



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

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In Reply Refer To:  
R2/ES-SE  
CL 06-0169

JUL 15 1998

### Memorandum

To: Regional Director, U.S. Bureau of Reclamation, Boulder City, Nevada

From: <sup>ACTING</sup> Regional Director, Region 2

Subject: Amendment No. 3 to the April 20, 1994, Biological Opinion on the Transportation and Delivery of Central Arizona Project Water to the Gila River Basin in Arizona and New Mexico

This memorandum amends the April 20, 1994, biological opinion on the transportation and delivery of Central Arizona Project (CAP) water to the Gila River Basin in Arizona and New Mexico (excluding the Santa Cruz River subbasin). The U.S. Fish and Wildlife Service (Service) concluded in the biological opinion that the proposed action would jeopardize the continued existence of the spinedace (*Meda fulgida*), loach minnow (*Tiaroga cobitis*), razorback sucker (*Xyrauchen texanus*), and Gila topminnow (*Poeciliopsis occidentalis*), and adversely affect the critical habitats of the spinedace, loach minnow, or the razorback sucker. The Service also concluded that the action was not likely to jeopardize the continued existence of the desert pupfish (*Cyprinodon macularius*), the Colorado River squawfish (*Ptychocheilus lucius*), or the bald eagle (*Haliaeetus leucocephalus*).

The biological opinion was previously amended on June 22, 1995, to extend the deadlines regarding monitoring and funding transfer as provided for in the document's reasonable and prudent alternative. The opinion also was amended on May 6, 1998, to establish new dates for the implementation of a certain portion of element #1 of the reasonable and prudent alternative. The May 6, 1998, amendment also removed the Service's finding of adverse modification of critical habitat for the spinedace and loach minnow in order to conform with the Service's official withdrawal of designated critical habitat for the two fish species.

This amendment responds to the Corps of Engineer's June 17, 1998, request to be added as a joint agency in the CAP consultation. It also responds to previously held staff meetings between the Bureau of Reclamation and the Service regarding the need to add the Corps of Engineers as a joint agency. The purpose of this

amendment is to extend Section 7 compliance to the Army Corps of Engineers for their issuance of permits under Section 404 of the Clean Water Act for the construction of fish barriers. These barriers are to be constructed in compliance with element #1 of the reasonable and prudent alternative of the April 20, 1994, biological opinion.

Adding the Corps of Engineers as a joint agency will avoid duplicate consultation efforts, since the effects of construction of fish barriers were already considered by the Service in the April 20, 1994, biological opinion. Construction of the barriers was determined not likely to jeopardize the continued existence of any of the species, or result in the destruction or adverse modification of critical habitat. The Corps of Engineers' issuance of 404 permits for the fish barrier construction will not result in effects to listed species or critical habitats that were not previously considered.

If we can be of further assistance, please contact Sally Stefferud or Angie Brooks in the Arizona Ecological Services Field Office at (602) 640-2720.



cc: Director, U.S. Fish and Wildlife Service, Washington, D.C. (AES/TE)  
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Director, New Mexico Department of Game and Fish, Santa Fe, NM  
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