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**In Reply Refer To:**

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22410-1989-0078-R5 (22410-1989-0078-R4-R004)  
22410-2005-0120-R001

March 8, 2007

E-Mail Transmission  
Memorandum

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

**From:** Field Supervisor

**Subject:** Reinitiation of Formal Consultation on the Organ Pipe Cactus National Monument General Management Plan and the Bureau of Land Management's Five Livestock Grazing Allotments Project in the Vicinity of Ajo, Arizona

This memorandum is in response to your March 2 and 6, 2007, requests for reinitiation of consultation on the General Management Plan (GMP) for Organ Pipe Cactus National Monument (OPCNM) and the Bureau of Land Management's (BLM) Five Livestock Grazing Allotments Project in the vicinity of Ajo, Pima County, Arizona. Your requests, which addressed the proposed Unity Run, a special event, were received by us on March 2 and 6, 2007, and were made pursuant to section 7 of the Endangered Species Act of 1973 (ESA) as amended (16 U.S.C. 1531 et seq.). At issue are the impacts to the endangered Sonoran pronghorn (*Antilocapra americana sonoriensis*). See the GMP and BLM opinions for effects analyses and conclusions regarding other listed species. You found that only the Sonoran pronghorn would be affected by the proposed Unity Run; hence our previous analyses and conclusions stand for those species.

Our original biological opinion for the GMP was issued on June 26, 1997. Consultation on the GMP was reinitiated four times; biological opinions were issued on November 16, 2001 (R1), April 7, 2003 (R2), March 10, 2005 (R3), and August 23, 2005 (R4). The biological opinion issued November 16, 2001 (R1), included a number of conservation measures for Sonoran pronghorn in the Description of Proposed Action. Two of the measures included closing roads (Pozo Nuevo Road at its intersection with Puerto Blanco Drive from March 15 to July 31 and Bates Well Road at the northern monument boundary from March 15 to July 15) to public use. When spring forage conditions are good, pronghorn are in good condition and are unlikely to be

stressed or otherwise much affected by public use that occurs primarily along roadways within the pronghorn's range in Arizona. Reinitiation R3 for the GMP revised the public use closure on OPCNM to April 30-July 15 in such years. However, current forage conditions are poor due to below average winter precipitation.

Our original biological opinion for the BLM's Five Livestock Grazing Allotments Project was issued on December 3, 1997. Consultation on this project was reinitiated four times; biological opinions were issued on November 16, 2001 (R1), September 30, 2002 (R2), June 21, 2004 (R3), and March 3, 2005 (R4). The biological opinion issued June 21, 2004 (R3), included a number of conservation measures for Sonoran pronghorn in the Description of Proposed Action. One of the measures included a seasonal closure (the area west of SR85 and south of the Darby Well/Scenic Loop Road/Chico Shunie Road, excluding the area signed for camping at Gunsite Wash, between March 15-July 15 annually or as agreed upon by the SOPH Recovery Team) to public access and use.

This document addresses a proposed one time deviation from the aforementioned conservation measures (road/area closures) in order to allow a special event (Unity Run) to occur on both BLM and OPCNM lands. OPCNM will be issuing a special use permit for the event only on OPCNM lands; however as the lead action agency, OPCNM is consulting on the entire action. Herein we revise specific sections of the last biological opinions. Sections not addressed or revised herein remain as presented in the last biological opinions.

### **CONSULTATION HISTORY**

- February 5, 2007: We received your letter, dated January 29, 2007, requesting concurrence that the proposed action, the Unity Run, may affect, but is not likely to adversely affect Sonoran pronghorn.
- February 21 - 28, 2007: We corresponded with you (both by telephone and electronic mail) to inform you of our concerns regarding the proposed project's potential impacts to Sonoran pronghorn and to recommend you reinitiate formal consultation on the GMP and consult on the entire proposed action (the Unity Run event beginning at the Salt River Indian Community and ending at Quitobaquito Pond in OPCNM).
- March 1, 2007: We spoke with you further about our concerns and provided additional recommendations on how to proceed with formal consultation. You agreed to request reinitiation of formal consultation on the GMP and the BLM's Five Livestock Grazing Allotments Project; consult on the entire action; and include conservation measures for the Sonoran pronghorn, such as monitoring the day before and day of the event.
- March 2, 2007: We received your letter (by facsimile and electronic mail) requesting reinitiation of formal consultation on the proposed Unity Run and its potential impacts to Sonoran pronghorn.

- March 5, 2007: We spoke with you to clarify your request for formal consultation (your letter stated that you were requesting formal consultation on the proposed Unity Run and its potential impacts to Sonoran pronghorn; however, it also stated, that you determined that the proposed action may affect, but is not likely to adversely affect Sonoran pronghorn and requested our concurrence on your determination). We mutually agreed to proceed with formal consultation and to disregard your request for concurrence.
- March 6, 2007: We received your electronic mail clarifying that your request is for reinitiation of formal consultation on BLM's Five Livestock Grazing Allotments Project as well as the GMP.

## **BIOLOGICAL OPINION**

### **DESCRIPTION OF PROPOSED ACTION**

A complete description of the proposed action is found in your March 2, 2007, letter and analysis of effects, in our notes taken during telephone conversations with you on March 5, 2007, and in your March 6 and 7, 2007 electronic mails. OPCNM proposes to issue a one-time special use permit to allow the Unity Run to occur on OPCNM. The Unity Run, organized by the Gila River Indian Community, Salt River Indian Community, Ak-Chin Indian Community, Hia-Ced O'odham, and the Tohono O'odham Nation, is a relay style run beginning on March 12, 2007 at the Salt River Indian Community and ending March 17, 2007 at Quitobaquito, in the southwestern portion of OPCNM. Though the Unity Run will cover a long distance, only a detailed description of the actions associated with the Run on BLM and OPCNM lands are included herein. This is because the rest of the Run will take place on established roads in rural, suburban, agricultural, and urban and other settings, away from sensitive species and habitats.

The Unity Run will take place on BLM and OPCNM lands from March 16 to 17, 2007. Specifically, runners and support staff will enter BLM lands west of Highway 85 near Why; proceed southwest on the road through the BLM Gunsite Recreation Area to the BLM/OPCNM north boundary; continue 1.57 miles west along the north boundary fence to OPCNM's north boundary road; continue approximately 3.5 miles west to the Darby Wells/Bates Well junction; continue approximately 11 miles south west along Bates Well Road to the Bates Well/Pozo Nuevo junction; continue 16.2 miles south on to the Pozo Nuevo/South Puerto Blanco Drive junction, and finally proceed one mile west on South Puerto Blanco Drive to Quitobaquito.

Two runners and two support vehicles will be allowed on the portion of the Unity Run route on BLM and OPCNM lands. Approximately 30 to 40 people, including runners and support staff, will camp the evening of March 16 at Quitobaquito. All participants of the camp-out who were not part of the relay run, will access Quitobaquito via Highway 85 and the South Puerto Blanco Drive. On March 17, a ceremony with 100 to 150 participants and support staff, will take place at Quitobaquito. All March 17 participants who were not part of the relay run and camp-out on March 16 will access Quitobaquito via Highway 85 and the South Puerto Blanco Drive. All participants will depart from OPCNM on March 17 using South Puerto Blanco Drive. OPCNM staff will supervise participants of the Unity Run, camp-out, and ceremony at all times.

The Unity Run will occur within the areas seasonally closed to public use on BLM and OPCNM one day after the closures have taken effect. These closures<sup>1</sup> were included as conservation measures for Sonoran pronghorn in the biological opinion, issued November 16, 2001 (R1), on implementation of the GMP, and in the biological opinion, issued June 21, 2004 (R3), for the BLM's Five Livestock Grazing Allotments Project. Accordingly, to avoid and minimize adverse effects to Sonoran pronghorn that could occur as a result of the Unity Run, OPCNM proposes to implement the conservation measures described below.

### **Conservation Measures for Sonoran Pronghorn**

1. OPCNM staff will drive the Unity Run route (the portion within Sonoran pronghorn habitat, including on BLM and OPCNM lands) the day before the event (March 15) and conduct a slow-speed survey of the area for Sonoran pronghorn. Two observers will stand in the bed of a slow-moving pickup truck, using binoculars and naked eye to survey for pronghorn. If Sonoran pronghorn are seen within one mile of the Unity Run route, the event on BLM and OPCNM lands will be cancelled.
2. OPCNM staff will drive the Unity Run route the day of the event (March 16), at least one hour ahead of the lead runners and/or support vehicles, and conduct a slow-speed survey of the area for Sonoran pronghorn. Two observers will stand in the bed of a slow-moving pickup truck, using binoculars and naked eye to survey for pronghorn. If Sonoran pronghorn are seen within one mile of the Unity Run route, the event will be suspended until the pronghorn move to greater than one mile from the route. If, after three hours of the initial sighting, the pronghorn do not move beyond one mile away from the route, the event on BLM and OPCNM lands will be terminated and all participants will retreat from the area in the direction from which they came.
3. To supplement the on-the-ground monitoring to be conducted on March 15 and 16, OPCNM will be in contact Arizona Game and Fish Department (AGFD) to get the most recent pronghorn locations in the area.
4. Support vehicles will limit speeds to 15 mph on all administrative and public use roads.
5. Support vehicles will be limited to a total of two vans or four-wheel drive vehicles. Both vehicles will have fully functioning mufflers. Dirt bikes, all-terrain vehicles, horns, loud music, or other loud noises will not be allowed.

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<sup>1</sup> From OPCNM GMP Biological Opinion:

- Closing Pozo Nuevo Road to public use at its intersection with Puerto Blanco Drive from March 15 to July 31.
- Closing Bates Well Road to public use at the northern monument boundary from March 15 to July 15.

From the BLM Allotment Project Biological Opinion:

- 11) BLM will continue to implement the seasonal closures to public access and use to the area west of SR85 and south of the Darby Well/Scenic Loop Road/Chico Shunie Road, excluding the area signed for camping at Gunsite Wash, between March 15-July 15 annually or as agreed upon by the SOPH Recovery Team) to public access and use.

6. Support vehicles and runners will not stop for lunch along their route on BLM and OPCNM lands; all stops will be short, for the purposes of exchanging runners and providing support (e.g., water).
7. All runners and support staff will remain within 50 yards of Armenta, Pozo Nuevo, and Bates Well roads.
8. All vehicles will remain within five feet of the road prism.

### Sonoran Pronghorn

The status and the baseline of the Sonoran pronghorn has remained nearly the same since the date of the last reinitiation (August 23, 2005, on the GMP), with the exception of the changes described below.

## **STATUS OF THE SPECIES**

### **D. Distribution and Abundance**

#### *United States*

The December 2006 range-wide survey resulted in an estimated 68 wild pronghorn in the U.S. population, an increase brought on by relatively favorable conditions and intense management efforts since 2002. Eleven wild pronghorn currently have radio-collars.

#### Semi-captive breeding facility

There are currently 28 pronghorn in the enclosure, including five fawns born in March 2007, nine fawns born in 2006, and two yearlings born in the enclosure in 2005. Four 2005 yearling males were released in late 2006 and early 2007 near the Charlie Bell forage enhancement plot.

#### *Mexico*

In January 2006, surveys indicated that pronghorn numbers are remaining steady with an estimated total of 634 individuals (combined for both Mexico populations). Nine of these were captured, of which five were fitted with radio-collars and released and four were transferred to the semi-captive breeding facility in the U.S.

## **ENVIRONMENTAL BASELINE**

### **C. Status of the Sonoran Pronghorn in the Action Area**

#### *Drought*

Winter rainfall in 2005/2006 was below average and though summer 2006 rainfall was abundant, 2006/2007 winter rainfall has also been below average. For example, this winter, OPCNM has received about one-third of their normal winter rainfall (Tim Tibbitts, OPCNM, personal communication on March 2, 2007).

### *Emergency Recovery Actions*

Mangers continue to implement emergency recovery actions for pronghorn. To date, eleven emergency water sources, with plans for an additional three, have been constructed in recent years throughout the range of the U.S. sub-population. Five of these waters were, or are scheduled to be, repaired and/or enlarged yearly. Five forage enhancement plots, each consisting of a well, pump, pipelines and irrigation lines, have been developed to irrigate the desert and produce forage for pronghorn. Two additional plots will be installed over the next five years, and it is hoped that a total of 10 plots will eventually be constructed. The semi-captive breeding facility at CPNWR now contains 28 animals. This number should increase soon, as more pregnant does are due to give birth any day (five fawns were already born this month).

### **E. Past and Ongoing Federal Actions in the Action Area**

#### *Federal Actions For Which Consultation Has Not Been Completed*

##### 3) BLM Off-Road Vehicle Use Area

We are aware of an off-road vehicle (ORV) use area located north of Ajo on BLM land, near the CPNWR, and adjacent to suitable pronghorn habitat. The BLM has not authorized the use of this ORV area but plans to in the updated Resource Management Plan (RMP) they are developing for BLM lands in the vicinity. They will request formal section 7 consultation on the updated RMP. To date, BLM has not provided us with information about the extent and type of use of the ORV area or its possible effects to pronghorn.

#### *Federal Actions Addressed in Section 7 Consultations*

Two additional (seven total) biological opinions have evaluated major projects with greater effects to pronghorn:

##### Barry M. Goldwater (BMGR) Integrated Natural Resources Management Plan

The non-jeopardy opinion for this action was issued on August 26, 2005. The Military Lands Withdrawal Act (MLWA) of 1999 required that the Secretaries of the Air Force, Navy, and Interior jointly prepare an INRMP for the BMGR, the purpose of which was to provide for the “proper management and protection of the natural and cultural resources of [the range], and for sustainable use by the public of such resources to the extent consistent with the military purposes [of the BMGR].” The proposed action was comprehensive land management, including public use restrictions, authorizations, and permitting on portions of the BMGR regarding camping, vehicle use, shooting, entry into mines, firewood collection and use, rockhounding, and other activities; natural resources monitoring, surveys, and research; habitat restoration; wildlife water developments; development of a wildfire management plan; law enforcement; limitations on the locations of future utility projects and the Yuma Area Service Highway; control of trespass livestock; and designation of special natural/interest areas, while allowing other designations to expire. The proposed action included many land use prescriptions that would improve the

baseline for the pronghorn. No incidental take was anticipated, and none is known to have occurred from the proposed action.

#### Department of Homeland Security Permanent Vehicle Barrier

This biological opinion (consultation number 22410-2006-F-0113), issued September 15, 2006, addressed the Customs and Border Protection/Office of the Border Patrol's installation of a permanent vehicle barrier (as well as access improvements, construction/improvement of border roads, and associated maintenance and patrol activities) along the border from the western end of the OPCNM barrier to Avenue C just east of San Luis, Arizona. Effects to pronghorn included 1) disturbance of a narrow swath of habitat along the border, 2) presence of construction crews and vehicles that may disturb or preclude use of the area by pronghorn, 3) presence of maintenance and patrol vehicles and crews along the barrier access road, and 4) dramatic reduction or elimination of illegal drive-throughs and law enforcement response, with much reduced route proliferation and habitat damage from off-highway vehicles. We determined that the proposed action was not likely to jeopardize the continued existence of the pronghorn. No incidental take of pronghorn was anticipated.

#### **EFFECTS OF THE PROPOSED ACTION**

The proposed Unity Run, which will occur during the fawning season within areas seasonally closed to protect pronghorn (one day after the closures have taken effect), may result in disturbance to pronghorn. Runners and support vehicles could cause pronghorn to flee and result in short-term denial of access to habitat, both of which would likely result in severe adverse physiological effects to pronghorn, particularly during the fawning season (a time of increased energetic demands). Sonoran pronghorn are sensitive to human disturbance. Vehicle traffic is disturbing to pronghorn and will often cause flight or startle responses with associated adverse physiological changes. Hughes and Smith (1990) found that pronghorn immediately ran 1,310-1,650 feet from a vehicle. Krausman *et al.* (2001) found that Sonoran pronghorn reacted to ground disturbances (vehicles or people on foot) with a change in behavior 37 percent of the time, resulting in the animals running or trotting away 2.6 percent of the time. Wright and deVos (1986) noted that Sonoran pronghorn exhibit "a heightened response to human traffic" as compared to other subspecies of pronghorn.

Disturbance and flight of ungulates are known to result in a variety of physiological effects that are adverse, including elevated metabolism, lowered body weight, reduced fetus survival, and withdrawal from suitable habitat (Geist 1971, Harlow *et al.* 1987), which may be exacerbated in harsh environments such as those occupied by Sonoran pronghorn. The adverse physiological effects from disturbance are also likely worsened during times of low rainfall, such as is the case this winter within pronghorn habitat, because pronghorn are probably already physiologically stressed from the scarcity of available water and food resources. However, forage enhancement plots and wildlife waters for pronghorn may help mitigate some physiological stress caused by low rainfall conditions. Disturbance may also lead to mortality, including increased vulnerability to predator attack and susceptibility to heat stress and malnutrition.

We anticipate, however, that the likelihood of runners, support vehicles, or monitors encountering pronghorn is low because there will only be two runners and two vehicles traveling on the route within BLM and OPCNM lands; the Unity Run is a one-time event that will occur within one day only (the Unity Run will take about 6 days, however, it will only take place within occupied pronghorn habitat on March 16), and pronghorn are relatively rare (about 68 in the U.S.). Additionally, the possibility of human encounters with pronghorn, and consequently the chances that the event will result in disturbance to pronghorn, should be greatly reduced because the event will be cancelled if pronghorn are sighted by monitors within one mile of the Unity Run route the day before the event (March 15). Also, if pronghorn are sighted within one mile of the route the day of the event, the event will be suspended until the pronghorn move to greater than one mile from the route. If, after three hours of the initial sighting, the pronghorn do not move beyond one mile away from the route, the event will be terminated and all participants will retreat from the area in the direction from which they came. There is a possibility that pronghorn in the area may not be detected by monitors; however, to reduce this possibility, OPCNM will also be in contact with AGFD to get the most recent pronghorn locations in the area.

Vehicles could collide with pronghorn causing injury and/or death. However, the likelihood of collisions with vehicles is very low because vehicles will be traveling at slow speeds ( $\leq 15$  miles per hour); monitoring of pronghorn will occur, and if they are observed in the area the event will be cancelled or suspended; we are not aware of any such collisions in the U.S., or along unpaved routes anywhere within the range of the Sonoran pronghorn; and pronghorn are relatively rare.

We anticipate few, if any, impacts to pronghorn habitat because only two runners and two support vehicles will be allowed along the route within BLM and OPCNM lands; they will stay within five feet of the road prism; they will only travel the route through pronghorn habitat once (no traveling back and forth along the route); and this is only a one-time event.

## **CUMULATIVE EFFECTS**

Cumulative effects have remained the same since the date of the last reinitiation (August 23, 2005, on the GMP).

## **CONCLUSIONS**

### **Sonoran Pronghorn**

After reviewing the current status of the Sonoran pronghorn, the environmental baseline for the action area, the effects of the proposed action, and the cumulative effects, we reaffirm our biological opinions that the proposed actions are not likely to jeopardize the continued existence of the Sonoran pronghorn. No critical habitat has been designated for this species; therefore, none will be affected. Our conclusion is based on the rationale given in our previous biological opinions and reinitiations on the proposed actions, and the following:

1. Conservation measures included in the proposed action will reduce the possibilities of human (people associated with the Unity Run) encounters with pronghorn and

consequently the chances that the event will result in disturbance to pronghorn. For example, the run will be cancelled if pronghorn are detected within one mile of the route by monitors the day before the event and the run will be suspended and possibly canceled if pronghorn are detected within one mile of the route the day of the event.

2. Conservation measures included in the proposed action will minimize impacts to pronghorn habitat. For example, only two runners and two support vehicles will be allowed along the route on BLM and OPCNM lands, they will stay within five feet of the road prism, and they will only travel the route through pronghorn habitat once.
3. Forage enhancement plots and waters help make the pronghorn population in the U.S. more resistant to drought and other stressors.

### **AMOUNT OR EXTENT OF TAKE ANTICIPATED**

We do not anticipate the proposed action will result in incidental take of Sonoran pronghorn. Our conclusion is based on the rationale given in our previous biological opinions and reinitiations on the proposed action; the Effects of the Proposed Action, above; and the following:

1. Measures included in the proposed action will reduce the likelihood that the Unity Run will result in adverse effects to pronghorn.
2. Forage enhancement plots and water developments buffer the effects of drought when pronghorn are most sensitive to human disturbance.

### **CONSERVATION RECOMMENDATIONS**

In addition to the conservation recommendations in our previous biological opinions and reinitiations on the proposed actions, we provide the following additional recommendation:

1. Relocate and enlarge the existing Bates Mountain emergency wildlife water and develop a new water in the eastern portion of OPCNM. Both waters should be developed with water collection systems and their location should be determined in conjunction with the Sonoran Pronghorn Recovery Team.

Thank you for your cooperation and assistance throughout this consultation process. Any questions or comments should be directed to Erin Fernandez (520) 670-6150 (x238) or Jim Rorabaugh (602) 242-0210 (x238).

/s/ Steven L. Spangle

cc: Refuge Manager, Cabeza Prieta National Wildlife Refuge, Ajo, AZ  
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