

**SECTION K - OTHER FEDERAL LAWS**

**K. OTHER FEDERAL LAWS**

Heritage has addressed the federal law requirements specified in 40 CFR Part 270.14(b)(20) and Part 270.3. The following federal laws are addressed:

*The Wild and Scenic Rivers Act. 16 USC 1273 et seq. Section 7*

This section of the act prohibits the Regional Administrator from assisting by license or otherwise the construction of any water resources project that would have a direct, adverse effect on the values for which a national wild and scenic river was established.

Heritage is not licensing or constructing a water resource project. Therefore, the pertinent sections of the Wild and Scenic Rivers Act are not applicable to the Heritage facility.

*The National Historic Preservation Act of 1966. 16 USC 470 et seq. Section 106 and Implementing Regulations at 36 CFR Part 800*

This requires that the Regional Administrator prior to issuing a permit adopt measures when feasible to mitigate potential adverse effects of the licensed activity on properties listed or eligible for listing in the National Register of Historic Places. These activities are to be implemented by the State Historic Preservation Officers and upon notice to, and when appropriate, in consultation with the Advisory Council on Historic Preservation.

Heritage previously filed a request with the State of Arizona to determine the applicability of the National Historic Preservation Act of 1966. Correspondence concerning the facility is provided in Appendix K-A for reference.

*The Endangered Species Act 16 USC 1531 et seq. Section 7 and Implementing Regulations 50 CFR Part 402*

The Endangered Species Act requires the Regional Administrator to ensure, in consultation with the Secretary of the Interior or Commerce, that any action by the EPA is not likely to jeopardize the continued existence of any endangered species or threatened species or adversely affect its critical habitat.

The Heritage facility is located near the City of Coolidge, Arizona. Correspondence concerning The Endangered Species Act from Heritage and the United States Fish and Wildlife Service, Arizona Endangered Species Office, is provided in Appendix K-B for reference.

*The Coastal Zone Management Act 16 USC 1451 et seq. Section 307(c) and Implementing Regulations 15 CFR Part 930*

The Coastal Zone Management Act prohibits the EPA from issuing a permit for an activity affecting land or water use in the coastal zone until the applicant certifies that the proposed activity complies with the State Coastal Zone Management program and the State or its designated agency concurs with the certification (or the Secretary of Commerce overrides the States nonconcurrence).

The Heritage facility is located near the City of Coolidge, Arizona. The facility is not located in a coastal zone as defined by the Coastal Zone Management Act. Therefore, the Coastal Zone Management Act is not applicable to the facility.

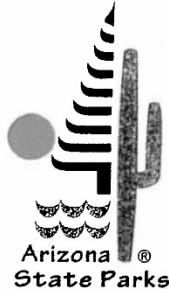
*The Fish and Wildlife Coordination Act 16 USC 66 et seq.*

The Fish and Wildlife Coordination Act requires the Regional Administrator, before issuing a permit proposing or authorizing the impoundment (with certain exemptions), diversion, or other control or modification of any body of water, consult with the appropriate State exercising jurisdiction of wildlife resources to conserve those resources.

Heritage is not applying for a permit for an impoundment, diversion, or other control of any body of water. Heritage is applying for a permit renewal for container storage areas. Therefore, the Fish and Wildlife Coordination Act is not applicable to the facility or the issuance of a permit.

**SECTION K. – APPENDIX K-A**

"Managing and conserving natural, cultural, and recreational resources"



October 15, 1999

OCT 21

Ms. Angela S. Martin  
Heritage Environmental Services, LLC  
7901 W. Morris St.  
Indianapolis, Indiana 46231

Jane Dee Hull  
Governor  
  
State Parks  
Board Members

RE: Heritage Environmental Services' Waste Storage Facility, Coolidge, AZ  
EPA Permit No. AZD081705402  
Compliance with National Historic Preservation Act

Chair  
Sheri J. Graham  
Sedona

Dear Ms. Martin,

Vernon Roudebush  
Safford

Please find enclosed a copy of the letter our office wrote to the Arizona Department of Environmental Quality (ADEQ) concerning the above referenced project. ADEQ has consulted with our office on behalf of the EPA regarding their permitting activity, in compliance with the National Historic Preservation Act. Our comments included recommendations in the event that project activities are undertaken in the northern part of the property. As you are aware, EPA decided to issue the permit for this facility, effective March 23, 1999.

Walter D. Armer, Jr.  
Benson

Luzanne Pfister  
Phoenix

We appreciate your cooperation with this office in considering the impacts of proposed permitted activities on cultural resources, pursuant to the National Historic Preservation Act. If you have any questions or concerns, please call me at (602) 542-7137 or email me at mohnersorgen@pr.state.az.us.

Joseph H. Holmwood  
Mesa

Ruth U. Fatterson  
St. Johns

Sincerely,

Michael E. Anable  
Acting State  
Land Commissioner

Kenneth E. Travous  
Executive Director

Michael Ohnersorgen  
Archaeological Project Specialist  
State Historic Preservation Office

Arizona State Parks  
1300 W. Washington  
Phoenix, AZ 85007

tel & TTY: 602.542.4174  
www.pr.state.az.us

800.285.3703  
toll free (520) area code

General Fax:  
602.542.4180

Director's Office Fax:  
602.542.4188

"Managing and conserving natural, cultural, and recreational resources" 12/116

October 5, 1998

Anthony C. Leverock, Manager  
Hazardous Waste Permits Unit  
Arizona Department of Environmental Quality  
3033 N. Central Avenue  
Phoenix, Arizona 85012

RE: Coolidge; Heritage Environmental Services' Application for Hazardous  
Waste Storage Facility, EPA No. AZD081705402; ADEQ

Dear Mr. Leverock,

Thank you for notifying this office of the above-referenced undertaking. I have reviewed the information provided and offer the following comments:

1. Your letter and attached maps indicate that the proposed hazardous waste storage site was originally developed as a recycling facility and that much of the area of potential effect has been disturbed by construction of buildings and structures on site. Roughly the north half, however, appears to be relatively undisturbed.

Your maps also show that this facility is less than one mile from the Arizona Children's Colony (now Arizona Training Center). This facility appears to date to the 1930s or 1940s and may qualify for inclusion on the National Register of Historic Places; however, it has never been documented and evaluated as such. No properties listed or eligible for inclusion on the National Register have been identified in the vicinity.

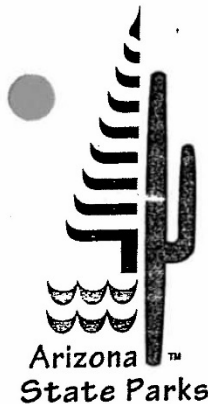
2. As suggested in your letter, I have discussed the project with Jim Walters of your staff. He indicated that most of the planned work will involve modification of the existing buildings and structures; however, some additional construction may be necessary. If the proposed modifications include ground disturbance in the north half of the project area, because of the potential for intact subsurface archaeological deposits, we recommend that a professional archaeologist either survey the area in advance of construction or monitor all ground disturbing activities.

We appreciate your efforts to include this office in the permit review process pursuant to the National Historic Preservation Act. If you have any questions or concerns, please call me at (602) 542-7137 or 542-4009.

Sincerely,



Carol Heathington  
Compliance Specialist  
State Historic Preservation Office



Jane Dee Hull  
Governor

STATE PARKS  
BOARD MEMBERS

Chairman  
Ruth U. Patterson  
St. Johns

Members  
Sheri J. Graham  
Sedona

Vernon Roudebush  
Safford

Walter D. Armer, Jr.  
Benson

M. Jean Hassell  
Phoenix

Joseph H. Holmwood  
Mesa

J. Dennis Wells  
State Land  
Commissioner

Kenneth E. Travous  
Executive Director

Rafael Payan  
Assistant Director

1300 West Washington  
Phoenix, Arizona 85007

Tel & TTY 602-542-4174  
1-800-285-3703  
om (520) area code  
//www.pr.state.az.us

General Fax:  
602-542-4180

Director's Office Fax:  
602-542-4188

**HERITAGE ENVIRONMENTAL SERVICES, LLC**



7901 West Morris Street  
Indianapolis, IN 46231  
Phone: 317/243-0811  
FAX: 317/486-5085  
Internet: <http://www.heritage-enviro.com>

**VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED Z 727 514 605**

September 20, 1999

Mr. James Garrison  
State Historic Preservation Officer  
Arizona State Parks  
1300 W. Washington  
Phoenix, AZ 85007

**Re: Compliance with the Natural Historic Preservation  
Act of 1966**

Dear Mr. Garrison:

Heritage Environmental Services, LLC ("Heritage") is providing additional information concerning our facility that will allow the Arizona Department of Environmental Quality ("ADEQ") to make a determination concerning compliance with the Natural Historic Preservation Act of 1966.

We have enclosed two additional figures that show the Heritage property boundaries and a detailed drawing of the facility showing existing structures (buildings, paving, topography).

The facility was originally constructed in 1976 with additional structures being constructed at later dates. The facility is located in Pinal County, Arizona. Our understanding is that prior to any construction, the property was agricultural. These data should allow the ADEQ to make a final determination concerning applicability of the Natural Historic Preservation Act of 1966 for our facility.

Please prepare a reply to this letter and our prior correspondence indicating whether or not the pertinent sections of the Natural Historic Preservation Act of 1966 are applicable to this facility. If this law is applicable to this facility, please provide the documentation supporting the applicability determination.

Please send your response to:

Angela S. Martin, PE, CHMM  
Heritage Environmental Services, LLC  
7901 West Morris Street  
Indianapolis, Indiana 46231

99AM3141.118



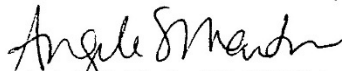


Mr. James Garrison  
September 17, 1999  
Page 2

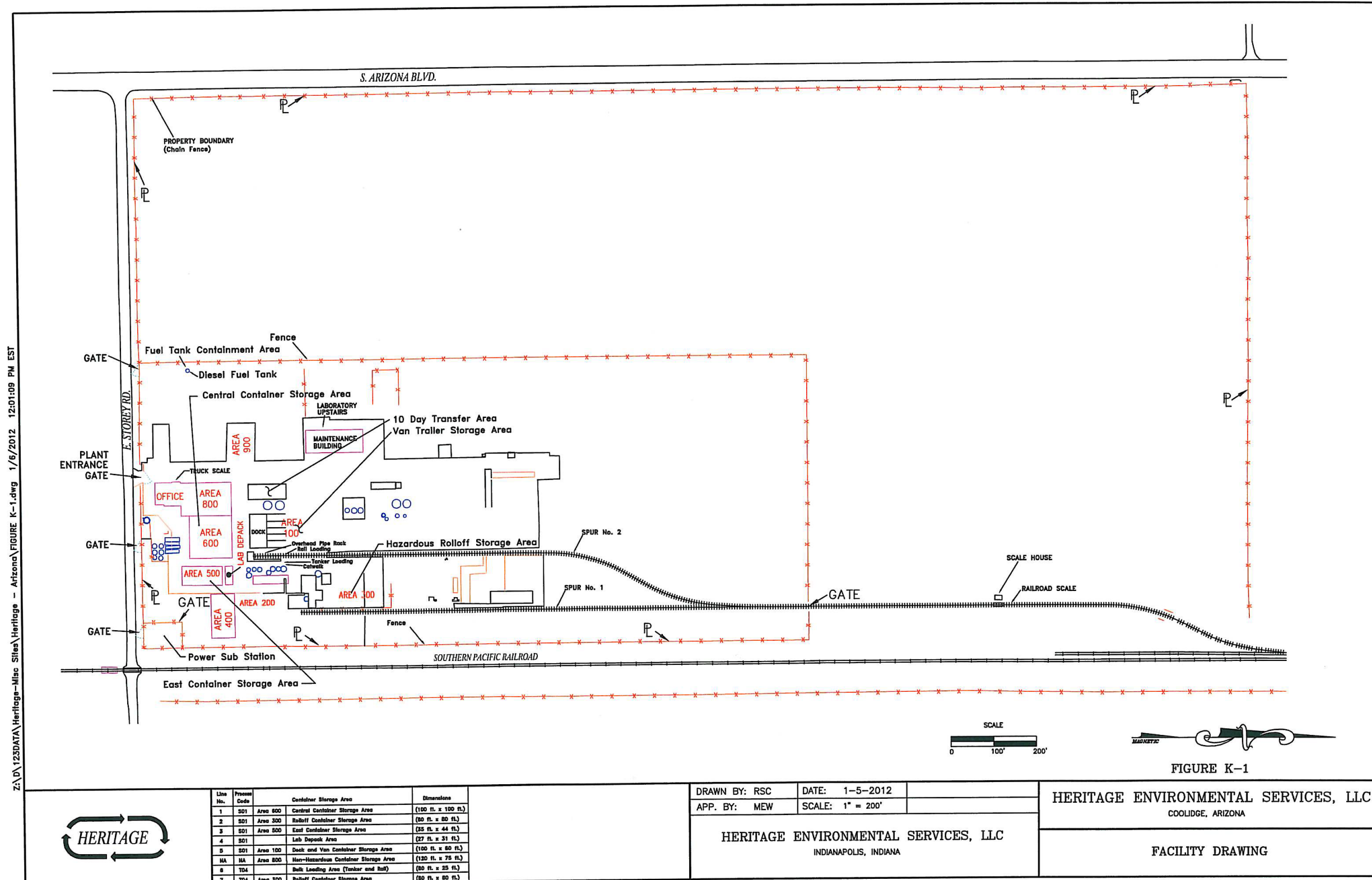
Thank you in advance for your prompt response to our request. Please contact me at (317) 486-2785 if you have questions, comments, or require further assistance.

Sincerely,

Heritage Environmental Services, LLC

  
Angela S. Martin, PE, CHMM  
Program Manager - Permits





Z:\DATA\123DATA\Heritage-Misc Sites\Heritage - Arizona\FIGURE K-1.dwg 1/5/2012 12:01:09 PM EST

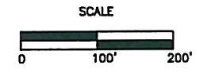


FIGURE K-1



Line No.	Process Code	Container Storage Area	Dimensions
1	301	Area 600 Central Container Storage Area	(100 ft. x 100 ft.)
2	301	Area 300 Roll-off Container Storage Area	(80 ft. x 80 ft.)
3	301	Area 500 East Container Storage Area	(35 ft. x 44 ft.)
4	301	Lab Depack Area	(27 ft. x 31 ft.)
5	301	Area 100 Dock and Van Container Storage Area	(100 ft. x 80 ft.)
NA	NA	Area 800 Non-Hazardous Container Storage Area	(120 ft. x 75 ft.)
8	T04	Bulk Loading Area (Tanker and Rail)	(80 ft. x 25 ft.)
7	T04	Area 300 Roll-off Container Storage Area	(80 ft. x 80 ft.)

DRAWN BY: RSC DATE: 1-5-2012  
 APP. BY: MEW SCALE: 1" = 200'

HERITAGE ENVIRONMENTAL SERVICES, LLC  
 INDIANAPOLIS, INDIANA

HERITAGE ENVIRONMENTAL SERVICES, LLC  
 COOLIDGE, ARIZONA

FACILITY DRAWING

**SECTION K. – APPENDIX K-B**

**HERITAGE ENVIRONMENTAL SERVICES, LLC**



7901 West Morris Street  
Indianapolis, IN 46231  
Phone: 317/243-0811  
FAX: 317/486-5085  
Internet: <http://www.heritage-enviro.com>

**VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED Z727 514 615**

September 17, 1999

Mr. David L. Harlow  
Field Supervisor  
U.S. Fish and Wildlife Service  
Endangered Species Office  
2321 W. Roybal Palm Road  
Suite 103  
Phoenix, AZ 85021

**Re: The Endangered Species Act and  
The Fish and Wildlife Coordination Act**

Dear Mr. Harlow:

Heritage Environmental Services, LLC ("Heritage") located in Coolidge, Arizona, is preparing a Part B application to resubmit a permit under the Resource Conservation and Recovery Act of 1976 ("RCRA") as amended. As part of the permit application process, Heritage is required to obtain information concerning several Federal laws.

40 CFR Part 270.3 requires that certain Federal laws be addressed during the application process such that the Regional Administrator of the United States Environmental Protection Agency can determine whether these laws, if applicable, require consideration by adopting special conditions in the permit or require denial of the permit to the facility. The Endangered Species Act (16 USC 1531 et seq, Section 7; 50 CFR Part 402) and the Fish and Wildlife Coordination Act (16 USC 661 et seq) are included among Federal laws to be addressed during the permit application process.

Please prepare a reply to this letter indicating whether or not the pertinent sections of the Endangered Species Act or the Fish and Wildlife Coordination Act is applicable to this facility. If these laws are applicable to this facility, please provide the documentation supporting the applicability determination.

Please send your response to:

Angela S. Martin, PE, CHMM  
Heritage Environmental Services, LLC  
7901 West Morris Street  
Indianapolis, IN 46241

The Heritage facility is located in Pinal County, Arizona. A USGS Quadrangle Map showing the location of the facility is attached for your convenience. This facility was originally constructed in 1976 with several expansions and modifications since the original construction.

99AM3140.I18





Mr. David Harlow  
Page 2 of 2

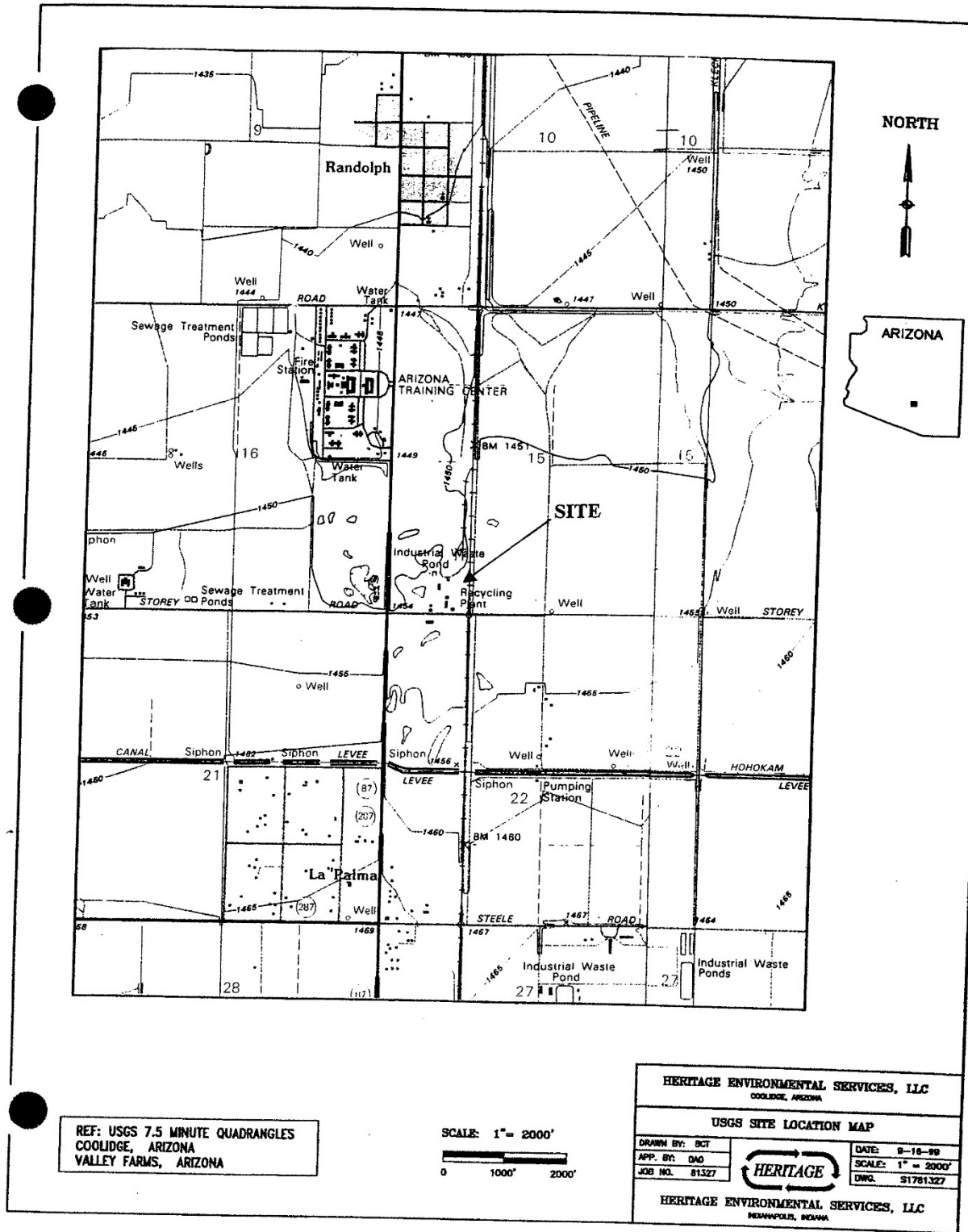
Thank you in advance for your prompt response to our request. Please contact me at (317) 486-2785 if you have questions, comments, or require further assistance.

Sincerely,

Heritage Environmental Services, LLC


A handwritten signature in cursive script that reads "Angela S. Martin".

Angela S. Martin, PE, CHMM  
Program Manager - Permits



REF: USGS 7.5 MINUTE QUADRANGLES  
 COOLIDGE, ARIZONA  
 VALLEY FARMS, ARIZONA

SCALE: 1" = 2000'  
 0 1000' 2000'

HERITAGE ENVIRONMENTAL SERVICES, LLC COOLIDGE, ARIZONA	
USGS SITE LOCATION MAP	
DRAWN BY: SGT	DATE: 9-18-99
APP. BY: DAO	SCALE: 1" = 2000'
JOB NO. 81327	DWG. S1781327
 HERITAGE ENVIRONMENTAL SERVICES, LLC <small>MEMPHIS, TENNESSEE</small>	



**United States Department of the Interior**

**U.S. Fish and Wildlife Service**

2321 W. Royal Palm Road, Suite 103  
Phoenix, Arizona 85021-4951  
(602)640-2720 FAX (602)640-2730



file  
Angela  
Hogwood

In Reply Refer To:  
AESO/SE  
2-21-99-I-343

September 28, 1999

SEP 30

Ms. Angela S. Martin, PE, CHMN  
Heritage Environmental Services, LLC  
7901 West Morris Street  
Indianapolis, Indiana 46241

RE: Part B Permit Application for Coolidge, Arizona

Dear Ms. Martin:

This letter responds to your September 17, 1999, request for an inventory of threatened or endangered species, or those that are proposed to be listed as such under the Endangered Species Act of 1973, as amended (Act), which may potentially occur in your project area (Pinal County). The enclosed list may include candidate species as well. We hope the enclosed county list of species will be helpful. In future communications regarding this project, please refer to consultation number 2-21-99-I-343.

The enclosed list of the endangered, threatened, proposed, and candidate species includes all those potentially occurring anywhere in the county, or counties, where your project occurs. Please note that your project area may not necessarily include all or any of these species. The information provided includes general descriptions, habitat requirements, and other information for each species on the list. Also on the enclosed list is the Code of Federal Regulations (CFR) citation for each list and is available at most public libraries. This information should assist you in determining which species may or may not occur within your project area. Site-specific surveys could also be helpful and may be needed to verify the presence or absence of a species or its habitat as required for the evaluation of proposed project-related impacts.

Endangered and threatened species are protected by Federal law and must be considered prior to project development. If the action agency determines that listed species or critical habitat may be adversely affected by a federally funded, permitted, or authorized activity, the action agency must request formal consultation with the Service. If the action agency determines that the planned action may jeopardize a proposed species or destroy or adversely modify proposed critical habitat, the action agency must enter into a section 7 conference with the Service. Candidate species are those which are being considered for addition to the list of threatened or endangered species. Candidate species are those for which there is sufficient information to support a proposal for listing. Although candidate species have no legal protection under the Act, we

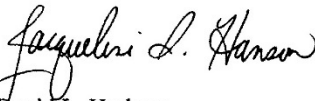
recommend that they be considered in the planning process in the event that they become listed or proposed for listing prior to project completion.

If any proposed action occurs in or near areas with trees and shrubs growing along watercourses, known as riparian habitat, the Service recommends the protection of these areas. Riparian areas are critical to biological community diversity and provide linear corridors important to migratory species. In addition, if the project will result in the deposition of dredged or fill materials into waterways or excavation in waterways, we recommend you contact the Army Corps of Engineers which regulates these activities under Section 404 of the Clean Water Act.

The State of Arizona protects some plant and animal species not protected by Federal law. We recommend you contact the Arizona Game and Fish Department and the Arizona Department of Agriculture for State-listed or sensitive species in your project area.

The Service appreciates your efforts to identify and avoid impacts to listed and sensitive species in your project area. If we may be of further assistance, please feel free to contact Tom Gatz.

Sincerely,

  
David L. Harlow  
Field Supervisor

Enclosure

cc: Director, Arizona Game and Fish Department, Phoenix, AZ

LISTED, PROPOSED, AND CANDIDATE SPECIES FOR THE FOLLOWING COUNTY: PINAL  
08/26/1999

1) LISTED

TOTAL= 13

NAME: ARIZONA HEDGEHOG CACTUS *ECHINOCEREUS TRIGLOCHIDIATUS ARIZONICUS*

STATUS: ENDANGERED CRITICAL HAB No RECOVERY PLAN: No CFR: 44 FR 61556,10-15-1979  
DESCRIPTION: DARK GREEN CYLINDROID 2.5-12 INCHES TALL, 2-10 INCHES IN  
DIAMETER, SINGLE OR IN CLUSTERS. 1-3 GRAY OR PINKISH CENTRAL  
SPINES LARGEST DEFLEXED AND 5-11 SHORTER RADIAL SPINES. ELEVATION  
FLOWER: BRILLIANT RED, SIDE OF STEM IN APRIL- MAY RANGE: 3700-5200 FT.

COUNTIES: MARICOPA, GILA, PINAL

HABITAT: ECOTONE BETWEEN INTERIOR CHAPPARAL AND MADREAN EVERGREEN WOODLAND

OPEN SLOPES, IN NARROW CRACKS BETWEEN BOULDERS, AND IN UNDERSTORY OF SHRUBS. THIS VARIETY IS  
BELIEVED TO INTERGRADE AT THE EDGES OF ITS DISTRIBUTION WITH VARIETIES MELANCANTHUS AND  
NEOMEXICANUS CAUSING SOME CONFUSION IN IDENTIFICATION.

NAME: NICHOL'S TURK'S HEAD CACTUS *ECHINOCACTUS HORIZONTHALONIUS VAR NICHOLII*

STATUS: ENDANGERED CRITICAL HAB No RECOVERY PLAN: No CFR: 44 FR 61927, 10-26-1979  
DESCRIPTION: BLUE-GREEN TO YELLOWISH-GREEN, COLUMNAR, 18 INCHES TALL, 8  
INCHES IN DIAMETER. SPINE CLUSTERS HAVE 5 RADIAL & 3 CENTRAL  
SPINES; ONE DOWNWARD SHORT; 2 SPINES UPWARD AND RED OR ELEVATION  
BASALLY GRAY. FLOWER: PINK FRUIT: WOOLLY WHITE RANGE: 2400-4100 FT.

COUNTIES: PINAL, PIMA, YUMA

HABITAT: SONORAN DESERTSCRUB

FOUND IN UNSHADED MICROSITES IN SONORAN DESERTSCRUB ON DISSECTED ALLUVIAL FANS AT THE FOOT OF  
LIMESTONE MOUNTAINS AND ON INCLINED TERRACES AND SADDLES ON LIMESTONE MOUNTAINSIDES.

NAME: LESSER LONG-NOSED BAT *LEPTONYCTERIS CURASOAE YERBABUENAE*

STATUS: ENDANGERED CRITICAL HAB No RECOVERY PLAN: Yes CFR: 53 FR 38456, 09-30-88  
DESCRIPTION: ELONGATED MUZZLE, SMALL LEAF NOSE, AND LONG TONGUE.  
YELLOWISH BROWN OR GRAY ABOVE AND CINNAMON BROWN BELOW.  
TAIL MINUTE AND APPEARS TO BE LACKING. EASILY DISTURBED. ELEVATION  
RANGE: <6000 FT.

COUNTIES: COCHISE, PIMA, SANTA CRUZ, GRAHAM, PINAL, MARICOPA

HABITAT: DESERT SCRUB HABITAT WITH AGAVE AND COLUMNAR CACTI PRESENT AS FOOD PLANTS

DAY ROOSTS IN CAVES AND ABANDONED TUNNELS. FORAGES AT NIGHT ON NECTAR, POLLEN, AND FRUIT OF  
PANICULATE AGAVES AND COLUMNAR CACTI. THIS SPECIES IS MIGRATORY AND IS PRESENT IN ARIZONA,  
USUALLY FROM APRIL TO SEPTMBER AND SOUTH OF THE BORDER THE REMAINDER OF THE YEAR.



LISTED, PROPOSED, AND CANDIDATE SPECIES FOR THE FOLLOWING COUNTY:  
08/26/1999

PINAL

NAME: RAZORBACK SUCKER

*XYRAUCHEN TEXANUS*

STATUS: ENDANGERED CRITICAL HAB Yes RECOVERY PLAN: Yes CFR: 55 FR 21154, 05-22-1990;  
DESCRIPTION: LARGE (UP TO 3 FEET AND UP TO 16 POUNDS) LONG, HIGH SHARP- 59 FR 13374, 03-21-1994  
EDGED KEEL-LIKE HUMP BEHIND THE HEAD. HEAD FLATTENED ON TOP.  
OLIVE-BROWN ABOVE TO YELLOWISH BELOW.

ELEVATION  
RANGE: <6000 FT.

COUNTIES: GREENLEE, MOHAVE, PINAL, YAVAPAI, YUMA, LA PAZ, MARICOPA (REFUGIA), GILA, COCONINO, GRAHAM

HABITAT: RIVERINE & LACUSTRINE AREAS, GENERALLY NOT IN FAST MOVING WATER AND MAY USE BACKWATERS

SPECIES IS ALSO FOUND IN HORSESHOE RESERVOIR (MARICOPA COUNTY). CRITICAL HABITAT INCLUDES THE 100-YEAR FLOODPLAIN OF THE RIVER THROUGH GRAND CANYON FROM CONFLUENCE WITH PARIA RIVER TO HOOVER DAM; HOOVER DAM TO DAVIS DAM; PARKER DAM TO IMPERIAL DAM. ALSO GILA RIVER FROM AZ/NM BORDER TO COOLIDGE DAM; AND SALT RIVER FROM HWY 60/SR 77 BRIDGE TO ROOSEVELT DAM; VERDE RIVER FROM FS BOUNDARY TO HORSESHOE LAKE.

NAME: SPIKEDACE

*MEDA FULGIDA*

STATUS: THREATENED CRITICAL HAB No RECOVERY PLAN: Yes CFR: 51 FR 23769, 07-01-1986;  
DESCRIPTION: SMALL (<3 INCHES) SLIM WITH SILVERY SIDES & 'SPINE' ON DORSAL 59 FR 10906, 03-08-1994  
FIN. BREEDING MALES BRASSY GOLDEN COLOR

ELEVATION  
RANGE: <6000 FT.

COUNTIES: GRAHAM, PINAL, GREENLEE, YAVAPAI, (AZ); GRANT, (NM)

HABITAT: MODERATE TO LARGE PERENNIAL STREAMS WITH GRAVEL COBBLE SUBSTRATES AND MODERATE TO SWIFT VELOCITIES

PRESENTLY FOUND IN ARAVAIPA CREEK, EAGLE CREEK, VERDE RIVER ABOVE VERDE VALLEY, EAST-WEST- MAIN AND MIDDLE FORKS OF THE GILA RIVER IN NEW MEXICO, AND GILA RIVER FROM SAN PEDRO RIVER TO ASHURST HAYDEN DAM. CRITICAL HABITAT WAS REMOVED IN MARCH 1998.

NAME: BALD EAGLE

*HALIAEETUS LEUCOCEPHALUS*

STATUS: THREATENED CRITICAL HAB No RECOVERY PLAN: Yes CFR: 60 FR 35999, 07-12-95  
DESCRIPTION: LARGE, ADULTS HAVE WHITE HEAD AND TAIL. HEIGHT 28 - 38";  
WINGSPAN 66 - 96". 1-4 YRS DARK WITH VARYING DEGREES OF  
MOTTLED BROWN PLUMAGE. FEET BARE OF FEATHERS.

ELEVATION  
RANGE: VARIES FT.

COUNTIES: YUMA, LA PAZ, MOHAVE, YAVAPAI, MARICOPA, PINAL, COCONINO, NAVAJO, APACHE, SANTA CRUZ, PIMA, GILA, GRAHAM, COCHISE

HABITAT: LARGE TREES OR CLIFFS NEAR WATER (RESERVOIRS, RIVERS AND STREAMS) WITH ABUNDANT PREY

SOME BIRDS ARE NESTING RESIDENTS WHILE A LARGER NUMBER WINTERS ALONG RIVERS AND RESERVOIRS. AN ESTIMATED 200 TO 300 BIRDS WINTER IN ARIZONA. ONCE ENDANGERED (32 FR 4001, 03-11-1967; 43 FR 6233, 02-14-78) BECAUSE OF REPRODUCTIVE FAILURES FROM PESTICIDE POISONING AND LOSS OF HABITAT, THIS SPECIES WAS DOWN LISTED TO THREATENED ON AUGUST 11, 1995. ILLEGAL SHOOTING, DISTURBANCE, LOSS OF HABITAT CONTINUES TO BE A PROBLEM. SPECIES HAS BEEN PROPOSED FOR DELISTING (64 FR 36454) BUT STILL RECEIVES FULL PROTECTION UNDER ESA.

LISTED, PROPOSED, AND CANDIDATE SPECIES FOR THE FOLLOWING COUNTY: **PINAL**  
08/26/1999

NAME: CACTUS FERRUGINOUS PYGMY-OWL *GLAUCIDIUM BRASILIANUM CACTORUM*

STATUS: ENDANGERED CRITICAL HAB Yes RECOVERY PLAN: No CFR: 62 FR 10730, 3-10-97  
DESCRIPTION: SMALL (APPROX. 7"), DIURNAL OWL REDDISH BROWN OVERALL WITH  
CREAM-COLORED BELLY STREAKED WITH REDDISH BROWN. SOME  
INDIVIDUALS ARE GRAYISH BROWN

ELEVATION  
RANGE: <4000 FT.

COUNTIES: MARICOPA, YUMA, SANTA CRUZ, GRAHAM, GREENLEE, PIMA, PINAL, GILA, COCHISE

HABITAT: MATURE COTTONWOOD/WILLOW, MESQUITE BOSQUES, AND SONORAN DESERTSCRUB

RANGE LIMIT IN ARIZONA IS FROM NEW RIVER (NORTH) TO GILA BOX (EAST) TO CABEZA PRIETA MOUNTAINS  
(WEST). ONLY A FEW DOCUMENTED SITES WHERE THIS SPECIES PERSISTS ARE KNOWN, ADDITIONAL SURVEYS  
ARE NEEDED. CRITICAL HABITAT IN PIMA, COCHISE, PINAL, AND MARICOPA COUNTIES (64 FR 37419).

NAME: MEXICAN SPOTTED OWL *STRIX OCCIDENTALIS LUCIDA*

STATUS: THREATENED CRITICAL HAB No RECOVERY PLAN: Yes CFR: 56 FR 14678, 04-11-91  
DESCRIPTION: MEDIUM SIZED WITH DARK EYES AND NO EAR TUFTS. BROWNISH AND  
HEAVILY SPOTTED WITH WHITE OR BEIGE.

ELEVATION  
RANGE: 4100-9000 FT.

COUNTIES: MOHAVE, COCONINO, NAVAJO, APACHE, YAVAPAI, GRAHAM, GREENLEE, COCHISE, SANTA CRUZ, PIMA,  
PINAL, GILA, MARICOPA

HABITAT: NESTS IN CANYONS AND DENSE FORESTS WITH MULTI-LAYERED FOLIAGE STRUCTURE

GENERALLY NESTS IN OLDER FORESTS OF MIXED CONIFER OR PONDEROSA PINE/GAMBEL OAK TYPE, IN  
CANYONS, AND USE VARIETY OF HABITATS FOR FORAGING. SITES WITH COOL MICROCLIMATES APPEAR TO BE  
OF IMPORTANCE OR ARE PREFERRED.

NAME: SOUTHWESTERN WILLOW FLYCATCHER *EMPIDONAX TRAILLII EXTIMUS*

STATUS: ENDANGERED CRITICAL HAB Yes RECOVERY PLAN: No CFR: 60 FR 10694, 02-27-95  
DESCRIPTION: SMALL PASSERINE (ABOUT 6") GRAYISH-GREEN BACK AND WINGS,  
WHITISH THROAT, LIGHT OLIVE-GRAY BREST AND PALE YELLOWISH  
BELLY. TWO WINGBARS VISIBLE. EYE-RING FAINT OR ABSENT.

ELEVATION  
RANGE: <8500 FT.

COUNTIES: YAVAPAI, GILA, MARICOPA, MOHAVE, COCONINO, NAVAJO, APACHE, PINAL, LA PAZ, GREENLEE, GRAHAM,  
YUMA, PIMA, COCHISE, SANTA CRUZ

HABITAT: COTTONWOOD/WILLOW & TAMARISK VEGETATION COMMUNITIES ALONG RIVERS & STREAMS

MIGRATORY RIPARIAN OBLIGATE SPECIES THAT OCCUPIES BREEDING HABITAT FROM LATE APRIL TO  
SEPTEMBER. DISTRIBUTION WITHIN ITS RANGE IS RESTRICTED TO RIPARIAN CORRIDORS. DIFFICULT TO  
DISTINGUISH FROM OTHER MEMBERS OF THE EMPIDONAX COMPLEX BY SIGHT ALONE. TRAINING SEMINAR  
REQUIRED FOR THOSE CONDUCTING FLYCATCHER SURVEYS. CRITICAL HABITAT ON PORTIONS OF THE 100-YEAR  
FLOODPLAIN ON SAN PEDRO AND VERDE RIVERS; WET BEAVER AND WEST CLEAR CREEKS, INCLUDING TAVASCI  
MARSH AND ISTER FLAT; THE COLORADO RIVER, THE LITTLE COLORADO RIVER, AND THE WEST, EAST, AND  
SOUTH FORKS OF THE LITTLE COLORADO RIVER, REFERENCE 60 CFR:62 FR 39129, 7/22/97.

LISTED, PROPOSED, AND CANDIDATE SPECIES FOR THE FOLLOWING COUNTY: **PINAL**  
**08/26/1999**

NAME: YUMA CLAPPER RAIL

*RALLUS LONGIROSTRIS YUMANENSIS*

STATUS: ENDANGERED CRITICAL HAB No RECOVERY PLAN: Yes CFR: 32 FR 4001, 03-11-67; 48  
FR 34182, 07-27-83

DESCRIPTION: WATER BIRD WITH LONG LEGS AND SHORT TAIL. LONG SLENDER  
DECURVED BILL. MOTTLED BROWN ON GRAY ON ITS RUMP, FLANKS  
AND UNDERSIDES ARE DARK GRAY WITH NARROW VERTICAL STRIPES  
PRODUCING A BARRING EFFECT. ELEVATION  
RANGE: <4500 FT.

COUNTIES: YUMA, LA PAZ, MARICOPA, PINAL, MOHAVE

HABITAT: FRESH WATER AND BRACKISH MARSHES

SPECIES IS ASSOCIATED WITH DENSE EMERGENT RIPARIAN VEGETATION. REQUIRES WET SUBSTRATE  
(MUDFLAT, SANDBAR) WITH DENSE HERBACEOUS OR WOODY VEGETATION FOR NESTING AND FORAGING.  
CHANNELIZATION AND MARSH DEVELOPMENT ARE PRIMARY SOURCES OF HABITAT LOSS.

LISTED, PROPOSED, AND CANDIDATE SPECIES FOR THE FOLLOWING COUNTY: **PINAL**  
**08/26/1999**

**2) PROPOSED**

**TOTAL= 1**

**NAME: MOUNTAIN PLOVER** *CHARADRIUS MONTANUS*

**STATUS:** PROPOSED THREATENED **CRITICAL HAB** No **RECOVERY PLAN:** No **CFR:** 64 FR 7587; 02-16-1999

**DESCRIPTION:** WADING BIRD; COMPACTLY BUILT; IN BREEDING SEASON WITH WHITE FOREHEAD AND LINE OVER THE EYE; CONTRASTING WITH DARK CROWN; NONDESCRIPT IN WINTER. VOICE IS LOW, VARIABLE WHISTLE. **ELEVATION RANGE:** VARIABLE FT.

**COUNTIES:** YUMA, PIMA, COCHISE, PINAL, APACHE

**HABITAT:** OPEN ARID PLAINS, SHORT-GRASS PRAIRIES, AND SCATTERED CACTUS.

**AZ PROVIDES WINTERING HABITAT ONLY. SPECIES PRIMARILY FOUND IN ROCKY MOUNTAIN STATES FROM CANADA TO MEXICO; SERVICE ACCEPTING COMMENTS ON PROPOSED RULE UNTIL APRIL 19, 1999; R6 HAS LEAD**

LISTED, PROPOSED, AND CANDIDATE SPECIES FOR THE FOLLOWING COUNTY:  
08/26/1999

PINAL

3) CANDIDATE

TOTAL= 1

NAME: ACUNA CACTUS

*ECHINOMASTUS ERECTOCENTRUS ACUNENSIS*

STATUS: CANDIDATE

CRITICAL HAB No RECOVERY PLAN: No CFR:

DESCRIPTION: <12 INCHES HIGH SPINE CLUSTERS BORNE ON TUBERCLES, EACH WITH  
A GROOVE ON THE UPPER SURFACE. 2-3 CENTRAL SPINES AND 12  
RADIAL SPINES. FLOWERS PINK TO PURPLE

ELEVATION  
RANGE: 1300-2000 FT.

COUNTIES: PINAL, PIMA

HABITAT: WELL DRAINED KNOLLS AND GRAVEL RIDGES IN SONORAN DESERT SCRUB

IMMATURE PLANTS DISTINCTLY DIFFERENT FROM MATURE PLANTS. THEY ARE DISC-SHAPED OR SPHERICAL AND  
HAVE NO CENTRAL SPINES UNTIL THEY ARE ABOUT 1.5 INCHES . RADIAL SPINES ARE DIRTY WHITE WITH MAROON  
TIPS.