



United States Department of the Interior



Fish and Wildlife Service

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In Reply Refer to:

AESO/SE

02EAAZ00-2014-F-0538-R001

August 28, 2015

Brent K. Range
Superintendent
Organ Pipe Cactus National Monument
10 Organ Pipe Drive
Ajo, Arizona 85321

RE: Reinitiation of Formal Section 7 Consultation on Implementation of the Ecological Restoration Plan on Organ Pipe Cactus National Monument, Cabeza Prieta National Wildlife Refuge, and Bureau of Land Management Ajo Block, Pima County, Arizona

Dear Mr. Range:

This letter is in response to your February 17, 2015, request for reinitiation of formal consultation for implementation of your Ecological Restoration Plan on Organ Pipe Cactus National Monument, Cabeza Prieta National Wildlife Refuge, and Bureau of Land Management Ajo Block, Pima County, Arizona. Your request was received by us on February 19, 2014, and was 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 Sonoran pronghorn (*Antilocapra americana sonoriensis*). Your previous "no effect" determination remains the same for the lesser long-nosed bat (*Leptonycteris curasoae yerbabuanae*); therefore effects to this species are not addressed in this biological opinion.

Our original biological opinion for this project was issued on October 2, 2014. Herein we revise specific sections of the last biological opinion relating to the status and baseline of the Sonoran pronghorn and Sonoran pronghorn monitoring (in the effects analysis). Sections not addressed or revised herein remain as presented in the last biological opinion.

This biological opinion is based on the project proposal, literature, telephone conversations, field investigations, and other sources of information. Literature cited in this biological opinion is not a complete bibliography of all literature available on the Sonoran pronghorn, effects of ecological restoration on this species, or on other subjects considered in this opinion. A complete administrative record of this consultation is on file at this office.

CONSULTATION HISTORY

- See Biological Opinion #02EAAZ00-2014-F-0538, issued on October 2, 2014, for a complete consultation history.
- February 25, 2015: We received your request for reinitiation of formal consultation.

BIOLOGICAL OPINION

DESCRIPTION OF PROPOSED ACTION

Organ Pipe Cactus National Monument (OPCNM) proposes to replace Conservation Measures 6 and 7 in the October 2, 2014 biological opinion with the language below.

Revised Conservation Measures (to replace measures #6 and #7 only)

For Restoration Zones within Cabeza Prieta National Wildlife Refuge (CPNWR):

To determine if Sonoran pronghorn are present in or near restoration work areas, OPCNM will coordinate Sonoran pronghorn monitoring with the University of Arizona (UA) field crew who are conducting pronghorn surveys as a component of a Human Effects Study. For restoration zones within CPNWR, throughout the duration of the restoration, OPCNM will receive reports (a minimum of weekly) from the UA detailing the location of pronghorn ranging near the restoration area. The UA surveys include telemetry sweeps to detect collared pronghorn and visual sweeps of the landscape via spotting scope. Aerial survey data from Arizona Game and Fish Department (AGFD) will be also be used to determine the location of Sonoran pronghorn in or near the project area. If females or fawns are detected within one mile of any proposed restoration site, restoration will be moved to an alternate site until monitoring reveals that there are no females or fawns within one mile.

For restoration zones within OPCNM and Bureau of Land Management Ajo Block (BLM):

Throughout the duration of the restoration, OPCNM will receive reports (a minimum of weekly) from the UA detailing the location of pronghorn ranging in or near the restoration area. If the UA crew is unable to conduct a survey, the OPCNM staff will survey the restoration zone at the beginning of each week. The surveys (conducted by UA or OPCNM) include telemetry sweeps to detect collared pronghorn and visual sweeps of the landscape via spotting scope. Aerial survey data from AGFD will be also be used to determine the location of Sonoran pronghorn in or near the project area. If females or fawns are detected within one mile of any proposed restoration site, restoration will be moved to an alternate site until monitoring reveals that there are no females or fawns within one mile.

For all restoration zones:

Each restoration crew member will receive training and information on Sonoran pronghorn ecology and identification. If restoration crews encounter an adult male Sonoran pronghorn within one mile while working, they will contact OPCNM staff immediately. If restoration crews encounter pronghorn females or fawns within one mile, they should stop work immediately and contact OPCNM staff. After notifying OPCNM staff of Sonoran pronghorn within one mile of a work site, the leader will advise crew on the best way to avoid and minimize adverse effects to the pronghorn. Because each situation will be unique, the leader will have discretion on which avoidance and minimization measures to prescribe. In general,

however, the leader will prescribe strict avoidance measures to protect pregnant females, females with fawns, and fawns. During months with good range conditions (such as currently exist in February 2015), more flexible measures may be prescribed when adult pronghorn without fawns (and non-pregnant females) are located within one mile of the worksite. Range conditions will be assessed regularly. When needed, the NPS restoration crew leader will consult with OPCNM or U.S. Fish and Wildlife Service wildlife biologists to help avoid pronghorn disturbance.

STATUS OF THE SPECIES - SONORAN PRONGHORN

A. Description, Legal Status, and Recovery Planning

No changes.

B. Life History and Habitat

No changes.

C. Distribution and Abundance

United States

The December 2014 aerial surveys resulted in an estimated 202 Sonoran pronghorn in the endangered U.S. population and 58 in the 10(j) population.

Semi-captive Breeding Facility

As of July 2015, there are 55 adults and yearlings and about 22 fawns in the pen at CPNWR and 31 adults and yearlings and 17 fawns in the pen at Kofa NWR. The captive breeding programs continue to be successful at producing pronghorn for release into the wild.

Mexico

The December 2014 aerial surveys resulted in an estimated 122 Sonoran pronghorn in the area west of Mexico Highway 8 (Pinacate population). The December 2013 aerial surveys resulted in an estimated population of 434 pronghorn in the area southeast of Mexico Highway 8 (Quitovac population).

D. Threats

No changes.

E. Recovery Actions

No changes.

ENVIRONMENTAL BASELINE – SONORAN PRONGHORN

The environmental baseline includes past and present impacts of all Federal, state, or private actions in the action area; the anticipated impacts of all proposed Federal actions in the action area that have undergone formal or early section 7 consultation; and the impact of state and private actions which are

contemporaneous with the consultation process. The environmental baseline defines the current status of the species and its habitat in the action area to provide a platform from which to assess the effects of the action now under consultation.

A. Action Area

No changes.

B. Terrain, Vegetation Communities, and Climate in the Action Area

No changes.

C. Status of the Sonoran Pronghorn in the Action Area

No changes.

D. Past and Ongoing Non-Federal Actions in the Action Area

No changes.

E. Past and Ongoing Federal Actions in the Action Area

Federal Actions Addressed in Section 7 Consultations

As part of our discussion of all past and present actions affecting pronghorn within the action area, we list below new (since the issuance of the October 2, 2014 biological opinion) biological opinions issued to date on actions that may affect the pronghorn; we also explain any incidental take associated with the opinions. All of these formal consultations can be viewed on our website at <http://www.fws.gov/arizonaes/Biological.htm>.

24. Activities and Operations at the United States Army Garrison Yuma Proving Ground, Yuma and La Paz Counties, Arizona, consultation number 02EAAZ00-2014-F-0161, issued on September 9, 2014. We anticipated incidental take of four Sonoran pronghorn over the life of the project (10-20 years), including two in the form of direct mortality or injury and two in the form of harm.
25. Implementation of the Ecological Restoration Plan on OPCNM, CPNWR, and BLM Ajo Block, Pima County, Arizona, consultation number 02EAAZ00-2014-F-0538, issued on October 2, 2014. No incidental take was anticipated.
26. Granting of Wildlife and Sport Fish Restoration (WSFR) Program Funds to the Arizona Game and Fish Department to Implement Aspects of Sonoran Pronghorn Recovery, consultation number 02EAAZ00-2015-F-0045, issued on November 18, 2014. We anticipated incidental take of 26 Sonoran pronghorn over the life of project (5 years), including: 1) 20 pen-raised Sonoran pronghorn in the form of directly mortality or injury due to capture and release operations associated with the captive breeding pens; 2) 4 Sonoran pronghorn in the form of directly mortality or injury due to capture and release operations of wild pronghorn; and 3) two wild Sonoran pronghorn in the form of harassment from project activities that disturb Sonoran pronghorn (e.g., surveys, monitoring, pen maintenance) and/or direct injury or mortality from collision with a vehicle associated with the project.

In summary, the current biological opinions that anticipate incidental take are: 1) the Yuma Sector opinion, in which we anticipated take in the form of harassment that is likely to injure up to one pronghorn in 10 years; 2) the Ajo 1 Tower opinion, in which we anticipated take of three Sonoran pronghorn due to harassment within the first year of towers becoming operational and two every 5 years thereafter; and one due to direct mortality over the life of the project; 3) the Luke Air Force Base Opinion, in which we anticipated take of one wild Sonoran pronghorn every 10 years, one pen-raised (free ranging) female pronghorn every 10 years, and four pen-raised (free ranging) male pronghorn every 10 years in the form of direct mortality or injury; and one wild Sonoran pronghorn of either sex, one pen raised (free ranging female) every 10 years, and two pen-raised (free ranging) male pronghorn every 10 years in the form of harassment; 4) the TIMR opinion, in which we anticipated take of one Sonoran pronghorn every 10 years for the duration of the TIMR Program in the form of harassment; and one Sonoran pronghorn over the total duration of the TIMR Program in the form of direct mortality; and 5) the WSFR opinion, in which we anticipated take of a total of 26 pronghorn over the life of the project (five years), including 20 pen-raised animals and 6 wild animals.

F. Summary of Activities Affecting Sonoran Pronghorn in the Action Area

No changes.

EFFECTS OF THE PROPOSED ACTION

Effects of the action refer to the direct and indirect effects of an action on the species or critical habitat, together with the effects of other activities that are interrelated and interdependent with that action that will be added to the environmental baseline. Interrelated actions are those that are part of a larger action and depend on the larger action for their justification. Interdependent actions are those that have no independent utility apart from the action under consideration. Indirect effects are those that are caused by the proposed action and are later in time, but are still reasonably certain to occur.

Proposed changes to conservation measures 6 and 7 are not likely to result in significant changes to the amount, timing, or duration of potential disturbance to Sonoran pronghorn. While the new conservation measures reduce the amount of monitoring required by OPCNM and allow for greater flexibility for the restoration crews to conduct work, importantly, restoration sites with does and fawns and pregnant does will continue to be avoided to minimize disturbance to those pronghorn most susceptible to stress from disturbance. During periods with good range conditions, more flexible measures may be prescribed when adult pronghorn without fawns and non-pregnant females are located within one mile of the worksite. This may result in some disturbance to pronghorn; however, during periods with good range conditions, males and non-pregnant females are generally less susceptible to physiological stress from disturbance because their energetic needs are lower than pregnant does and does with fawns. If the disturbance causes them to leave a restoration work area, during years with good range conditions, there are adjacent areas in nearly every direction with forage of similar quality. Furthermore, if disturbance of adult pronghorn occurs within the CPNWR, water is available for pronghorn at Antelope Hills, Fawn Hills, and the Antelope Parabolic tank. Directly north of CPNWR, water is also available at Uken tank on the Barry M. Goldwater Range East. If pronghorn move further east, via Charlie Bell Pass, they have access to several permanent and two temporary water sources within Child's Valley.

Our conclusion remains the same- restoration activities have the potential to adversely affect Sonoran pronghorn; however, the net effect of proposed restoration activities on Sonoran pronghorn on OPCNM, CPNWR, and BLM continues to be beneficial. Conservation measures, including the revised measures, will minimize the risk of disturbance to pronghorn and their habitat, as well as the risk of pronghorn being

struck by vehicles. The anticipated long-term benefits of the project include: 1) decreased disturbance to Sonoran pronghorn as a result of unauthorized vehicles route closures; 2) increased forage and cover for Sonoran pronghorn; 3) decreased habitat fragmentation; and 4) improved overall habitat conditions (e.g., improved hydrological processes).

CUMULATIVE EFFECTS - SONORAN PRONGHORN

No changes.

CONCLUSIONS - SONORAN PRONGHORN

No changes.

INCIDENTAL TAKE STATEMENT – SONORAN PRONGHORN

Section 9 of the ESA and Federal regulation pursuant to section 4(d) of the ESA prohibit the take of endangered and threatened species, respectively, without special exemption. “Take” is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. “Harm” is defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). “Harass” is defined as intentional or negligent actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding or sheltering (50 CFR 17.3). “Incidental take” is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered to be prohibited taking under the ESA provided that such taking is in compliance with the terms and conditions of this Incidental Take Statement.

Amount or Extent of Take Anticipated – Sonoran pronghorn

No changes.

Disposition of Dead or Injured Listed Species

No changes.

CONSERVATION RECOMMENDATIONS – SONORAN PRONGHORN

No changes.

REINITIATION NOTICE

This concludes formal consultation on the action(s) outlined in the reinitiation 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 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, as well as your considerable role and leadership in conservation of the Sonoran pronghorn and other important natural resources. Any questions or comments should be directed to Erin Fernandez (520) 670-6150 (x238) or Jean Calhoun (x223). Please refer to the consultation number, 02EAAZ00-2014-F-0538 in future correspondence concerning this project.

Sincerely,



for Steven L. Spangle
Field Supervisor

cc (hard copy):

Field Supervisor, Fish and Wildlife Service, Tucson, AZ (2 copies)
Jean Calhoun, Assistant Field Supervisor, Fish and Wildlife Service, Tucson, AZ

cc (electronic copy):

Sid Slone, Refuge Manager, Cabeza Prieta National Wildlife Refuge, Ajo, AZ
James Atkinson, Sonoran Pronghorn Recovery Team Leader, Cabeza Prieta National Wildlife Refuge, Ajo, AZ
Rijk Morawe, Chief of Natural and Cultural Resources Management, Organ Pipe Cactus National Monument, Ajo, Arizona
Edward Kender, Field Manager, Bureau of Land Management, Phoenix, Arizona
Ron Tipton, Bureau of Land Management, Phoenix, Arizona
Chief, Habitat Branch, Arizona Game and Fish Department, Phoenix, AZ, pep@azgfd.gov
Regional Supervisor, Arizona Game and Fish Department, Yuma, AZ (Attn: John Hervert)
Raul Vega, Regional Supervisor, Arizona Game and Fish Department, Tucson, AZ

LITERATURE CITED

No changes.

1. *Journal of the American Medical Association*, 1954, 157: 1000-1001.

2. *Journal of the American Medical Association*, 1954, 157: 1001-1002.

3. *Journal of the American Medical Association*, 1954, 157: 1002-1003.

4. *Journal of the American Medical Association*, 1954, 157: 1003-1004.

5. *Journal of the American Medical Association*, 1954, 157: 1004-1005.

6. *Journal of the American Medical Association*, 1954, 157: 1005-1006.

7. *Journal of the American Medical Association*, 1954, 157: 1006-1007.

8. *Journal of the American Medical Association*, 1954, 157: 1007-1008.

9. *Journal of the American Medical Association*, 1954, 157: 1008-1009.

10. *Journal of the American Medical Association*, 1954, 157: 1009-1010.

TABLES AND FIGURES

No changes.

