

United States Department of the Interior

FISH AND WILDLIFE SERVICE

P.O. Box 1306
Albuquerque, New Mexico 87103

In Reply Refer To:
Region 2/ES-SE

JUN 22 1995

MEMORANDUM

2-21-90-F-119

To: Regional Director, Bureau of Reclamation, DOI, Boulder City, Nevada

From: ^{Acting} Regional Director, Region 2

Agnes B. Stevens

Subject: Amendment to April 20, 1994, Biological Opinion on Transportation and Delivery of Central Arizona Project Water to the Gila River Basin

This memorandum responds to your memorandum of August 30, 1994, and subsequent discussions, regarding due dates set forth in the April 20, 1994, biological opinion (BO) on transportation and delivery of Central Arizona Project (CAP) water to the Gila River Basin in Arizona and New Mexico. The BO concluded the project would jeopardize the continued existence of the spikedace (*Meda fulgida*), loach minnow (*Tiaroga cobitis*), razorback sucker (*Xyrauchen texanus*), and Gila topminnow (*Poeciliopsis occidentalis*) and would adversely affect the critical habitats of the first three species. Species for which the action was not likely to jeopardize their continued existence include the desert pupfish (*Cyprinodon macularius*), Colorado River squawfish (*Ptychocheilus lucius*), and bald eagle (*Haliaeetus leucocephalus*).

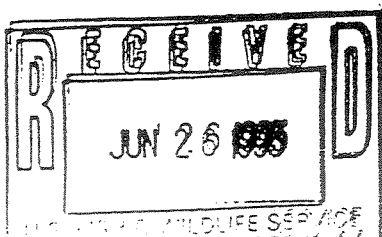
The Bureau of Reclamation and Fish and Wildlife Service have identified three due dates in the reasonable and prudent alternative (RPA) of the BO that could not be met. This purpose of this memorandum is to amend the BO to establish new dates for those three items.

BIOLOGICAL OPINION AMENDMENT

This amendment does not change the findings made for the seven species nor critical habitats considered in the April 20, 1994, BO.

EFFECTS OF THE ACTION

This amendment does not change the effects from CAP and its operations to the seven listed species and their critical habitats, as analyzed in the April 20, 1994, BO.



REASONABLE AND PRUDENT ALTERNATIVE

Implementation of the April 20, 1994, RPA, as modified by the following changes, will, the Service believes, avoid the likelihood of jeopardizing the continued existence of listed species and destruction or adverse modification of critical habitats.

RPA item 2. RPA item 2 requires the Bureau of Reclamation (BR) to begin monitoring nonnative fish populations no later than 6 months following issuance of the BO, based upon a protocol "cooperatively formulated by BR, FWS, and AGFD, with the final protocol requiring consensus by all three agencies." RPA item 2 is hereby amended as follows:

The draft monitoring protocol shall be formulated by June 1, 1995, and finalized by August 1, 1995. All monitoring thereafter shall conform to the approved protocol.

Until the final protocol is approved, monitoring shall include those areas for which the Bureau of Reclamation has an ongoing monitoring or sampling program. Interim monitoring shall use sites, methods, and other protocol as used in past efforts.

All other specifications of RPA item 2 remain unchanged.

RPA item 3. The first funding transfer under RPA item 3 was to occur within 3 months following issuance of the BO. RPA item 3 is hereby amended to require the first funding transfer to occur no later than June 30, 1995. Funding for year one (1) shall occur via an interim agreement. Federal Fiscal Year 1995 (October 1, 1994, to September 30, 1995) shall be considered year one. The final funding transfer mechanism shall be in place before the beginning of Fiscal Year 1995. Any portion of the first year's allocation of \$250,000 not provided for in the interim cooperative agreement shall be allocated under the final transfer mechanism.

All other specifications of RPA item 3 remain unchanged.

RPA item 4. The first funding transfer under RPA item 4 was to occur within 3 months following issuance of the BO. RPA item 4 is now amended to require the first funding transfer to occur no later than June 30, 1995. Funding for year one shall occur via an interim agreement. Federal Fiscal Year 1995 (October 1, 1994, to September 30, 1995) shall be considered year one. The final funding transfer mechanism shall be in place before the beginning of Fiscal Year 1995. Any portion of the first year's allocation of \$250,000 not provided for in the interim cooperative agreement shall be allocated under the final transfer mechanism.

All other specifications of RPA item 3 remain unchanged.

These changes to the RPA do not alter the type or severity of effects from implementation of the RPA-modified project to the spikedace, loach minnow, Gila topminnow, or razorback sucker or their critical habitats. However, probability of effects is slightly increased by the RPA changes. The actions required by the RPA are expected to detect and alleviate threats from future incursions of nonnative species. Delay in implementation increases the probability that nonnative species may enter the system undetected and cause adverse impacts to spikedace, loach minnow, Gila topminnow, or razorback sucker or their critical habitats. The Service believes implementation of this amendment to the RPA is not likely to significantly raise the probability of adverse impacts.

INCIDENTAL TAKE

No change in anticipated incidental take, reasonable and prudent measures, or terms and conditions is expected as a result of the amendment of the BO.

SUMMARY

The provisions in the Summary of the April 20, 1994, BO providing for reinitiation of consultation under certain circumstances apply to this amendment.

If we can be of further assistance, please contact Sally Stefferud or Ted Cordery, Ecological Services State Office in Arizona, at (602) 640-2720.

cc:

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