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## PROJECT INFORMATION

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**Project Title:** FLYING M SA UNIT #051 - Remediation - Exploratory  
**Project Type:** (NO PROJECT REVIEW) SPECIES LIST ONLY  
**Latitude/Longitude (DMS):** 33.535369 / -103.570330  
**County(s):** LEA  
**Project Description:** FLYING M SA UNIT #051 - Remediation - Exploratory

## REQUESTOR INFORMATION

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**Project Organization:**  
**Contact Name:** Dan Dunkelberg  
**Email Address:** dan@mcvayservices.com  
**Organization:** McVay Services  
**Address:** 401 E Bender Blvd, Hobbs NM 88240  
**Phone:** 5755521229

## OVERALL STATUS

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This report contains an initial list of recommendations regarding potential impacts to wildlife or wildlife habitats from the proposed project; see the Project Recommendations section below for further details. Your project proposal is being forwarded to a New Mexico Department of Game and Fish (Department) biologist for review to determine whether there are any additional recommendations regarding the proposed actions. A Department biologist will be in touch within 30 days if there are further recommendations regarding this project proposal.

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**About this report:**

- This environmental review is based on the project description and location that was entered. The report must be updated if the project type, area, or operational components are modified.
- This is a preliminary environmental screening assessment and report. It is not a substitute for the potential wildlife knowledge gained by having a biologist conduct a field survey of the project area. Federal status and plant data are provided as a courtesy to users. The review is also not intended to replace consultation required under the federal Endangered Species Act (ESA), including impact analyses for federal resources from the U.S. Fish and Wildlife Service (USFWS) using their [Information for Planning and Consultation tool](#).
- This report contains information on wildlife species protected under the ESA and the [Wildlife Conservation Act \(WCA\)](#), [Species of Greatest Conservation Need \(SGCN\)](#), and Species of Economic and Recreational Importance (SERI). Species listed under the ESA are protected from take at the federal level and under the WCA are protected from take at the state level. SGCN are identified in the [State Wildlife Action Plan \(SWAP\) for New Mexico](#); all of these species are considered to be of conservation concern but not all of them are protected from take at the state or federal level. The harvest of all SERI is regulated at the state level. The Department has no authority to designate critical habitat for species listed under the WCA; only the USFWS can designate critical habitat for species listed under the ESA.
- The New Mexico Environmental Review Tool (ERT) utilizes species observation locations and species habitat suitability models, both of which are subject to ongoing change and refinement. Inclusion or omission of a species within a report cannot guarantee species presence or absence within your project area. To determine occurrence of any species listed in this report, or other wildlife that may be present within your project area, onsite surveys conducted by a qualified biologist during appropriate, species-specific survey timelines may be necessary.
- The Department encourages use of the ERT to modify proposed projects for avoidance, minimization, or mitigation of wildlife impacts. However, the ERT is not intended to be used in a repeatedly iterative fashion to adjust project attributes until a previously determined recommendation is generated. The ERT serves to assess impacts once project details are developed. The [New Mexico Crucial Habitat Assessment Tool](#), the data layers from which are included in the ERT, is the appropriate system for advising early-stage project planning and design to avoid areas of anticipated wildlife concerns and associated regulatory requirements.

## FLYING M SA UNIT #051 - Remediation - Exploratory



<span style="border: 1px solid red; display: inline-block; width: 15px; height: 10px;"></span> Buffered Project Boundary	<span style="background-color: #e0f7fa; display: inline-block; width: 15px; height: 10px;"></span> NM State Forestry Division	<span style="background-color: #e0f7fa; display: inline-block; width: 15px; height: 10px;"></span> U.S. Army Corps of Engineers
<span style="border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> Project_Boundary	<span style="background-color: #b2dfdb; display: inline-block; width: 15px; height: 10px;"></span> NM State Parks	<span style="background-color: #b2dfdb; display: inline-block; width: 15px; height: 10px;"></span> U.S. Bureau of Reclamation
<span style="background-color: #fff9c4; display: inline-block; width: 15px; height: 10px;"></span> Bureau of Land Management	<span style="background-color: #f8bbd0; display: inline-block; width: 15px; height: 10px;"></span> National Park Service	<span style="background-color: #b2dfdb; display: inline-block; width: 15px; height: 10px;"></span> U.S. Department of Agriculture
<span style="background-color: #f5f5f5; display: inline-block; width: 15px; height: 10px;"></span> City Land	<span style="background-color: #f5f5f5; display: inline-block; width: 15px; height: 10px;"></span> Other Federal Agency	<span style="background-color: #c8e6c9; display: inline-block; width: 15px; height: 10px;"></span> U.S. Fish and Wildlife Service
<span style="background-color: #e0e0e0; display: inline-block; width: 15px; height: 10px;"></span> County Land	<span style="background-color: #e0e0e0; display: inline-block; width: 15px; height: 10px;"></span> Other Federal Agency	<span style="background-color: #e0f7fa; display: inline-block; width: 15px; height: 10px;"></span> U.S. Forest Service
<span style="background-color: #fce4ec; display: inline-block; width: 15px; height: 10px;"></span> Department of Defense	<span style="background-color: #b2dfdb; display: inline-block; width: 15px; height: 10px;"></span> State Land Office	<span style="background-color: #fff9c4; display: inline-block; width: 15px; height: 10px;"></span> U.S. Natural Resources Conservation Service
<span style="background-color: #d7ccc8; display: inline-block; width: 15px; height: 10px;"></span> Department of Energy	<span style="background-color: #b2dfdb; display: inline-block; width: 15px; height: 10px;"></span> State of New Mexico	
<span style="background-color: #e0f7fa; display: inline-block; width: 15px; height: 10px;"></span> NM Department of Game & Fish	<span style="background-color: #ffcc80; display: inline-block; width: 15px; height: 10px;"></span> Tribal Land	

NHNM, USGS, USFS, US Census Bureau, NMDGF  
Esri, NASA, NGA, USGS, FEMA  
Texas Parks & Wildlife, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

### Special Status Animal Species Potentially within 2000 Meters of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI	USFS	USFS SCC	BLM
<a href="#">Plains Leopard Frog</a>	<a href="#">Lithobates blairi</a>			SGCN			BLM WATCH
<a href="#">Lesser Prairie-Chicken</a>	<a href="#">Typanuchus pallidicinctus</a>	LE		SGCN	Sensitive Species		BLM SENSITIVE
<a href="#">Mountain Plover</a>	<a href="#">Charadrius montanus</a>			SGCN	Sensitive Species		BLM WATCH
<a href="#">Long-Billed Curlew</a>	<a href="#">Numenius americanus</a>			SGCN			BLM WATCH
<a href="#">Western Burrowing Owl</a>	<a href="#">Athene cunicularia hypugaea</a>			SGCN	Sensitive Species	USFS R3 SCC	BLM SENSITIVE
<a href="#">Common Nighthawk</a>	<a href="#">Chordeiles minor</a>			SGCN			
<a href="#">Loggerhead Shrike</a>	<a href="#">Lanius ludovicianus</a>			SGCN		USFS R3 SCC	BLM WATCH
<a href="#">Thick-billed Longspur</a>	<a href="#">Rhynchophanes mccownii</a>			SGCN			BLM SENSITIVE
<a href="#">Chestnut-Collared Longspur</a>	<a href="#">Calcarius ornatus</a>			SGCN			BLM SENSITIVE
<a href="#">Black-Tailed Prairie Dog</a>	<a href="#">Cynomys ludovicianus</a>			SGCN	Sensitive Species		BLM SENSITIVE
<a href="#">Pronghorn</a>	<a href="#">Antilocapra americana</a>			SERI			
<a href="#">Desert Massasauga</a>	<a href="#">Sistrurus catenatus edwardsii</a>			SGCN			

Common Name hyperlink takes you to species account in [bison-m.org](http://bison-m.org); Scientific Name hyperlink takes you to information in [NatureServe Explorer](#); ESA = Endangered Species Act, C = Candidate, LE = Listed Endangered, LT = Listed Threatened, XN = Non-essential Experimental Population, for other ESA codes see this [website](#); WCA = Wildlife Conservation Act, E = Endangered, T = Threatened; SERI = Species of Economic and Recreational Importance; SGCN = Species of Greatest Conservation Need; USFS = U.S. Forest Service, Sensitive Species = A species likely to occur on USFS lands that is of concern for a potential reduction in population viability; SCC = Species of Conservation Concern; BLM = Bureau of Land Management, BLM SENSITIVE = A species that occurs on BLM lands and whose viability is at risk, BLM WATCH = Species that may be added to the sensitive species list in future pending new information regarding species status.

## Project Recommendations

This report includes a preliminary species list that may be used during early stages of project or conservation planning. Even if this report indicates that your proposed project location would require a custom review from a biologist, **no review will be returned** until additional project details are provided. **To obtain a project review**, please submit additional details regarding the **type** of project, project **objectives**, anticipated project **duration**, **timing** of project construction, the composition and dimensions/quantities of **materials** that will be utilized for project implementation, any **equipment** that will be used, anticipated **ground disturbance** that will occur, wildlife surveys or observations that have occurred on or near the project site, and **any other relevant details** regarding potential effects of project activities on wildlife or wildlife habitat. **Photographs** of the project site are especially useful.

Although this project report may include management recommendations based on the project location, additional conservation measures may be needed. The Department can not fully assess potential effects and associated management recommendations until a **project type and description** have been submitted and an appropriate **impact buffer** for that project type has been applied. Also, the species list within this report represents an estimation of special status species that could be present at the site of a small-scale project. Species lists for projects that occur across **broader geographic scales** (e.g., one or more counties, multiple habitat types) are more appropriately obtained from the **Department's Biota Information System of New Mexico (BISON-M) database**. Species lists generated by the ERT may contain modeled species distributions in order to predict species occurrences within areas that lack previous wildlife inventories or surveys. This list can be refined using occurrence-based information within BISON-M regarding wildlife-habitat relationships and biological needs for species that might be present within the project footprint.

Our preliminary assessment indicates your project occurs in Lesser Prairie-chicken Crucial Habitat Category 1 (Focal Area).

The Lesser Prairie-chicken (*Tympanuchus pallidicinctus*) (LPC) was designated as a SGCN in New Mexico and the southern Distinct Population Segment, including populations in New Mexico and Texas, is federally listed as Endangered. The LPC Interstate Working Group has developed the Southern Great Plains Crucial Habitat Assessment Tool ([SGP-CHAT](#)) to designate and prioritize areas for LPC conservation activities and development. Our preliminary assessment indicates your project occurs in LPC habitat. For more information on the SGP-CHAT, contact Chanda Pettie, Industry LPC Program Contact with the Western Association of Fish and Wildlife Agencies, at (719) 207-5053 or [chanda.pettie@wafwa.org](mailto:chanda.pettie@wafwa.org).

If your project has potential to lead to take (including harassment, harm, pursuit, hunting, shooting, wounding, killing, trapping, capturing, collecting, or attempting to engage in these activities) of a LPC and you entered into the Candidate Conservation Agreement (CCA) or CCA with Assurances (CCAA) for the LPC with [CEHMM](#), the Department recommends you contact CEHMM (575-885-3700). If your project may lead to take of a LPC and you did not enter the CCA/A with CEHMM, the Department recommends you contact Lauren Rangel, at 505-761-4745 or [lauren\\_rangel@fws.gov](mailto:lauren_rangel@fws.gov), who is the species lead for the LPC in the Ecological Services Office with USFWS. She is also the contact for the rangewide renewable energy Habitat Conservation Plan (HCP) if relevant for your project. The Department recommends a qualified, permitted biologist conduct surveys for the LPC according to these [Lesser Prairie-chicken Survey Protocols](#) (or others recommended by USFWS) and following any training as required by USFWS.

Burrowing owl (*Athene cunicularia*) may occur within your project area. Burrowing owls are protected from take by the Migratory Bird Treaty Act and under New Mexico state statute. Before any ground disturbing activities occur, the Department recommends that a preliminary burrowing owl survey be conducted by a qualified biologist using the Department's [Burrowing Owl Survey Protocol](#). Should burrowing owls be documented in the project area, please contact the Department or USFWS for further recommendations regarding relocation or avoidance of impacts.

Your project area intersects a Conservation Opportunity Area (COA) as identified in the [SWAP](#) for New Mexico. These areas contain high numbers of SGCN as identified in the SWAP and therefore represent areas where implementing conservation actions, including restoration projects intended to benefit wildlife, has higher potential to benefit a diversity of species. Within COAs, the Department encourages project proponents to consider (during project planning and design) and mitigate (during project implementation) potential adverse effects to non-federally listed SGCN and their habitats. State-listed and federally-listed species are protected from take by the New Mexico WCA and ESA, respectively, and migratory birds are protected from take by the Migratory Bird Treaty Act.

Your proposed project intersects dunes sagebrush lizard (*Sceloporus arenicolus*) (DSL) habitat. The DSL is listed as Endangered under the ESA by the USFWS and as Endangered by the State of New Mexico under the New Mexico WCA. The Center of Excellence for Hazardous Materials Management ([CEHMM](#)) entered into an agreement with USFWS to work in cooperation with private landowners and industry to support conservation for the DSL while continuing to work on the land. If your project has potential to lead to take (including harassment, harm, pursuit, hunting, shooting, wounding, killing, trapping, capturing, collecting, or attempting to engage in these activities) of a DSL and you entered into the Candidate Conservation Agreement (CCA) or CCA with Assurances (CCAA) for the DSL with CEHMM, the Department recommends you contact CEHMM (575-885-3700). If your project may lead to take of a DSL and you did not enter the CCA/A with CEHMM, the Department recommends you contact Marilyn Wright, at 505-761-4715 or [marilyn\\_wright@fws.gov](mailto:marilyn_wright@fws.gov), who is the species lead for the DSL in the Ecological Services Office with USFWS. The Department recommends a qualified, permitted biologist conduct surveys for the DSL according to any survey protocol recommended by, and following any training required by, USFWS.

Prairie dog colonies may occur within the vicinity of your project area. Both black-tailed prairie dogs (*Cynomys ludovicianus*) and Gunnison's prairie dogs (*Cynomys gunnisoni*) are designated as New Mexico SGCN, and their colonies provide important habitat for other grassland wildlife. Wherever possible, occupied prairie dog colonies should be left undisturbed, and all project activities should be directed off the colony. Any burrows that are located on the project site should be surveyed by a qualified biologist to determine whether burrows are active or inactive and whether burrowing owls may be utilizing the site. Colonies within the range of the black-tailed prairie dog can be surveyed by a qualified biologist diurnally, year-round using binoculars. Colonies within the range of the Gunnison's prairie dog can be surveyed by a qualified biologist diurnally, using binoculars during the warmer months from April through October and by searching for fairly fresh scat and lack of cobwebs or debris at the mouths of burrows during the cold months (November through March). If ground-disturbing activities cannot be relocated off the prairie dog colony, or if project activities involve control of prairie dogs, the Department recommends live-trapping and relocation of prairie dogs. The Department can provide recommendations regarding suitability of potential translocation areas and procedures.

**Disclaimers regarding recommendations:**

- The Department provides technical guidance to support the persistence of all protected species of native fish and wildlife, including game and nongame wildlife species. Species listed within this report include those that have been documented to occur within the project area, and others that may not have been documented but are projected to occur within the project vicinity.
- Recommendations are provided by the Department under the authority of § 17-1-5.1 New Mexico Statutes Annotated 1978, to provide "communication and consultation with federal and other state agencies, local governments and communities, private organizations and affected interests responsible for habitat, wilderness, recreation, water quality and environmental protection to ensure comprehensive conservation services for hunters, anglers and nonconsumptive wildlife users".
- The Department has no authority for management of plants or Important Plant Areas. The [New Mexico Endangered Plant Program](#), under the Energy, Minerals, and Natural Resources Department's Forestry Division, identifies and develops conservation measures necessary to ensure the survival of plant species within New Mexico. Plant status information is provided within this report as a courtesy to users. Recommendations provided within the ERT may not be sufficient to preclude impacts to rare or sensitive plants, unless conservation measures are identified in coordination with the Endangered Plant Program.
- Additional coordination and/or consultation may also be necessary under the federal ESA or National Environmental Policy Act (NEPA). Further site-specific mitigation recommendations may be proposed during ESA consultation and/or NEPA analyses or through coordination with affected federal agencies.