

**United States Department of the Interior  
U.S. Fish and Wildlife Service  
2321 West Royal Palm Road, Suite 103  
Phoenix, Arizona 85021  
Telephone: (602) 242-0210 FAX: (602) 242-2513**

AESO/SE  
02-21-02-F-0546R1  
02-21-01-F-0109R1  
02-21-00-F-0295R1

January 27, 2004

Memorandum

To: Acting Superintendent, Organ Pipe Cactus National Monument, Ajo, Arizona

From: Field Supervisor

Subject: Reinitiation No. 1 of the Biological and Conference Opinion for the State Route 85 Roadway and Drainage Improvements Project (02-21-02-F-0546R1) and Biological Opinions for the Widen North Puerto Blanco Road Project (02-21-01-F-0109R1) and Twin Peaks Access Road Stabilization Project (02-00-F-0295R1), Organ Pipe Cactus National Monument, Pima County, Arizona

Thank you for your request for reinitiation of consultation/conferencing pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), as amended (Act). Your request, dated January 9, 2004, was received by us on January 14, 2004. At issue are the impacts to the endangered Sonoran pronghorn (*Antilocapra americana sonoriensis*, pronghorn), lesser long-nosed bat (*Leptonycteris curasoae yerbabuena*, bat), cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*, pygmy-owl), and proposed pygmy-owl critical habitat from the proposed State Route (SR) 85 Roadway and Drainage Improvements project, a project to widen North Puerto Blanco Drive, and the Twin Peaks Access Road Stabilization Project in the National Park Service's (NPS) Organ Pipe Cactus National Monument (NM), located in Pima County, Arizona. Our biological and conference opinions for the projects were issued on May 8, 2003 (SR 85), October 29, 2002 (North Puerto Blanco Drive), and November 5, 2001 (Twin Peaks Access Road). This document is the first reinitiations of those opinions. Herein we revise specific sections of those opinions. Sections not addressed or revised herein remain as presented in the original opinions.

**BIOLOGICAL OPINION**

**DESCRIPTION OF PROPOSED ACTION – REVISIONS**

The Conservation Measures developed as part of the proposed action for the SR 85 project included the following for the pygmy-owl:

“NPS and ADOT will conduct all project construction outside of the pygmy-owl nesting season (February 1- July 31).”

The proposed action for widening North Puerto Blanco Drive included the following:

“Additionally, all construction will take place outside of the pygmy-owl nesting season February 1- July 31.”

The proposed action for the Twin Peaks Access Road Stabilization Project included the following conservation measure for the pygmy-owl:

“All project activities will take place August 1 through January 31, outside the pygmy-owl breeding season.”

NPS has revised its proposals to allow construction for certain aspects of the projects until March 15, 2004. These revisions are needed to complete key phases of construction that will provide for a safe roadway free of detours and construction hazards that otherwise would be in place until after the pygmy-owl breeding season (after July 15, 2004), and to provide efficient and cost-effective construction. All construction would cease by March 15, 2004, which is the beginning of the Sonoran pronghorn fawning season. No other changes to the actions are proposed. Specific projects needing extension to March 15 include:

1. Handwork, such as raking and shoveling on the Twin Peaks Road and North Puerto Blanco Drive. This work would be done by a crew of four to eight people traveling in pickup trucks with small hand tools, including but not limited to, shovels and rakes. The work would take place entirely within the clearing limits, although it would require the workers to be raking/shoveling the slopes and ditches. This activity could take up to an additional two weeks to complete (until February 14, 2004). This amends the proposed action for the Twin Peaks and North Puerto Blanco road projects.
2. Installation of signs/delineators on the Twin Peaks Road and North Puerto Blanco Drive. The signs are installed into the ground using a post-pounding tool. This work would be done by two or three individuals traveling in a pickup truck and would take place directly off the shoulder of the roadway. It would be completed in one to two days and by February 14, 2004. This amends the proposed action for the Twin Peaks and North Puerto Blanco road projects.
3. Striping/painting crews. This work would be done by a paint truck driving slowly along the length of the Twin Peaks Road. The work would be done entirely on the paved surface by a crew of three to five people driving the paint truck and possibly a second pickup. The work would take one day to complete and would be accomplished by February 14, 2004. This would amend only the proposed action for the Twin Peaks Road project.

4. Construction of a brick and mortar structure to house a vault toilet at the northern terminus of the North Puerto Blanco Drive project. Two to four people working for three days would be needed to complete the project. All materials would be hauled to the site via pickup trucks and possibly a small trailer. A small electric mixer would be used to mix concrete mortar. Construction would be completed by March 1, 2004. This would amend only the North Puerto Blanco Drive project.
5. Paving of SR 85 would extend past February 1 to March 15, 2003. Any remaining construction would restart in September 2004. Crews can pave two to four miles per day and equipment needed includes a lay down machine, belly dumps (trucks to haul the material), and three rollers. Paving at the known owl territories near the Organ Pipe Cactus NM Visitor Center and between mile posts 58.5 and 60.0 would be completed early in the operation, before February 1. This would amend only the SR 85 proposed action.

## **EFFECTS OF THE PROPOSED ACTION**

### Lesser Long-Nosed Bat

Effects to the lesser long-nosed bat were from removal of forage plants (all projects) and possible disturbance of roosts by recreationists facilitated by better access (North Puerto Blanco Drive project). Neither of these effects is altered by extending construction of some project elements to February 14 or March 15. Thus, the effects of the action in regard to the bat are not altered by the proposed changes in the construction schedule.

### Sonoran Pronghorn

The Sonoran pronghorn is most sensitive to disturbance from March 15 through July 15 when young fawns are present, particularly during dry years when animals are stressed due to lack of forage. No construction would occur from March 15 through July 15, thus the critical period for fawning is still avoided. Also, due to adequate rainfall, forage conditions are currently good in the U.S. range of the pronghorn, so animals are less likely to be affected. Thus, although the timing of construction and associated disturbance is altered, we still only anticipate minor effects to Sonoran pronghorn.

### Cactus Ferruginous Pygmy-Owl

In regard to the North Puerto Blanco Drive and Twin Peaks Road projects, NPS conducted three years of approved-protocol pygmy-owl surveys in the project area (2000-2002) with no recorded pygmy-owls. In the past, a pygmy-owl territory was occasionally occupied near the Visitor Center; however, no pygmy-owls have been found there since 1997. The only other pygmy-owl territory occupied in the vicinity of proposed work is a territory between mile posts 58.5 and 60.0 of the SR 85 project. However, it has been unoccupied in recent years. Although pygmy-owls have not recently been detected within or near these projects, nesting pygmy-owls are consistently found in the Monument and essentially all of the habitat affected by the projects is considered suitable. Potential effects from the proposed actions included removal of habitat and

disturbance of pygmy-owls in project areas. The proposed changes in the three road projects would not result in increased loss or disturbance of habitat, including proposed critical habitat, but would extend the term of some actions into the beginning of the pygmy-owl nesting season, and thus have the potential to disturb nesting owls.

Paving along SR 85 would still be conducted before February 1 (before the breeding season) in the vicinity of the two known pygmy-owl territories near the Visitor Center and between mile posts 58.5 and 60.0; thus the potential effects to any owls in these two areas from paving SR 85 would remain the same as that described in our May 8, 2003, opinion.

Raking and shoveling, and installation of signs/delineators on the North Puerto Blanco Drive and Twin Peaks Road, and striping/painting on Twin Peaks Drive would be relatively low-impact activities and do not involve removing habitat. Raking and shoveling would add to the human disturbance in the area of the Visitor Center, but would be fairly short term (two weeks). Placement of signs and delineators would involve use of a post pounder, but the activity would be localized and would only last one or two days. The brick and mortar structure at the north end of the North Puerto Blanco Drive project would involve limited activity for only three days, and the area is not known to be occupied by pygmy-owls.

Pygmy-owls not detected in past surveys could potentially be nesting in or near project areas. However, paving and striping/painting activities represent only a small increment to human activities and vehicle traffic on SR 85 and in the Twin Peaks Road and Visitor Center areas. Other proposed activities are also near the Visitor Center or are limited in scope and duration. None of the activities would involve removing potential nesting substrate (trees, saguaros) after the beginning of the nesting season. These changes to the proposed action do not significantly increase the levels of human disturbance to pygmy-owls potentially in project areas and do not involve increased disturbance or loss of pygmy-owl habitat.

## CONCLUSIONS

The effects of changes to the proposed actions for the SR 85 Roadway and Drainage Improvements project, North Puerto Blanco Drive Project, and Twin Peaks Access Stabilization Project do not alter our previous conclusions that those actions are neither likely to jeopardize the continued existence of the lesser long-nosed bat, Sonoran pronghorn, and cactus ferruginous pygmy-owl; nor likely to result in destruction or adverse modification of proposed critical habitat for the pygmy-owl. We base these conclusions on the rationale presented in the biological and conference opinions for these projects, and upon the following:

1. The changes do not alter the amount or distribution of bat, pronghorn, or pygmy-owl habitat that would be lost or disturbed by the three projects.
2. Construction would still occur outside of the critical fawning period for the Sonoran pronghorn (March 15 to July 15), and currently good forage conditions for the pronghorn make it less likely that pronghorn would be disturbed by project activities.

3. Activities proposed to occur at the beginning of the pygmy-owl nesting season are of limited scope and duration, and are not likely to significantly affect nesting owls.

Other conclusions in our biological and conference opinions regarding anticipated incidental take remain unaltered.

### **REINITIATION NOTICE**

This concludes reinitiation of formal consultation on the SR 85 Roadway and Drainage Improvements Project, the North Puerto Blanco Road Project, and the Twin Peaks Access Road Stabilization Project at Organ Pipe Cactus NM. 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 the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; (3) the agency 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.

Thank you for your cooperation and assistance throughout this consultation process. Any questions or comments should be directed to Jim Rorabaugh (x238) or Sherry Barrett (520) 670-4617.

/s/ Steven L. Spangle

cc: Regional Director, Fish and Wildlife Service, Albuquerque, NM (ARD-ES)  
Assistant Supervisor, Fish and Wildlife Service, Tucson, AZ  
Steve Thomas, Federal Highway Administration, Phoenix, AZ

Melissa Maiefski, Arizona Department of Transportation, Tucson, AZ  
Peter Ruiz, Director of Natural Resources, Tohono O'odham Nation, Sells, AZ  
Acting Chief, Habitat Branch, Arizona Game and Fish Department, Phoenix, AZ