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Sonoran Pronghorn
No action at RO

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D.J. Schubert
(Wildlife Biologist)

Bill Austin
Fish and Wildlife Biologist
United States Fish and Wildlife Service
Arizona Ecological Services State Office
2321 West Royal Palm Road, #103
Phoenix, AZ 85021

November 8, 1996

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Re: Formal Consultation Concerning the Affects of Air Force Activities
on the Sonoran Pronghorn

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Dear Mr. Austin:

I am writing on behalf of Defenders of Wildlife to supplement Dennis Hosack's September 27, 1996 submission concerning the United States Air Force's Biological Assessment for Sonoran Pronghorn on the Barry M. Goldwater Range. As Dr. Hosack detailed in that letter, in his professional opinion the Biological Assessment is deficient in a number of respects, and fails to consider a host of issues which must be addressed in order to fully and accurately evaluate the extent to which Air Force activities jeopardize the continued existence of the pronghorn. In addition to the matters Dr. Hosack addressed, I want to bring your attention to one additional issue which the Biological Assessment fails to even mention: the Fish and Wildlife Service's ("FWS") recent Biological Opinion concerning the impact of the Marine Corps' activities on the Sonoran pronghorn. Biological Opinion and Conference Opinion for Existing And Proposed Activities By the Marine Corps Air Station -- Yuma in the Arizona Portion of the Yuma Training Range Complex (April 17, 1996) ("BO").

In light of the additional impacts the Marine Corps' activities are having on this critically endangered species, it is absolutely imperative that the Air Force cease its activities in known pronghorn habitat. In any event, the FWS must consider the cumulative impacts of all of these activities in reaching its Biological Opinion concerning the Air Force. As the FWS's regulations explain, the FWS must "[e]valuate the effects of the action and cumulative effects on the listed species" 50 C.F.R. § 402.14(g)(3). The term "[e]ffects if the action," in turn, is defined as

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the "direct and indirect effects of an action on the species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action, that will be added to the environmental baseline." 50 C.F.R. § 402.02 (emphasis added). This "environmental baseline" includes both "the past and present impacts of all Federal, State or private activities in the action area" Id. (emphasis added).

Thus, because the Marine Corps' activities considered in the BO are federal "activities in the action area," the effects of these activities on the pronghorn must be considered in the pending formal consultation regarding the Air Force. To that end, I would like to highlight some of the critical points from the Marine Corps' BO, a complete copy of which is enclosed for your convenience.

First, the BO makes it clear that Sonoran pronghorn frequent the Western portion of the Goldwater Range, where Marine Corps activities are focused. In fact, Figure 8 of the BO shows that numerous pronghorn have been detected within the Marine's low-level helicopter flight corridors. BO at 40. Consequently, in order to establish the appropriate "environmental baseline" for the consultation with the Air Force, all Marine Corps activities must be evaluated to discern their effect on the pronghorn.

Second, the BO makes it clear that the "disturbance of animals caused by military overflights" is contributing to the decline of the already critically endangered pronghorn. BO at 20. In fact, the BO specifically concludes that the Marine's activities, including low-level flights of helicopters and aircraft, do, in fact, result in the "harassment" of pronghorn, within the definition of the term "take" in the Endangered Species Act ("ESA"), 16 U.S.C. § 1538(a)(1)(B).¹ The FWS has issued an incidental take statement of an undeterminable number of pronghorn in the form of harassment associated with low-level flights. That is, based on the Marine's activities alone, an unlimited number of pronghorn may be "taken" in a manner which would otherwise violate Section 9 of the ESA.²

¹ Indeed, according to the BO, "[d]uring weekly telemetry flights with a Cessna 182 at 1,000 feet [above ground level], Sonoran pronghorn were often disturbed and some animals would flee from the plane, [and] [a]fter 14 months of flights, some animals were observed to still run from the plane." BO at 42.

² In addition, the incidental take statement also allows the Marines to directly kill one Sonoran pronghorn every ten years.

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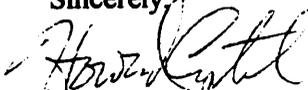
Finally, the BO addresses the Marine activities on the North and South tactical ranges at some length. According to the BO:

pronghorn use both the North and South Tactical Ranges and ordnance or shrapnel could potentially strike and kill or injure a pronghorn. In addition, pronghorn could be killed or injured during an encounter with unexploded live ordnance on the ground. No pronghorn are known to have been harmed by ordnance or shrapnel, but killed or injured animals would probably quickly succumb to predators or scavengers and would leave little evidence."

BO at 44 (emphasis added). Consequently, the BO states that "[t]he Service is very concerned that delivery of ordnance by MCAS - Yuma, Luke Air Force Base, and others at targets on the North and South tactical ranges could result in take of Sonoran pronghorn." BO at 48.

These are simply some of the most salient highlights of the BO. As the FWS acknowledges, a number of factors are playing a role in the continuing decline of the pronghorn, including degradation of habitat and predation. In addition, as the BO sets out in great detail, the Marine Corp's activities will additionally harass and even kill pronghorn. Given this "environmental baseline," it is absolutely critical that the FWS and the Air Force ensure that the affects of Air Force activities on the pronghorn be reduced to the greatest extent possible.

Sincerely,



Howard B. Crystal

Enclosure

cc (without enclosure): John Rogers, Acting Director, USFWS
 Nancy Kaufman, USFWS Region 2, Regional Director
 Bruce Palmer, USFWS Arizona Ecological Services,
 Section Coordinator for Birds and Mammals
 Col. David L. White, USAF Luke USAF Base,
 Director of Range Management