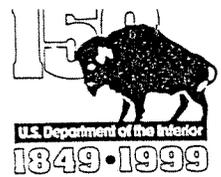




# United States Department of the Interior

FISH AND WILDLIFE SERVICE

P.O. Box 1306  
Albuquerque, New Mexico 87103



In Reply Refer To:  
R2/ES-TE  
CL 05-001

NOV 04 1999

NOV 12 1999

2-21-90-F-119

## Memorandum

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

From: Regional Director, Region 2

Subject: Amendment Four 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 is in response to your memorandum of December 14, 1998, regarding due dates in 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. The opinion concluded that 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 April 20, 1994, biological opinion was first amended on June 22, 1995, to extend dates in the Reasonable and Prudent Alternative (RPA) regarding monitoring and funding transfer. It was amended again on May 6, 1998, to establish new dates for implementation of a portion of RPA item 1. That amendment also removed the adverse modification of critical habitat findings for spikedace and loach minnow to comply with court set-aside and subsequent withdrawal of the critical habitat designations for those species. A third amendment was issued on July 24, 1998, to add the U.S. Army Corps of Engineers as a joint agency in the consultation. The purpose of this fourth amendment is to again modify dates for implementation of parts of RPA item 1.

## BIOLOGICAL OPINION AMENDMENT

This amendment does not change the findings made for the seven species considered in the April 20, 1994, biological opinion and amendments 1 through 3, or the finding made for critical habitat for razorback sucker. All sections of the biological opinion not specifically mentioned below remain unchanged by this amendment.

### REASONABLE AND PRUDENT ALTERNATIVE

Implementation of the April 20, 1994, RPA, as modified by the June 22, 1995, May 6, 1998, and July 24, 1998, amendments and the following changes will, the Service believes, avoid the likelihood of jeopardizing the continued existence of spikedace, loach minnow, Gila topminnow, and razorback sucker and destruction or adverse modification of critical habitat of razorback sucker.

RPA item 1.1 This item requires the Bureau of Reclamation to complete a set of two barriers on Aravaipa Creek within 3 ½ years of the date of the biological opinion, which would have been October 20, 1997. Because of difficulties in securing land rights, this was amended to require construction to be completed by December 31, 1999. Significant progress has been made toward obtaining those rights. However, because of the additional delays entailed, an extension of 6 months is needed. The item also requires Reclamation to complete a set of two barriers on the San Pedro River within 6 years of the date of the biological opinion, which would be April 15, 2000. Site identification and land rights issues have also delayed construction of these barriers, and an extension of 1 year is needed. Therefore, RPA item 1.1 is amended as follows:

*A progress report on implementation of barriers on Aravaipa Creek and the San Pedro River shall be delivered to the Service by December 31, 1999. The barriers on Aravaipa Creek shall be completed by June 30, 2000. The barriers on the San Pedro River shall be completed by April 15, 2001.*

All other specifications of RPA item 1.1 remain unchanged.

No other items of the RPA are changed by this amendment.

These changes to the RPA do not alter the type or severity of effects from the implementation of the RPA-modified project to the spikedace, loach minnow, Gila topminnow, or razorback sucker and its critical habitat. Although the actions required by the RPA are still expected to alleviate threats from future incursions of nonnative species, the probability of adverse effects is slightly increased by the RPA changes. Delay in implementation increases the probability that nonnative species may enter the system undetected and cause adverse impacts to the spikedace, loach

minnow, Gila topminnow, or razorback sucker and its critical habitat. However, the increase in probability is incremental, and the additional delay in implementation provided for in this amendment would not result in jeopardy to any listed species.

#### 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 opinion.

#### SUMMARY

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

Thank you for the detailed update on RPA implementation provided in your December 14, 1998, memorandum. Although progress has been slower than expected on some elements, overall implementation of the April 1994 biological opinion is proceeding well. The commitment and persistence of the Bureau of Reclamation in implementing this opinion are greatly appreciated. If we can be of further assistance, please contact Sally Stefferud x235 or Tom Gatz x240 in the Arizona Ecological Services Field Office at 602-640-2720.

cc: Director, Fish and Wildlife Service, Washington, D.C. (AES/TE)  
Supervisor, New Mexico Ecological Services Field Office  
Supervisor, Arizona Ecological Services Field Office  
Field Project Leader, Fish and Wildlife Service, Pinetop, AZ  
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