

APPENDIX C

AGFD Response Letter dated April 24, 2006



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

2221 WEST GREENWAY ROAD
PHOENIX, AZ 85023-4399
(602) 942-3000 • AZGFD.GOV

GOVERNOR
JANET NAPOLITANO
COMMISSIONERS
CHAIRMAN, JOE MELTON, YUMA
MICHAEL M. GOLIGHTLY, FLAGSTAFF
WILLIAM H. MCLEAN, GOLD CANYON
BOB HERNBRODE, TUCSON
W. HAYS GILSTRAP, PHOENIX
DIRECTOR
DUANE L. SHROUFE
DEPUTY DIRECTOR
STEVE K. FERRELL



April 24, 2006

Ms. Christine A. Arenal
CH2M Hill, Inc.
2485 Natomas Park Dr.
Suite 600
Sacramento, CA 95833

Re: **Special Status Species Information for EPA Study Area for Hayden Plant Site;
Proposed Remedial Investigation.**

Dear Ms. Arenal:

The Arizona Game and Fish Department (Department) has reviewed your request, dated April 19, 2006, regarding special status species information associated with the above-referenced project area. The Department's Heritage Data Management System (HDMS) has been accessed and current records show that the special status species listed on the attachment have been documented as occurring in the project vicinity (3-mile buffer). In addition, this project occurs in the vicinity of Designated Critical Habitats for southwestern willow flycatcher (*Empidonax traillii extimus*).

The Department's HDMS data are not intended to include potential distribution of special status species. Arizona is large and diverse with plants, animals, and environmental conditions that are ever changing. Consequently, many areas may contain species that biologists do not know about or species previously noted in a particular area may no longer occur there. Not all of Arizona has been surveyed for special status species, and surveys that have been conducted have varied greatly in scope and intensity.

Making available this information does not substitute for the Department's review of project proposals, and should not decrease our opportunities to review and evaluate new project proposals and sites. The Department is also concerned about other resource values, such as other wildlife, including game species, and wildlife-related recreation. The Department would appreciate the opportunity to provide an evaluation of impacts to wildlife or wildlife habitats associated with project activities occurring in the subject area, when specific details become available.



Ms. Christine A. Arenal
April 24, 2006
2

If you have any questions regarding this letter, please contact me at (602) 789-3606. General status information, county and watershed distribution lists and abstracts for some special status species are also available on our web site at <http://www.azgfd.gov/hdms>.

Sincerely,



Ginger L. Ritter
Project Evaluation Program Specialist

SSS:glr

Attachment

cc: Rebecca Davidson, Project Evaluation Program Supervisor
Joan Scott, Habitat Program Manager, Region V
Russ Haughey, Habitat Program Manager, Region VI

AGFD #M06-04210824

Special Status Species within 3 Miles of EPA Study Area for Hayden Plant Site

NAME	COMMON NAME	ESA	USFS	BLM	STATE
<i>Agosia chrysogaster chrysogaster</i>	Gila Longfin Dace	SC		S	
<i>Asturina nitida maxima</i>	Northern Gray Hawk	SC	S		WSC
<i>Bat Colony</i>					
<i>Buteogallus anthracinus</i>	Common Black-Hawk		S		WSC
<i>Catostomus clarki</i>	Desert Sucker	SC		S	
<i>Catostomus insignis</i>	Sonora Sucker	SC		S	
<i>Cicindela oregona maricopa</i>	Maricopa Tiger Beetle	SC	S	S	
<i>Coccyzus americanus occidentalis</i>	Western Yellow-billed Cuckoo	C	S		WSC
<i>Corynorhinus townsendii pallescens</i>	Pale Townsend's Big-eared Bat	SC			
<i>Empidonax traillii extimus</i>	Southwestern Willow Flycatcher	LE	S		WSC
<i>Eriogonum capillare</i>	San Carlos Wild-buckwheat	SC			SR
<i>Euphorbia gracillima</i>	Mexican Broomspurge		S		
<i>Gopherus agassizii</i> (Sonoran Population)	Sonoran Desert Tortoise	SC			WSC
<i>Haliaeetus leucocephalus</i>	Bald Eagle	LT,PDL	S		WSC
<i>Ictinia mississippiensis</i>	Mississippi Kite				WSC
<i>Lilaeopsis schaffneriana var. recurva</i>	Huachuca Water Umbel	LE			HS
<i>Penstemon superbus</i>	Superb Beardtongue		S		
<i>Tyrannus melancholicus</i>	Tropical Kingbird				WSC

Within Designated Critical Habitat for southwestern willow flycatcher. AGFD #M06-04210824. Proposed Remedial Investigation.

Arizona Game and Fish Department, Heritage Data Management System, April 24, 2006.
Project Evaluation Program.

STATUS DEFINITIONS
ARIZONA GAME AND FISH DEPARTMENT (AGFD)
HERITAGE DATA MANAGEMENT SYSTEM (HDMS)

FEDERAL US STATUS

ESA **Endangered Species Act** (1973 as amended)
US Department of Interior, Fish and Wildlife Service (<http://arizonaes.fws.gov>)

Listed

- LE** Listed Endangered: imminent jeopardy of extinction.
- LT** Listed Threatened: imminent jeopardy of becoming Endangered.
- XN** Experimental Nonessential population.

Proposed for Listing

- PE** Proposed Endangered.
- PT** Proposed Threatened.

Candidate (Notice of Review: 1999)

- C** Candidate. Species for which USFWS has sufficient information on biological vulnerability and threats to support proposals to list as Endangered or Threatened under ESA. However, proposed rules have not yet been issued because such actions are precluded at present by other listing activity.
- SC** Species of Concern. The terms "Species of Concern" or "Species at Risk" should be considered as terms-of-art that describe the entire realm of taxa whose conservation status may be of concern to the US Fish and Wildlife Service, but neither term has official status (currently all former C2 species).

Critical Habitat (check with state or regional USFWS office for location details)

- Y** Yes: Critical Habitat has been designated.
- P** Proposed: Critical Habitat has been proposed.

[**N** No Status: certain populations of this taxon do not have designated status (check with state or regional USFWS office for details about which populations have designated status)].

USFS **US Forest Service** (1999 Animals, 1999 Plants: corrected 2000)
US Department of Agriculture, Forest Service, Region 3 (<http://www.fs.fed.us/r3/>)

- S** Sensitive: those taxa occurring on National Forests in Arizona which are considered sensitive by the Regional Forester.

BLM **US Bureau of Land Management** (2000 Animals, 2000 Plants)
US Department of Interior, Bureau of Land Management, Arizona State Office
(<http://azwww.az.blm.gov>)

- S** Sensitive: those taxa occurring on BLM Field Office Lands in Arizona which are considered sensitive by the Arizona State Office.
- P** Population: only those populations of Banded Gila monster (*Heloderma suspectum cinctum*) that occur north and west of the Colorado River, are considered sensitive by the Arizona State Office.

TRIBAL STATUS**NESL Navajo Endangered Species List (2005)**

Navajo Nation, Navajo Fish and Wildlife Department

<http://www.heritage.tnc.org/nhp/us/navajo/esl.html>

The Navajo Endangered Species List contains taxa with status from the entire Navajo Nation which includes parts of Arizona, Utah, and New Mexico. In this notebook we provide NESL status for only those taxa whose distribution includes part or all of the Arizona portion of the Navajo Nation.

Groups

- 1** Those species or subspecies that no longer occur on the Navajo Nation.
- 2** Any species or subspecies which is in danger of being eliminated from all or a significant portion of its range on the Navajo Nation.
- 3** Any species or subspecies which is likely to become an endangered species, within the foreseeable future, throughout all or a significant portion of its range on the Navajo Nation.
- 4** Any species or subspecies for which the Navajo Fish and Wildlife Department (NF&WD) does not currently have sufficient information to support their being listed in Group 2 or Group 3 but has reason to consider them. The NF&WD will actively seek information on these species to determine if they warrant inclusion in a different group or removal from the list.

MEXICAN STATUS**MEX Mexican Federal Endangered Species List (October 16, 2000)**

Proyecto de Norma Oficial Mexicana PROY-NOM-059-ECOL-2000

The Mexican Federal Endangered Species List contains taxa with status from the entire Mexican Republic and waters under its jurisdiction. In this notebook we provide MEX designations for only those taxa occurring in Arizona and also in Mexico.

- P** En Peligro de Extinción (Determined Endangered in Mexico): in danger of extinction.
- A** Amenazada (Determined Threatened in Mexico): could become endangered if factors causing habitat deterioration or population decline continue.
- Pr** Sujeta a Protección Especial (Determined Subject to Special Protection in Mexico): utilization limited due to reduced populations, restricted distribution, or to favor recovery and conservation of the taxon or associated taxa.
- E** Probablemente extinta en el medio silvestre (Probably extinct in the wild of Mexico): A native species whose individuals in the wild have disappeared, based on pertinent documentation and studies that prove it. The only existing individuals of the species are in captivity or outside the Mexican territory.

[| = One or more subspecies of this species has status in Mexico, but the HDMS does not track it at the subspecies level (most of these subspecies are endemic to Mexico). Please consult the NORMA Oficial Mexicana PROY-NOM-059-ECOL-2000 for details.]

STATE STATUS**STATE:****Plants - NPL Arizona Native Plant Law (1999)**

Arizona Department of Agriculture (<http://www.azda.gov/ESD/nativeplants.htm>)

- HS** Highly Safeguarded: no collection allowed.
- SR** Salvage Restricted: collection only with permit.
- ER** Export Restricted: transport out of State prohibited.
- SA** Salvage Assessed: permits required to remove live trees.
- HR** Harvest Restricted: permits required to remove plant by-products.

Wildlife - WSCA Wildlife of Special Concern in Arizona (in prep)

Arizona Game and Fish Department (<http://www.azgfd.gov>)

- WSC** Wildlife of Special Concern in Arizona. Species whose occurrence in Arizona is or may be in jeopardy, or with known or perceived threats or population declines, as described by the Arizona Game and Fish Department's listing of Wildlife of Special Concern in Arizona (WSCA, in prep). Species indicated on printouts as WSC are currently the same as those in **Threatened Native Wildlife in Arizona (1988)**.

GUIDELINES FOR HANDLING SONORAN DESERT TORTOISES
ENCOUNTERED ON DEVELOPMENT PROJECTS

Arizona Game and Fish Department
Revised January 17, 1997

The Arizona Game and Fish Department (Department) has developed the following guidelines to reduce potential impacts to desert tortoises, and to promote the continued existence of tortoises throughout the state. These guidelines apply to short-term and/or small-scale projects, depending on the number of affected tortoises and specific type of project.

Desert tortoises of the Sonoran population are those occurring south and east of the Colorado River. Tortoises encountered in the open should be moved out of harm's way to adjacent appropriate habitat. If an occupied burrow is determined to be in jeopardy of destruction, the tortoise should be relocated to the nearest appropriate alternate burrow or other appropriate shelter, as determined by a qualified biologist. Tortoises should be moved less than 48 hours in advance of the habitat disturbance so they do not return to the area in the interim. Tortoises should be moved quickly, kept in an upright position at all times and placed in the shade. Separate disposable gloves should be worn for each tortoise handled to avoid potential transfer of disease between tortoises. Tortoises must not be moved if the ambient air temperature exceeds 105 degrees Fahrenheit unless an alternate burrow is available or the tortoise is in imminent danger.

A tortoise may be moved up to two miles, but no further than necessary from its original location. If a release site, or alternate burrow, is unavailable within this distance, and ambient air temperature exceeds 105 degrees Fahrenheit, the Department should be contacted to place the tortoise into a Department-regulated desert tortoise adoption program. Tortoises salvaged from projects which result in substantial permanent habitat loss (e.g. housing and highway projects), or those requiring removal during long-term (longer than one week) construction projects, will also be placed in desert tortoise adoption programs. *Managers of projects likely to affect desert tortoises should obtain a scientific collecting permit from the Department to facilitate temporary possession of tortoises.* Likewise, if large numbers of tortoises (>5) are expected to be displaced by a project, the project manager should contact the Department for guidance and/or assistance.

Please keep in mind the following points:

- These guidelines do not apply to the Mohave population of desert tortoises (north and west of the Colorado River). Mohave desert tortoises are specifically protected under the Endangered Species Act, as administered by the U.S. Fish and Wildlife Service.
- These guidelines are subject to revision at the discretion of the Department. We recommend that the Department be contacted during the planning stages of any project that may affect desert tortoises.
- Take, possession, or harassment of wild desert tortoises is prohibited by state law. Unless specifically authorized by the Department, or as noted above, project personnel should avoid disturbing any tortoise.

RAC:NLO:rc