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In Reply Refer To:

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December 12, 2012

Memorandum

To: State Director, Bureau of Land Management, Phoenix, Arizona
(Attn: Kevin Grove)

From: Field Supervisor

Subject: Final Conference Report and Concurrence for Agua Caliente Solar Energy Zone, Yuma County, Arizona and Conservation Review for Restoration Design Energy Project, Statewide in Arizona

Thank you for your August 1, 2012 memorandum, received in our office on August 3, 2012, requesting initiation of formal conference and conservation review under section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*)(Act) of the Restoration Design Energy Project, including designation of the Agua Caliente Solar Energy Zone (ACSEZ). This memorandum contains: 1) a conference report concerning the possible effects of designation of the ACSEZ (Figure 1 and Figure 2), on Bureau of Land Management (BLM) lands in Yuma County, Arizona (an element of the Restoration Design Energy Project), on Sonoran pronghorn (*Antilocapra americana sonoriensis*)(SPH); 2) our conservation review of the Restoration Design Energy Project (RDEP), as a whole, wherein BLM will identify Renewable Energy Development Areas (REDAs), statewide in Arizona (Figure 1), establish management actions, design features, and land tenure and reuse policies applicable to solar and wind energy development on BLM administered lands in Arizona; 3) our rationale for concurrence with your “may affect, is not likely to adversely affect” determination for the lesser long-nosed bat (*Leptonycteris curasoae yerbabuena*) for the designation of the ACSEZ.

1. Conference Report

Consultation History

- March 26, 2012: BLM and the Fish and Wildlife Service (FWS) held a meeting to initiate informal consultation.
- August 1, 2012: BLM transmitted the biological assessment.
- August 3, 2012: A formal conference was initiated.
- September 28, 2012: BLM provided an updated boundary of ACSEZ.
- November 8, 2012: A draft conference report was provided to BLM.
- November 29, 2012: Comments on draft conference report received from BLM.

Description of the Proposed Action

The proposed action for this conference report is the designation by BLM of the proposed ACSEZ by allocation of BLM managed land in Yuma County, Arizona through amendment of the “Yuma Field Office Resource Management Plan,” dated January 2010 (Yuma RMP). A complete description of the proposed action is found in your July 2012 biological assessment (BA). Allocation of the ACSEZ is an element of the Restoration Design Energy Project, a complete description of which is found in “Renewable Arizona: Restoration Design Energy Project Draft Environmental Impact Statement” DES 12-4, dated February 2012 (DEIS), which includes conservation measures; required design features to avoid or minimize impacts; required plans; required studies; and best management practices to be utilized by BLM and applicants for rights of way for future solar and wind energy development projects.

Status of the Species in the Action Area

FWS identified lands in Arizona suitable for re-establishment of SPH and classified that re-established population as a nonessential experimental population (NEP) (FR Vol. 76, No. 87, 25593). The proposed 2,550 acre ACSEZ lies within the 3,066,240 ac. Re-establishment Area A identified by FWS, which includes a 0.5 square mile pen in King Valley on the Kofa National Wildlife Refuge (Figure 3), identified in the FWS “Final Environmental Assessment for Reestablishment of the Sonoran Pronghorn,” (FEA), dated October 6, 2010. For this conference report, the action area analyzed is the area where SPH are designated as nonessential (Figure 3). Twelve SPH were released into the King Valley pen in December 2011 with release to the wild anticipated in 2013. This population is separated from the fully protected SPH population south of Interstate 8 by agricultural development, canals, fences and highways.

Vegetation in the area of the ACSEZ is low in density and consists primarily of Lower Colorado River Valley subdivision of the Sonoran desertscrub biome (Turner and Brown 1994) and is interspersed with desert pavement. This vegetation is typified by the paloverde-cacti-mixed scrub series, which is dominated by paloverde, columnar cacti such as the saguaro, and ironwood (Turner and Brown 1994). Desert pavement areas are generally free of vegetation. The area of the ACSEZ is poor quality habitat for the SPH.

Effects of the Action

Allocation of the ACSEZ on BLM lands will, if renewable energy facilities are ultimately built on those lands, reduce the area of habitat available for use by SPH in an area identified for re-establishment of SPH. Complete build out of renewable energy facilities in the ACSEZ would reduce the available land area of Area A by less than 1 percent (0.083) percent and will not preclude recovery objectives for the area. The proposed ACSEZ lies approximately 32 miles from the King Valley SPH pronghorn release site (Figure 3).

Because of the small change in available land area within the reestablishment area, the poor quality of SPH habitat in the area, and the distance from the release site, the FWS does not consider the reduction in usable habitat area from build out on the ACSEZ to be significant. The FWS does, however, offer conservation recommendations for SPH in the project area:

- We recommend that sightings of SPH or sign on or in the vicinity of the ACSEZ be reported to the FWS and Arizona Game and Fish Department (AGFD). Documentation of sightings of animals, tracks, droppings, and hair, through digital or other photography, to the extent practical, is recommended.
- We recommend that layout of fencing around renewable energy facilities avoid creating “dead end” or “trap” areas between fenced areas to allow easy egress for SPH from the area if startled by humans or predators. We recommend fencing be designed to avoid ensnaring pronghorn and other large mammals.
- We recommend that Worker Education and Awareness Programs (WEAPs) for construction workers at renewable energy facility sites within the ACSEZ include briefing materials on SPH including identification and the importance of avoiding disturbing any animals encountered. We recommend that BLM work with the FWS and AGFD in development of WEAP material for SPH.
- We recommend that work areas be kept clean, including of edible garbage, and that feeding of animals be prohibited.

Conclusion

The proposed action is not likely to jeopardize the continued existence of the 10(j) non-essential, experimental population of SPH. Because of the SPH’s status as a non-essential experimental population in the area in Arizona so identified by rule, they are treated as though they are proposed for listing for section 7 consultation purposes. By definition, a non-essential experimental population is not essential to the continued existence of the species. Thus, no proposed action impacting a population so designated could lead to a jeopardy determination for the entire species.

2. Conservation Review

Section 7(a)(1) of the Act requires Federal agencies “in consultation with and with the assistance of the Secretary” to “utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species....” The Secretary referred to is the Secretary of the Interior or the Secretary of Commerce; within

the Department of the Interior, responsibilities under section 7 are delegated to the Fish and Wildlife Service.

The proposed action for this conservation review is the Restoration Design Energy Project (RDEP). In addition to designation of the ACSEZ, described above under Conference Report, the BLM will amend the Arizona Strip Field Office Resource Management Plan (RMP), Phoenix Resource Area RMP, Lower Sonoran/Sonoran Desert National Monument RMP, Bradshaw-Harquahala RMP, Safford RMP, Kingman Resource Area RMP, Yuma RMP, and Lake Havasu RMP as follows:

- Identify Renewable Energy Development Areas (REDAs) for renewable energy development;
- Establish goals, objectives, and management actions for renewable energy development;
- Identify REDA land disposal criteria for future land disposal allocation decisions and disposal actions, including land exchanges and sales; and
- Identify terms and conditions, including design features and mitigation measures, to minimize environmental impacts and guide development at the local level.

In addition BLM proposes to establish management actions, design features to avoid or minimize impacts, and land tenure and reuse policies applicable to solar and wind energy development on BLM administered lands in Arizona. A complete description of the proposed action is found in your July 2012 conservation assessment (CA) and in “Renewable Arizona: Restoration Design Energy Project Draft Environmental Impact Statement” DES 12-4, dated February 2012.

In developing REDAs in Arizona, BLM applied screening criteria to supplement those used in identification of variance areas identified in the “Final Programmatic Environmental Impact Statement (PEIS) for Solar Energy Development in Six Southwestern States” (FES 12-24; DOE/EIS-0403) (PEIS). These screening criteria include exclusion of: BLM Areas of Critical Environmental Concern (ACECs); BLM Backcountry Byways; BLM Designated Wilderness and Wilderness Study Areas; BLM lands with wilderness characteristics; BLM Visual Resource Management Classes I, II, and III; BLM Special Recreation Management Areas; BLM ROW exclusion or avoidance areas; BLM Herd Management Areas; Gila River Terraces ACEC; designated BLM utility corridors; National Monuments; National Conservation Areas; Wild and Scenic Rivers (either eligible or suitable for inclusion); National Park System (NPS) units, including Petrified Forest National Park Expansion Area; NPS National Historic Trails (0.25-mile buffer); Indian lands; military lands; State Parks; state Wildlife Areas; FWS lands; The Nature Conservancy conservation easements, Audubon Society land, and private conservation easements; Forest Service (USFS) designated wilderness; USFS Established Research Natural Areas; USFS Inventoried Roadless Areas; USFS Heber Wild Horse and Burro area; USFS Special Interest Management Areas; airports (0.25-mile buffer); incorporated cities (except when BLM land is included within boundary of an incorporated city); AGFD Areas of Conservation Potential, Tiers 4, 5, and 6; AGFD big game habitat, including bighorn sheep, black bear, elk, javelina, mountain lion, mule deer, turkey, white-tailed deer; special status species including threatened, endangered, and BLM sensitive species locations; AGFD wildlife corridors; FWS critical habitat for threatened and endangered species; BLM sensitive species habitat; desert

tortoise (*Gopherus morafkai*) Sonoran population habitat categories I, II, and III; National Wetland Inventory wetlands; water bodies (lakes, rivers, and dry lakes); Federal Emergency Management Agency 100-year floodplains; areas of high potential for known mineral deposits, metallic mineral districts, Holbrook Basin potash potential area; sensitive fossil resources; and severe soils.

Several categories of design features will apply to all projects within the program (Table 2-5 of the Conservation Assessment). These include siting and design requirements, general multiphase measures, site characterization requirements, construction requirements, operations requirements, decommissioning/reclamation requirements, and requirements applied to transmission lines and roads.

These design features are intended generally to ensure effective coordination with FWS and State counterpart agencies, limit land disturbance, limit adverse effects to wildlife and native vegetation, and apply stringent requirements with respect to special status species. The design features specify the need for site-specific plans of various types, many of which would benefit conservation of special-status species. Importantly, the design features represent an explicit set of standards against which performance of BLM and project developers may be evaluated.

We note that within REDAs and the ACSEZ site specific review under the National Environmental Policy Act (NEPA) and section 7 of the Act will be conducted by BLM when applicants propose specific actions.

Conservation Recommendations for the RDEP:

- We recommend that BLM periodically consider the need to exclude additional areas currently within SEZs or REDAs from renewable energy development if potential adverse effects to listed species are identified.
- We recommend that BLM coordinate with FWS in formulating any mitigation required by design features for special status species.
- We recommend that BLM monitor the implementation of mitigation measures at renewable energy development projects and periodically assess the effectiveness of those measures in order that measures recommended at new projects are improved through learning in an adaptive management context.
- We recommend that BLM monitor the status of listing of additional species in Arizona.

3. Concurrences

We concur that designation by BLM of the proposed Agua Caliente Solar Energy Zone (ACSEZ), through allocation of BLM managed land by amendment of the Yuma RMP, an element of the RDEP, “may affect, but is not likely to adversely affect” the lesser long-nosed bat for the following reasons:

No known LLNB roosts occur in the area of the proposed ACSEZ. Therefore, we believe direct effects to roosting LLNB will be avoided. Roosting habitat for the LLNB is found on BLM land near Ajo (Figure 3), approximately 55 miles from the ACSEZ. LLNBs have been documented foraging up to 40 miles from roost sites and LLNB foraging habitat associated with the known roost near Ajo includes BLM lands near Ajo and the Sentinel Plain, northwest of the Ajo roost site. LLNB typically forage on columnar cacti, such as the saguaro (*Carnegiea gigantea*) and organ pipe cactus (*Stenocereus thurberi*), during the time they occupy roosts in this part of Arizona. Columnar cacti are found on the Palomas Plain and adjacent hills, in the area of the ACSEZ, providing potential foraging habitat for LLNBs.

Some adverse effects are possible from development of renewable energy facilities on the ACSEZ through reduction in foraging habitat. We anticipate these effects will be extremely unlikely and discountable because the ACSEZ is 55 miles from the Ajo area roost, outside of the typical foraging distance for LLNBs. In addition, the RDEP includes design features as conservation measures to protect or salvage columnar cacti for transplantation or re-vegetation.

This concludes our review of the RDEP, including designation of the ACSEZ, under the Act. We also encourage you to coordinate the review of this project with the Arizona Game and Fish Department. Thank you for your efforts to address effects to listed species. If you have any questions or concerns regarding this conference or conservation review, please contact Bill Werner (x217) or Debra Bills (x239).

/s/ Debra Bills for

Steven L. Spangle

ec (electronic copy):

Chief, Habitat Branch, Arizona Game and Fish Department, Phoenix, AZ
 Assistant Field Supervisor, Fish and Wildlife Service, Tucson, AZ
 (Attn: Scott Richardson, Erin Fernandez)

Literature Cited

Turner, R. M. and D. E. Brown. 1994. Sonoran desert scrub. Pages 181-221 *in* Brown, D. E. (ed.). Biotic communities, southwestern United States and northwestern Mexico. University of Utah Press, Salt Lake City. 342 pp.

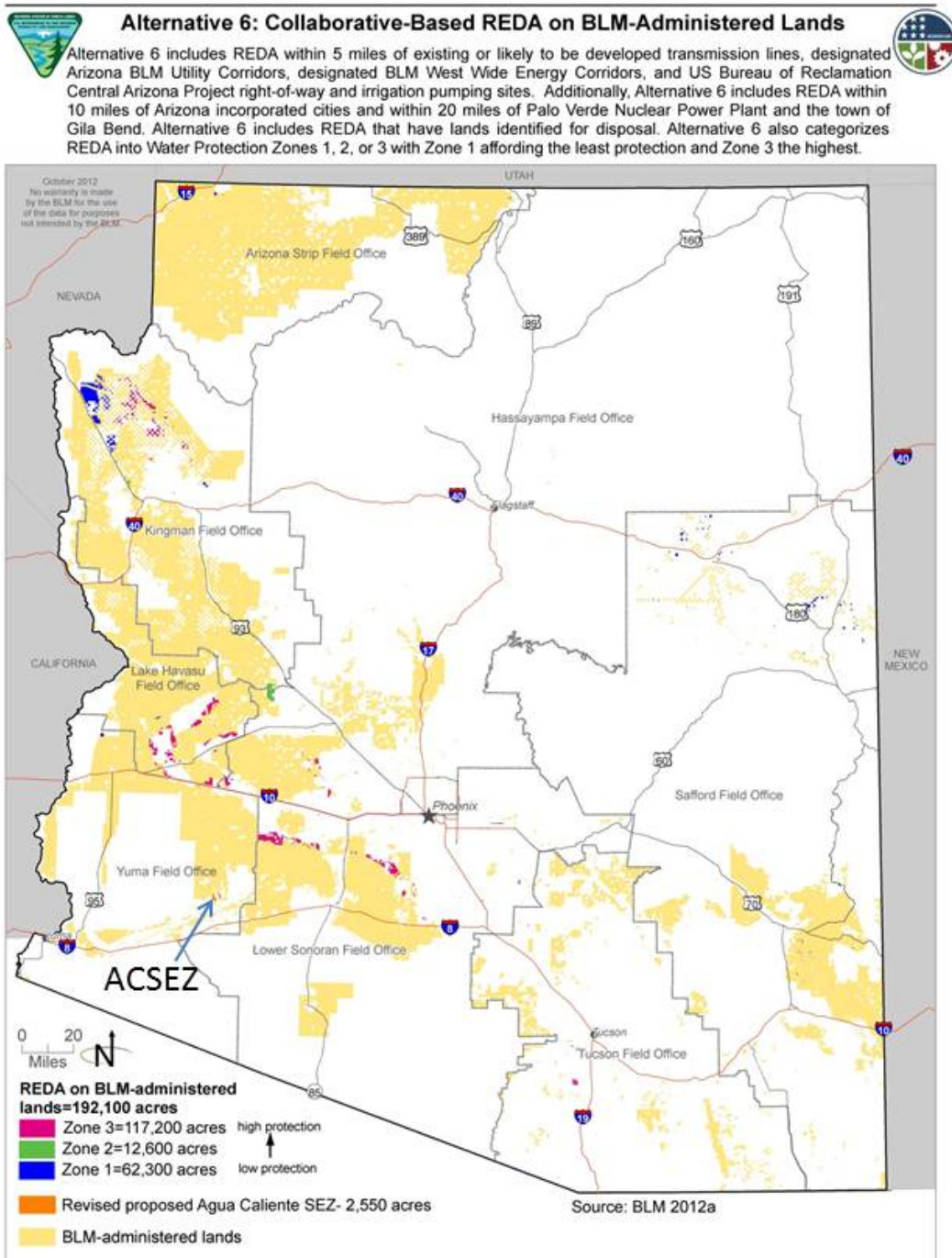


Figure 1. RDEP Renewable Energy Development Areas and Agua Caliente Solar Energy Zone (ACSEZ).

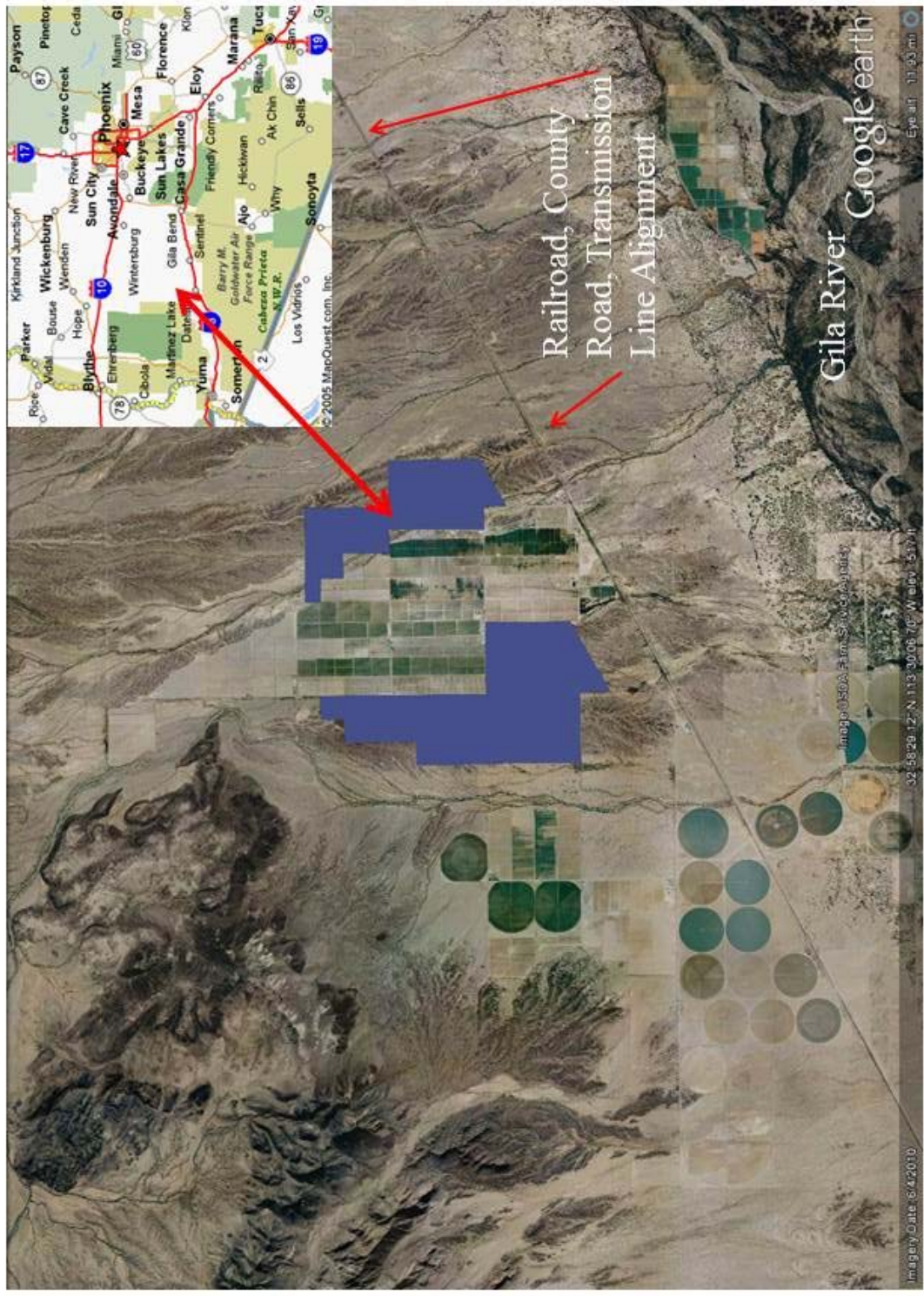


Figure 2. Agua Caliente Solar Energy Zone (in blue) on Undeveloped BLM Land Adjacent to Existing Non-BLM Agricultural Land



Figure 3. ACSEZ Relationship to SPH 10(j) (green boundary), Area A (blue boundary), and LLNB Ajo Roost Site (red star)