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DEPARTMENT OF GAME & FISH

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September 23, 2011

John E. Kieling, Acting Bureau Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303

Re: Notice of Public Comment Period and Opportunity To Request A Public Hearing On A Draft
Hazardous Waste Permit For Western Refining Southwest, Inc. Gallup Refinery; NMDGF No. 14605

Dear Mr. Kieling,

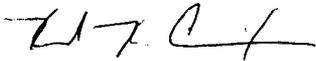
In response to your letter dated 16 September, regarding the above referenced project, the Department of Game and Fish (Department) does not anticipate significant impacts to wildlife or sensitive habitats. For your information, we have enclosed a list of sensitive, threatened and endangered species that occur in McKinley County.

For more information on listed and other species of concern, contact the following sources:

1. BISON-M Species Accounts, Searches, and County lists: <http://www.bison-m.org>
2. Habitat Handbook Project Guidelines:
http://wildlife.state.nm.us/conservation/habitat_handbook/index.htm
3. For custom, site-specific database searches on plants and wildlife, go to <http://nhnm.unm.edu>, then go to Data, then to Free On-Line Data, and follow the directions
4. New Mexico State Forestry Division (505-476-3334) or <http://nmrareplants.unm.edu/index.html> for state-listed plants
5. For the most current listing of federally listed species always check the U.S. Fish and Wildlife Service at (505-346-2525) or <http://www.fws.gov/southwest/es/NewMexico/SBC.cfm>.

Thank you for the opportunity to review and comment on your project. If you have any questions, please contact Ellen Heilhecker, Northwest Area Office Habitat Specialist at (505) 222-4708 or ellen.heilhecker@state.nm.us.

Sincerely,



Kenneth K. Cunningham
Assistant Chief, Technical Guidance Section
Conservation Services Division

KKC/eh

xc: USFWS NMES Field Office
Brian Gleadle, NW Area Operations Chief, NMDGF
Ellen Heilhecker, NW Area Habitat Specialist, NMDGF

NEW MEXICO WILDLIFE OF CONCERN

McKINLEY COUNTY

For complete up-dated information on federal-listed species, including plants, see the US Fish & Wildlife Service NM Ecological Services Field Office website at <http://www.fws.gov/southwest/es/NewMexico/SBC.cfm>. For information on state-listed plants, contact the NM Energy, Minerals and Natural Resources Department, Division of Forestry, or go to <http://nmrareplants.unm.edu/>. If your project is on Bureau of Land Management, contact the local BLM Field Office for information on species of particular concern. If your project is on a National Forest, contact the Forest Supervisor's office for species information. E = Endangered; T = Threatened; s = sensitive; SOC = Species of Concern; C = Candidate; Exp = Experimental non-essential population; P = Proposed

<u>Common Name</u>	<u>Scientific Name</u>	<u>NMGF</u>	<u>US FWS</u>	<u>critical habitat</u>
Zuni Bluehead Sucker	Catostomus discobolus yarrowi	E	C	
Bald Eagle	Haliaeetus leucocephalus	T		
Northern Goshawk	Accipiter gentilis	s	SOC	
Peregrine Falcon	Falco peregrinus	T	SOC	
Mountain Plover	Charadrius montanus	s	SOC	
Least Tern	Sterna antillarum	E	E	
Black Tern	Chlidonias niger surinamensis		SOC	
Yellow-billed Cuckoo	Coccyzus americanus	s	C	
Mexican Spotted Owl	Strix occidentalis lucida	s	T	Y
Burrowing Owl	Athene cunicularia		SOC	
Costa's Hummingbird	Calypte costae	T		
Southwestern Willow Flycatcher	Empidonax traillii extimus	E	E	Y
Loggerhead Shrike	Lanius ludovicianus	s		
Gray Vireo	Vireo vicinior	T		
Western Small-footed Myotis Bat	Myotis ciliolabrum melanorhinus	s		
Occult Little Brown Myotis Bat	Myotis lucifugus occultus	s		
Long-legged Myotis Bat	Myotis volans interior	s		
Fringed Myotis Bat	Myotis thysanodes thysanodes	s		
Long-eared Myotis Bat	Myotis evotis evotis	s		
Gunnison's Prairie Dog (prairie)	Cynomys gunnisoni	s		
Red Fox	Vulpes vulpes	s		
Black-footed Ferret	Mustela nigripes		E	
Western Spotted Skunk	Spilogale gracilis	s		