

**APPENDIX S**

MIGRATORY BIRD PLAN



ENERGY TRANSFER PARTNERS

**Transwestern Pipeline Company**

May 9, 2007

Mike Martinez  
US Fish & Wildlife Service  
Arizona Ecological Field Services  
2321 W. Royal Palm Road Suite 103  
Phoenix, AZ 85021

Re: Phoenix Expansion Project  
Migratory Birds

Dear Mr. Martinez:

Transwestern Pipeline Company, LLC (Transwestern) met with the U.S. Fish & Wildlife Service (FWS), Migratory Bird Permits Office on February 27, 2007, in Albuquerque, New Mexico to discuss strategies to minimize impacts on migratory birds during upcoming construction of the Phoenix Expansion Project (Project) in Arizona and New Mexico. Summarized below are the key discussion items of that meeting and a draft minimization plan for migratory birds.

**Project Schedule**

As you are aware, construction of the Project will involve installation of 259.3 miles of 42-inch and 36-inch diameter pipeline, minor customer laterals, and meter stations in Arizona and 24.6 miles of 36-inch diameter pipeline in New Mexico. The construction work area will include a 120-foot-wide right-of-way for the 42-inch diameter pipe and a 100-foot-wide right-of-way for the 36-inch diameter pipe, plus additional temporary work areas. The pipelines will be installed adjacent to existing utility rights-of-way for most of their length. Primary construction impacts will include clearing of vegetation in all construction work areas and noise and disturbance associated with construction activities. Transwestern's current construction schedule is provided below.

State / Facility	Anticipated Start and End of Construction
<b>New Mexico</b>	
Loop A (approximately 8.9 miles of 36-inch pipe)	January 2008 – March 2008
Loop B (approximately 15.7 miles of 36-inch pipe)	January 2008 – February 2008
Modifications at existing compressor station	January 2008 – March 2008
<b>Arizona</b>	
MPs 0.0 to 95.2 (95.7 miles of 42-inch pipe)	October 2007 – May 2008
MPs 95.2 to 255.1 (163.6 miles of 36-inch pipe)	May 2008 – October 2008
Associated customer laterals and meter stations	November 2007 – May 2008

The construction schedule is dependent on timely receipt of all authorizations from federal and state agencies, as well obtaining private landowner easements. Any delay in obtaining authorization from federal and state agencies, and/or private landowner easements may cause the construction schedule to slip, although customer in-service dates will not change and the Project must be in operation by October 2008.

Transwestern recognizes that the migratory bird nesting season occurs between March and August (6 months) of any year, though some species begin nesting as early as January or as late as May in Arizona. We also recognize that given the status of Project approvals, contractor availability, the length of time needed to install the pipelines, and customer in-service dates, it is not possible to entirely avoid pipeline construction during the migratory nesting season. It is also impractical to move equipment around active nest sites at multiple locations during the nesting season (see Attachment).

### **Minimization Plan for the Protection of Migratory Birds**

Transwestern is committed to minimizing impacts on migratory birds to the extent practical and within the constraints of Project customer in-service dates and contractor availability. To that end, we have developed the following draft minimization strategy to avoid move-arounds while still affording protection for nesting migratory birds. Our approach is based on the following assumptions:

- The pipelines will be installed adjacent to existing rights-of-way for nearly 100 percent of the length of the pipeline corridor (or area of potential effect) in New Mexico and 80 percent of the length of the pipeline corridor in Arizona. Construction activities will be confined to the Project rights of way or approved corridor.
- Direct impact on migratory birds will not occur over the full length of the construction work areas, as some construction will occur outside the nesting season or will be minimized using the procedures described below before and during construction.
- Construction activities will directly affect only one nesting season at any location.
- The Federal Energy Regulatory Commission certificate authorizes access only to those areas previously identified by Transwestern as necessary for installation of the pipelines. Access to areas outside of the construction work areas can be obtained only with the landowner's permission, and this limits Transwestern's ability to evaluate or minimize impacts to migratory birds outside of the approved corridor.
- From a construction planning perspective, it is important that Transwestern knows what actions will be necessary and authorized by the FWS in relation to migratory birds well before construction begins.

The following proposed measures were designed in cooperation with the FWS, Migratory Bird Permits Office in Albuquerque to minimize impacts on migratory birds, while still allowing construction to proceed in an efficient manner. Federally listed threatened and endangered bird species are addressed in the Biological Assessment, a separate document, and are not specifically addressed here.

### **Project-Wide Mitigation Measures for Migratory Birds**

1. Transwestern will require all personnel working on the Project to attend environmental training. Environmental training will emphasize the importance of minimizing impacts on migratory birds and the procedures in place to minimize these impacts.

2. All construction activities will remain within designated construction work areas. The designated work areas will be staked and marked prior to clearing and the marking will be maintained throughout construction.
3. A Project restoration plan has been developed to stabilize and protect soil resources within the construction work areas and aid in returning these disturbed areas to migratory bird habitat.
4. Maintenance clearing of vegetation will be very infrequent, if performed at all.

#### Minimization Plan for Migratory Birds

1. Pre-Construction Surveys: (2<sup>nd</sup> Quarter 2007)
  - a. Conduct large migratory bird (e.g., raptors and ravens) nest surveys of the pipeline right-of-way between April and June 2007.
    - 1) These raptor and raven nest surveys will be conducted utilizing a helicopter and global positioning satellite. A report will include the results of 2006 burrowing owl surveys.
    - 2) Provide report to the FWS by July. The report will identify nest locations and nesting activity observed within the pipeline construction work areas.
2. Finalize a Minimization Plan: (3<sup>rd</sup> Quarter 2007)
  - a. In consultation with the FWS, develop and finalize plan for each observed raptor and raven nest.
  - b. In consultation with the FWS, develop and finalize an estimate of the number of active raptor and non-raptor nests by species that may be encountered within the construction work areas in Arizona and New Mexico. These estimates will be based on the information provided by the surveys and in Table 1 (Vegetation Communities) and Table 2 (Potential Bird Species).
  - c. Identify FWS-approved individuals and NGOs to conduct active nest relocations in 2008.
  - d. Based on estimates developed in b. above and individuals/NGOs identified in c. above, submit a "Special Purpose Miscellaneous Permit" application to the Migratory Bird Permits Office. The issued permit, similar to that issued to electric utility companies, will authorize action by approved individuals/NGOs if active nest relocations are required.
3. Construction - 2008: (Before Nesting Season Begins)
  - a. Implement agreed-upon procedures for nests before nesting begins that may include:
    - Remove/destroy raptor nests during the dormant season if access can be obtained.
    - Leave nests in place, but make them temporarily unavailable for nesting use by installing barriers to discourage nesting within the construction work areas.
    - Pre-clear right-of-way and/or selectively remove certain types of vegetation, such as saguaro or riparian vegetation before nesting season begins to discourage nesting within the construction work areas.
    - Surveys for burrowing owls that include exclusion from burrows within and immediately adjacent to the construction corridor.
4. Construction - 2008: (After Nesting Season has Begun)
  - a. Survey for active nests prior to beginning intensive construction activities.

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- b. If active nests are found, implement relocation in accordance with provisions of "Special Purpose Miscellaneous Permit". Alternatively, if active nest has no eggs or young, immediately destroy nest or render temporarily unusable.
  - c. Where establishment of procedures or construction restraints for active nests that may be located outside of the construction work areas is not feasible, to the extent practicable:
    - a) Minimize excessively disturbing activities during critical times when constructing near active nests, and
    - b) Expedite construction in locations proximate to active nests, to the extent practical.
  - d. Within 3 months following completion of construction, provide report to FWS on relocated nests and monitoring observations of nests in adjacent areas.
5. Post-Construction - 2008: (After Nesting Season)
- a. Following construction and prior to the next season (after August 2008), remove barriers that were previously installed to discourage nesting.

Please see the Attachment that describes in some detail the effect of equipment "move-arounds" if they were required to avoid impacts to nesting migratory birds.

In summary, Transwestern is committed to minimizing impacts on migratory birds; however, the time required to construct a project of this size combined with contractor availability and customer in-service dates makes it infeasible to entirely avoid the migratory bird nesting season. We would appreciate your comments and concurrence with the minimization plan outlined above so that we may continue to finalize appropriate measures. Please feel free to contact me regarding questions or comments you may have on the plan.

Sincerely,



William R. Osborne  
Environmental Project Manager

ATTACHMENTS:

Construction Equipment "Move-Arounds"

Table 1: Vegetation Communities Crossed by the Phoenix Expansion Project

Table 2a: New Mexico, Bird Species Protected by the MBTA and Potentially Breeding in the Immediate Project Area

Table 2b: Arizona, Bird Species Protected by the MBTA and Potentially Breeding in the Immediate Project Area

- cc: B. Howe, US Fish & Wildlife Service, Albuquerque  
K. McKeever, US Fish & Wildlife Service, Albuquerque  
M. Kreutzian, US Fish & Wildlife Service, Albuquerque  
D. McKenna, US Fish & Wildlife Service, Mesa, Arizona

## ATTACHMENT

### **Construction Equipment “Move-Arounds”**

One of the more common mitigation measures for reducing impacts on nesting migratory birds is to avoid construction during the nesting season or to require the company to move construction equipment around active nests (a “move-around”). Because of the “moving assembly line” nature of pipeline construction, there are high costs from both a practical (timing) and cost perspective with moving all of the equipment associated with a pipeline construction spread around a restricted area. A large diameter pipe spread consists of over 500 men organized in as many as 16 different crews working in sequence. Essentially, no crew can perform their work until the crew in front of them performs their function, and the entire sequence of tasks must be performed before pipeline installation is complete.

The impact of a move-around on the construction contractor is two-fold. The first is the physical loading and hauling of equipment around the skipped area to work in another available area. The result is three required moves: 1) a move out of the area that must be skipped to another available work area, 2) a move back to the skipped area, and 3) a move out of the completed skipped area. The second impact is the loss in productivity that results from stopping the work of the many crews operating efficiently in sequence, moving them and their equipment, and then re-starting and re-coordinating the crews at a new location. This would need to be done three times for each move-around.

The loading and hauling of pipeline construction equipment for a move-around is a significant undertaking because of the massive size of the equipment and the number of pieces needed for each mainline spread. Pipeline equipment required for 36-inch and 42-inch pipe can weigh as much as 250,000 pounds. A typical mainline spread has in excess of 100 pieces of heavy equipment and about the same number of trucks and vehicles that have to move around an area where construction cannot proceed in a sequential manner. Most of the equipment is over weight, over width and/or over height when fully assembled. To transport the equipment, the oversized pieces have to be disassembled, loaded onto trucks, and then reassembled at the new location. The effort to disassemble and reassemble the equipment requires time and mechanic labor to perform, and is in addition to the time and labor required to physically transport the equipment. For example, moving a Caterpillar 594, 589, or 583 pipe-layer requires that the counter weights and boom be removed and transported on two separate trucks.

The impact on the environment can be detrimental because completion of construction is delayed through loss of productivity and postponement of work through the no-construct zones. Further, if construction work areas are pre-cleared to discourage nesting, these areas are left open to wind or other erosion forces. An added concern for Transwestern is that construction contractors are heavily booked for 2008 and beyond, and it is likely that contractors will be unable to hold idle equipment and personnel in the Project area for several months or to complete construction in move-around areas in a timely manner. This could delay completion of pipeline construction and jeopardize customer in-service dates.

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Table 1  
Vegetation Communities Crossed by the Phoenix Expansion Project

Aerial Alignment Sheet	Vegetation Community	Milepost
<b>Loop A - San Juan County, New Mexico</b>		
1	Disturbed/Developed	0.0 - 0.1
1	Agricultural	0.1 - 0.2
1	Disturbed/Developed	0.2 - 0.5
1	Agricultural	0.5 - 0.8
1	Disturbed/Developed	0.8 - 1.0
1	Disturbed/Developed	1.0 - 1.1
1	Riparian Floodplain	1.1 - 1.8
1	Disturbed/Developed	1.8 - 1.9
1	Agricultural	1.9 - 2.0
1	Agricultural	2.0 - 2.0
1	Disturbed/Developed	2.0 - 2.1
2	Desert Grassland	2.1 - 3.0
2	Great Basin Desert Scrub	3.0 - 4.0
2	Desert Grassland	4.0 - 5.0
2	Desert Grassland	5.0 - 5.1
3	Great Basin Desert Scrub	5.1 - 5.5
3	Desert Grassland	5.5 - 6.0
3	Desert Grassland	6.0 - 7.0
4	Desert Grassland	7.0 - 7.9
4	Desert Grassland	7.9 - 8.0
4	Great Basin Desert Scrub	8.0 - 8.9
<b>Loop B - McKinley County, New Mexico</b>		
1	Desert Grassland	71.9 - 73.1
1, 2	Great Basin Desert Scrub	73.1 - 75.0
2	Desert Grassland	75.0 - 76.3
2, 3, 4, 5	Great Basin Desert Scrub	76.3 - 83.2
5	Juniper Savanna	83.2 - 84.1
5	Desert Grassland	84.1 - 84.8
5	Great Basin Desert Scrub	84.8 - 85.3
6	Desert Grassland	85.3 - 87.6
<b>Phoenix Lateral - Yavapai, Coconino, Maricopa, and Pinal Counties, Arizona</b>		
1U - 11U	Conifer Woodlands	0.0 - 29.0
11U - 21U	Great Basin Grasslands	29.0 - 52.2
21U - 01P	Interior Chaparral	52.2 - 65.4
01P - 04P	Semi-Desert Grasslands	65.4 - 73.4
04P - 19P	Sonoran Desert Scrub, Palo Verde-Mixed Cacti Uplands	73.4 - 105.3
19P - 38P	Sonoran Desert Scrub, Creosote Bush-Bursage	105.3 - 154.6
38P - 40P	Disturbed Lands and Hassayampa River	154.6 - 155.6
40P - 5M	Sonoran Desert Scrub, Creosote Bush-Saltbush	155.6 - 174.6
5M - 6M	Sonoran Desert Scrub, Creosote Bush-Saltbush	175.1 - 178.6
6M - 7M	Sonoran Desert Scrub, Creosote Bush-Saltbush-Mixed Cacti	176.7 - 181.8
8M - 13M	Sonoran Desert Scrub, Creosote Bush-Saltbush-Mixed Cacti	182.5 - 199.8
14M - 14M	Sonoran Desert, Creosote Bush-Saltbush-Mixed Cacti	200.1 - 201.4
14M - 18M	Sonoran Desert, Creosote Bush-Saltbush-Mixed Cacti	201.6 - 214.0
19M - 19M	Sonoran Desert, Creosote Bush-Saltbush-Mixed Cacti	217.1 - 217.9
20M - 20M	Sonoran Desert, Creosote Bush-Saltbush-Mixed Cacti	218.7 - 219.1
25M - 25M	Sonoran Desert, Creosote Bush-Saltbush-Mixed Cacti	233.0 - 235.5
25M - 25M	Sonoran Desert, Creosote Bush-Saltbush-Mixed Cacti	235.5 - 235.6
27M - 27M	Sonoran Desert, Creosote Bush-Saltbush-Mixed Cacti	240.5 - 241.0
27M - 28M	Sonoran Desert, Creosote Bush-Saltbush-Mixed Cacti	241.3 - 243.1
28M - 29M	Sonoran Desert, Creosote Bush-Saltbush-Mixed Cacti	243.5 - 246.7
30M - 30M	Sonoran Desert, Creosote Bush-Saltbush-Mixed Cacti	247.1 - 247.7
30M - 31M	Sonoran Desert, Creosote Bush-Saltbush-Mixed Cacti	249.2 - 250.2
31M - 32M	Sonoran Desert, Creosote Bush-Saltbush-Mixed Cacti	251.7 - 253.0

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TABLE 2A

**NEW MEXICO  
BIRD SPECIES PROTECTED BY THE MBTA AND POTENTIALLY BREEDING IN THE IMMEDIATE PROJECT AREA**

Common Name	Scientific Name	Breeds in Project Area <sup>a/</sup>
Pied-billed Grebe	<i>Podilymbus podiceps</i>	Nests in wetland areas along San Juan River at the Bollack Farms, downstream project area
Great Blue Heron	<i>Ardea herodias</i>	Known to nest both upstream and downstream along the San Juan River
Mallard	<i>Anas platyrhynchos</i>	Known to nest both upstream and downstream along the San Juan River
Ruddy Duck	<i>Oxyura jamaicensis</i>	Nests at the Bollack Farms along the San Juan River, south of project area
Turkey Vulture	<i>Cathartes aura</i>	Nests in cliffs located near project areas
Cooper's Hawk	<i>Accipiter cooperii</i>	Nests near riparian woodlands near the San Juan River
Swainson's Hawk	<i>Buteo swainsoni</i>	Nests throughout project area
Red-tailed Hawk	<i>Buteo jamaicensis</i>	Nests throughout project area
Ferruginous Hawk	<i>Buteo regalis</i>	Nests throughout project area
Osprey	<i>Pandion haliaetus</i>	Occasionally nests in wetland areas along San Juan River at the Bollack Farms, south of project area
American Kestrel	<i>Falco sparverius</i>	Known to nest throughout project area
Peregrine Falcon	<i>Falco peregrinus</i>	Known to nest in the Cross-over Canyon area in Loop B
Common Moorhen	<i>Gallinula chloropus</i>	Nests in wetland areas along San Juan River at the Bollack Farms, downstream of project area
American Coot	<i>Fulica americana</i>	Nests in wetland areas along San Juan River at the Bollack Farms, downstream of project area
Sora	<i>Porzana carolina</i>	Nests in wetland areas along San Juan River at the Bollack Farms, downstream of project area
Killdeer	<i>Charadrius vociferus</i>	Nests near open waters and dirt tanks
Spotted Sandpiper	<i>Actitis macularia</i>	Reportedly nests along San Juan River
Mourning Dove	<i>Zenaidura macroura</i>	Nests throughout project corridor
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	Nests in wetland areas along San Juan River
Greater Roadrunner	<i>Geococcyx californianus</i>	Nests throughout project corridor
Barn Owl	<i>Tyto alba</i>	Nests in cliffs, banks, and trees where present in project corridor
Great-horned Owl	<i>Bubo virginianus</i>	Nests throughout project corridor
Burrowing Owl	<i>Athene cunicularia</i>	Known to nest in northern and middle portions of Loop B near NAPI
Western Screech-Owl	<i>Otus kennicottii</i>	Potentially nests in heavily wooded portions of project corridor immediately north of Crossover Canyon
Common Nighthawk	<i>Chordeiles minor</i>	Known to nest near agricultural fields and San Juan River
Black-chinned Hummingbird	<i>Archilochus alexandri</i>	Known to nest in riparian area near San Juan River
Hairy Woodpecker	<i>Picoides villosus</i>	Nests in pinyon-juniper woodlands
Northern Flicker	<i>Colaptes auratus</i>	Nests in pinyon-juniper woodlands and riparian areas along San Juan River
Western Wood-Pewee	<i>Contopus sordidulus</i>	Nests in riparian areas along San Juan River
Gray Flycatcher	<i>Empidonax wrighti</i>	Occasionally nests in riparian areas along San Juan River
Say's Phoebe	<i>Sayornis saya</i>	Nests in grassy uplands and riparian areas along San Juan River
Ash-throated Flycatcher	<i>Myiarchus cinerascens</i>	Nests in riparian areas along San Juan River
Cassin's Kingbird	<i>Tyrannus vociferans</i>	Nests in pinyon- juniper woodland and utilizes riparian areas along San Juan River during the breeding season
Western Kingbird	<i>Tyrannus verticalis</i>	Nests in riparian areas and woodlands along San Juan River

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TABLE 2A

**NEW MEXICO**  
**BIRD SPECIES PROTECTED BY THE MBTA AND POTENTIALLY BREEDING IN THE IMMEDIATE PROJECT AREA**

Common Name	Scientific Name	Breeds in Project Area <sup>a/</sup>
Loggerhead Shrike	<i>Lanius ludovicianus</i>	Nests throughout Desert shrublands
Gray Vireo	<i>Vireo vicinior</i>	Occasionally nests in juniper grass savannahs in San Juan County
Warbling Vireo	<i>Vireo gilvus</i>	Potentially nests in riparian areas along San Juan River
Western Scrub-Jay	<i>Aphelocoma californica</i>	Nests in pinyon-juniper woodlands
Pinyon Jay	<i>Gymnorhinus cyanocephalus</i>	Nests in pinyon-juniper woodlands
American Crow	<i>Corvus brachyrhynchos hesperis</i>	Nest in riparian area along San Juan River
Common Raven	<i>Corvus corax</i>	Nests in trees and cliffs of pinyon-juniper woodland
Black-billed Magpie	<i>Pica hudsonia</i>	Nests in riparian area along San Juan river
Horned Lark	<i>Eremophila alpestris</i>	Potentially nests in grass-shrublands
Northern Rough-winged Swallow	<i>Stelgidopteryx serripennis</i>	Known to nest in earthen banks near San Juan River
Violet-green Swallow	<i>Tachycineta thalassina</i>	Nests in tree cavities near San Juan River
Cliff Swallow	<i>Petrochelidon pyrrhonota</i>	Nests in cliffs in Cross-over Canyon and under bridges and other structures along the San Juan River
Mountain Chickadee	<i>Poecile gambeli</i>	Nests in pinyon-juniper woodlands and in riparian area along San Juan River
Bushtit	<i>Psaltriparus minimus</i>	May nest in pinyon-juniper woodlands
White-breasted Nuthatch	<i>Sitta carolinensis</i>	Known to nest in riparian area along San Juan River
Pygmy Nuthatch	<i>Sitta pygmaea</i>	May nest in pinyon-juniper woodlands
Bewick's Wren	<i>Thryomanes bewickii</i>	Nests in riparian woodland and scrublands along San Juan River
Rock Wren	<i>Salpinctes obsoletus</i>	Nests in Desert shrublands
Western Bluebird	<i>Sialia mexicana</i>	May nest in pinyon-juniper woodlands and Desert shrublands
American Robin	<i>Turdus migratorius</i>	Known to nest in riparian area along San Juan River
Northern Mockingbird	<i>Mimus polyglottos</i>	Nests in riparian area along San Juan River and in adjoining uplands
Bendire's Thrasher	<i>Toxostoma bendirei</i>	Nests in riparian area along San Juan River and in adjoining uplands
Yellow Warbler	<i>Dendroica petechia sonorana</i>	Nest in riparian woodlands along San Juan River
Common Yellowthroat	<i>Geothlypis trichas</i>	Occasionally nests in marshlands along San Juan River
Yellow-breasted Chat	<i>Icteria virens</i>	Nests in dense riparian woodlands along San Juan River
Spotted Towhee	<i>Pipilo maculatus</i>	Nest in riparian woodlands along San Juan River
Canyon Towhee	<i>Pipilo fuscus</i>	Nests in juniper savannahs and closed pinyon-juniper woodlands
Lark Sparrow	<i>Chondestes grammacus</i>	Nest in open riparian woodlands interspersed with greasewood along the San Juan River
Western Meadowlark	<i>Sturnella neglecta</i>	Nests near agricultural fields and riparian areas along the San Juan River
Brown-headed Cowbird	<i>Molothrus ater</i>	May nest in riparian woodlands and adjacent habitats along the San Juan River
Yellow-headed Blackbird	<i>Xanthocephalus xanthocephalus</i>	Nests in marshy areas along the San Juan River
Red-winged Blackbird	<i>Agelaius phoeniceus</i>	Commonly nest in marshy areas along the San Juan River
Great-tailed Grackle	<i>Quiscalus mexicanus</i>	Nests in marshy areas along the San Juan River
Bullock's Oriole	<i>Icterus bullockii</i>	Occasionally nest in riparian areas along the San Juan river

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TABLE 2A

**NEW MEXICO**  
**BIRD SPECIES PROTECTED BY THE MBTA AND POTENTIALLY BREEDING IN THE IMMEDIATE PROJECT AREA**

Common Name	Scientific Name	Breeds in Project Area <sup>a/</sup>
Scott's Oriole	<i>Icterus parisorum</i>	May nest in scrublands adjacent to riparian areas along the San Juan River
House Finch	<i>Carpodacus mexicanus</i>	Nest in riparian woodlands along the San Juan River
Lesser Goldfinch	<i>Carduelis psaltria</i>	Occasionally nest in riparian areas and adjacent habitats along the San Juan River

<sup>a/</sup> Species known to breed in area, based on Breeding Bird Surveys (BBS) conducted from 1996 – 2005 (USGS 2007) and from Schmitt (1976), Reeves (1996), and information extracted from species descriptions contained in the New Mexico Department of Game and Fish Biota System of New Mexico (Bison-M) database.

**Sources:**

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- Reeves, T. 1996. Birds of the B-Square Ranch, a Guide to Noteworthy Species. San Juan College, New Mexico.
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- U.S. Fish and Wildlife Service. 2005. Birds Protected by the Migratory Bird Treaty Act. <http://www.fws.gov/migratorybirds/intrnltr/mbta/mbtintro.html>.
- U.S. Geological Survey. 2007. Patuxent Wildlife Research Station. Breeding Bird Surveys. <http://www.pwrc.usgs.gov/bbs/retrieval/menu.ctm> [Accessed 22 January 2007]
- Compiled from NMPIF = Priority bird species identified in the current New Mexico Partners in Flight (NMPIF) Bird Conservation Plan including the Plains and Mesa Grassland, Mid-Elevation Riparian Woodland, and Great Basin Desert Shrublands and Birds of Conservation Concern (BCC) for New Mexico (i.e., the Colorado Plateau in the U.S. [Bird Conservation Region 87] and the Mesa and Plains [Bird Conservation Region 85] (USFWS 2002).

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TABLE 2B

**ARIZONA**  
**BIRD SPECIES PROTECTED BY THE MBTA AND POTENTIALLY BREEDING IN THE IMMEDIATE PROJECT AREA**

Common Name	Scientific Name	Breeds in Project Area <sup>al</sup>
Pied-billed Grebe	<i>Podilymbus podiceps</i>	Potentially nesting on the Gila River immediately upstream of project crossing, known to nest at Picacho Reservoir south of Coolidge
Least Bittern	<i>Ixobrychus exilis</i>	Possibly nests upstream of the project crossing in cattails along the Gila River. May nest at Picacho Reservoir south of Coolidge
Great Blue Heron	<i>Ardea herodias</i>	May nest along the Gila River upstream of the project crossing
Mallard	<i>Anas platyrhynchos</i>	Potential nesting species on the Gila River upstream of the project crossing, also at Picacho Reservoir south of Coolidge
Ruddy Duck	<i>Oxyura jamaicensis</i>	Possible nesting species on the Gila River upstream of the project crossing and at Picacho Reservoir south of Coolidge
Cooper's Hawk	<i>Accipiter cooperii</i>	May nest in riparian trees at the Verde River Crossing and at Little Hell Canyon
Harris's Hawk	<i>Parabuteo unicinctus</i>	Potential nesting species in Saguaro cacti between Mayer and Lake Pleasant
Zone-tailed Hawk	<i>Buteo albonotatus</i>	Potential nesting species in riparian trees along Bumble Bee Creek or Bib Bug Creek
Swainson's Hawk	<i>Buteo swainsoni</i>	Species is known to nest in the Chino Valley
Red-tailed Hawk	<i>Buteo jamaicensis</i>	This species could be encountered as a nesting bird almost anywhere in the project area except on open creosote bush/saltbush desert
American Kestrel	<i>Falco sparverius</i>	A possible nesting species anywhere there are saguaro cacti
Prairie Falcon	<i>Falco mexicanus</i>	Nests in the Sierra Estrella and Maricopa Mountains, unlikely in the project area
Common Moorhen	<i>Gallinula chloropus</i>	Potential breeding species on the Gila River upstream of the project crossing and at Picacho Reservoir south of Coolidge
American Coot	<i>Fulica americana</i>	Potential breeding species on the Gila River upstream of the project crossing and at Picacho Reservoir south of Coolidge
Yuma Clapper Rail	<i>Rallus longirostris yumanensis</i>	A potential nesting species on the Gila River upstream of the project crossing and at Picacho Reservoir south of Coolidge
Sora	<i>Porzana Carolina</i>	A potential nesting species on the Gila River upstream of the project crossing
Killdeer	<i>Charadrius vociferous</i>	May nest anywhere in the project area where there is open water, including stock tanks
American Avocet	<i>Recurvirostra Americana</i>	A potential nesting species on the Gila River upstream of the project crossing
Black-necked Stilt	<i>Himantopus mexicanus</i>	A potential nesting species on the Gila River upstream of the project crossing
Spotted Sandpiper	<i>Actitis macularia</i>	A potential nesting species at the Verde River and Little Hell Canyon crossing
Mourning Dove	<i>Zenaida macroura</i>	Nests throughout the project area, most common in desert areas
White-winged Dove	<i>Zenaida asiatica</i>	Common nesting species in Arizona Upland habitats
Inca Dove	<i>Columbina inca</i>	Most likely to be found nesting in urban and suburban settings
Common Ground-Dove	<i>Columbina passerine</i>	May nest in brushy, agricultural edges west of Phoenix
Band-tailed Pigeon	<i>Columba fasciata</i>	A possible breeding species in the Ash Fork-Prescott areas, but suitable habitat is not traversed by the project
Greater Roadrunner	<i>Geococcyx californianus</i>	May nest almost anywhere in project area, most common in lower desert

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TABLE 2B

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**BIRD SPECIES PROTECTED BY THE MBTA AND POTENTIALLY BREEDING IN THE IMMEDIATE PROJECT AREA**

Common Name	Scientific Name	Breeds in Project Area <sup>a/</sup>
		areas
Barn Owl	<i>Tyto alba</i>	May nest anywhere in the project area where cliffs or steep banks with holes are present
Great-horned Owl	<i>Bubo virginianus</i>	Nests throughout the project area – dependent only on larger trees or saguaros are present for nest sites
Burrowing Owl	<i>Athene cunicularia</i>	This species nests in agricultural lands west of Phoenix and in the vicinity of Casa Grande and Coolidge
Elf Owl	<i>Micrathene whitneyi</i>	Probably nests in the Mayer-Lake Pleasant reach of the project where saguaro are present
Western Screech-Owl	<i>Otus kennicottii</i>	Nests in areas of mesquite and palo verde-saguaro
Ferruginous Pygmy -Owl	<i>Glaucidium brasilianum</i>	Potential nesting habitat is present between Lake Pleasant and Mayer, but it is highly unlikely the bird is present
Common Poorwill	<i>Phalaenoptilus nuttallii</i>	Potential nesting habitat for this species is present throughout most of the project area, except on fine-soiled lowland flats
Whip-poor-will	<i>Caprimulgus vociferous</i>	There is some potential for this species in the Prescott-Chino Valley area
Common Nighthawk	<i>Chordeiles minor</i>	May nest in the northernmost reaches of the project area south to Prescott Valley
Lesser Nighthawk	<i>Chordeiles acutipennis</i>	May nest anywhere in the project area south of the Prescott Valley area
White-throated Swift	<i>Aeronautes saxatalis</i>	May nest anywhere in the project area where there are large cliffs
Anna's Hummingbird	<i>Calypte anna</i>	May nest in the Maricopa and Pinal County portions of the project area in riparian areas and urban/suburban situations
Costa's Hummingbird	<i>Calypte costae</i>	Breeds in desert areas along washes and on slopes with palo verde-saguaro
Black-chinned Hummingbird	<i>Archilochus alexandri</i>	May breed anywhere in the project area except low, open desert and higher elevation situations as at Williams
Broad-tailed Hummingbird	<i>Selasphorus platycercus</i>	Breeds in coniferous and oak woodlands, possible nesting species in the northernmost reaches of the project area at Ash Fork
Belted Kingfisher	<i>Ceryle alcyon</i>	Species is known to nest along the Verde River in Yavapai County
Acorn Woodpecker	<i>Melanerpes formicivorus</i>	May nest in the central Yavapai County reaches of the project where and if oaks are present
Gila Woodpecker	<i>Melanerpes uropygialis</i>	Most likely to be found nesting in areas with saguaro cacti
Ladder-backed Woodpecker	<i>Picooides scalaris</i>	Most likely to be found nesting in areas with mesquite. Likely present in the project area from the Yavapai-Coconino County lines south
Gilded Flicker	<i>Colaptes chrysoides</i>	This species is closely associated with Saguaro cacti
Northern Flicker	<i>Colaptes auratus</i>	In pinyon and/or ponderosa pine from the Maricopa-Yavapai County line to the northernmost reaches of the project area
Western Wood-Pewee	<i>Contopus sordidulus</i>	A likely breeding species in riparian woods along Big Bug Creek, Lynx Creek and other woodlands north of Mayer
Gray Flycatcher	<i>Empidonax wrightii</i>	Nests in pinyon-juniper woodlands south to the Maricopa-Yavapai County line
Black Phoebe	<i>Sayornis nigricans</i>	Likely to be nesting on bridges or other structures wherever there is water
Say's Phoebe	<i>Sayornis saya</i>	Likely to be nesting in any open habitat anywhere along the project right of

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Common Name	Scientific Name	Breeds in Project Area <sup>a/</sup>
		way
Vermilion Flycatcher	<i>Pyrocephalus rubinus</i>	Most likely in central Yavapai County along the Verde River, at Little Hell Canyon, Lynx Creek, and along Big Bug Creek
Ash-throated Flycatcher	<i>Myiarchus cinerascens</i>	May breed anywhere along the right of way where there are trees that can provide nest cavities
Brown-crested Flycatcher	<i>Myiarchus tyrannulus</i>	May nest along desert rivers and in areas with good saguaro cactus density
Cassin's Kingbird	<i>Tyrannus vociferans</i>	Common nesting species in pinyon-juniper woodlands and in adjacent grassland with scattered junipers – all of Yavapai and southern Coconino Counties
Western Kingbird	<i>Tyrannus verticalis</i>	May nest anywhere in the project area where there are tall trees, saguaros, utility poles and lines, or pinyon-juniper woodland
Loggerhead Shrike	<i>Lanius ludovicianus</i>	May nest almost anywhere along the route, but is likely to be most common in the low, desert areas
Gray Vireo	<i>Vireo vicinior</i>	Nests mostly north of the Maricopa County Line in juniper woodlands
Warbling Vireo	<i>Vireo gilvus</i>	May nest along Big Bug Creek
Bell's Vireo	<i>Vireo bellii</i>	Prescott Valley area south, in dense, shrubby habitat, especially with a mesquite component
Hutton's Vireo	<i>Vireo huttoni</i>	Nests in central Yavapai County in areas with evergreen oak woodland
Plumbeous Vireo	<i>Vireo plumbeus</i>	Oak woodlands and pinyon-juniper woodlands in Yavapai and Coconino Counties
Western Scrub-Jay	<i>Aphelocoma californica</i>	Nests in the project area in scrub oak thickets, chaparral, and pinyon-juniper woodlands in Yavapai and Coconino Counties
Pinyon Jay	<i>Gymnorhinus cyanocephalus</i>	Nest in pinyon, juniper, or ponderosa pine in the Ash Fork Area
Common Raven	<i>Corvus corax</i>	May nest anywhere in the project area where large trees, saguaro cacti or cliffs are present
American Crow	<i>Corvus brachyrhynchos</i>	Possible nesting species in the vicinity of Ash Fork
Horned Lark	<i>Eremophila alpestris</i>	May nest in grassland areas of Prescott-Chino Valleys north to Ash Fork; also in lowland creosote bush scrub and lowland agricultural areas
Purple Martin	<i>Progne subis</i>	There is potential for late summer nesting in saguaros south of Mayer
Northern Rough-winged Swallow	<i>Stelgidopteryx serripennis</i>	Verde River, Little Hell Canyon, Lynx Creek, Big Bug Creek, Bumble Bee Creek, Gila River
Violet-green Swallow	<i>Tachycineta thalassina</i>	A potential nesting species in riparian woodlands in Yavapai County, Verde River, Little Hell Canyon, Big Bug Creek
Cliff Swallow	<i>Petrochelidon pyrrhonota</i>	May occur anywhere in the project area where mud is available for nest construction and structures are present upon which to build nests
Barn Swallow	<i>Hirundo rustica</i>	Known to nest in the Ash Fork and Drake areas
Bridled Titmouse	<i>Baeolophus wollweberi</i>	Nests in Yavapai County in evergreen oak woodlands
Juniper Titmouse	<i>Baeolophus ridgwayi</i>	Breeds in juniper and pinyon-juniper habitats of Yavapai and Coconino Counties
Verdin	<i>Auriparus flaviceps</i>	Primarily a desertscrub nesting species, Verdins may nest from central Yavapai County south to the project terminus
Bushtit	<i>Psaltriparus minimus</i>	Evergreen oak and pinyon-juniper woodlands in Yavapai and Coconino Counties

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**ARIZONA**  
**BIRD SPECIES PROTECTED BY THE MBTA AND POTENTIALLY BREEDING IN THE IMMEDIATE PROJECT AREA**

Common Name	Scientific Name	Breeds in Project Area <sup>a/</sup>
White-breasted Nuthatch	<i>Sitta carolinensis</i>	Juniper, pinyon – juniper, and riparian woodlands in Yavapai and Coconino Counties
Bewick's Wren	<i>Thryomanes bewickii</i>	Likely to be present in any brushy, woody habitat in the project area. Not known to nest west of Phoenix or in the Casa Grande-Coolidge area
House Wren	<i>Troglodytes aedon</i>	A possible nesting species in riparian woodlands in Yavapai County
Cactus Wren	<i>Campylorhynchus brunneicapillus</i>	May nest anywhere along the project south of Ash Fork although they are most common in Sonoran desert uplands
Rock Wren	<i>Salpinctes obsoletus</i>	May nest anywhere in the project area, but least likely to be present on open creosote bush/saltbush flats
Canyon Wren	<i>Catherpes mexicanus</i>	May nest anywhere in the project area where canyons, cliffs, or large outcrops are present
Black-tailed Gnatcatcher	<i>Polioptila melanura</i>	This species may nest in brushy areas anywhere south of the Prescott Valley area; mostly in Sonoran desertscrub
Blue-gray Gnatcatcher	<i>Polioptila caerulea</i>	Nests in brushy riparian corridors and open woodlands, Yavapai County to Ash Fork
Western Bluebird	<i>Sialia mexicana</i>	May nest in open stands of pinyon and juniper in Prescott and Coconino Counties
American Robin	<i>Turdus migratorius</i>	May nest in riparian woodlands along the Verde River and Little Hell Canyon
Northern Mockingbird	<i>Mimus polyglottos</i>	May nest anywhere in the project area
Bendire's Thrasher	<i>Toxostoma bendirei</i>	Arizona upland habitats and along dry washes with scattered trees and shrubs. Primarily south of the Maricopa County line
Curve-billed Thrasher	<i>Toxostoma curvi rostre</i>	Although primarily a species of the Arizona Upland, this species may be found nesting almost anywhere south of central Yavapai County
Crissal Thrasher	<i>Toxostoma crissale</i>	Primarily a bird of heavily vegetated dry washes and other tall, dense brushy thickets at variable elevations
LeConte's Thrasher	<i>Toxostoma lecontei</i>	Unlikely nesting species, but may occur in the Rainbow and Mobile Valleys, especially in saltbush
Phainopepla	<i>Phainopepla nitens</i>	May occur as a nesting species anywhere in the study area, mostly in Sonoran Uplands and along xeroriparian washes
Virginia's Warbler	<i>Vermivora virginiae</i>	Shrubby slopes in pinyon-juniper and in chaparral, mostly in Yavapai County with respect to this project
Lucy's Warbler	<i>Vermivora luciae</i>	Almost anywhere in the project area where mesquite occurs along intermittently flooded drainages
Yellow Warbler	<i>Dendroica petechia sonorana</i>	May nest where broadleaf, deciduous riparian vegetation is present- Verde River, Little Hell Canyon, Lynx Creek, Big Bug Creek, and Bumble Bee Creek
Black-throated Gray Warbler	<i>Dendroica nigrescens</i>	Nest in pinyon-juniper and oak woodland associations – for this project, mostly in central Yavapai County
Painted Redstart	<i>Myioborus pictus</i>	May nest along streams with sycamore and evergreen oak – Lynx Creek, Big Bug Creek
Common Yellowthroat	<i>Geothlypis trichas</i>	Dense, low vegetation associated with water – Verde River, Little Hell Canyon, possibly Big Bug and Lynx Creeks
Yellow-breasted Chat	<i>Icteria virens</i>	Dense, shrubby, riparian vegetation, including salt cedar, possibly Verde River, Little Hell Canyon, Lynx Creek, Big Bug Creek, Gila River

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**BIRD SPECIES PROTECTED BY THE MBTA AND POTENTIALLY BREEDING IN THE IMMEDIATE PROJECT AREA**

Common Name	Scientific Name	Breeds in Project Area <sup>al</sup>
Hepatic Tanager	<i>Piranga flava</i>	Primarily a pine-oak woodland bird, also interior deciduous riparian forest
Summer Tanager	<i>Piranga rubra</i>	Nests in Sonoran riparian deciduous forest – potential at Verde River, Little Hell Canyon, Lynx Creek, Big Bug Creek, and Bumble Bee Creek
Pyrrhuloxia	<i>Cardinalis sinuatus</i>	If present, most likely along brushy, dry washes in Pinal County
Northern Cardinal	<i>Cardinalis cardinalis</i>	Dense, brushy Sonoran desertscrub and along broadleaf riparian woodlands. Potentially widespread in project area
Black-headed Grosbeak	<i>Pheucticus melanocephalus</i>	Nests in pinyon-juniper and deciduous tree-dominated canyons north of the Maricopa-Yavapai County line
Blue Grosbeak	<i>Guiraca caerulea</i>	Nests in mesquite and hackberry thickets in grasslands and in riparian woodlands in the desert lowlands. Does nest along the Gila River
Lazuli Bunting	<i>Passerina amoena</i>	Brushy, deciduous habitats, especially those dominated by sycamore or cottonwood-willow. Locally uncommon breeder in Yavapai and Coconino Counties
Indigo Bunting	<i>Passerina cyanea</i>	Brushy, deciduous habitats, especially those dominated by sycamore or cottonwood-willow. Locally uncommon breeder in Yavapai and Coconino Counties
Spotted Towhee	<i>Pipilo maculatus</i>	Nests in dense, semiarid, brushy thickets, most often in pinyon-juniper woodlands north of the Maricopa County line
Green-tailed Towhee	<i>Pipilo chlorurus</i>	Nests locally in Coconino County, probably not in project area
Canyon Towhee	<i>Pipilo fuscus</i>	Nests in arid, brushy habitats mostly in Yavapai County for this project, but may be present in mesquite along washes in Pinal and Maricopa Counties.
Abert's Towhee	<i>Pipilo aberti</i>	Dense, brushy habitats associated with drainages and moist soil – probably along the Gila River and most major drainages
Rufous-crowned Sparrow	<i>Aimophila ruficeps</i>	Nests on arid, rocky slopes with shrub live oak, barberry, and sagebrush. Tends to avoid similar vegetation type on flats. For this project, found primarily in Yavapai County.
Black-throated Sparrow	<i>Amphispiza bilineata</i>	Primarily in Sonoran desertscrub, but may be found nesting in any, arid, brush habitat in the project area south of Ash Fork
Black-chinned Sparrow	<i>Spizella atrogularis</i>	Arid, brushy, generally steep sloping habitats mostly in Yavapai County for this project
Chipping Sparrow	<i>Spizella passerine</i>	Nests mostly in pinyon-juniper habitats of Yavapai and Coconino Counties
Lark Bunting	<i>Calamospiza melanocorys</i>	Nested near Chino Valley in 1973 – not a regular breeding bird in the project area
Lark Sparrow	<i>Chondestes grammacus</i>	Nests in open country with scattered trees and shrubs – Great Basin grassland with scattered pinyon and juniper in Yavapai and Coconino Counties
Song Sparrow	<i>Melospiza melodia</i>	Nests in dense, shrubby habitats associated with water, primarily in Pinal and Maricopa Counties for this project
Western Meadowlark	<i>Sturnella neglecta</i>	Nests in Great Basin grassland with scattered pinyon and juniper – also in rural areas with pastures, fallow fields and croplands
Eastern Meadowlark	<i>Sturnella magna</i>	Nests in open, grassy landscapes of central Yavapai County south and west of Ash Fork
Brown-headed Cowbird	<i>Molothrus ater</i>	Parasitizes nests of small to medium-sized cup nesting birds throughout the project area

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**BIRD SPECIES PROTECTED BY THE MBTA AND POTENTIALLY BREEDING IN THE IMMEDIATE PROJECT AREA**

Common Name	Scientific Name	Breeds in Project Area <sup>a/</sup>
Bronzed Cowbird	<i>Molothrus aeneus</i>	Parasitizes nests of orioles, tanagers, and other species in rural settings of Yavapai, Maricopa, and Pinal Counties
Yellow-headed Blackbird	<i>Xanthocephalus xanthocephalus</i>	Nests in emergent cattail and bulrush communities associated with the Gila River
Red-winged Blackbird	<i>Agelaius phoeniceus</i>	Nests in emergent wetland vegetation, riparian woodlands associated with perennial water, and irrigated agricultural lands throughout the project area
Brewer's Blackbird	<i>Euphagus cyanocephalus</i>	Nests near irrigated lands or areas of permanent water near Ash Fork in Coconino County
Great-tailed Grackle	<i>Quiscalus mexicanus</i>	Nest in or near human developments and irrigated landscapes, common urban and suburban species
Bullock's Oriole	<i>Icterus bullockii</i>	Nests primarily in riparian woodlands including mesquite thickets and salt cedar, mostly in Yavapai County, but also along the Gila River
Hooded Oriole	<i>Icterus cucullatus</i>	This oriole also nests in broadleaf riparian woodlands primarily in Yavapai County in the project area
Scott's Oriole	<i>Icterus parisorum</i>	Nests in pinyon-juniper woodlands and upland Sonoran desertscrub, absent from open, arid flatlands of creosote bush/saltbush
House Finch	<i>Carpodacus mexicanus</i>	Nests in a variety of habitat types and urban/suburban settings throughout the project area
Pine Siskin	<i>Carduelis pinus</i>	Nests primarily in mixed coniferous forest and ponderosa pine forest, very infrequently in pinyon-juniper woodland
Lesser Goldfinch	<i>Carduelis psaltria</i>	Primarily a riparian nesting species – Verde River, Little Hell Canyon, Lynx Creek, Big Bug Creek, Bumble Bee Creek, and Gila River

<sup>a/</sup> Species known to breed in area, based on Breeding Bird Surveys (BBS) conducted from 1996 – 2005 (USGS 2007) and from information extracted from species descriptions contained in the Arizona Department of Game and Fish Natural Heritage Program's database.

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