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In Reply Refer To:
AESO/SE
22410-2006-F-0470-R001

August 16, 2007

Memorandum

To: District Manager, Bureau of Land Management, Las Cruces District Office, Las Cruces, New Mexico

From: Field Supervisor

Subject: Reinitiated Biological Opinion on the SFPP, L.P. El Paso to Phoenix Expansion Project

On August 14, 2007 we received your August 14, 2007, request for reinitiation of formal consultation on the effects of the SFPP, L.P. El Paso to Phoenix Expansion Project on the endangered Pima pineapple cactus (*Coryphantha scheeri* var. *robustispina*, PPC), in accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act).

This species listed above was addressed in the February 5, 2007, Final Biological Opinion on the SFPP, L.P. El Paso to Phoenix Expansion Project (22410-2006-F-0470) (2007 BO). Our 2007 BO remains unchanged except as indicated in the following sections in regard to the SFPP, L.P. El Paso to Phoenix Expansion Project.

DESCRIPTION OF THE PROPOSED ACTION

You propose three changes to the conservation measures included in the proposed action:

- SFPP will “brush-hog” approximately two miles of the six-mile 100-foot temporary construction easement (TCE) within PPC habitat, as well as the 25-foot spoil side of the trench for the remaining four miles. This technique involves trimming shrubs and small trees near the base and temporarily covering them with soil to prevent tire punctures, thus maintaining the root system and seed bank on-site. The spoil side of the trench will have soil piled on it, which will then be placed in the trench after the pipeline is in place.
- SFPP will reserve approximately six inches of top soil and vegetation before blading and normalizing the 75-foot work side of the remaining four miles of the six-mile 100-foot TCE within PPC habitat. After the project is completed, this area will be returned to

existing contours and the reserved top soil will be replaced. The intent is to re-establish the original gravely substrate and provide mulch.

- SFPP originally committed to purchasing 10 credit acres from a FWS-approved conservation bank for PPC. Because of the unforeseen changes described above, SFPP will purchase an additional 30 credit-acres in a Service-approved conservation bank to offset the indirect effects to PPC habitat (40 acre-credits in total).

STATUS OF THE SPECIES

The status of the Pima pineapple cactus remains similar to that described in the 2007 BO.

ENVIRONMENTAL BASELINE

The environmental baseline remains similar to that described in the 2007 BO.

EFFECTS OF THE ACTION

The effects of the action have changed as follows:

The proposed action will result in the direct loss of a minimum of six (not five) PPC situated within the project's TCE. Other direct effects are expected to be similar to those described in the 2007 BO.

Within the TCE, approximately 72.7 acres (six miles multiplied by 100 feet) of suitable PPC habitat will be cleared. Of this, approximately 2.9 acres will likely suffer permanent disturbance due to trenching. Approximately 36.4 acres will be treated by reserving six inches of top soil and vegetation before blading and normalizing the TCE. The remaining 33.4 acres will be treated with a "brush-hog" technique. All disturbed areas will be returned to their original contour, and in areas where blading was required, the top soil will be replaced. Other indirect effects are expected to be similar to those described in the 2007 BO.

Blading within the TCE instead of brush-hogging will result in greater impacts to PPC habitat than described in our February 5, 2007, BO. The soil surface and seed bank will be disturbed to a greater extent, decreasing the likelihood of PPC and native vegetation to quickly reestablish and increasing the possibility for non-native plants to become established. To minimize this increased impact, the applicant proposes to salvage approximately six inches of top soil, including cobbles and vegetation, which will then be spread over the bladed area after re-contouring following construction. This will maintain some of the seed bank and help to prevent erosion during times of flood. Additionally, the applicant proposes to purchase an additional 30 acre-credits in a Service-approved conservation bank for PPC (40 acre-credits total). These acre-credits are to compensate for the long-term disturbance to the remaining suitable habitat within the TCE.

In summary, this project will result in the loss of approximately six PPC and 2.9 acres of suitable habitat, the long-term alteration of 36.4 acres of suitable PPC habitat, and the alteration (possibly temporary) of 33.4 acres of suitable PPC habitat. Additionally, a 0.25-mile area surrounding the

six miles of suitable PPC habitat may be affected by invasive plant species. The applicant proposes to purchase a total of 40 acre-credits from an approved PPC conservation bank to offset these adverse effects.

CUMULATIVE EFFECTS

The cumulative effects remain similar to that described in the 2007 BO.

CONCLUSION

After reviewing the current status of PPC, the environmental baseline for the action area, the effects of the proposed action, and the cumulative effects, it is our biological opinion that the proposed action is not likely to jeopardize the continued existence of PPC. No critical habitat has been designated; therefore, none will be affected. While we remain concerned about the status of the PPC as described in this BO, we make this determination because:

- Any PPC located outside the TCE will be avoided during construction activities.
- The applicant will purchase 40 acre-credits in a FWS-approved conservation bank, 2.9 of which are to compensate for the direct effects to PPC habitat and 37.1 of which are to compensate for the indirect effects. This is an adequate conservation measure to offset the effects of this project. This conservation measure permanently protects 40 acres of PPC habitat within the conservation bank.
- Where possible, the applicant will use a “brush-hog” technique within suitable PPC habitat, thus maintaining a seed bank and the root system of existing plants on-site.
- Where brush-hogging is not possible, the applicant will conserve the top six inches of soil and vegetation before blading, which will then be redistributed over the disturbed area after construction.
- After construction, the ROW will be recontoured to match the adjacent undisturbed grade to ensure the normal drainage of rainwater is not compromised.
- The applicant will clean off-road equipment, prevent vehicles not involved with construction from accessing the construction site, and monitor and control noxious weed infestations during construction. This should minimize noxious weed invasions within the TCE and the 0.25-mile area surrounding it during construction.
- The applicant will reseed areas with appropriate seed mixes where reseeding is required. No species on the “State Noxious Weed List” will be included in revegetation mixes. This will assist in the regeneration of native vegetation within the TCE.
- The loss of six PPC and 2.9 acres of suitable habitat, as well as the long-term alteration of 69.8 acres of suitable habitat, comprise less than one percent of the known population and extant suitable habitat.

INCIDENTAL TAKE STATEMENT

Incidental take does not apply to listed plant species. Therefore, no incidental take of listed species is anticipated.

REINITIATION NOTICE

This concludes reinitiation of formal consultation on the actions outlined in your request. As provided in 50 CFR §402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of your action that affects listed species or critical habitat in a manner or to an extent not considered in this opinion; (3) your action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.

We appreciate your efforts to identify and minimize effects to listed species from this project. We also encourage you to coordinate the review of this project with the Arizona Game and Fish Department. For further information please contact Marit Alanen (520) 670-6150 (x234) or Jim Rorabaugh (520) 670-6150 (x230). Please refer to consultation number 22410-2006-F-0470-R001 in future correspondence concerning this project.

/s/ Steven L. Spangle

cc: Bureau of Land Management, Gila District, Sierra Vista, AZ (Attn: Scott Cooke)
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