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28 July 2022

NEPA Manager
27th Special Operations Civil Engineering Squadron
506 North Air Commando Way, Building 355
Clovis, NM 88103

Re: Cannon Air Force Base Infrastructure Improvements Draft Environmental Assessment; NMERT 1982

The Department of Game and Fish (Department) has reviewed the Cannon Air Force Base (CAFB) Infrastructure Improvements Draft Environmental Assessment (DEA). Proposed project activities include the demolition of several existing buildings and construction of a new dormitory building and a Munitions Storage Area (MSA) on base.

The DEA notes that burrowing owls (*Athene cunicularia*) occur in the general project area. Page 3-23, lines 24-28 of the DEA note that in 2018, 167 burrowing owls were documented on CAFB, but that number dropped to 146 owls in 2019. Burrowing owl populations are believed to be declining in the southwestern U.S. and are considered a Species of Greatest Conservation Need (SGCN) as identified in the Department's State Wildlife Action Plan for New Mexico (NMDGF 2016). Burrowing owls are also protected from take federally by the Migratory Bird Treaty Act and at the state level by Chapter 17, New Mexico Statutes Annotated, which are not mentioned in the DEA.

Page 3-25, lines 12-20 of the DEA state:

“Wildlife Species and Habitat. *There is the potential for the Proposed Action to result in short-term, minor to moderate, adverse impacts on the species of concern listed above. Ground-disturbing demolition activities could directly impact the burrowing owls and black-tailed prairie dogs as well as their habitats in the existing MSA, and construction would result in both temporary and permanent, minor degradation of habitat. To help mitigate these impacts, Cannon AFB would conduct surveys prior to any construction, have a monitor onsite during construction to observe the owls' and prairie dogs' response to demolition activities and ensure their safety, and add traffic signage for speeding. Species should be relocated only as a last resort and is the responsibility of the United States Department of Agriculture Animal and Plant Health Inspection Service.”*

The Department disagrees with the statement that impacts from this demolition and construction project would result in minor degradation of habitat, particularly with regard to construction of the MSA in what is apparently a previously undisturbed area. Furthermore, the Department is concerned that the DEA in general, and this section in particular, do not adequately address

how CAFB will mitigate the potential for take of burrowing owls. Without adequate mitigation actions, demolition of existing structures and construction of the new MSA could lead to direct take of burrowing owl adults, young, and eggs. The DEA does not commit to implementing seasonal avoidance measures during demolition and construction activities, nor does it mention implementing non-disturbance buffer zones around occupied burrows during the nesting period. We strongly recommend that the DEA be revised to state that pre-demolition/pre-construction burrowing owl surveys will be conducted during the breeding season, and if found, one of the following mitigation activities will be conducted: 1) seasonal avoidance measures will be implemented until owls have vacated the affected burrows (i.e., demolition/construction activities will not occur during the breeding season of March 1 to August 1 [Guidelines and Recommendations for Burrowing Owl Surveys and Mitigation; NMDGF 2007], which would also benefit breeding black-tailed prairie dogs [*Cynomys ludovicianus*]); 2) spatial buffers of at least 440 yards (0.25 miles) from demolition/construction activities will be implemented; or 3) relocation activities will be implemented using U.S. Fish and Wildlife Service-recommended relocators.

Page 3-25, lines 20-22 of the DEA state: *“To mitigate any impacts, an updated species list from USFWS is required to be obtained within 90 days of starting any construction activities.”* Lines 28-30 state: *“As with the burrowing owl and prairie dog, to ensure no impact, an updated species list from USFWS is required to be obtained within 90 days of starting any construction activities.”*

Generating a species list from the U.S. Fish and Wildlife Service’s Information for Planning and Consultation (IPAC) tool does not mitigate for project impacts to species of concern identified by the list. The IPAC tool simply provides a list of federally listed species by county, and any critical habitats that occur within the specific project area, and general mitigation guidance that overlaps our mitigation recommendations above. Specific commitments to mitigate for project impacts to species of concern should be clearly stated in the DEA. We request that the DEA be revised to document mitigation actions (e.g., seasonal or spatial avoidance) that will be integrated into project planning and implementation to ensure that burrowing owls will not be subject to take by project activities.

Page 3-25, lines 31-38 of the DEA state:

“Temporary displacement of mobile wildlife from noise, lighting, and other disturbances would occur from construction and demolition activities. High-impact construction activities that require heavy equipment could cause more-mobile mammals, reptiles, and birds, including breeding migratory birds, to temporarily relocate to nearby similar habitat. This disturbance is expected to be minor, and it is assumed that displaced wildlife would return soon after activities conclude. However, in order to avoid nest abandonment and other adverse impacts, surveys would be conducted prior to the start of construction activities. These impacts would be short-term and BMPs would be implemented to minimize adverse impacts.”

Causing migratory birds, such as burrowing owls, “...to temporarily relocate to nearby similar habitat” from “high-impact construction activities” could result in take of eggs or nestlings by causing nest abandonment. A commitment to conduct surveys prior to the start of demolition/construction activities does not mitigate for the potential to cause nest abandonment and associated take of burrowing owls. The Department requests that the DEA be modified to indicate a commitment to implementing seasonal or spatial (i.e., buffers) avoidance measures or relocation measures, where avoidance isn’t possible, before demolition and construction activities occur and to specifically identify the “BMPs” mentioned in the above paragraph.

Black-tailed prairie dogs are also designated as SGCN in New Mexico, and their colonies provide important habitat for other wildlife. Project activities should, to the extent possible, incorporate measures to avoid occupied black-tailed prairie dog burrows. Any burrows that are located on the project site should be surveyed by a qualified biologist to determine whether prairie dog burrows are active or inactive and whether burrowing owls may also be utilizing the site. Potential black-tailed prairie dog colonies can be surveyed by a qualified biologist diurnally, year-round using binoculars. If ground-disturbing activities cannot avoid occupied burrows, the Department recommends live-trapping and relocation of prairie dogs. The Department can provide recommendations regarding suitability of potential translocators and procedures.

We appreciate the opportunity to comment on this project. Should you have any questions regarding our comments, please contact Mark Watson, Terrestrial Habitat Specialist, at (505) 321-5485 or mark.watson@state.nm.us.

Sincerely,

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

CC: NMESFO
Chuck Hayes, USFWS Ecological Services Field Office

[NMDGF] New Mexico Department of Game and Fish. 2007. Guidelines and Recommendations for Burrowing Owl Surveys and Mitigation. New Mexico Department of Game and Fish, Santa Fe, New Mexico, USA. Available online at: <https://www.wildlife.state.nm.us/download/conservation/habitat-handbook/project-guidelines/Burrowing-Owl-Surveys-and-Mitigation-2007.pdf>

[NMDGF] New Mexico Department of Game and Fish. 2016. State Wildlife Action Plan for New Mexico. New Mexico Department of Game and Fish, Santa Fe, New Mexico, USA. Available online at: <https://www.wildlife.state.nm.us/conservation/state-wildlife-action-plan/>