

ATTACHMENT 6

**THE ENDANGERED SPECIES ACT AND
THE NATIONAL HISTORIC PRESERVATION ACT REVIEWS**

SYNTHETIC MINOR LIMIT APPLICATION

JICARILLA COMPRESSOR STATION

XTO ENERGY, INC.

XTO Energy, Inc.
Jicarilla Compressor Station
36.43905, -107.34797 (Rio Arriba County, NM)
Endangered Species / NHPA Desktop Review

Endangered Species:

Listed threatened or endangered species for Rio Arriba County per USFWS website (<http://www.fws.gov/endangered/>):

Jemez Mountains salamander (*Plethodon neomexicanus*)

Yellow-billed cuckoo (*Coccyzus americanis*)

Mexican spotted owl (*Strix occidentalis lucida*)

Least tern (*Sterna antillarum*)

Southwestern willow flycatcher (*Empidonax trailii extimus*)

Rio Grande cutthroat trout (*Oncorhynchus clarki virginalis*)

Canada lynx (*Lynx canadensis*)

New Mexico meadow jumping mouse (*Zapus hudsonius luteus*)

The Jemez Mountains salamander is found almost exclusively in moist micro-climates along streams in the Santa Fe National Forest. The subject property is not located near the SFNF and appears to consist of scrub/shrub high plains. So, the potential presence of the JM salamander in the subject area seems very unlikely.

The Yellow-billed cuckoo is more prevalent in the SE U.S. and prefers relatively dense tree/shrub vegetation associated with riparian zones along streams (more consistent with the elevated SFNF area). So, the potential presence of the YB cuckoo in the subject area seems very unlikely.

The Mexican spotted owl prefers conifer-pine-oak forest/timber of uneven management (logging) and growth cycles and sloping terrain. Again, this habitat is more consistent with the SFNF many miles east of the subject property. So, the potential presence of the MS owl in the subject area seems unlikely.

The Least tern is primarily located along beach and coastal areas. These birds are migratory and have been historically found in Rio Arriba County. However, this species seems to typically stay near surface water, which is not found in the subject area. So, the potential presence of the Least tern in the subject area seems unlikely.

The Southwestern willow flycatcher in New Mexico is primarily found in the riparian zone around the Gila River in the southwestern portion of the state. Occurrences of the SWF have been detected, but again, these birds seem to prefer the dense riparian zone around major streams. So, the potential presence of the SWF in the subject area seems very unlikely.

The Rio Grande cutthroat trout is found almost exclusively in the SFNF and require a significant stream habitat. No such habitat is found anywhere near the subject property. So, the potential presence of the RGCT in the subject area is extremely unlikely if not impossible.

The Canada lynx requires elevated boreal forest habitat and an abundance of snowfall and snowshoe hare presence. Again, this more accurately described the SFNF area and not the scrub/shrub plains of the subject area. So, the potential presence of the Canada lynx in the subject area seems very unlikely.

The New Mexico meadow jumping mouse has been found in the Jemez Mountains in the upper Guadalupe River drainage. The NMMJM also prefers dense grassy vegetation promoting soil moisture. The subject property is not near this habitat zone. So, the potential presence of the NMMJM in the subject area seems unlikely.

This information does not constitute a comprehensive endangered species impact study and is only based on referenced data.

National Historic Preservation Act review:

Review of minimal historical aerial photographs dated to the later 1990s suggests that the subject property has been developed with an oil/gas production pad. In general the subject area consists of undeveloped high plains scrub/shrub landscape with scattered oil/gas well pad sites throughout the area, so the subject property development is consistent with other limited development in the area. Based on the remote nature and harsh environment of the subject area, the presence of historic and/or culturally significant elements seems unlikely. However, the subject property is located within the extent of the Jicarilla Apache Reservation. Furthermore, the subject area is also located within the known historical extent/range of the Navajo people.

The fact that the subject property is already developed, and similar oil/gas developments are common in the subject area, suggests that such development activities have been condoned by relevant governing bodies. However, locating such documentation of site clearance authorized by the Jicarilla Apache Nation and/or the New Mexico Historic Preservation Division (NMHPD) would seem prudent. The Jicarilla Apache Nation appears to have an active Environmental Protection Department and a diverse Cultural Affairs group. In fact, the Jicarilla Apache Nation Environmental Protection Department has been actively pursuing remediation of unlined oil/gas well pits and associated conditions. If future development of the subject property is planned, consultation with the relevant groups with the Jicarilla Apache Nation, the Navajo Nation, and the NMHPD would be prudent and probably required.