



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
FISH AND WILDLIFE SERVICE  
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October 20, 1995

In Reply Refer To:  
AESO/SE  
2-21-95-I-348

TO: Area Manager, Yuma Resource Area, Bureau of Land Management,  
Yuma, Arizona

FROM: State Supervisor

SUBJECT: Amendment Number One: Conference Opinion for the Construction  
and Maintenance of a Proposed 34.5-kilovolt Arizona Public Service  
Company Powerline East of San Luis, Arizona

This memorandum is in response to an October 16, 1995, facsimile request from Dave Curtis of your staff to amend the subject conference opinion, pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), as amended. At issue are impacts that the proposed action, including modifications proposed since the conference opinion was issued, may have on the flat-tailed horned lizard, *Phrynosoma mcallii*, a species proposed for Federal listing as threatened.

The conference opinion for this project was issued by the Fish and Wildlife Service on June 28, 1995. The project evaluated in that opinion was construction, operation, and maintenance of approximately 1,000 feet of 34.5- kilovolt (kV) powerline in the Yuma Desert approximately 4.0 miles east- southeast of San Luis, Arizona. The powerline would be routed from the Bureau of Reclamation's 242 wellfield to the International boundary (Bureau 1995a and b) (Figure 1 of the conference opinion). The flat-tailed horned lizard probably occurs throughout the proposed powerline route. The Service found that the proposed action would not likely jeopardize the continued existence of the flat-tailed horned lizard. The opinion anticipated that up to two flat-tailed horned lizards would be taken in the form of direct mortality resulting from construction activities. One lizard was anticipated to be taken annually as a result of maintenance activities. Three flat-tailed horned lizards were expected to be taken in the form of harassment resulting from moving them out of harm's way. Fifteen terms and conditions were included in the opinion to reduce the possibility of take. No flat-tailed horned lizards were known to be killed, injured, or harassed during construction of the powerline

(Suzanna Henry, Bureau of Land Management, Yuma Resource Area, Yuma, Arizona, pers. comm. 1995).

Arizona Public Service proposes to bury the southern 80 feet of transmission line, rather than suspending the line from poles, as initially proposed. A trench would be excavated to a depth of three feet, then the line would be placed in the trench and the trench filled. The trench would stay open no longer than a day. All other aspects of the proposed action would remain the same as that described in the conference opinion for the project and in Bureau (1995a and b). This work is proposed to be completed by the end of 1995.

If flat-tailed horned lizards are active while the trench is open, they could become entrapped in the trench and be injured or killed as the line is placed and the trench is filled. Flat-tailed horned lizards become inactive in cool weather, particularly between mid-November and mid-February (Muth and Fisher 1992, Brattstrom 1965). Voluntary minimum body temperature of the flat-tailed horned lizard is 29.3°C (Brattstrom 1965). Thus, on warm days before the end of the year, particularly when surface temperatures reach or exceed 29°C, flat-tailed horned lizards may be active and could potentially become entrapped in the trench. Juvenile horned lizards are particularly at risk, because they are more likely to remain active during the winter months (Muth and Fisher 1992). In addition, construction of the trench could damage or destroy perennial shrubs that are important components of flat-tailed horned lizard habitat.

To reduce the probability of take associated with this modification to the project description, the conference opinion is herein amended to include the following terms and conditions:

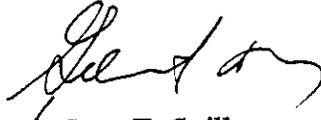
1. The trench in which the southern 80 feet of transmission line is to be buried shall be inspected by a biological monitor for flat-tailed horned lizards immediately prior to backfilling. If surface temperatures in the sun in the project area reach or exceed 29°C during the period when the trench is open, this inspection shall include raking the loose sand in the bottom of the trench to locate horned lizards that may be buried in the sand. If flat-tailed horned lizards are found in the trench, the lizards shall be relocated in accordance with terms and conditions eight and nine.

2. To the extent possible, construction of the trench shall avoid excavation of or damage to perennial shrubs.

The modification to the project description, as described herein, does not alter our previous determination that the proposed action is not likely to jeopardize the continued existence of the flat-tailed horned lizard. The modified proposed action could result in a take of flat-tailed horned lizards similar to that anticipated in the June 28, 1995, conference opinion for the original project. Because no flat-tailed horned lizards were taken during that earlier construction, no modification to the anticipated take in the

conference opinion is needed. The addition of the above two terms and conditions are warranted to minimize the probability of take.

We appreciate your efforts to conserve flat-tailed horned lizards and their habitat. For further information, please contact Jim Rorabaugh or Ted Cordery of my staff.



Sam F. Spiller

cc: Regional Director, Fish and Wildlife Service, Albuquerque, NM (GM:GSV/LCR)  
Director, Arizona Game and Fish Department, Phoenix, AZ  
State Director, Bureau of Land Management, Phoenix, AZ

**LITERATURE CITED**

- Bureau of Land Management. 1995a. Memo dated May 16, 1995, from the District Manager, Yuma District Office, Bureau of Land Management, to the State Supervisor, Fish and Wildlife Service, Phoenix, requesting initiation of conferencing on a proposed APS 34.5 kV powerline.
- Bureau of Land Management. 1995b. Threatened and endangered species clearance, Arizona Public Service Company, 34.5-kV powerline right-of-way, AZA-29128. Bureau of Land Management, Yuma Resource Area, Yuma, Arizona.
- Brattsrom, B.H. 1965. Body temperatures of reptiles. *Am. Midl. Nat.* 73(2):376-422.
- Muth, A., and M. Fisher. 1992. Development of baseline data and procedures for monitoring populations of the flat-tailed horned lizard, *Phrynosoma mcallii*. Report to the California Department of Fish and Game, Sacramento, California.