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16 February 2024

Kristen Dors  
NEPA Compliance Officer  
National Nuclear Security Administration  
Los Alamos Field Office

**RE: Los Alamos National Laboratory (LANL), Electrical Power Capacity Upgrade Project, Draft Environmental Assessment. NMDGF Project No. NMERT-3168.**

Dear Ms. Dors,

The U.S. Department of Energy, National Nuclear Security Administration (NNSA), has prepared a Draft Environmental Assessment (EA) to evaluate the proposed construction and operation of a new 115 kilovolt power transmission line and upgrade of LANL's existing electrical infrastructure. The EA was prepared in cooperation with the U.S. Forest Service, Santa Fe National Forest and Bureau of Land Management, Taos Field Office.

The New Mexico Department of Game and Fish (Department) would like to thank the NNSA for the opportunity to comment on LANL's proposed Electrical Power Capacity Upgrade Project (EPCUP). The Department has reviewed the proposed EPCUP transmission line route and provides the following comments.

General Comments to Minimize Impacts to Wildlife

If the EPCUP proceeds as planned, the Department recommends that LANL's proposed transmission line, substations, and upgrades to existing power lines be constructed in conformance with the Avian Power Line Interaction Committee's Suggested Practices for Avian Protection on Power Lines (2006) and Reducing Avian Collisions with Power Lines (2012) (<https://www.aplic.org>).

All migratory birds are protected against direct take under the federal Migratory Bird Treaty Act (16 U.S.C. Sections 703-712). In addition, hawks, falcons, vultures, owls, songbirds, and other insect-eating birds are protected from take under New Mexico State Statutes (17-2-13 and 17-2-14 New Mexico Statutes Annotated, 1978), unless permitted by the applicable regulatory agency. To minimize the likelihood of adverse impacts to migratory bird nests, eggs, or nestlings during project construction activities, the Department recommends that ground disturbance and vegetation removal activities be conducted outside of the primary breeding season. The breeding season is 1 March – 1 September for migratory songbirds and most raptors; for golden eagle (*Aquila chrysaetos*) and great horned owl (*Bubo virginianus*) it is 1 January – 15 July. If ground disturbing and clearing activities must be conducted during the breeding season, the area should be surveyed for active nest sites (with birds or eggs present in the nesting territory)

and avoid disturbing active nests until young have fledged. For active nests, establish adequate buffer zones to minimize disturbance to nesting birds. Buffer distances should be a minimum of 100 feet from songbird and raven nests; 0.25 miles from most raptor nests; and 0.5 miles for ferruginous hawk (*Buteo regalis*), golden eagle, peregrine falcon (*Falco peregrinus*), and prairie falcon (*Falco mexicanus*) nests. Active nest sites in trees or shrubs that must be removed should be mitigated by qualified biologists or wildlife rehabilitators. Department biologists are available to consult on nest site mitigation and can facilitate contact with qualified personnel.

Due to potential impacts on burrowing owls (*Athene cunicularia*) if they occur within the project area, the Department recommends that a preliminary burrowing owl survey be conducted by a qualified biologist, using the Department's [burrowing owl survey protocol](#), before any ground disturbing activities occur. Should burrowing owls be documented in the project area, please contact the Department or U.S. Fish and Wildlife Service for further recommendations regarding relocation or avoidance of impacts.

The project could negatively impact prairie dog colonies if they occur within your project area. Both black-tailed prairie dogs (*Cynomys ludovicianus*) and Gunnison's prairie dogs (*Cynomys gunnisoni*) are designated as a Species of Greatest Conservation Need in New Mexico, and their colonies provide important habitat for other grassland wildlife. Wherever possible, occupied prairie dog colonies should be left undisturbed, and all project activities should be directed off the colony. 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. Colonies within the range of the black-tailed prairie dog can be surveyed by a qualified biologist diurnally, year-round using binoculars. Colonies within the range of the Gunnison's prairie dog can be surveyed by a qualified biologist diurnally, using binoculars during the warmer months from April through October and by searching for fresh scat and lack of cobwebs or debris at the mouths of burrows during the cold months (November through March). If ground-disturbing activities cannot be relocated off the prairie dog colony, or if project activities involve control of prairie dogs, the Department recommends live-trapping and relocation of prairie dogs. The Department can provide recommendations regarding suitability of potential translocation areas and procedures.

For post-construction reclamation of the project area, the Department recommends that the project proponent use only native plant species and that the reclamation seed mix is designed to enhance local pollinator habitat. The Department also recommends that only certified weed-free seed be used to avoid inadvertently introducing non-native species to the reclamation site. Any alternate seeds used to substitute for primary plant species that are unavailable at the time of reclamation should also be native. When possible, the Department recommends using seeds that are sourced from the same region and habitat type as the reclamation site or from a region that represents potential future climatic conditions at the site.

### Comments on the Environmental Assessment

Because of the potential impacts to wildlife due to habitat fragmentation and the increased risk of avian collisions resulting from additional power lines crossing the Rio Grande migratory bird corridor at White Rock Canyon, the Department does not support the preferred alternative to construct a new transmission line across the Caja del Rio Wildlife and Cultural Interpretive Management Area (Caja MA) and Inventoried Roadless Areas (IRA).

The preferred alternative would also require amendments to the Santa Fe National Forest Plan, 2022 (Forest Plan) to establish a new management area that would allow for the construction and operation of a transmission line within the Caja MA and IRAs. The Department was a

cooperating agency during the multi-year process of revising and updating the Forest Plan, which also included a broad range of stakeholders and members of the public. The Department does not support amending the Forest Plan to allow for development of the EPCUP. The Forest Plan was designed to prevent the type of project outlined by the proposed Forest Plan amendments within the Caja MA and IRAs.

The Department believes that the NNSA needs to reevaluate its “Alternatives Considered but Eliminated from Detailed Study” to meet its projected power needs and, to minimize potential impacts to wildlife. The Department suggests using a combination of reconductoring and co-locating with existing power lines, along with the expansion of onsite renewable power generation and battery storage. Onsite power generation would provide a power source that is not vulnerable to remote power grid failures and thus a more secure source of energy for LANL’s operations.

In Section 3.3.2 Environmental Consequences, the EA states that “the Proposed Action would not result in any long-term adverse impacts to wildlife or plant communities in the IRA. Effects to wildlife would be short-duration and temporary”. The EA does not address the long-term avian collision hazard that will be created by installing additional transmission lines across the Rio Grande. The Rio Grande is part of the Central Flyway and is a major migration corridor for numerous avian species. Minimally, the Department recommends amending the Environmental Consequences section to include a full analysis of the potential impacts to migratory birds from the proposed power lines crossing the Rio Grande.

The Department believes that the potential environmental impacts of the proposed EPCUP could be significant and warrant the preparation of an Environmental Impact Statement (EIS). If an EIS is prepared, the Department recommends that it include monitoring of seasonal bird flight behavior at the location where the proposed transmission line would cross the Rio Grande. Project planning should include development of a project-specific, post-construction Avian Protection Plan (APP). This APP should include mortality monitoring and adaptive management provisions. Line marker devices should be installed on the power lines at potential collision hazard locations, and support towers should be lighted only where required by law, using red or red-and-white blinking or strobe lights. If possible, towers should be erected without guy lines. If a guyed design is necessary, then line markers should be installed on the guy wires. A recent study using near-ultraviolet light reduced Sandhill Crane (*Antigone canadensis*) collisions with power lines by 98%<sup>1</sup>. Mitigation with line markers has had limited success because most collisions occur at night when line markers are least visible. The Department recommends the use of near-ultraviolet light to mitigate avian collisions where the transmission lines cross the Rio Grande. This technique has been adopted by the developers of the SunZia Transmission Line (currently under construction) who will be installing an Avian Collision Avoidance System that utilizes near-ultraviolet light to reduce avian collisions where the project crosses the Rio Grande.

Sincerely,

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

<sup>1</sup> Dwyer, J.F., A.K. Pandey, L.A. McHale, and R.E. Harness. 2019. Near-ultraviolet light reduced Sandhill Crane collisions with a power line by 98%. *The Condor: Ornithological Applications* 121:1-10.