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UNITED STATES  
DEPARTMENT OF THE INTERIOR  
FISH AND WILDLIFE SERVICE  
Ecological Services  
Suite D, 3530 Pan American Highway, NE  
Albuquerque, New Mexico 87107



September 13, 1994

Cons. #2-22-94-I-577

Barbara Hoditschek, Program Manager  
State of New Mexico Environment Department  
RCRA Permit Section  
P.O. Box 26110  
Santa Fe, New Mexico 87502

Dear Ms. Hoditschek:

This responds to your letter dated August 15, 1994, and received August 23, 1994, requesting comments on the effects of the Closure/Post Closure Care Plan (Plan) on species federally listed or proposed to be listed as threatened or endangered. Please note that future requests should allow for a 30-day response period. The proposed action involves the closure of the Material Disposal Area P (MDA-P) hazardous waste landfill located southwest of the city of Los Alamos, Los Alamos County, New Mexico. The State of New Mexico is reviewing the plan for approval under New Mexico's Resource Conservation and Recovery Act (RCRA) permitting program.

The landfill at MDA-P was used in the disposal of hazardous waste from the early 1950's through November 1984. Many of the wastes disposed of in MDA-P have incomplete historical documentation, but those known to have been deposited in the landfill include burned high explosive waste residue, burning pad sand, thermal decomposition residue, flash burned explosive contaminated equipment, waste water filter baskets, waste water sumps, structural steel, concrete blocks, construction debris from the demolition of World War II buildings, and a variety of containers ranging from small metal and glass containers up to 55-gallon drums.

The Plan should be reviewed to assure that no impacts to federally listed endangered and threatened species will occur after closure of the landfill. The U.S. Fish and Wildlife Service (Service) has used the information in your letter to develop a list of endangered and threatened species with potential to occur in the project area (see enclosure), including the endangered bald eagle and threatened Mexican spotted owl. Potential for direct and indirect impacts to these species, including those to habitat downstream, downslope, or downwind of the landfill, should be evaluated.

On July 23, 1993, the Service published a proposed rule in the Federal Register (Vol. 58, No. 140) to list the southwestern willow flycatcher (*Empidonax traillii extimus*) as endangered with critical habitat. Potential impacts of this project to this species should be evaluated.



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The following category 2 candidate species may be found in the project area (see enclosure): New Mexican jumping mouse, occult little brown bat, spotted bat, northern goshawk, and Jemez Mountain salamander. Category 2 candidates are those species for which the Service has information indicating that proposing to list is possibly appropriate, but for which substantial data on biological vulnerability or threats are not currently available to support the immediate preparation of proposed rules. Candidate species have no legal protection under the Act and are included in this document for planning purposes only.

In addition to concerns regarding federally listed and candidate species, the Service has grave concerns regarding the potential for impacts to migratory birds, wetlands, riparian vegetation, and other sensitive wildlife habitat. Also of particular concern is the potential for water percolation or degradation of landfill contents to contaminate groundwater that may surface as springs that wildlife use or that may result in flows to aquatic ecosystems occupied by fish, wildlife, or other supporting food chain organisms.

Information available to the Service indicates that the landfill was formed by dumping a variety of unknown hazardous wastes over the edge of a canyon. We urge the Department of Environment to ensure that this site does not contaminate groundwater, thus averting the possibility of secondary adverse impacts to fish and wildlife resources, by:

- 1) confirming that the cover is fully sealed to keep any percolation of water from occurring;
- 2) requiring groundwater monitoring wells to be constructed in down gradient areas; and
- 3) requiring an established monitoring plan to detect any degradation of water quality that may occur due to leakage or seepage.

In addition, proposed mitigation should include measures to enhance wildlife habitat, including the use of native seed sources for cover crops used in rehabilitating the area and selecting materials for revegetation known to be used by wildlife.

Unless the State can ensure that no leakage of hazardous wastes will occur after the landfill is closed, we recommend denying the permit until such concerns are addressed. We are available to meet to discuss our concerns if necessary. To arrange such a meeting, please contact Mr. Mark Wilson at (505) 883-7877.

Sincerely,



Jennifer Fowler-Propst  
State Supervisor

Enclosure

Species List  
Closure/Post Closure Care Plan  
Los Alamos County, New Mexico  
September 13, 1994

Endangered

**Bald eagle (Haliaeetus leucocephalus)** - The bald eagle occurs in New Mexico mainly as a winter resident and migrant, with several nesting in the state. It is found in riparian areas adjacent to rivers, reservoirs, and ponds, and roosts in large trees which may be close to foraging areas. Rabbits, fish and waterfowl are the primary prey items.

Authority: Sandy Williams, New Mexico Department of Game and Fish,  
P.O. Box 25112, Santa Fe, New Mexico 87504, (505) 827-9914.

Proposed Endangered with Critical Habitat

**Southwestern willow flycatcher (Empidonax traillii extimus)** - This species inhabits thickets, riparian woodlands, pastures, and brushy areas. It is a sparrow sized, olive green flycatcher with a dark head, whitish throat, olive breast, and yellow belly. It has no eye ring and its wings have two white bars.

Authority: Sandy Williams, New Mexico Department of Game and Fish,  
P.O. Box 25112, Santa Fe, New Mexico 87504, (505) 827-9914.

Threatened

**Mexican spotted owl (Strix occidentalis lucida)** - Occurs in varied habitat, consisting primarily of mature montane forest and woodland and shady canyons. In forested habitat, uneven-aged stands with a high canopy closure, high tree density, multilayered canopy, and a terrain with slopes greater than 15 degrees appear to be key habitat characteristics.

Authority: Sandy Williams, New Mexico Department of Game and Fish,  
P.O. Box 25112, Santa Fe, New Mexico 87504, (505) 827-9914.

Category 2 Candidates

**New Mexican jumping mouse (Zapus hudsonius luteus)** - This species occurs at localized sites in the Sandia, Sangre de Cristo, Jemez, and Sacramento Mountains of New Mexico and the White Mountains of Arizona. It also occurs at four sites along the Rio Grande River. This jumping mouse requires a habitat that has a close proximity to permanent free flowing water with vegetation of a diverse composition. The flora consists of primarily grasses, forbs and willow, and tall dense cover with close proximity to higher dry ground that provides suitable nesting and hibernation sites.

Authority: Dr. David Hafner, New Mexico Museum of Natural History,  
1801 Mountain Road, NW., Albuquerque, New Mexico 87104-1375,  
(505) 841-8837.

**Occult little brown bat (Myotis lucifugus occultus)** - This species is a montane dweller and roosts in natural caves, mine tunnels, hollow trees, or buildings.

**Authority:** Scott Altenbach, University of New Mexico, Department of Biology, Albuquerque, New Mexico 87131, (505) 277-3411.

**Spotted bat (Euderma maculatum)** - This bat is found in several national forests in New Mexico. This species tends to occur in remote areas, selecting specialized roosting sites. The presence of streams and nearby cliffs or steep hillsides with loose rocks may be habitat for this bat.

**Authority:** Scott Altenbach, University of New Mexico, Department of Biology, Albuquerque, New Mexico 87131, (505) 277-3411.

**Northern goshawk (Accipiter gentilis)** - This species utilizes primarily moderate to highly canopied mature coniferous forests with minimal understory. Nest sites are found in forest stands with a high density of large trees and canopy closure.

**Authority:** Sandy Williams, New Mexico Department of Game and Fish, P.O. Box 25112, Santa Fe, New Mexico 87504, (505) 827-9914.

**Jemez Mountain salamander (Plethodon neomexicanus)** - This species only occurs in the Jemez Mountains where it prefers densely wooded, shady canyons on north-facing slopes at elevations of 2,190 to 2,800 meters. Its habitat is characterized by coniferous forest having multistoried stands, moderately closed canopy, large trees, and stand decadence indicated by standing dead trees and fallen logs.

**Authority:** Charlie Painter, New Mexico Department of Game and Fish, Villagra Building, Santa Fe, New Mexico 87503, (505) 827-9901.