



THE STATE OF ARIZONA  
**GAME AND FISH DEPARTMENT**

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#E1-2503  
Daw

August 22, 2006

Mr. Scott Steinwert  
Circlepoint  
135 Main St.  
Suite 1600  
San Francisco, CA 94105

Re: **Request for Comments on Potential Environmental Impacts: STB Finance Docket No. 34836, Arizona Eastern Railway – Construction and Operation – In Graham County, Arizona.**

Dear Mr. Steinwert:

The Arizona Game and Fish Department (Department) has reviewed your request, dated June 13, 2006, regarding the construction and operation of 10 miles of rail line in Graham County. 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)<sup>1</sup>. In addition, this project occurs in the vicinity of Designated Critical Habitats for Razorback sucker (*Xyrauchen texanus*) and Southwestern willow flycatcher (*Empidonax traillii eximus*).

The Department understands the proposed project would include the placement of track rails, ties, trestles, and culverts. The Department offers the following general comments, based on the limited information provided:

- Limit project activities during the breeding season for birds, generally May through late August, depending on species in the local area. Raptors breed in early February through May. Conduct avian surveys to determine bird species that may be utilizing the area and develop a plan to avoid disturbance during nesting season. Any disturbance during the breeding season may lead to a violation of the Migratory Bird Treaty Act.
- Contact the Army Corp. of Engineers for Best Management Practices and guidelines for minimizing and mitigating impacts to riparian areas.
- Aquatic species breed at different times throughout the year. Review the biology of each species to determine a timeframe and actions (e.g. limiting sediment input into the river during construction) that would minimize impact to the species.

<sup>1</sup> 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.



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- Identify wildlife crossing areas. Design culverts and bridges to accommodate the upstream and upland movement of fish and wildlife (bottom surface of structure should be flush with ground i.e. no drop-offs or plunge pools). Identify structure shape and size needs as well as consider noise, temperature, light, and moisture requirements of species of animals that may use the structure.
- Minimize impacts to the vegetation community. Use existing roads and rights-of-way for all transportation. Off-road driving should be avoided. Staging areas should be located in previously disturbed sites, where possible, and kept as small as possible. Implement erosion and drainage control measures during the project to prevent introduction of sediment-laden runoff into surface waters and to prevent impacts to surface water quality. Stabilize exposed soils, particularly on slopes, with vegetation as soon as possible to prevent excess erosion.
- Minimize the potential introduction or spread of exotic invasive species. Invasive species can be plants, animals (exotic snails), and other organisms (e.g., microbes) that may cause alteration to ecological functions or compete with or prey upon native species and can cause social impacts (e.g., livestock forage reduction, increase wildfire risk). Wash all equipment utilized in the project activities before leaving the site. Arizona has noxious weed regulations (Arizona Revised Statutes, Rules R3-4-244 and R3-4-245), please see the Arizona Department of Agriculture website for restricted plants <http://www.azda.gov/PSD/quarantine5.htm>.
- Coordinate plant salvage efforts with the Arizona Department of Agriculture, in accordance with the Arizona Native Plant Law. In addition, the applicable land management agencies should be consulted regarding guidelines for revegetation efforts.

The Department appreciates the opportunity to provide an evaluation of impacts to wildlife or wildlife habitats associated with the project activities. If you have any questions regarding this letter, please contact me at (602) 789-3606.

Sincerely,



Ginger L. Ritter

Project Evaluation Specialist

GLR:glr

Attachment

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

AGFD #M06-08013206

Special Status Species within 3 Miles of T6S, R26E Sec. 5, 6, 8-10, 15, 221, 23, 26, 34, & 35 and T7S, R26E  
 Sec. 3, 11, 14, & 23-25

NAME	COMMON NAME	ESA	USFS	BLM	STATE
<i>Abutilon parishii</i>	Pima Indian Mallow	SC	S	S	SR
Bat Colony					
CH for <i>Empidonax traillii extimus</i>	Designated Critical Habitat for southwestern willow flycatcher				
CH for <i>Xyrauchen texanus</i>	Designated Critical Habitat for razorback sucker				
<i>Coccyzus americanus occidentalis</i>	Western Yellow-billed Cuckoo	C	S		WSC
<i>Empidonax traillii extimus</i>	Southwestern Willow Flycatcher	LE	S		WSC
<i>Limnitis archippus obsoleta</i>	Obsolete Viceroy Butterfly		S		
<i>Myotis yumanensis</i>	Yuma Myotis	SC			

AGFD #M06-08013206. Proposed Arizona Eastern Railway.

Arizona Game and Fish Department, Heritage Data Management System, August 22, 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.

[ \NNo 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.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 (2000)**  
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://agriculture.state.az.us/PSD/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.com>)

- 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)**.

Revised 8/24/04, AGFD HDMS

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