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From: David_Rabon@fws.gov
To: Mike_Murray@nps.gov
Cc: Darrell_Echols@nps.gov; mike.stevens@sol.doi.gov; pete_benjamin@fws.gov; Thayer_Broili@nps.gov
Subject: Re: BO reconsultation question
Date: 08/05/2009 08:07 AM

Mike:

Pete is out of town this week and has limited email access. I will defer to him on the final call on this issue, but at first glance I think we can proceed as normal. My reasoning is that even though the BO expires on 31 December, the incidental take statement is for a specific period of time for a species that won't be present again before mid-March. As such, I think we can conduct a reconsultation, if needed, for other issues (e.g., fledging success) as we would normally, following the review of the annual reports. We can address the end date of the BO at that time as well. On that topic, will we have an update on the timeline for completing the ORV management plan? I thought I remembered that a draft EIS was due out sometime later this year. If so, that may also support proceeded as normal with the reconsultation.

Thanks,
David

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Mike_Murray@nps.gov

08/04/2009 03:03 PM

To pete_benjamin@fws.gov

cc david_rabon@fws.gov, Darrell_Echols@nps.gov,
Thayer_Broili@nps.gov, mike.stevens@sol.doi.gov

Subject BO reconsultation question

Pete,

The Incidental Take Statement in the August 14, 2006 biological opinion (BO) for the Interim Strategy included the following statement (last paragraph of "Amount or Extent of Take Anticipated, Piping Plovers, 1"):

"Incidental take for the proposed action is anticipated during each nesting season (i.e., April 1 to August 31 of each year) until a long-term ORV Management Plan is developed (anticipated 2009) or December 31, 2009, whichever comes first."

Considering it says "whichever comes first," do we have a reconsultation issue that needs to be addressed before December 31, 2009, or can we follow the normal routine of sending you a letter before the New Year to request reconsultation (e.g., PIPL chick fledge rate), then waiting until after the

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annual reports are completed before we discuss it? Just want to call this to your attention now, since it may appear to some that the BO expires at the end of this calendar year.

I would appreciate hearing your thoughts about it.

Thanks,

Mike Murray
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