

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Arizona State Office
222 N. Central Avenue
Phoenix, Arizona 85004
www.az.blm.gov

In Reply Refer To:
6840 (AZ-932) P

February 1, 2002

EMS TRANSMISSION:
Instruction Memorandum No. AZ-2002-018
Expires: 9/30/2003

To: Field Manager, Yuma

From: Acting State Director

Subject: Comments on Flat-tailed Horned Lizard Proposed Rule

DD: 04/16/2002

Purpose: This Instruction Memorandum serves to both notify the Yuma Field Office of reinstatement of the proposed rule to list the flat-tailed horned lizard and to call for comments on the proposed rule.

Background: On December 26, 2001, the Fish and Wildlife Service (FWS) published a notice (*Federal Register* 66:66384-66385; copy attached) reinstating its proposed rule to list the flat-tailed horned lizard (*Phrynosoma mcallii*) as a threatened species. This action was taken to comply with the terms of a Court Order issued on October 24, 2001, by the U.S. District Court for the Southern District of California. The FWS originally proposed to list the flat-tailed horned lizard on November 29, 1993 (*Federal Register* 58:62624-62629; copy attached). The proposed listing was subsequently withdrawn by the FWS on July 5, 1997 (*Federal Register* 62:37852-37860; copy attached). The FWS decision to withdraw the proposed listing was then challenged in court. The reinstated proposed listing has a 120-day public comment period, which closes on April 25, 2002. Critical habitat was not proposed in the 1993 listing proposal, nor is it addressed in the reinstatement notice.

Policy/Action: Review the attached Federal Register notices and provide us with your comments, if any, on the reinstated proposed listing by April 16, 2002. Because the

range of this species extends beyond Arizona, Bureau of Land Management (BLM) comments on the proposed rule will need to be coordinated with the California State Office. The reinstatement notice states: "We are specifically seeking information that has become available concerning the flat-tailed horned lizard since the last public comment period on the proposed rule which closed on June 9, 1997. Information is particularly requested concerning: (1) Threats to the species as a whole or to local populations, (2) the size, number, and/or distribution of known populations, (3) sufficiency of current conservation/management and/or regulatory mechanisms for the flat-tailed horned lizard, and (4) the conservation value of different populations across the range of the species."

Note that the flat-tailed horned lizard is now officially proposed for listing and, as such, is covered by Section 7(a)(4) of the Endangered Species Act of 1973 and its implementing regulations at 50 CFR 402.10. Additionally, BLM guidance for proposed species in MS 6840.06B1, for any actions may affect the flat-tailed horned lizard, BLM is required to initiate a section 7 conference with FWS. Closely screening the Yuma RMP for possible need to confer is also advised.

Time frame: Submit your comments, if any, on the proposed listing to AZ-932 (Attn: Ted Cordery) in an electronic format by April 16, 2002.

Manual/Handbook Sections Affected: None

Contact: Questions regarding the attached documents, or BLM's comments on the original proposal, may be directed to Ted Cordery, at (602) 417-9242.

SIGNED BY:
Mark Whitesell
Acting State Director

AUTHENTICATED BY:
Melissa Gishie
Staff Assistant

Attachments:

- 1 - Federal Register Notice Reinstating Proposed Threatened Status for the Flat-tailed Horned Lizard (2 pp.)
- 2 - Proposed Rule to List the Flat-tailed Horned Lizard as a Threatened Species (6 pp.)
- 3 - Federal Register Notice Withdrawing the 1993 Proposal to List the Flat-tailed Horned Lizard as a Threatened Species (9 pp.)

cc: CA-930, Attn: Ed Lorentzen (w/o attachments)
WO-230, MS 204 LS (w/o attachments)