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Date: November 2, 2011

KEVIN M CASSIDY  
PACIFIC ENVIRONMENTAL ADVOCACY  
CENTER  
PO BOX 445  
NORWELL, MA 02061

Dear Mr. Cassidy:

This is to acknowledge receipt of your letter dated September 6, 2011, addressed to Forest Service Chief Tidwell. That letter notified us that the Pacific Environmental Advocacy Center intends to sue the Forest Service for violating the Endangered Species Act (ESA), section 7(a)(1), by failing to comply with its affirmative duty to develop a program to carry out actions to conserve California condors. Your letter also alleges a violation of the Resource Conservation and Recovery Act (RCRA). This second allegation pertains to the Agency allowing the use of lead ammunition on lands administered by the Forest Service, despite the known threat which ingestion of lead poses to California condors and other wildlife. I am writing to you because the Kaibab National Forest is the focus of your letter and I want to take this opportunity to address your concerns.

Please allow me to summarize some of the ways that the Kaibab National Forest fulfills its ESA section 7(a)(1) duties toward the conservation of condors.

- The Kaibab National Forest is an active member of the Southwest Condor Working Group and a cooperating partner on the Working Group Memorandum of Understanding (MOU). The MOU applies to the condor reintroduction program and has three primary objectives:
  - 1) Support a long-term program to reestablish a viable self-sustaining population of California condors in the southwestern United States through the release of captive-reared individuals, and management of the wild population.
  - 2) Achieve recovery goals for this species as cited in the California Condor Recovery Plan, following the current management recommendations established by the California Condor Recovery Team as authorized by the Fish and Wildlife Service, and implement recommendations of the California Condor five-year review.
  - 3) Address emerging issues through the Southwest Condor Working Group that consists of representatives of the primary cooperators.
- Public outreach and education is conducted in a variety of ways. The Kaibab NF maintains a web link to The Peregrine Fund's California Condor Restoration website. This comprehensive website about condors and the reintroduction effort also has a contact list for key personnel and cooperating partners, which includes the Kaibab NF. Other outreach efforts include postings, signs and information cards distributed to the public by Forest Service personnel explaining the harmful effects of lead ammunition.
- As part of the Special Use Permit for Hunting Outfitters and Guides on the North Kaibab District, the permittees are requested to have their clients use non-lead ammunition, offered by the Arizona Game and Fish Department, or to take specific measures to prevent exposure of



condors and other wildlife to lead shot such as removing or burying gut piles.

- The Forest has worked with the U.S. Fish and Wildlife Service to develop measures to minimize the risk of harm to condors that could occur near project-related activities, and requires these measures be followed by our employees, contractors, and partners. For example, mitigations were used to reduce impact to the condor in the Navajo Transmission Line EIS. The EIS calls for high-visibility wire to minimize avian collisions and a monitoring/adaptive management approach to retro-fit the line if collisions are documented for the condors.
- The Forest also provides field, logistical, and funding support to The Peregrine Fund, the lead organization in the reintroduction of California condors. In 2009, the Forest funded support (\$10,000) for monitoring released birds to study movement and locations of the birds. Additionally, the Forest has worked with The Peregrine Fund to have field equipment and personnel available if needed for distribution of winter feed.

Regarding the Resource Conservation and Recovery Act allegations, as they pertain to the use of lead ammunition, the Forest Service is conscious of its obligations under RCRA, and is confident it is not disposing of hazardous wastes containing lead on the Kaibab National Forest. Further, as described above, the Forest Service supports efforts to prevent lead exposure to condors and other wildlife.

Your letter states that the citizen groups you represent are interested in engaging in constructive dialogue around these concerns. I accept your invitation and suggest that you contact our Forest Biologist, Chirre L. Keckler, at 928/635- 8357 to schedule a meeting.

Sincerely,



For MICHAEL R. WILLIAMS  
Forest Supervisor

cc: Stu Lovejoy

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