

**Wildlife Survey Report  
For  
Southwest Resources, Inc.  
Section 12 Mine  
McKinley County  
Revised June 2017**

November 14, 2015

Prepared By:

Celia Cook

Revised June 20, 2017



Permits West, Inc.  
37 Verano Loop  
Santa Fe, NM 87508

## 1.0 INTRODUCTION

A survey for wildlife and for threatened, endangered, and special status (listed) wildlife was conducted at the site of Southwest Resource's Section 12 mine on November 6, 2015. The mine is located on private land in the southwest quarter of Section 12, T. 14 North, R. 10 West, near Ambrosia Lake, and is approximately 20 miles north of Milan, in McKinley County, New Mexico. A shared air vent/escape shaft which is part of the Dysart 1 and 2 mines to the west, is located in the southeast quarter of Section 11. The mine has changed ownership several times in the last 40 years and was most recently active in the early 1980s when uranium prices were more favorable. The mine is presently inactive.

Southwest Resources is seeking to complete a mine permit application with the State of New Mexico Mining and Minerals Division. This wildlife survey was performed to ensure that there are no federal or state listed species or otherwise sensitive wildlife occurring on or near the mine project area or in an approximate 0.5 mile buffer around the perimeter of the mine center (i.e., the head frame) located in the northeast quarter of the southwest quarter of Section 12 [Lat. 35.454463°, Long. -107.850745° NAD 83].

## 2.0 METHODS

Prior to field surveys, the Information, Planning, and Conservation System (IPaC) and the Biotic Information System of New Mexico (BISON–M) websites were evaluated for listed or otherwise sensitive wildlife species and designated critical habitats [NMDGF, USFWS, 2015, 2017] that could potentially being impacted by activities at the mine and are known to occur within McKinley County [Appendices A and B].

On November 6, 2015, wildlife biologist Celia Cook of Permits West, Inc., conducted a pedestrian survey of the project area. Weather during the survey was mild with clear skies and light breezes. Temperatures during the survey were in the upper 50s (°F). The survey was conducted by walking across the mine area and 0.50 buffer area surrounding the mine's head frame.

Following a review of the initial survey report by the New Mexico Department of Game and Fish (see e-mail from Ronald Kennemuller, NMDGF, to Michael Coleman, NMMMD, dated April 12, 2016) a second pedestrian survey was conducted on June 13, 2017 by Celia Cook and Robyn Tierney to better identify wildlife and avian species at the mine area during the spring breeding bird season. Temperatures during the June survey were in the upper 70s and low 80s (°F) and the mine site was dry. The June 2017 survey consisted of the two surveyors systematically walking in 50-foot wide parallel belt transects from south to north across the entire mine permit area and the 0.50 buffer area surrounding the mine's head frame.

The surveyed area for both surveys consisted of the facilities area within the center of the mine, the ridge known as Don Andres Hill to the west of Ambrosia Lake, the Ambrosia Lake bed to the west of the mine's head frame, the access road to the mine, and the surrounding area up to 0.5 miles from the head frame. General habitat and existing conditions were evaluated. Shrubs and other vertical structures

were surveyed for raptor nests. Ambrosia Lake which was mostly dry during the November 6, 2015 survey was surveyed for waterfowl and shorebird use. The lake bed was completely dry during the June 13, survey, but was similarly surveyed for evidence of shorebird use. Unique habitat elements were noted in both surveys and considered with regards to potential wildlife use. Observed species were identified by direct observation of individuals, or by tracks, scat, and other sign.

### 3.0 DESCRIPTION OF EXISTING HABITAT

Habitat in the project area consists of a broad grassy valley surrounded by low hills and sandstone outcroppings to the north. Several ephemeral drainages flow from northwest to southeast and accumulate in the depression that is Ambrosia Lake. This approximately 30 acre lake is ephemeral in nature and could more accurately be described as a temporary pond. It does not support any wetland vegetation, but does provide a temporary source of water for wildlife and livestock in the area during the monsoon season and significant precipitation events. During the November 6, 2015 survey, only a small puddle of water was left in the deepest part of the depression about 400 feet (122 m) northwest of the mine's head frame (Figure 1). The lake bed was dry during the June 13, 2017 survey.



Figure 1. Ambrosia Lake mostly dry in November 2015. Dark area represents mud flat.

There are a couple of small salt cedar (*Tamarix* sp.) trees near the southeast end of the lake, but the vegetation is mostly limited to fourwing saltbush (*Atriplex canescens*), several species of wheatgrass (*Pascopyrum* spp.), common sunflower (*Helianthus annuus*), purple aster (*Aster bigelovii*), and dock (*Rumex* sp.). Further away from the lake and upland, grasses are predominant and include species of grama grass (*Bouteloua* spp.), Indian ricegrass (*Achnatherum hymenoides*), alkali sacaton (*Sporobolus airoides*), galleta (*Hilaria jamesii*) as well as shrub species such as rabbitbrush (*Chrysothamnus* sp.), snakeweed (*Gutierrezia sarothrae*), prickly pear (*Opuntia* sp.), and fringed sage (*Artemisia frigida*). Weedy annual species were pervasive in all disturbed areas throughout the project area, particularly around the head frame and buildings. These species included Russian thistle (*Salsola* sp.) and kochia

(*Kochia sp.*). The project area is grazed by cattle and occasionally by elk (*Cervus elaphus*). There are no homes located within 1.5 miles of the mine center.

The project area has been used at least since the early 1900s for homesteading and farming. A berm built circa 1935 is still present north and northwest of the lake, presumably intended for water diversion for crops and/or livestock. An old homestead is located approximately 0.3 miles southwest of the head frame.

Wildlife species using the project area and adjacent lands are typical of grassland/valley landscapes. Rocky Mountain elk probably use the area for winter range and/or as a water source as evidenced by old and more recent scat observed during the surveys. Significant herds are present within the Mt. Taylor area approximately 20 miles east-southeast of the mine. Smaller mammals such as kangaroo rats (*Dipodomys spp.*), pack rats (*Neotoma spp.*), and desert cottontail (*Sylvilagus sp.*) were also present. Representative over-wintering bird species observed during the November 6, 2015 survey included common raven (*Corvus corax*), horned lark (*Eremophila alpestris*), and western meadow lark (*Sturnella neglecta*). Reptilian species were not observed in the November survey due to time of year, but are likely to occur throughout the project area during the warmer seasons. Other migratory bird species not observed during the November 2015 survey may also use the area around the mine for breeding during spring and summer months.

Wildlife and avian species observed during the June 13, 2017 survey included: common raven, house finch (*Carpodacus mexicanus*), Saye's phoebe (*Sayornis saya*), American kestrel, pocket gopher (*Thomomys sp.*), and coyote. No reptile or amphibian species were observed during the June 2017 survey, though two rattlesnakes (*Crotalus atrox*), were observed near the equipment yard by Robyn Tierney, on August 22, 2017.

A list of species observed during the November 6, 2015 and June 13, 2017 surveys is presented in Sections 5.8 and 5.9.

#### **4.0 THREATENED AND ENDANGERED (T&E) AND SPECIAL STATUS SPECIES**

Under Section 7 of the Endangered Species Act of 1973 (as amended), the State of New Mexico (Mining and Minerals Division) is required to consult with the U.S. Fish and Wildlife Service (USFWS) on any proposed action which may affect federally listed threatened or endangered species or species proposed for listing (ESA 16 U.S.C. 1531-1544).

Table 1 presents federal and New Mexico state listed species that have potential to occur in the project area. These species are recognized by the USFWS or the State of New Mexico as declining in McKinley County due to habitat loss, fragmentation, human disturbance, or other factors.

**Table 1. Listed wildlife species in McKinley County**

SPECIES	STATUS	HABITAT ASSOCIATIONS	POTENTIAL TO OCCUR AT PROJECT SITE**
<b>BIRDS</b>			
Bald Eagle <i>Haliaeetus leucocephalus</i>	NM Threatened, Federal Bald and Golden Eagle Protection Act	Cottonwood and other woodlands along lowland rivers or streams.	NP
Mexican spotted owl <i>Strix occidentalis lucida</i>	Federal Threatened	Mature, closed canopy and streamside forests, mesic canyons.	NP
Peregrine falcon <i>Falco peregrinus</i>	NM Threatened	In New Mexico, the breeding territories of peregrine falcons center on cliffs that are in wooded/forested habitats, with large "gulfs" of air nearby in which these predators can forage.	NP
Arctic Peregrine Falcon <i>Falco peregrinus tundrius</i>	NM Threatened	Migrant only in New Mexico	NP
Yellow-billed cuckoo <i>Coccyzus americanus occidentalis</i>	Federal Threatened	Riparian woodlands, orchards, and woodlots.	NP
Least Tern <i>Sternula antillarum</i>	Federal Endangered; NM Endangered	Mud flats and	NP
Southwestern willow flycatcher <i>Empidonax traillii extimus</i>	Federal Endangered	Riparian or wetland habitats with dense multi-story vegetation. Willow-cottonwood habitats preferred.	NP
Gray vireo <i>Vireo vicinior</i>	NM Threatened	Grasslands and shrublands with significant juniper component	NP
Costa's hummingbird <i>Calypte costae</i>	NM Threatened	Desert and foothill montane shrub habitats	NP
<b>Mammals</b>			
Canada lynx <i>Lynx canadensis</i>	Federal Threatened	Spruce-fir and high elevation forests in mountains with significant snow pack	NP
<b>Fish</b>			
Zuni Bluehead Sucker <i>Catostomus discobolus yarrowi</i>	Federal Endangered NM Endangered	Rivers, ponds, marshes, irrigation ditches	NP

\*\*PRESENCE

K-KNOWN, DOCUMENTED OBSERVATION WITHIN PROJECT AREA.

S-HABITAT SUITABLE AND SPECIES LIKELY TO OCCUR WITHIN PROJECT AREA

NS- HABITAT SUITABLE BUT SPECIES IS NOT SUSPECTED TO OCCUR WITHIN THE PROJECT AREA

NP-HABITAT NOT PRESENT AND SPECIES UNLIKELY TO OCCUR WITH THE PROJECT AREA AS BREEDER BUT MAY OCCUR AS TRANSIENT OR MIGRANT.

#### **4.1 MIGRATORY BIRDS**

All migratory birds (including those listed in Table 1) are protected under the federal Migratory Bird Treaty Act of 1918 (MBTA; 16 U.S.C. 703-712). Birds protected under the act include all common songbirds, waterfowl, shorebirds, hawks, owls, eagles, ravens, crows, native doves and pigeons, swifts, martins, swallows, and others, including their body parts (feathers, plumes, etc.), nests, and eggs. The MBTA protects migratory birds from “take”, defined as “to hunt, pursue, shoot, wound, kill, trap, capture, or collect, or any attempt to carry out these activities.” In short, any activity that results in the take of migratory birds is prohibited unless authorized by

the USFWS. There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

In addition to the general protection of all migratory birds, the USFWS Migratory Bird Program has identified Birds of Conservation Concern as a result of a 1988 amendment to the Fish and Wildlife Conservation Act [USFWS 2008]. The following Table 2 lists migratory birds of Conservation Concern that have potential to occur within the project area. Bird species already presented in Table 1 are not repeated in Table 2.

**Table 2. USFWS Birds of Conservation Concern with potential to occur in project area**

SPECIES	STATUS	POTENTIAL TO OCCUR AT PROJECT SITE**
Brewer's Sparrow <i>Spizella breweri</i>	Sagebrush and grassland habitats with shrub component.	NS
Burrowing Owl <i>Athene cunicularia</i>	Disturbed grassland or desert shrub habitats, usually associated with prairie dogs.	NS. No prairie dogs towns; however some areas containing kangaroo rat burrows may be suitable.
Flammulated Owl <i>Otus flammeolus</i>	Generally associated with woodland pine habitat.	NP
Fox Sparrow <i>Passerella iliaca</i>	Coniferous forests and dense mountain scrub.	NP
Golden Eagle <i>Aquila chrysaetos</i>	Open habitats with cliffs >30 meters.	S
Grace's Warbler <i>Dendroica graciae</i>	Ponderosa pine forests.	NP
Juniper Titmouse <i>Baeolophus ridgwayi</i>	Pinyon pine and juniper woodland.	NP
Lewis's Woodpecker <i>Melanerpes lewis</i>	Ponderosa pine woodland	NP
Loggerhead Shrike <i>Lanius ludovicianus</i>	Open shrubby areas, fence lines, pastures.	K. within several miles of project area.
Mountain Plover <i>Charadrius montanus</i>	Mud flats, lowlands, disturbed areas in pastures.	S
Olive-sided Flycatcher <i>Contopus cooperi</i>	Spruce fir and mixed pine forests.	NP
Pinyon Jay <i>Gymnorhinus cyanocephalus</i>	Pinyon pine forest and associated open areas.	NP
Prairie Falcon <i>Falco mexicanus</i>	Open grasslands with cliff habitat.	S
Swainson's Hawk <i>Buteo swainsoni</i>	Grasslands and agricultural fields.	S
Williamson's Sapsucker <i>Sphyrapicus thyroideus</i>	Forested habitats.	NP

\*\*PRESENCE

K-KNOWN, DOCUMENTED OBSERVATION WITHIN PROJECT AREA.

S-HABITAT SUITABLE AND SPECIES LIKELY TO OCCUR WITHIN PROJECT AREA

NS- HABITAT SUITABLE BUT SPECIES IS NOT SUSPECTED TO OCCUR WITHIN THE PROJECT AREA

NP-HABITAT NOT PRESENT AND SPECIES UNLIKELY TO OCCUR WITH THE PROJECT AREA AS BREEDER BUT MAY OCCUR AS TRANSIENT OR MIGRANT.

## **5.0 SURVEY RESULTS**

No federal or state listed wildlife species were observed during the November 6, 2015 or June 13, 2017 wildlife surveys. Additionally, no suitable habitat for any listed species was observed on or near the project area. The closest critical habitat to the project area is for the Mexican spotted owl, approximately 20 miles east-southeast in the Mt. Taylor range (USFWS 2015, 2017).

Suitable habitat for several species of migratory birds, including Birds of Conservation Concern was observed near the mine and surrounding area (within 0.5 miles of the mine center). These species are discussed below.

### **5.1 GOLDEN EAGLE**

Golden eagles are usually found near mountainous areas, high cliffs, and canyons. In the southwest, rimrock terrain adjacent to open desert or grassland areas is preferred. Golden eagles forage over open grasslands, valleys, and desert shrub lands (NMACP 2015). Golden eagles may forage within the project area and use Ambrosia Lake for a water source and hunting area. However, there are no suitable nest structures within 1.0 miles of the project area. The closest suitable cliffs are located 1.5 miles northeast of the mine center.

### **5.2 PRAIRIE FALCON**

Prairie falcons are found in open prairies and grassland habitats similar to that surrounding the mine area. Prairie falcons may forage or cross through the project area. Prairie falcon nests sites are usually located on cliffs and bluffs. The closest bluffs are approximately 1.5 miles northeast of the center of the mine.

### **5.3 SWAINSON'S HAWK**

Swainson's hawks are also found in open prairies and grassland habitats similar to that surrounding the mine area. Swainson's hawks may forage or cross through the project area. Swainson's hawk nests sites are usually located in trees that are at least 15 feet (5 meters in height). There are no trees located within the project area. The closest trees suitable for nest sites for Swainson's hawks are located more than 2 miles away from the center of the mine.

### **5.4 MOUNTAIN PLOVER**

Mountain plovers are often found in disturbed pastures and mudflats. When sufficiently hydrated, the mud flats and grazed areas around Ambrosia Lake may offer suitable nest and forage habitat for this small shorebird. It is recommended that additional surveys for this species be conducted in the vicinity of the lake prior to any physical disturbance of the lake bed or shoreline.

## 5.5 LOGGERHEAD SHRIKE

Several loggerhead shrikes were observed along NM Highway 509 south of the mine site during the November 6, 2015 survey, but were not observed in the June 13, 2017 survey. These birds were using the right-of-way fence line and the brush that grew alongside the fence line. The mine area itself did not offer good perch substrates adjacent to brushy habitats, therefore it is unlikely that any loggerhead shrikes use the mine site regularly or nest there. They may, however, pass through the mine area on occasion.

## 5.6 BURROWING OWL

Burrowing owls are generally associated with disturbed grasslands/agricultural lands and prairie dog colonies. Prairie dogs and their characteristic burrows were not observed within the wildlife survey area during the November or June surveys. A few kangaroo rat burrows were present in the western half of the project area, but these burrows had not been used during the 2015 or 2016 breeding seasons by burrowing owls and did not appear to be in use during the June 13, 2017 survey. It is unlikely that any burrowing owls occur in the project area, but they may be present in surrounding habitats and thus would perhaps hunt or pass through the project area.

## 5.7 BREWER'S SPARROW

Brewer's sparrows prefer grasslands with a strong shrub component. The mine area is somewhat lacking in shrubs, making it marginal habitat for the Brewer's sparrow. It is not likely that this species would occur regularly at the mine site, but may pass through on its way to breeding grounds in the northwestern part of the state.

## 5.8 MIGRATORY SPECIES OBSERVED DURING THE WILDLIFE SURVEYS

The following migratory bird species are representative year-round or wintering residents in the project area and were observed during the November 6, 2015 wildlife survey:

- American kestrel (*Falco sparverius*)
- Northern harrier (*Circus cyaneus*) - observed within 3 miles of the project area
- Mourning dove (*Zenaida macroura*)
- Common raven (*Corvus corax*)
- Loggerhead shrike (*Lanius ludovicianus*)-observed within 3 miles of project area
- European starling (*Sturnus vulgaris*)
- Western meadowlark (*Sturnella neglecta*)

The following migratory bird species are representative year-round or breeding season residents in the project area, and were observed during the June 13, 2017 wildlife survey:

- American kestrel (*Falco sparverius*)
- House finch (*Carpodacus mexicanus*)
- Say's phoebe (*Sayornis saya*)



## 5.9 OTHER SPECIES OBSERVED DURING WILDLIFE SURVEYS

Domestic cattle (*Bos taurus*)  
Coyote (*Canis latrans*)  
Elk (*Cervus elaphus*)  
Desert cottontail (*Sylvilagus audubonii*)  
Black-tailed jackrabbit (*Lepus californicus*)  
Kangaroo rat (*Dipodomys* sp.)  
Pocket gopher (*Thomomys* sp.)

No reptilian or amphibian species were observed during the November 6, 2015 survey or the June 13, 2017 survey; however, it is likely that Ambrosia Lake supports some amphibious species, such as tiger salamander (*Ambystoma tigrinum*) or spadefoot toad (*Spea multiplicata*) and the upland areas of the mine support some reptilian species, such as whiptail lizards (*Aspidozelis* spp.) and as evidenced by the observation of two rattlesnakes (*Crotalus atrox*), near the equipment yard on August 22, 2017 (Robyn Tierney, pers. comm. August 22, 2017).

## 6.0 DISCUSSION

All of the migratory bird species discussed above, as well as the species that are year-round or winter residents at the mine site, have the potential to be impacted if present during mining, reclamation, construction, and other activities at the mine. Nesting birds are subject to human disturbance during courtship and nest building periods, and use of equipment in mine activities (e.g. front end loaders, trucks, vehicles) has the potential to disturb nests or nesting birds through collisions or inadvertent destruction of nests.

Likewise, small terrestrial species of wildlife are subject to disturbance from human activity within the mine area and access roads through collisions or general activity at the mine.

Elk using the project area as wintering grounds may be deterred from foraging and movement patterns if activity at the mine resumes during fall and winter months.

Additionally, certain portions of the mine may currently pose hazards to all wildlife that would use it, cross it and/or use Ambrosia Lake as a water resource due to the ongoing radioactivity of the site and the leaching of uranium ore and perhaps other contaminants into the surface soils and run off that would collect in Ambrosia Lake.

Presently, there are no open shafts or access to the underground portions of the mine, other than the head frame area, two air vents in Section 12, and the air vent in the southeast corner of Section 11 that would be available for bat egress or ingress. Bats and other “on the wing” foragers are likely present over Ambrosia Lake during the summer months, though none of these species are currently listed or

protected for McKinley County. Barn swallows (*Hirundo rustica*) and cliff swallows (*Petrochelidon pyrrhonata*) would also use mud from the lake for their nests.

## **7.0 WILDLIFE MITIGATION RECOMMENDATIONS**

Southwest Resources is committed to protecting wildlife during any activity at the mine that would occur concurrent with reclamation or during initiation of further mining of uranium ore. These commitments would include conducting additional breeding bird surveys at least one week prior to reclamation and construction activities at the mine that could occur during the breeding period of May 1- August 30. If reclamation and mine closure occurs, Southwest Resources would coordinate with the New Mexico Mining and Minerals Division to ensure that any potential bat roosts or colonies and/or other wildlife that may be using the underground portions of the mine are protected during closure of the shafts.

## **8.0 REFERENCES**

- Executive Order 13186. 2001. Responsibilities of Federal Agencies to Protect Migratory Birds. Federal Register V. 66-11. Washington, D.C. Web. <http://www.fws.gov/laws/lawsdigest/EO.htm#eo13186>
- New Mexico Department of Game and Fish. Biota Information System of New Mexico (BISON-M). McKinley County Threatened and Endangered Species List. November 2015 and June 2017. Web. <http://www.bison-m.org/databasequery.aspx>.
- New Mexico Avian Conservation Partners (NMACP). 2012. Species Accounts for Species of Conservation Concern. November 2015 and June 2017. Web. <http://nmpartnersinflight.org>
- U. S. Fish and Wildlife Service (USFWS). Information Planning and Conservation (IPaC) website. November 2015 and June 2017. Web. <http://ecos.fws.gov/ipac/>.
- U. S. Fish and Wildlife Service (USFWS). 2008. Birds of Conservation Concern. Division of Migratory Bird Management, Arlington, Virginia.
- U. S. Fish and Wildlife Service. Environmental Conservation Online System (ECOS) Critical Habitat Mapper. November 2015 and June 2017. Web. <http://fws.maps.arcgis.com/>.

# Southwest Resources Uranium Mine

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## *IPaC Trust Resource Report*

Generated November 10, 2015 10:59 AM MST

This report is for informational purposes only and should not be used for planning or analyzing project-level impacts. For projects that require FWS review, please return to this project on the IPaC website and request an official species list from the Regulatory Documents page.



US Fish &amp; Wildlife Service

# IPaC Trust Resource Report



## Project Description

**NAME**

Southwest Resources Uranium Mine

**PROJECT CODE**

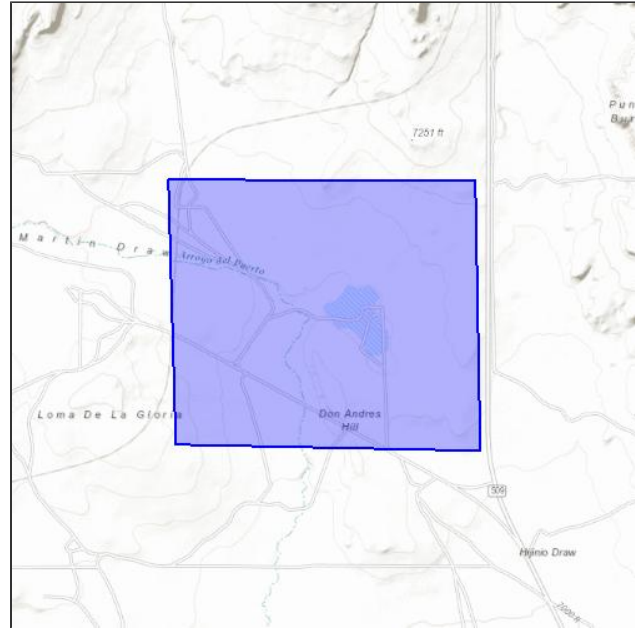
GPTS6-65BAZ-AWJFU-ZIHMT-W5JR7Y

**LOCATION**

McKinley County, New Mexico

**DESCRIPTION**

No description provided



## U.S. Fish & Wildlife Contact Information

Species in this report are managed by:

**New Mexico Ecological Services Field Office**

2105 Osuna Road Ne

Albuquerque, NM 87113-1001

(505) 346-2525

## Endangered Species

Proposed, candidate, threatened, and endangered species that are managed by the [Endangered Species Program](#) and should be considered as part of an effect analysis for this project.

This unofficial species list is for informational purposes only and does not fulfill the requirements under [Section 7](#) of the Endangered Species Act, which states that Federal agencies are required to "request of the Secretary of Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action." This requirement applies to projects which are conducted, permitted or licensed by any Federal agency.

A letter from the local office and a species list which fulfills this requirement can be obtained by returning to this project on the IPaC website and requesting an official species list on the Regulatory Documents page.

### Birds

**Mexican Spotted Owl** *Strix occidentalis lucida* Threatened

CRITICAL HABITAT

There is **final** critical habitat designated for this species.

<https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=B074>

**Southwestern Willow Flycatcher** *Empidonax traillii extimus* Endangered

CRITICAL HABITAT

There is **final** critical habitat designated for this species.

<https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=B094>

**Yellow-billed Cuckoo** *Coccyzus americanus* Threatened

CRITICAL HABITAT

There is **proposed** critical habitat designated for this species.

<https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=B06R>

### Fishes

**Zuni Bluehead Sucker** *Catostomus discobolus yarrowi* Endangered

CRITICAL HABITAT

There is **proposed** critical habitat designated for this species.

<https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=E063>

### Flowering Plants

**Zuni Fleabane** *Erigeron rhizomatus* Threatened

CRITICAL HABITAT

**No critical habitat** has been designated for this species.

<https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=Q1W4>

## Critical Habitats

Potential effects to critical habitat(s) within the project area must be analyzed along with the endangered species themselves.

**There is no critical habitat within this project area**

# Migratory Birds

Birds are protected by the [Migratory Bird Treaty Act](#) and the [Bald and Golden Eagle Protection Act](#).

Any activity which results in the take of migratory birds or eagles is prohibited unless authorized by the U.S. Fish and Wildlife Service (1). There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

You are responsible for complying with the appropriate regulations for the protection of birds as part of this project. This involves analyzing potential impacts and implementing appropriate conservation measures for all project activities.

<p><b>Bald Eagle</b> <i>Haliaeetus leucocephalus</i>            Season: Wintering  <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=B008">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=B008</a></p>	Bird of conservation concern
<p><b>Brewer's Sparrow</b> <i>Spizella breweri</i>            Season: Migrating  <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=BOHA">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=BOHA</a></p>	Bird of conservation concern
<p><b>Burrowing Owl</b> <i>Athene cunicularia</i>            Season: Breeding</p>	Bird of conservation concern
<p><b>Flammulated Owl</b> <i>Otus flammeolus</i>            Season: Breeding  <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=B0DK">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=B0DK</a></p>	Bird of conservation concern
<p><b>Fox Sparrow</b> <i>Passerella iliaca</i>            Season: Wintering</p>	Bird of conservation concern
<p><b>Golden Eagle</b> <i>Aquila chrysaetos</i>            Year-round  <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=B0DV">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=B0DV</a></p>	Bird of conservation concern
<p><b>Grace's Warbler</b> <i>Dendroica graciae</i>            Season: Breeding</p>	Bird of conservation concern
<p><b>Gray Vireo</b> <i>Vireo vicinior</i>            Season: Breeding  <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=B0G5">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=B0G5</a></p>	Bird of conservation concern
<p><b>Juniper Titmouse</b> <i>Baeolophus ridgwayi</i>            Year-round</p>	Bird of conservation concern
<p><b>Lewis's Woodpecker</b> <i>Melanerpes lewis</i>            Year-round</p>	Bird of conservation concern
<p><b>Loggerhead Shrike</b> <i>Lanius ludovicianus</i>            Year-round  <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=B0FY">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=B0FY</a></p>	Bird of conservation concern
<p><b>Mountain Plover</b> <i>Charadrius montanus</i>            Season: Breeding  <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=B078">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=B078</a></p>	Bird of conservation concern

<b>Olive-sided Flycatcher</b> Contopus cooperi	Bird of conservation concern
Season: Breeding <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0AN">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0AN</a>	
<b>Peregrine Falcon</b> Falco peregrinus	Bird of conservation concern
Season: Breeding <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0FU">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0FU</a>	
<b>Pinyon Jay</b> Gymnorhinus cyanocephalus	Bird of conservation concern
Year-round <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0I0">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0I0</a>	
<b>Prairie Falcon</b> Falco mexicanus	Bird of conservation concern
Year-round <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0ER">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0ER</a>	
<b>Swainson's Hawk</b> Buteo swainsoni	Bird of conservation concern
Season: Breeding <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B070">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B070</a>	
<b>Williamson's Sapsucker</b> Sphyrapicus thyroideus	Bird of conservation concern
Season: Breeding <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0FX">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0FX</a>	
<b>Willow Flycatcher</b> Empidonax traillii	Bird of conservation concern
Season: Breeding <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0F6">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0F6</a>	



## Refuges

Any activity proposed on [National Wildlife Refuge](#) lands must undergo a 'Compatibility Determination' conducted by the Refuge. If your project overlaps or otherwise impacts a Refuge, please contact that Refuge to discuss the authorization process.

**There are no refuges within this project area**

## Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats from your project may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal Statutes.

Project proponents should discuss the relationship of these requirements to their project with the Regulatory Program of the appropriate [U.S. Army Corps of Engineers District](#).

### DATA LIMITATIONS

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

### DATA EXCLUSIONS

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

### DATA PRECAUTIONS

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

## Freshwater Pond

**PUB** 2.13 acres

## Lake

**L** 43.9 acres

## Riverine

**R4SBC** 38.0 acres



# Biota Information System of New Mexico



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## Database Query

Your **search terms** were as follows:

**County Name**

McKinley




**Status**

Federal: Endangered  
 Federal: Threatened  
 Federal: Proposed  
 Federal: Candidate  
 State NM: Endangered  
 State NM: Threatened

**11 species returned.**

Taxonomic Group	# Species	Taxonomic Group	# Species
Fish	1	Mammals	1
Birds	9		

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Species ID	Common Name	Scientific Name	Habitat Map	Photo	County	Status
050325	<b>Canada Lynx</b>	Lynx canadensis	Yes	no photo	McKinley	Federal: Threatened
040370	<b>Bald Eagle</b>	Haliaeetus leucocephalus	Yes		McKinley	State NM: Threatened
040384	<b>Peregrine Falcon</b>	Falco peregrinus	Yes		McKinley	State NM: Threatened
040385	<b>Arctic Peregrine Falcon</b>	Falco peregrinus tundrius	Yes	no photo	McKinley	State NM: Threatened
042070	<b>Least Tern</b>	Sternula antillarum	Yes		McKinley	Federal: Endangered State NM: Endangered
040250	<b>Yellow-billed Cuckoo (western pop)</b>	Coccyzus americanus occidentalis			McKinley	Federal: Threatened

						
041375	<b>Mexican Spotted Owl</b>	<i>Strix occidentalis lucida</i>	Yes		McKinley	Federal: Threatened
040925	<b>Costa's Hummingbird</b>	<i>Calypte costae</i>	Yes		McKinley	State NM: Threatened
040521	<b>Southwestern Willow Flycatcher</b>	<i>Empidonax traillii extimus</i>	Yes		McKinley	Federal: Endangered State NM: Endangered
042200	<b>Gray Vireo</b>	<i>Vireo vicinior</i>	Yes		McKinley	State NM: Threatened
010496	<b>Zuni Bluehead Sucker</b>	<i>Catostomus discobolus yarrowi</i>			McKinley	Federal: Endangered State NM: Endangered

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