewing Officer recommended that the Responsible Official's decision be affirmed and that your request for relief be denied. The evaluation concluded: (a) the decision logic and rationale were generally clearly disclosed; (b) the benefits of the proposal were identified; (c) the proposal and decision are consistent with agency policy, direction and supporting information; (d) public participation and response to comments were adequate; and finally, (e) all of the major issues raised by the appellant were adequately addressed in the project record.



APPEAL DECISION

After a detailed review of the record and the Appeal Reviewing Officer's recommendation, I affirm the Responsible Official's decision concerning the above named application that authorizes transfer of 81 acres of Federal land to the village of Cloudcroft, NM under the Townsite Act.

My decision constitutes the final administrative determination of the Department of Agriculture [36 CFR 215.18(c)].

Sincerely,

/s/ Bob Leaverton, for
JAMES T. GLADEN
Appeal Deciding Officer,
Deputy Regional Forester,
Resources

Enclosures

cc:
Forest Supervisor, Lincoln National Forest
Lands & Minerals Director, R-3
Appeals & Litigation Staff, R-3

REVIEW AND FINDINGS

of the

Center for Biological Diversity Appeal**#02-03-00-0004-A215, Village of Cloudcroft Townsite Decision****ISSUE IA1: “The Forest Service has failed to Confer with the Fish and Wildlife Service Concerning Effects to the Sacramento Mountains Checkerspot Butterfly.”**

Contention: “The ESA requires the federal agencies to ‘confer’ with Fish and Wildlife Service whenever a proposed action is likely to jeopardize the continued existence of a species proposed for listing or is a proposed action is likely to destroy or adversely modify proposed critical habitat. ...[T]he Forest Service was or should have been aware that the butterfly would imminently be proposed for listing and critical habitat designation when it made its decision approving the Townsite Application on August 24, 2001.”

Response: The Sacramento Mountains checkerspot butterfly was proposed for listing on September 6, 2001, several weeks after the Cloudcroft Townsite decision was signed. The Forest completed their analysis and documentation and began the formal conference process with the US Fish and Wildlife Service (FWS) on October 4, 2001. FWS has not yet responded to the Forest but they have 90 days after they receive documentation in which to provide a draft response.

Finding: Contrary to appellants contention, the Forest has initiated a conference process for proposed species as outlined in the ESA (see attached letter plus list of projects).

ISSUE IA2: “Fish and Wildlife Service’s Comments on the Townsite Application.”

Contention: “The FWS’s second letter of July 23, 2001, re-iterated the agency’s concern, specifically focusing on the cumulative effects of the Townsite application on the butterfly, and requesting completion of a management plan for the species.”

Response: The Forest completed a draft management plan in early August that was still in review when the Townsite decision was made (AR267). Once final, a copy will be forwarded to FWS (AR268).

Finding: Contrary to appellants contention, the Forest is in the process of completing a management plan for this butterfly that will be forwarded to FWS when complete.

ISSUE IA3: “The Proposed Townsite Application Is Likely to Jeopardize the Continued Existence of the Sacramento Mountains Checkerspot Butterfly and is Likely to Destroy or Modify Proposed Critical Habitat.”

Contention: "...[B]oth NEPA letters and a Forest Service response letter of June 13, 2001, occurred before the proposed rule to list the butterfly and designate critical habitat was issued. Thus the Forest Service has not meet (*sic*) the requirements of ESA, 16 U.S.C. § 1536(a)(4), or its implementing regulations at 50 C.F.R. § 402.10 requiring it to confer with the FWS."

Response: The Sacramento Mountains checkerspot butterfly was proposed for listing on September 6, 2001, several weeks after the Cloudcroft Townsite decision was signed and several months after the three pieces of correspondence the appellant referred to. Thus the Forest Service was not required by ESA and its implementing regulations to confer with FWS until after the September 6, 2001 date of proposal. The Forest completed their analysis and documentation and began the formal conference process with FWS on October 4, 2001. FWS hasn't responded to the Forest but they do have 90 days after they receive documentation from the Forest in which to provide a draft response.

Finding: Contrary to appellants contention, the Forest is not required to confer with FWS until after the butterfly is proposed for listing. The Biological Assessment prepared for conferencing documented an affects determination of "may affect, but not likely to adversely affect" the checkerspot butterfly or its proposed critical habitat.

ISSUE IIA: "The Forest Service Has Failed to Take a 'Hard Look' at the Environmental Consequences of the Townsite Application Decision, Particularly Impacts on the Sacramento Mountains Checkerspot Butterfly."

Contention: The agency failed to conduct a detailed, referenced and scientifically sound analysis of impacts to the checkerspot butterfly.

Response: The Council on Environmental Quality regulations implementing NEPA require an EA to include "brief discussions of the need for the proposal, of alternatives as required by section 102(2)(E), of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted" (40 CFR 1508.9). The EA must "briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact" (40 CFR 1508.9). "Impacts shall be discussed in proportion to their significance" (40 CFR 1502.2). The Forest's wildlife biologist surveyed the area and determined that the lands proposed for transfer and development do not contain habitat suitable for the checkerspot butterfly, and proposed actions would not significantly impact this species (AR 259, 267, 269).

The Environmental Assessment (EA) discloses environmental consequences for the checkerspot butterfly (page 24), as well as for other potentially affected resources (AR 259, chapter III pages 14-33). The level of analysis is within the scope of the proposed action, purpose and need, and issues identified in the EA (AR 259, pages 3-9). The EA provides an analysis of direct, indirect and cumulative effects on the butterfly's habitat, including results from a site-specific survey, and references to a more detailed analysis of effects to the butterfly contained in the Biological Evaluation (AR 251, pages 8-10; AR 259, page 24). The record shows that effects to the butterfly were considered throughout the planning process. In addition, the Decision Notice and

Addendum to the BE document the Forest's development and adoption of a five-year interim management plan for the checkerspot butterfly (AR 269, page 3; and AR 267).

Finding: The record shows that the Forest Supervisor adequately disclosed environmental consequences to the checkerspot butterfly and other resources identified as issues, consistent with NEPA and its implementing regulations.

ISSUE IIB: "The Cumulative Effects Analysis is Inadequate"

Contention: The cumulative effects of the alternatives were not adequately addressed, considering past, present, and reasonably foreseeable activities as required by NEPA.

Response: The record provides ample evidence that past, present, and reasonably foreseeable actions were considered as possible contributors to cumulative effects. The EA specifically describes cumulative effects on pages 16-33, summarizes cumulative effects for each issue on pages 12-13, and lists past, present and reasonably foreseeable future actions in Appendix D (AR 259). The Biological Evaluation additionally describes the cumulative effects to the checkerspot butterfly and other species of concern (AR 251, pages 9-10). The Finding of No Significant Impact references the analysis in the EA as a basis for determining that impacts would not be individually or cumulatively significant (AR 269).

Finding: The cumulative effects analysis is adequate for making an informed decision and for the purpose of determining significance and whether or not an EIS is needed.

ISSUE IIB3: "The Forest Service Failed to Consider a Reasonable Range of Alternatives."

Contention: There was no consideration of alternatives that avoid impacts to the checkerspot butterfly, such as an alternative that eliminates parcels 2 and 3 from consideration, or allows for the wastewater treatment plan through special use permit instead of privatizing public lands.

Response: "[A]n agency must look at every reasonable alternative, within the range dictated by the `nature and scope of the proposed action' and `sufficient to permit a reasoned choice.'" Idaho Conservation League v. Mumma, 956 F.2d 1508, 1520 (9th Cir. 1992). For an alternative to be reasonable, it must meet the stated purpose and need, and address one or more issues identified in scoping.

Several alternatives were considered during the 10-year planning process, and some were later eliminated from detailed study based on potential impacts to the checkerspot butterfly (AR 259, page 2; and AR 1, 8, 102, 183, 234 and 236). The limited range of alternatives considered in detail is consistent with the narrow nature and scope of the proposed action, purpose and need, and significant issues identified during the scoping process (AR 259, pages 3-9, and 10-11). The "decision to be made" includes the option of selecting an alternative that eliminates parcels 2 and 3 as suggested by the appellant. Also, the no action alternative includes continuation of an existing special use permit for the Village's wastewater treatment plant, in comparison to the proposed action that transfers that parcel of land to the Village.

Finding: The Responsible Official appropriately defined the scope of the analysis and analyzed a range of reasonable alternatives within that scope.

ISSUE IIIA: “The Townsite Application Decision Violates the Lincoln Forest Plan”

Contention: The Lincoln National Forest Plan does not authorize the conveyance of public land into the private sector.

Response: The EA and DN adequately document consistency with the LNF Plan, as well as with applicable regulations and statutes (AR 259, pages 5-6; AR 269, page 3). The LNF Plan EIS predicted the likelihood that National Forest lands would be transferred in order to meet the needs of expanding communities, and listed criteria for such land adjustments (AR 259, page 5). The Townsite Act and regulations at 36 CFR 254.22 Subpart B clearly allow for such land transfers to occur (AR 3, AR 4, AR 259).

Finding: The Forest Supervisor’s decision is consistent with the Lincoln National Forest Plan, therefore there is no consistency violation of NFMA.

ISSUE IVA: “The Decision is Arbitrary and Capricious”

Contention: The Forest Service decision is arbitrary and capricious because the agency failed to consider an important aspect of the problem or offer an explanation counter to evidence before the agency.

Response: The introduction and purpose and need sections in the EA disclose the problems to be addressed by the proposed land transfer, and the EA and DN clearly describe how alternative 2 addresses those problems identified (AR 259 and 269). There is no evidence in the record to indicate that the decision was arbitrary or capricious.

Finding: The Responsible Official made a reasoned and informed decision based on the analysis, and has not violated the Administrative Procedures Act.

**Sacramento Mountains Checkerspot Butterfly
Conferecing and Critical Habitat Determinations
For Projects that have undergone Informal/Formal Consultation,
Or have had No Affect Determinations prior to the Proposed Rule.**

Introduction: The following determinations are based on information contained in project Biological Assessments and Evaluations (BAE) or Biological Evaluations (BE). For some projects, the Biological Evaluation portion of a BAE was submitted to the Fish & Wildlife Service during informal or formal consultation for some of the projects listed below. Some Biological Evaluations, which addressed the Checkerspot Butterfly as a sensitive species may have not been submitted to the Service as part of the original project consultation. Ongoing and proposed projects have not changed and remain the same as described in the original consultation. Consultation numbers have been provided for reference.

I. Projects that have undergone Formal Section 7 Consultation.

1) Sacramento River Road (Consultation #2-22-00-F-044)

This project underwent Formal Consultation in 1999 and 2000, and concluded with a Biological Opinion on May 2, 2000. The Biological Evaluation (BE) for this project concluded that the ongoing action would have “No Affect” on the Butterfly. Based on that BE, it is my determination that the Sacramento River Road project will have “no affect” on the Butterfly or its proposed critical habitat. This determination is based on the following: 1) past surveys (1999) indicate that the butterfly is not present within the project area, and 2) the project is located outside of the proposed critical habitat as designated in the Federal Register Notice of September 6, 2001.

2) Otero County Electric Cooperative Powerline (Consultation #2-22-96-F-456)

This project underwent Formal Consultation in 1999 and 2000, and concluded with a Biological Opinion on April 12, 2000. The Biological Evaluation (BE) concluded that the project “may affect, but is not likely to result in a trend toward federal listing” to the Sacramento Mountains Checkerspot Butterfly. Based on that BE, it is my determination that the Otero County Electric Cooperative Powerline project “may affect, but is not likely to adversely affect” the butterfly or its proposed critical habitat. This project will affect 74 acres of mixed conifer and 5 acres of non-forested openings. Ten acres of mixed conifer will be cleared and dedicated to use as a powerline corridor (i.e. early successional stage habitat). 64 acres will be selectively thinned of hazard trees to protect the powerline from damage. The 5 acres of non-forested openings fall within the powerline corridor.

A may affect determination for the 74 acres of mixed conifer and 5 acres of non-forested openings is based on the following: 1) 10 acres of the project area will be cleared of trees entirely and dedicated to future use as a powerline corridor. These 10 acres are expected to develop over time some, if not all, of the primary constituent elements necessary for the butterfly. These 10 acres will be maintained in an early successional

stage condition, 2) The five acres of non-forested openings may be affected during the construction, but impacts are expected to be short lived as the affected area is expected to recover over time, 3) The remaining 64 acres within the powerline corridor will not be cleared of trees, but will be maintained as mixed conifer habitat, with selective thinning of hazard trees occurring as needed. The thinning of trees within these 64 acres may assist in reducing the threats of catastrophic wildfire to the 5 acres of non-forested openings, the 10 acres of early successional stage habitat, and other nearby meadows that contain the primary constituent elements of proposed critical habitat.

3) Townsite Act Land Transfer (Consultation #2-22-00-F-284)

This project was submitted to the Fish & Wildlife Service on April 26, 2000 for formal Section 7 Consultation, and concluded with a Biological Opinion on November 6, 2000. This project transfers federal ownership of approximately 81 acres of National Forest Land to the Village of Cloudcroft. The Biological Evaluation (BE) for this project made a determination of “may affect, but is not likely to result in a trend toward federal listing” for the Sacramento Mountains Checkerspot Butterfly. Based on that BE, it is my determination that the Townsite Act Land Transfer project “may affect, but is not likely to adversely affect” the butterfly or its proposed critical habitat. This determination is based on the following; 1) the presence of butterflies, either adults or larvae, were minimal and incidental (0 to 3%) when compared to the total population within the Sacramento Ranger District, and 2) Suitable butterfly habitat containing the primary constituent elements was less than 1% within the 5 parcels being transferred to the Village when compared to the total butterfly habitat across the Sacramento Ranger District.

II. Projects that have undergone Informal Section 7 Consultation.

1) Fir Campground Capital Improvements (Consultation #2-22-01-I-436)

This project underwent Informal Consultation in 2001, and concluded with a letter of concurrence on June 15, 2001. The Biological Assessment and Evaluation (BAE) concluded that the project “may affect, but is not likely to result in a trend toward federal listing” for the Butterfly. Based on the BAE, it is my determination that the Fir Campground Capital Improvement Project “may affect, but is not likely to adversely affect” the Butterfly or its proposed critical habitat. This determination is based on the following; 1) Overall, the project area will only affect a small area, 3.8 acres, most of which is mixed conifer habitat. Of the 3.8 acres, butterflies occupy the first 175 feet of meadow along the entrance road at Highway 244, 2) Within this 175 foot area, all butterfly locations have been or will be flagged in the field by the District Biologist. The District Biologist will coordinate with the Forest Service contract inspector in the field as to the locations of Butterfly larvae and tents, 3) Flagged areas will be avoided during reconstruction activities, 4) Proposed critical habitat along the 175 foot area will be affected by the placement of a boundary fence. However, it is anticipated that the boundary fence will have long-term benefits by deterring impacts by recreational users to proposed critical habitat areas outside the Fir campground complex.

2) Noxious Weeds Management Program (Consultation # 2-22-00-I-397)

This project underwent Informal Consultation in 2000, and concluded with a letter of concurrence on August 7, 2000. The Biological Assessment and Evaluation (BAE) concluded that the project “may affect, but is not likely to result in a trend toward federal listing”. Based on the BAE, it is my determination that the Lincoln Noxious Weed Management Program “may affect, but is not likely to adversely affect” the butterfly or its proposed critical habitat. This determination is based on the following; 1) No spraying or application of herbicides shall occur within known occupied Checkerspot Butterfly habitat, 2) In occupied habitat, manual methods for treating noxious weed occurrences shall occur during the adult flight period (June 20th to July 31st), 3) Some impacts to host plants are anticipated to occur from herbicide applications in unoccupied meadow habitats. However, impacts are expected to be incidental as butterfly host plants are not the target species for treatment. Noxious weed treatments in unoccupied habitat are anticipated to benefit all butterfly host plants in the long term, since competition with noxious weeds will be eliminated.

Spot treatments of Russian Knapweed along Highway 82 at Bailey Canyon and Spotted Knapweed in Haynes Canyon were discussed with Fish & Wildlife Service personnel on September 27, 2001. The Highway 82 location has a small (1 acre) occurrence of Russian Knapweed along the Highway right-of-way. Butterflies are known to occur within the meadow at the base of the Highway fill. However, no butterflies are known to occur at the Highway right-of-way itself. In Haynes Canyon, there is a small occurrence of 15 to 30 plants of Spotted Knapweed. Checkerspot Butterflies have been documented in Haynes Canyon within a few hundred yards of the Spotted Knapweed occurrence. Spot treatments of herbicides will be conducted at both sites using a backpack sprayer to limit the herbicide application to the specific areas where the noxious weeds occur. Surveys for butterfly larvae and/or adults will be conducted at these two sites prior to application of the herbicide.

3) Rio Penasco 319 Watershed Improvement Project (Consultation #2-22-00-I-425)

This project underwent Informal Consultation in 2000, and concluded with a letter of concurrence on August 9, 2000. The Biological Assessment and Evaluation (BAE) concluded that the project would have “no affects” on the Butterfly. Based on the BAE, it is my determination that the Rio Penasco 319 Watershed Improvement Project will have “no affects” on the butterfly or its proposed critical habitat. This determination is based on the following; 1) The project is outside the current range of the butterfly and no butterflies have been observed within the project area, 2) The project falls outside the proposed critical habitat boundary as designated in the September 6, 2001 federal register notice. No primary constituent elements of proposed critical habitat are present within the project area.

4) Rio Penasco Wildland Urban Interface Project (Consultation #2-22-98-I-248).

This project underwent Informal Consultation in 1999, and concluded with a letter of concurrence on June 3, 1999. The Biological Assessment and Evaluation (BAE) concluded that the project “may affect, but is not likely to result in a trend toward federal listing” for the Butterfly. Based on the BAE and supplemental survey information provided to the Service on August 23, 2000, it is my determination that the Rio Penasco Wildland Urban Interface Project “May Affect, but is not likely to adversely affect” the butterfly or its proposed critical habitat. This determination is based on the following; 1) Mitigation agreed upon with the Service included surveys in openings adjacent to treatment areas. If adults were found in the openings, then surveys for butterfly larvae would occur both in adjacent meadows and within the proposed treatment units. Surveys did not find butterflies within the proposed treatment units, 2) No stockpiling of slash or heavy equipment use will occur in meadow areas, 3) Wildland Urban Interface treatment units contain some of the primary constituent elements as described in the Federal Register notice of September 6, 2001, such as elevation between 8,000’ and 9,000’ and within a 54 square mile radius around the village of Cloudcroft, but do not contain other elements such as the known food plants New Mexico penstemon, sneezeweed or valerian, less than 5 percent canopy cover, or other plants such as arrowleaf groundsel, curlycup gumplant, figworts, etc.

After treatment is completed, it is anticipated that some of the wildland urban interface areas adjacent to or linking areas that have some or all of the above elements may be sufficient to provide for dispersal between areas of butterfly habitat. This should benefit butterfly dispersal and could lead to re-colonization of areas that currently have host plants present, but no butterfly adults or larvae.

III. Projects that have not undergone Section 7 Consultation.

1) Rawlins Canyon Exploratory Well Drilling.

This project has not gone through formal or informal consultation since a “no affect” determination was rendered for the Butterfly prior to its designation as a proposed species in the September 6, 2001 Federal Register Notice. This project includes the drilling of a proposed exploratory well by the Village of Cloudcroft. The well is being proposed in an attempt to locate additional water for use by the Village of Cloudcroft. The location of the proposed drilling site is Rawlins Canyon within Section 3 of Township 16S, Range 12E. The area impacted will be approximately 2 acres and includes the re-opening of a closed road for access to the drilling site. If successful, a small structure with a water transmission line to Village of Cloudcroft annexed land will be developed. If the well and transmission line is developed, the Forest Service will re-initiate conferencing with the Service.

The original BAE made a “no affect” determination for the Sacramento Mountains Checkerspot Butterfly since no butterflies have been found in Rawlins Canyon during past survey efforts. The “no affect” determination remains valid for the Butterfly since the drilling of the well will not impact individuals.

Based on the September 6, 2001 Federal Register Notice for the Butterfly, Rawlins Canyon falls within the criteria established for proposed critical habitat. Rawlins Canyon contains the primary constituent elements as defined in the Federal Register Notice. Since 2 acres of proposed critical habitat will be impacted, a “may affect, but is not likely to adversely affect” determination is made for the Butterfly’s proposed critical habitat.

2) Apache Canyon Exploratory Well Drilling.

This project has been recently proposed by the Village of Cloudcroft and has not gone thru Section 7 Consultation or Conferencing. This project includes the drilling of a proposed exploratory well by the Village of Cloudcroft. The well is being proposed in an attempt to locate additional water for use by the Village of Cloudcroft. The location of the proposed drilling site is in Apache Canyon within north half of Section 4, Township 16S, Range 12E. The area impacted will be approximately 2 acres and include an access road to the drilling site from Highway 82. If successful, a small structure with a water transmission line to an existing water line within the Highway 82 right-of-way will be developed. If the well and transmission line is developed, the Forest Service will re-initiate conferencing with the Fish & Wildlife Service.

Recent survey efforts have documented five larval tents within the area to be impacted by the exploratory well drilling. Conservation measures will be implemented by the Forest Service to reduce impacts to the Butterfly. Conservation measures include: 1) avoiding the known larval sites by staging equipment and supplies away from the five larval tents. The five larval tents will be flagged or delineated on the ground to insure that the larval site are visibly noticed and avoided by the drilling company, 2) If avoidance cannot be accomplished, then the larvae will be relocated to nearby suitable habitat by the Forest Service, 3) The area affected by the drilling activity will be re-vegetated with larval host plants in cooperation with the Fish & Wildlife Service. A “May Affect, but is not likely to adversely affect” determination for the Sacramento Mountains Checkerspot Butterfly is being made since the conservation measures will be implemented to avoid or minimize impacts to the Butterfly.

Based on the September 6, 2001 Federal Register Notice for the Butterfly, Apache Canyon falls within the criteria established for proposed critical habitat. Apache Canyon contains the primary constituent elements as defined in the Federal Register Notice. Since 2 acre of proposed critical habitat will be impacted, a “may affect, but is not likely to adversely affect” determination is made for the Butterfly’s proposed critical habitat. Conservation measure number 3 will be implemented to minimize impacts on critical habitat.

Since the above projects will continue or begin to be implemented in the foreseeable future, the Lincoln National Forest would like to initiate informal conferencing and request a conference report.

Determinations Made By: /s/ George Garcia Date: 10/3/01
George Garcia, Journey Level Biologist

File Code: 2670

Date: October 4, 2001

Joy E. Nicholopoulos
Field Supervisor
USDI Fish & Wildlife Service
2105 Osuna NE
Albuquerque, NM 87113

The Lincoln National Forest would like to initiate conferencing on nine currently ongoing or proposed projects within the Sacramento Ranger District for the Proposed Endangered Sacramento Mountains Checkerspot Butterfly. These projects are Sacramento River Road, Otero County Electric Cooperative Powerline, Townsite Act Land Transfer, Fir Campground Capital Improvements, Noxious Weed Management Program, Rio Penasco 319 Watershed Improvement, Rio Penasco Wildland Urban Interface, Rawlins Canyon Exploratory Well Drilling, and Apache Canyon Exploratory Well Drilling.

The enclosed document contains affects determinations for the Sacramento Mountains Checkerspot Butterfly and its critical habitat in reference to the nine projects listed above. In the context of formal conferencing under the Endangered Species Act of 1973, I would like to request a conference opinion for the Apache Canyon Exploratory Well Drilling, and request informal conferencing and a conference report for the other eight projects listed above.

If you have any questions regarding these determinations, please contact George Garcia of the wildlife staff at (505) 434-7222.

Sincerely,

/s/ Jose M. Martinez
JOSE M. MARTINEZ
Forest Supervisor

Enclosure

cc: Frank Martinez,
Sacramento District Ranger