

ENVIRONMENTAL ASSESSMENT

# Superstition Mountains Recharge Project

Central Arizona Water Conservation District

Pinal County, Arizona

## APPENDIX B BIOLOGICAL EVALUATION

# **Biological Evaluation of the Proposed Superstition Mountains Recharge Facility near Queen Creek, Pinal County, Arizona**

Prepared for

**Errol L. Montgomery & Associates**

Prepared by

**SWCA Environmental Consultants**

June 2004

**BIOLOGICAL EVALUATION OF THE PROPOSED SUPERSTITION MOUNTAINS  
RECHARGE FACILITY NEAR QUEEN CREEK, PINAL COUNTY, ARIZONA**

Prepared for

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Project No. 7906-187 Task BE**

**June 14, 2004**

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## EXECUTIVE SUMMARY

This Biological Evaluation (BE) is for an approximately 400-acre proposed Superstition Mountains Recharge Facility located in Sections 23, 24, 25, and 26 of Township 2 South, Range 8 East and east of the city of Queen Creek in unincorporated Pinal County, Arizona. Objectives of this BE are to: 1) describe vegetation communities in the project area, and 2) evaluate habitat suitability for special status species.

The project area is located within the Lower Colorado River Valley subdivision of the Sonoran desertscrub biotic community, as defined by Brown (1994). The project area consists mainly of undisturbed native desert habitat. There were no permanent existing surface waters in the project area, and no wetland vegetation or stands of deciduous broad-leaved riparian trees were present. Additionally, no natural caves, adits or mine features are depicted on the United States Geological Survey map, and none were observed during field reconnaissance.

Habitat suitability and impact determinations for special status species were based on a qualitative comparison between the habitat requirements of each species and habitats found in the project area. The current geographic and elevational ranges of each species, as well as the proximity of the nearest documented occurrence of each species to the project area, was also taken into consideration. A total of 17 federally listed species are addressed in this BE. Fourteen of these are listed by the U.S. Fish and Wildlife Service (USFWS) as threatened or endangered, and are therefore protected under the authority of the Endangered Species Act (ESA). The remaining three species are listed as candidate and proposed endangered and currently receive no statutory protection under the ESA.

At this time, no endangered, threatened, proposed endangered or proposed threatened plants or animals are known to occur regularly within the project area. It is not likely that the proposed project will have an effect on any federally listed species or their habitat. However, the lead federal permitting agency has the authority and final decision on whether or not to require species-specific surveys for any federally protected species.

## **INTRODUCTION**

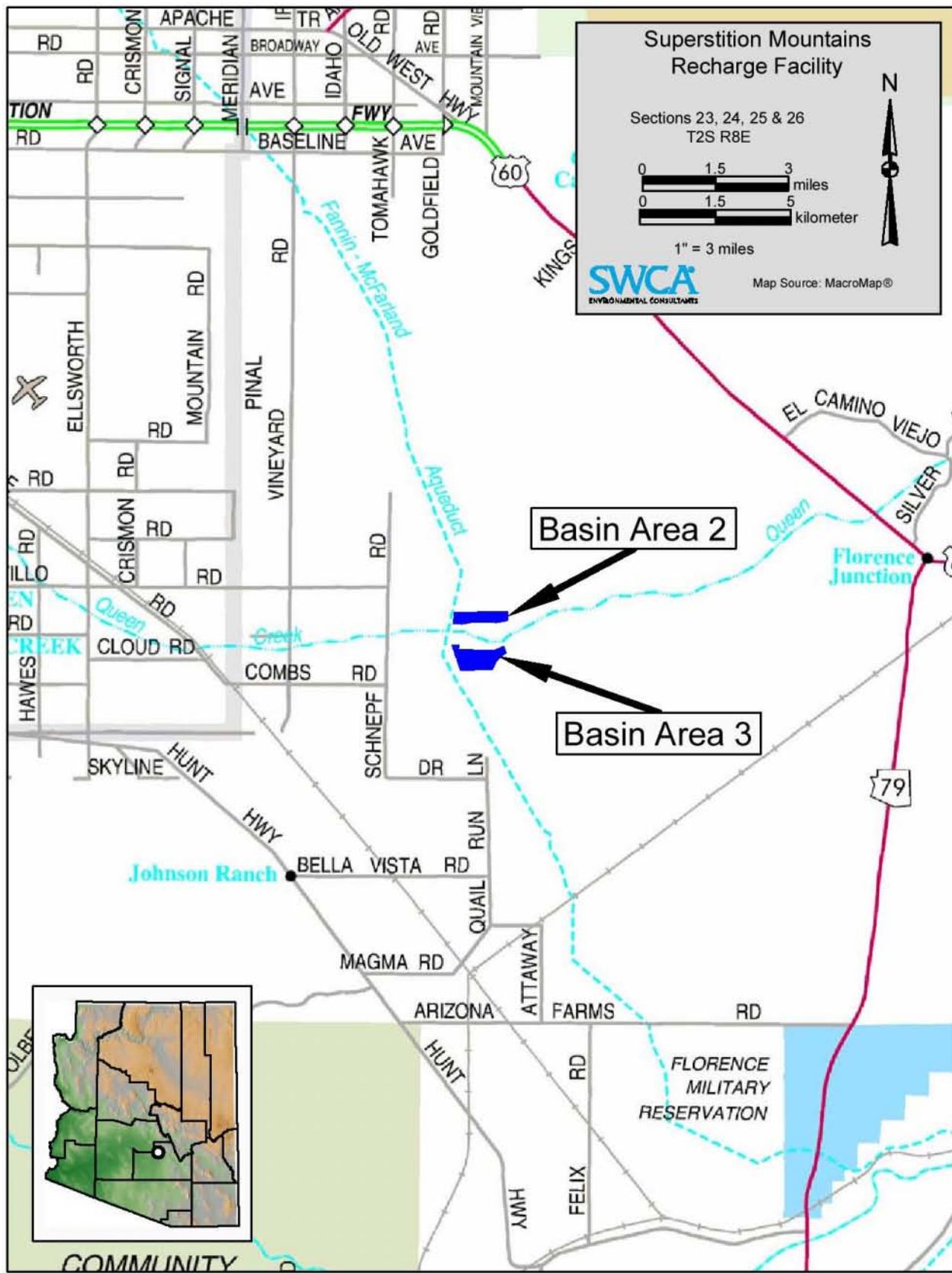
### **PROJECT DESCRIPTION**

This Biological Evaluation (BE) is for approximately 400 acres of State Trust and Bureau of Reclamation lands proposed for the Superstition Mountains Recharge Facility. This property consists of two separate areas, a 160-acre Basin Area 2 and a 244-acre Basin Area 3, and is located east of the town of Queen Creek in unincorporated Pinal County, Arizona (Figure 1). No roads are adjacent to either of the three areas but Queen Creek runs in between two of the parcels and through the other parcel. Also the Central Arizona Project (CAP) Aqueduct borders the western portion of one area. These areas constitute the project area that is proposed for a recharge facility and is located in Sections 23, 24, 25, and 26 of Township 2 South, Range 8 East (Figure 2). These lands are described in detail under the AFFECTED ENVIRONMENT section of this report. This BE is being completed as a requirement for compliance with the regulations of the Endangered Species Act (ESA) and the Clean Water Act (CWA).

### **METHODS**

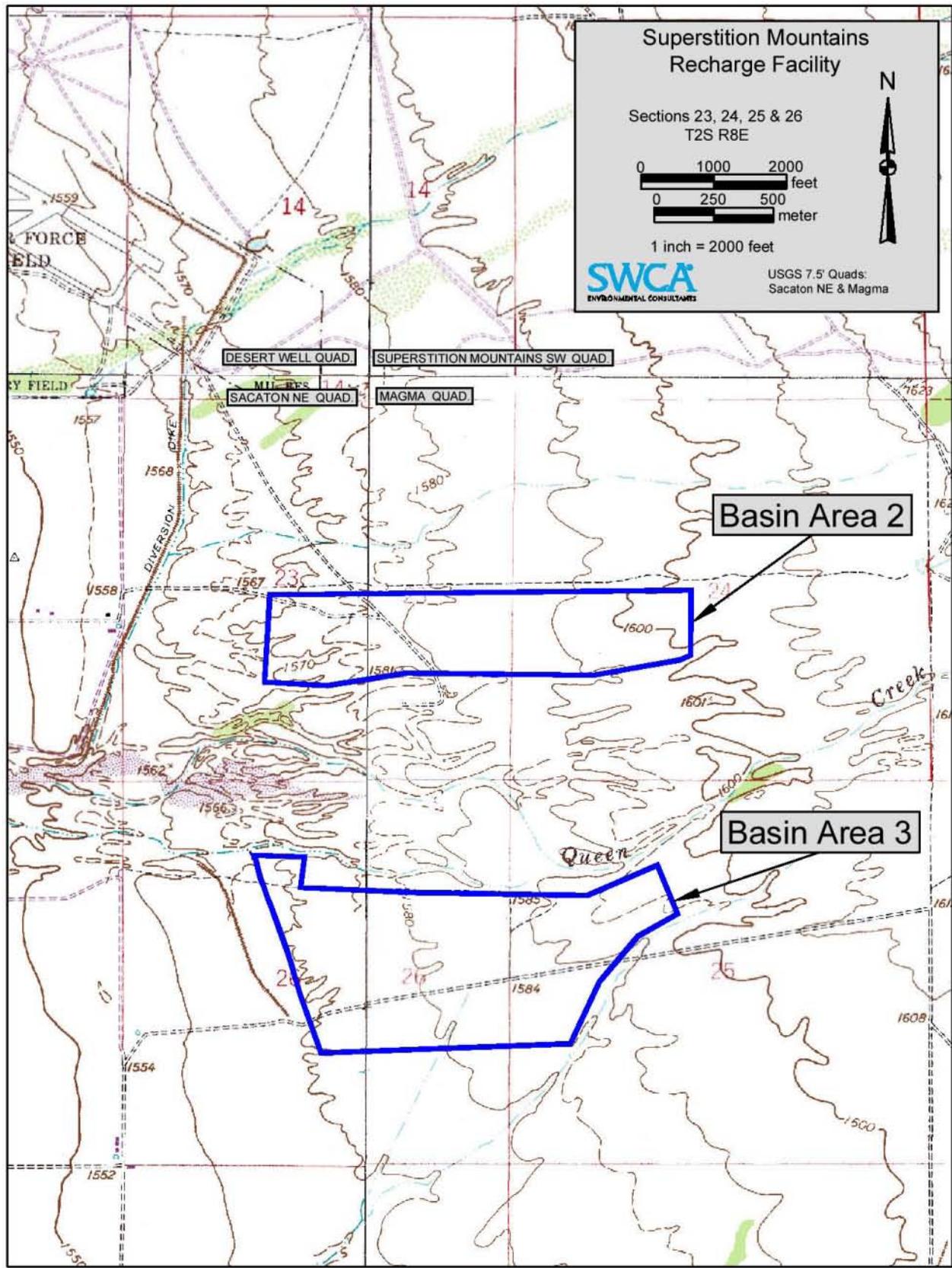
The objectives of this BE are to: 1) describe vegetation communities, and 2) evaluate habitat suitability for special status plant and animal species. SWCA field biologists Eleanor Gladding and L.B. Myers surveyed the project area described above on May 24, 2004 and August 4, 2004 to collect the data necessary to complete this BE. United States Geological Survey (USGS) 7.5-minute topographical map (Magma, AZ and Sacaton NE, AZ), a project area map provided by Errol Montgomery & Associates, and a Phoenix metro area street map were used for locating the project boundaries and for general orientation. Vegetation types were classified and described according to Brown (1994).

The potential for occurrence of special status species was evaluated based on: 1) existing information, and 2) qualitative comparisons between the known habitat requirements of each species and the vegetation communities and conditions found in the project area. We agree with Hall, et al. (1997) that habitat is organism-specific and thus not synonymous with vegetation community. However, the U.S. Fish and Wildlife Service (USFWS) has expanded upon the definition of habitat to include the entire area that is occupied by a specific species, as well as unoccupied areas that may only be used by that species for a portion of the year, such as migratory birds. According to the USFWS, habitat may also include areas that are never directly occupied by the species. These occupied habitats of the species are reliant upon these unoccupied areas; and consequently, the species itself is also dependent on these unoccupied areas for its existence. In the field, habitat is operationally defined by SWCA by the presence or absence of species. However, areas that appear potentially suitable for a species (i.e., vegetation is similar to areas where the species is known to occur), but which have not yet been surveyed specifically for that species, are considered possible habitat for that species.



7906-187

Figure 1. General location of the project area.



7906-187

Figure 2. Project area location.

## RESULTS

### AFFECTED ENVIRONMENT

#### Ecological Overview

Elevations within the project area range from approximately 1,570 feet above mean sea level (msl) to 1,600 feet above msl. The topography is relatively flat and there are a few small ephemeral drainages that cross through the project area.

The vegetation present in the project area consists mainly of native desert vegetation typical of the Lower Colorado River Valley subdivision of the Sonoran desertscrub biotic community. Some disturbances are located throughout the project area including cattle grazing and dirt roads. There are no natural caves, crevices, or mines suitable for bat roosts in the project area. A list of all wildlife observed in the project area, either directly or through sign, is included in Appendix A.

#### Vegetation Communities

The project area is located within the Lower Colorado River Valley subdivision of the Sonoran desertscrub biotic community. Within the project area two types of vegetation communities exist: upland vegetation and xeroriparian vegetation. These communities are described in detail below. Appendix B contains a complete list of all the plants species that were observed in the project area during field reconnaissance.

##### Upland Vegetation Communities

The upland vegetation of the native desert portions of the project area consists of species typically found in the Lower Colorado River Valley subdivision of the Sonoran desertscrub biotic community. The dominant plant species found in these communities was creosotebush (*Larrea tridentata*). Other plant species were observed but at much lower densities. A complete list of these species is included in Appendix B.

##### Xeroriparian Vegetation Communities

The xeroriparian vegetation communities of the project area also contained species typically found in the Lower Colorado River Valley subdivision of the Sonoran desertscrub biotic community. Xeroriparian vegetation is associated with an ephemeral water supply (ephemeral washes typically flow only briefly, usually in direct response to significant precipitation in the immediate vicinity). The dominant species of these communities included the following: creosotebush, triangle-leaf bursage (*Ambrosia deltoidea*), velvet mesquite (*Prosopis velutina*), desert ironwood (*Olneya testota*), blue paloverde (*Parkinsonia florida*), wolfberry (*Lycium* sp.), and burrobrush (*Hymenoclea salsola*).

## State Protected Native Plants

Protected native plants classified under the Arizona Native Plant Law (A.R.S. §3-904) are present in the project area. No Highly Safeguarded plants (no collection allowed) are known to exist or were observed in the project area. All cacti found in the project area are salvage restricted plants. Table 1 lists the ADA protected plant species observed in the project area and the type of protection they are afforded under the law.

The ADA Notice of Intent to Clear Land form is included in Appendix C. It is recommended that this form be filled out and submitted to ADA within 60 days of vegetation removal activities. If native plants will be salvaged and replanted in the project area, then the applicant needs to include this information with the Notice of Intent to Clear Land form at the time of its submittal and request salvage permits.

Table 1. Plants Observed Within the Project Area That are Protected Under the Arizona Native Plant Law

Species	Category of Protection
desert ironwood	Harvest Restricted; Salvage Assessed
blue paloverde	Salvage Assessed
desert willow	Salvage Assessed
crucifixion thorn	Salvage Restricted
velvet mesquite	Harvest Restricted; Salvage Assessed
All cacti (saguaro, compass barrel cactus, prickly pear, and jumping cholla)	Salvage Restricted

Salvage Restricted – Collection or destruction by permit only.  
 Salvage Assessed – These plants have a significant value if salvaged.  
 Harvest Restricted – Permits required to remove plant by-products (fuel wood).

## FEDERALLY LISTED SPECIES

Fourteen federally listed species, two candidate species, and one proposed endangered species are addressed in this BE (Table 1). The species list was accessed by SWCA through the USFWS Internet database (<http://ifw2es.fws.gov>). All 14 federally listed species, the two candidate species, and the one proposed endangered species were eliminated from further consideration in this report because their known geographic ranges are distant from the project area and/or the project area does not contain conditions similar to those known to be necessary to support these species. These species include: Arizona hedgehog cactus (*Echinocereus trigochidiatus* var. *arizonicus*), bald eagle (*Haliaeetus leucocephalus*), California brown pelican (*Pelecanus occidentalis californicus*), cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*), desert pupfish (*Cyprinodon macularius macularius*), Gila topminnow (*Poeciliopsis occidentalis occidentalis*), lesser long-nosed bat (*Leptonycteris curasoae*

*yerbabuena*), loach minnow (*Tiaroga cobitis*), Mexican spotted owl (*Strix occidentalis lucida*), Nichol Turk's head cactus (*Echinocactus horizonthalonius* var. *nicholii*), razorback sucker (*Xyrauchen texanus*), southwestern willow flycatcher (*Empidonax traillii extimus*), spikedace (*Meda fulgida*), Yuma clapper rail (*Rallus longirostris yumanensis*), Gila chub (*Gila intermedia*), Acuña cactus (*Echinomastus eretocentrus* var. *acunensis*), and yellow-billed cuckoo (*Coccyzus americanus*).

Table 2. Summary of Federally Listed, Candidate, and Proposed Endangered Species and Their Potential to Occur Within the Project Area

Species	Status	Known Distribution and Habitat Needs	Likelihood of Occurrence in Project Area
Arizona hedgehog cactus <i>Echinocereus trigochidiatus</i> var. <i>arizonicus</i>	E HS	Canyons, ridges, and slopes in Pinal and Gila Counties from 3,400 to 6,360 feet above msl (AGFD 1997)	No habitat – the property has no habitat similar to those known to be occupied by this species.
Bald eagle <i>Haliaeetus leucocephalus</i>	T WSCA	Large trees or cliffs near creeks, lakes, and rivers with abundant prey, i.e., fish (AGFD 1996)	No habitat – the property has no habitat similar to those known to be occupied by this species.
California brown pelican <i>Pelecanus occidentalis californicus</i>	E S	Shore bird usually found near sandy beaches and lagoons. Nests along coastal islands with shrubby vegetation and small trees. In AZ, this species can be found at large inland lakes (Monson and Phillips 1981)	No habitat – no large lakes or rivers to support this species are present in the project area.
Cactus ferruginous pygmy-owl <i>Glaucidium brasilianum cactorum</i>	E WSCA	Mature cottonwood/willow riparian forest, mesquite bosques, and dense desert scrub with saguaros at 4,000 feet above msl or less (AGFD 1996)	No habitat – only a few trees and no saguaros are present within the project area. Although this project area is within Zone 3 of the USFWS recommended survey zones, suitable habitat, as defined by the USFWS, for this species is not present; therefore, species-specific surveys are not recommended.
Desert pupfish <i>Cyprinodon macularius macularius</i> and <i>eremus</i>	E WSCA	Permanent water in shallow springs, streams, and marshes (AGFD 2001a)	No habitat – no permanent waters exist in the project area. There are no known natural or translocated populations present in the project area.
Gila topminnow <i>Poeciliopsis occidentalis occidentalis</i>	E WSCA	Permanent water in small streams, springs, and cienegas (AGFD 2001b)	No habitat – no permanent waters exist in the project area. There are no known natural or translocated populations present in the project area.

Table 2. Summary of Federally Listed, Candidate, and Proposed Endangered Species and Their Potential to Occur Within the Project Area

Species	Status	Known Distribution and Habitat Needs	Likelihood of Occurrence in Project Area
Lesser long-nosed bat <i>Leptonycteris curasoae yerbabuena</i>	E WSCA	Desert scrub with agave and columnar cacti. Caves or abandoned tunnels for roosts at 6,000 feet above msl or less (AGFD 1998)	No habitat – no potential roosts sites (i.e., mine shafts, mine adits, or natural caves) are known to occur on the property. No agaves or saguaros are present within the project area, and this project area is outside the known typical foraging range of this species in Arizona.
Loach minnow <i>Tiaroga cobitis</i>	T WSCA	Rocky riffles of mainstream rivers and tributaries. Prefer moderate to swift current velocity and gravel or cobble substrates (AGFD 1995)	No habitat – no permanent waters exist in the project area. There are no known natural or translocated populations present in the project area.
Mexican spotted owl <i>Strix occidentalis lucida</i>	T WSCA	Canyons and dense forests above 4,100 feet above msl (USFWS 1995)	No habitat – project area is below the typical elevation range of this species and habitats within the project area are not similar to those known to be used by this species.
Nichol Turk's head cactus <i>Echinocactus horizonthalonius</i> var. <i>nicholii</i>	E HS	Limestone slopes in desert hills within Arizona upland subdivision of Sonoran desertscrub. Known only in AZ from Waterman Mts. (north-central Pima County) and Vekol Mts. (SW Pinal County) (AGFD 1999a)	No habitat– no limestone slopes are present in the project area. The project area is outside of the known geographic range of this cactus.
Razorback sucker <i>Xyrauchen texanus</i>	E WSCA	Slow backwaters of medium and large streams and rivers (AGFD 2001c)	No habitat – no permanent waters exist in the project area. There are no known natural or translocated populations present in the project area.
Southwestern willow flycatcher <i>Empidonax traillii extimus</i>	E WSCA	Dense cottonwood/willow & tamarisk vegetation communities along rivers & streams (AGFD 1996)	No habitat – vegetation communities in the project area are not similar to those known to support this species.
Spikedace <i>Meda fulgida</i>	T WSCA	Moderate to large perennial streams with gravel cobble substrates and moderate to swift velocities (AGFD 2001d).	No habitat – no permanent waters exist in the project area. There are no known natural or translocated populations present in the project area.
Yuma clapper rail <i>Rallus longirostris yumanensis</i>	E WSCA	Freshwater or brackish stream-sides and marshes with dense cattail-bulrush vegetation (AGFD 1996)	No habitat – no densely vegetated streams or marshes are present in the project area.

Table 2. Summary of Federally Listed, Candidate, and Proposed Endangered Species and Their Potential to Occur Within the Project Area

Species	Status	Known Distribution and Habitat Needs	Likelihood of Occurrence in Project Area
<i>Gila chub</i> <i>Gila intermedia</i>	PE WSCA	Small headwater streams, springs, cienegas, and marshes of the Gila River basin (AGFD 2001e)	No habitat – no permanent waters exist in the project area. There are no known natural or translocated populations present in the project area.
<i>Acuña cactus</i> <i>Echinomastus eretocentrus</i> var. <i>acunensis</i>	C HS	Well-drained knolls and gravel ridges from 1,300 to 2,000 feet above msl (AGFD 1999b)	No habitat – no well-drained knolls or gravel ridges are present within the project area.
<i>Yellow-billed cuckoo</i> <i>Coccyzus americanus</i>	C WSCA	Broadleaf deciduous riparian forest, mesquite bosque, and tamarisk habitats near surface water (AGFD 1996)	No habitat – no riparian vegetation communities or surface water are present in the project area.

USFWS categories: **Endangered** (E) – Taxa in danger of extinction throughout all or a significant portion of its range; **Threatened** (T) - Taxa likely to become endangered within the foreseeable future throughout all or a significant portion of its range; **Candidate** (C) - Taxa whose protection under the Endangered Species Act has been found to be warranted, but precluded by higher priority listing activities at this time; **Proposed Endangered** (PE) - Taxa whose protection under the Endangered Species Act has been proposed as endangered., due to the likelihood of it becoming endangered within the foreseeable future throughout all or a significant portion of its range.

AGFD category: **Wildlife of Special Concern in Arizona** (WSCA) - Wildlife species that are or may be in jeopardy in Arizona or with known or perceived threats or population declines (AGFD 1996).

ADA category: **Highly Safeguarded** (HS) - no collection or destruction allowed.

## OTHER SPECIAL STATUS SPECIES

The Arizona Game and Fish Department (AGFD) also maintains a statewide database, known as the Heritage Data Management System (HDMS), which tracks records for federally listed species or other species of special concern. At the request of SWCA, the AGFD searched this database for occurrence records of special status species within a three-mile buffer of the project area. The AGFD response letter indicated that there is one record of a special status species within three miles of the project area. This record was for the pocketed free-tailed bat, *Nyctinomops femorosaccus*. This species is discussed below. A copy of SWCA’s request letter and the AGFD response letter are included in Appendix D.

The pocketed free-tailed bat is listed as a Sensitive species in Arizona by the Bureau of Land Management (BLM). This Sensitive status is a designation for species occurring on BLM Field Office Lands in Arizona, which are considered Sensitive by the Arizona State Office; however, this listing does not give this species any statutory protection under the ESA. Habitat for this species is described as arid lower elevation areas near high cliffs and rugged, rocky outcrops in California, Arizona, New Mexico, Texas, and Mexico at elevations of 190 to 7,520 feet in elevation (AGFD 2003). Suitable foraging habitat is located within the project area, but no high cliffs or rocky outcrops are available for roost sites within the project area.

## RECOMMENDATIONS

Since protected native plants are present in the project area, it is recommended that the Notice of Intent to Clear Land form included in Appendix C be filled out and submitted to the Arizona Department of Agriculture at least 60 days prior to vegetation removal activities, in accordance with the Arizona Native Plant Law (A.R.S. §3-904).

Because this project area is partially State Trust lands, the densities of each major plant species, i.e., large shrubs, trees, and cacti, will need to be assessed in order to monetarily compensate the State Land Department for the loss of these plant species. SWCA will provide a separate document to Errol Montgomery & Associates with the results of this analysis when completed.

No other surveys are recommended for this project, and it is not likely that the proposed project will have an effect on any federally listed species or their habitat. However, the lead federal permitting agency has the authority and final decision on whether or not to require species-specific surveys for any protected species.

**ADDITIONAL INFORMATION**

Field notes are available at SWCA's Phoenix Office in the project file. The project number is 7906-187, Task BE.

**SIGNATURES**

Prepared By: Eleanor R. Cladding Date: 8/11/04

Reviewed/Approved By: Kenneth J. House Date: 8-11-04

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**APPENDIX A**

**WILDLIFE OBSERVED IN THE PROJECT AREA**

This list includes those species observed directly, or detected through sign during the site visit. This list does not represent a comprehensive summary of all species that may occur in the project area.

<b>Common Name</b>	<b>Scientific Name</b>
<b>BIRDS</b>	
greater roadrunner	<i>Geococcyx californianus</i>
turkey vulture	<i>Cathartes aura</i>
common raven	<i>Corvus corax</i>
Inca dove	<i>Columbina inca</i>
mourning dove	<i>Zenaida macroura</i>
<b>MAMMALS</b>	
round-tailed ground squirrel	<i>Spermophilus tereticaudus</i>
jackrabbit	<i>Lepus</i> sp.
coyote	<i>Canis latrans</i>
packrat	<i>Neotoma</i> sp.
<b>REPTILES</b>	
western whiptail	<i>Cnemidophorus tigris</i>

**APPENDIX B**

**PLANT SPECIES OBSERVED IN THE PROJECT AREA**

This list includes common plant species observed during the site visit. This does not represent a comprehensive summary of all species that may occur in the project area.

<b>Common Name</b>	<b>Scientific Name</b>
Bermudagrass	<i>Cynodon dactylon</i>
blue paloverde	<i>Parkinsonia florida</i>
brome grass	<i>Bromus</i> sp.
burrobrush	<i>Hymenoclea salsola</i>
button brittlebush	<i>Encelia frutescens</i>
canyon ragweed	<i>Ambrosia ambrosioides</i>
catclaw acacia	<i>Acacia greggii</i> var. <i>greggii</i>
chryptantha	<i>Chryptantha</i> sp.
common sunflower	<i>Helianthus annuus</i>
compass barrel cactus	<i>Ferocactus cylindraceus</i> var. <i>lecontei</i>
creosotebush	<i>Larrea tridentata</i>
crucifixion thorn	<i>Castela emoryi</i>
desert broom	<i>Baccharis sarothroides</i>
desert ironwood	<i>Olneya testota</i>
desert mistletoe	<i>Phoradendron macrophyllum</i> ssp. <i>macrophyllum</i>
desert straw	<i>Stephanomeria pauciflora</i>
desert willow	<i>Chilopsis linearis</i> ssp. <i>arcuata</i>
hairy desert sunflower	<i>Geraea canescens</i>
hairy milkweed vine	<i>Funastrum hirtellum</i>
jumping (chainfruit) cholla	<i>Opuntia fulgida</i>
London rocket	<i>Sisymbrium irio</i>
Mediterranean or Arabian grass	<i>Schismus</i> sp.
plantain	<i>Plantago</i> sp.
prickly pear cactus	<i>Opuntia</i> sp.
red stem stork's bill (filaree)	<i>Erodium cicutarium</i> ssp. <i>cutarium</i>
sandmat	<i>Chamaesyce</i> sp.
single-whorl burrobrush	<i>Hymeoclea monogyra</i>
three-awn grass	<i>Aristida</i> sp.
triangle-leaf bursage	<i>Ambrosia deltoidea</i>

<b>Common Name</b>	<b>Scientific Name</b>
velvet mesquite	<i>Prosopis velutina</i>
wild oat	<i>Avena fatua</i>
wolfberry	<i>Lycium</i> sp.
woolly tidestromia	<i>Tidestromia lanuginosa</i>

**APPENDIX C**

**ADA NOTICE OF INTENT TO CLEAR LAND FORM**



**Arizona Department of Agriculture (ADA)**  
Licensing and Registration Section  
1688 West Adams, Phoenix, Arizona 85007  
Phone: (602) 364-0935  
Fax: (602) 542-0466

**Notice of Intent to Clear Land**

**ARS § 3-904**

Pursuant to A.R.S. § 3-904 the undersigned, as Owner of the Property described herein, gives this Notice of Intent to Clear Land of protected native plants.

1. **Owner/landowner's agent.** The owner or landowner's agent of the Property upon which protected native plants will be affected:

Owner's Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Agent's Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

2. **Property.** The description and location of the Property upon which protected native plants will be affected:

County \_\_\_\_\_

Name of Property/Project \_\_\_\_\_

Address \_\_\_\_\_

Physical Location (attach map) \_\_\_\_\_

**(Note: Map must also show surrounding land for 1/2 mile in each direction)**

Tax Parcel ID Nos. \_\_\_\_\_

Legal Description (or attach copy) \_\_\_\_\_

Number of Acres to be Cleared \_\_\_\_\_

3. **Owner's Intent.** Landowner's intentions when clearing private land of protected native plants.

Owner intends to allow salvage of the plants, and agrees to be contacted by native plant salvagers.

Owner intends to transplant the plants onto the same property, or to another property he also owns.

Owner has already arranged for salvage of the plants.

Owner does not intend to allow salvage of the plants.

Other \_\_\_\_\_

4. **Approximate starting date.** \_\_\_\_\_

(See notice period listed on reverse side)

The information contained in this application is true and accurate to the best of my knowledge. I understand that providing false information is a felony in Arizona

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Notice to salvagers: Consent of the landowner is required before entering any lands described in this notice.**

**Explanation Of This Form**

**1. Notice of Intent to Clear Land.**

The majority of the desert plants fall into one of five groups specially protected from theft, vandalism or unnecessary destruction. They include all of the cacti, the unique plants like Ocotillo, and trees like Ironwood, Palo Verde and Mesquite. In most cases the destruction of these protected plants may be avoided if the private landowner gives prior notice to the Arizona Department of Agriculture.

**2. Notice Period.**

When properly completed, this form is to be sent to the Department within the time periods described below. Landowners/ developers are encouraged to salvage protected native plants whenever possible.

**3. Information to Interested Parties.**

The information in this notice will be posted in the applicable county office of the Department and mailed to those parties (salvage operators, revegetation experts) who have an interest in these plants and may approach the landowner with the possibility of saving the plant(s) from unnecessary destruction.

**Notice to Landowner:**

- 1. The owner may not begin destruction of protected native plants until he receives confirmation from the Arizona Department of Agriculture and the time prescribed below has elapsed. The "Confirmed" stamp only verifies that the Notice has been filed.

<u>Size of area over which the Destruction of Plants will occur</u>	<u>Length of Notice Period</u>
Less than one acre	20 days, oral or written
One acre or more, but less than 40 acres	30 days, written
40 acres or more	60 days, written

- 2. If you are clearing land over an area of less than one acre, oral notice may be given by calling the applicable county office at the telephone number given below.
- 3. If the land clearing or plant salvage does not occur within one year, a new Notice is required.
- 4. This Notice must be sent to the applicable district office of the Department of Agriculture at the address given below:

Phoenix Office  
1688 W. Adams  
Phoenix, AZ 85007  
(602) 364 - 0935

Tucson Office  
400 W. Congress Ste. 124  
Tucson, AZ 85701  
(520) 628-6317  
M-F 8am. -11:30a.m.

**Notice to salvagers: Consent of the landowner is required before entering any lands described in this notice.**

**APPENDIX D**  
**AGFD CORRESPONDANCE**



Phoenix Office  
2120 North Central Ave., Suite 130  
Phoenix, Arizona 85004  
Tel 602.274.3831 Fax 602.274.3958  
www.swca.com

May 19, 2004

Mr. Bob Broscheid  
Project Evaluation Program Supervisor  
Arizona Game & Fish Department  
WMHB – Project Evaluation Program  
2222 West Greenway Road  
Phoenix, Arizona 85023

**RE: REQUEST FOR INFORMATION CONCERNING ARIZONA SPECIAL STATUS SPECIES  
AND HABITAT RELATED ISSUES**

Dear Mr. Broscheid:

The project area shown in the attached figure is approximately 365 acres of State Trust and Bureau of Reclamation lands located east of the city of Queen Creek in unincorporated Maricopa County, Arizona. These lands are located in Sections 23, 24, 25, and 26 of Township 2 South, Range 8 East (see attached figure). These lands are proposed for the Central Arizona Project (CAP) Superstition Mountains Recharge project and are being evaluated to determine the potential for the presence of any sensitive species and their habitat. SWCA has been contracted to complete a biological evaluation of the project area to determine whether federally listed, proposed, candidate, or other special status species or their habitat exist in the project area. This biological evaluation is being conducted to meet compliance with the Endangered Species Act (ESA) and as part of the National Environmental Policy Act (NEPA) process for the completion of an Environmental Assessment.

This correspondence is a request for information concerning special status species potentially occurring in the geographical area that encompasses the project area. We also invite comments on habitat-related issues or any other concerns which your agency may have regarding future development of this area.

If you have any questions or require additional information, please contact me at (602) 274-3831. We appreciate your assistance and respectfully request your response as soon as possible.

Sincerely,

A handwritten signature in cursive script that reads "Eleanor R. Gladding".

Eleanor R. Gladding  
Biologist/Project Manager

enclosure



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

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

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WILLIAM H. MCLEAN, GOLD CANYON  
DIRECTOR  
DUANE L. SHROUFE  
DEPUTY DIRECTOR  
STEVE K. FERRELL



May 27, 2004

Ms. Eleanor Gladding  
SWCA  
2120 N. Central Ave.  
Suite 130  
Phoenix, AZ 85004

Re: **Special Status Species Information for Township 2 South, Range 8 East, Sections 23-26; Proposed Central Arizona Project Superstition Mountains Recharge Project.**

Dear Ms. Gladding:

The Arizona Game and Fish Department (Department) has reviewed your request, dated May 18, 2004, 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 area (3-mile buffer). In addition, this project does not occur within the vicinity of any Proposed or Designated Critical Habitats.

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.

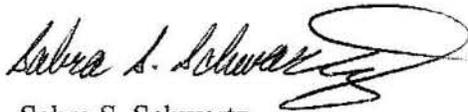
Making available this information does not substitute for the Department's review of project proposals, and should not decrease our opportunities to review and evaluate new project proposals and sites. The Department is also concerned about other resource values, such as other wildlife, including game 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.

B-27

Ms. Eleanor Gladding  
May 27, 2004  
2

If you have any questions regarding the attached species list, please contact me at (602) 789-3618. General status information, state-wide and county distribution lists, and abstracts for some special status species are also available on our web site at: <http://www.azgfd.com/hdms>.

Sincerely,



Sabra S. Schwartz  
Heritage Data Management System, Coordinator

SSS:ss

Attachment

cc: Bob Broscheid, Habitat Branch Chief  
Russ Haughey, Habitat Program Manager, Region VI

AGFD #05-21-04(02)

# Special Status Species within 3 Miles of T2S,R8E Sec 23-26

Arizona Game and Fish Department, Heritage Data Management System

May 27, 2004

Scientific Name	Common Name	ESA	USFS	BLM	WCSA	NPL
<i>Nyctinomops femorosaccus</i>	Pocketed Free-tailed Bat					S

No Critical Habitats in project area. AGFD # 05-21-04(02), Proposed Central Arizona Project Superstition Mountains Recharge Project.

**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 (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****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.

**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 8/14/02, AGFD HDMS

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