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21 January 2022

Robert Lever, Acting Forest Supervisor
United States Forest Service (USFS) Gila National Forest
3005 East Camino del Bosque
Silver City, NM 88061

RE: Operation and Maintenance of Facilities and Infrastructure; Access; and Vegetation Management Program, Public Service Company of New Mexico (PNM); NMDGF No. NMERT-1557.

Dear Mr. Lever:

The New Mexico Department of Game and Fish (Department) has reviewed the proposed activities referenced above. PNM is proposing to renew and combine several Special Use Permits into one Master Special Use Permit (MSUP) for the operation and maintenance of facilities and infrastructure; access; and a vegetation management program within the USFS, Gila National Forest. The MSUP would include existing transmission and distribution lines, one substation, two communication sites, administrative access routes, and a vegetation management program. The Department provides the following recommendations that the draft Environmental Assessment should address to minimize potential impacts to wildlife.

The state threatened common black hawk (*Buteo anthracinus*) and bald eagle (*Haliaeetus leucocephalus*) and the federally threatened Mexican spotted owl (*Strix occidentalis lucida*) have been documented in the vicinity of the distribution lines that run along Highways 15 and 35. The Department recommends that power lines (especially along the Gila River Bird Area) are evaluated by PNM for configurations that pose an electrocution hazard to avian wildlife based on the Avian Power Line Interaction Committee's (APLIC's) Suggested Practices for Avian Protection on Power Lines (2006; www.aplic.org). Power lines and poles that are identified as having hazardous configurations should be appropriately retrofitted to prevent avian electrocution.

To minimize the likelihood of adverse impacts to migratory bird nests, eggs, or nestlings during power line maintenance and vegetation treatment activities, the Department recommends that vegetation and snag removal be conducted outside of the primary breeding season for migratory songbirds and raptors (1 March – 1 September). If such removal activities must occur during the breeding season, the area should be surveyed for active nest sites (with birds or eggs present in the nesting territory), and when nests are occupied, nest disturbance should be avoided until young have fledged. For active nests, adequate buffer zones should be established to minimize disturbance to nesting birds. Buffer distances should be ≥ 100 feet from

songbird and raven nests and 0.25 miles from most raptor nests. For bald eagles, common black hawks, and Mexican spotted owls, a buffer zone of 0.5 miles should be established. Active nest sites in trees or shrubs that must be removed should be mitigated by qualified biologists or wildlife rehabilitators. Department biologists are available for consultation regarding nest site mitigation and can facilitate contact with qualified personnel.

Thank you for the opportunity to review and comment on PNM's proposed power line maintenance and vegetation management program. If you have any questions, please contact Ron Kellermueller, Mining and Energy Habitat Specialist, at (505) 476-8159 or ronald.kellermueller@state.nm.us.

Sincerely,

Matt Wunder, Ph.D.
Chief, Ecological and Environmental Planning Division

cc: USFWS NMES Field Office