



STATE OF NEW MEXICO
DEPARTMENT OF GAME & FISH

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31 January 2024

James D. Duran
Forest Supervisor
Carson National Forest
208 Cruz Alta Road
Taos, NM 87571

RE: Windstorm Blowdown Project; NMERT Project No. NMERT-3193

Dear Mr. Duran,

The New Mexico Department of Game and Fish (Department) has reviewed the Forest Service's proposed Windstorm Blowdown Project (Project). Department staff entered the Project into the New Mexico Environmental Review Tool (NMERT), which auto-generated a Project report; this report is attached to along with these comments for your review.

Please note that the NMERT Project report recommends not conducting ground disturbing or vegetation removal activities during the breeding bird season (April - September) to avoid disturbance to nesting migratory birds. The NMERT Project report also recommends reducing or avoiding activities in the area during calving season (May - July) to minimize disturbance to deer and elk.

The Department recommends consulting with relevant species leads at the United States Fish and Wildlife Service's (USFWS's) New Mexico Ecological Services Office (NMESO) before work begins on this Project. The Department also recommends use of the USFWS's Information for Planning and Consultation (IPAC) system (<https://ipac.ecosphere.fws.gov/>) to confirm whether the Project area overlaps critical habitat designated for species listed under the federal Endangered Species Act.

Mexican Spotted Owls (MSOs; *Strix occidentalis lucida*) occupy habitats in the Carson National Forest, and there are USFS-designated Protected Activity Centers (PAC) in the vicinity of the Project area. Because of this, the Department recommends retaining large dead trees (snags) with a Diameter at Breast Height (DBH) greater than 12 inches (30.5 cm) and, if any thinning activity will occur during the MSO breeding and fledgling-dependency period (March – August), conducting MSO surveys, placing a 0.5 miles buffer around any detected MSO nest(s), and evaluating the potential for noise-related disturbance to MSOs.

Wildlife including small mammals (Goguen et al. 2015), snakes (Sperry and Weatherhead 2010), and birds (Aigner et al 1998) are known to use brush piles for habitat and cover. To avoid unintended wildlife mortality, the Department recommends burning brush piles during the winter when many small-bodied species are less active or may be underground.

Because of the Project's proximity to several water bodies and riparian areas and because the Project involves constructing new, or clearing existing, roads, the Department recommends developing a Stormwater Pollution Prevention Plan. Construction areas can have significant impacts on surface waters by increasing the amount of sediment and other pollutants that are washed into surface waters, increasing the velocity and volume of water, and reducing infiltration into groundwater. The Department provides the following additional recommendations to minimize or eliminate impacts to wildlife and wildlife habitat:

- Divert water around the construction site(s) whenever possible.
- Preserve natural areas within the Project site. Strive to maintain the natural drainage system at the site, including natural stream channels, wetlands, and floodplains. Design, construct, and maintain the site to protect (or restore) the natural hydrology.
- Following construction, disturbed areas should be re-vegetated using native species that approximate pre-disturbance plant community composition or native plant communities appropriate for the site, including from a region that represents potential future climatic conditions at the site, whichever is more beneficial to wildlife. Short-term erosion control seed mixes are available for temporary control of surface erosion during Project implementation; native mixes should be used for temporary as well as permanent erosion control. Native plants and materials should also be used for landscaping. All seed mixtures should be certified as weed-free. New Mexico grass ecotypes for commercial seeding are available through the Los Lunas Plant Materials Center and New Mexico State University. Seeding guidelines are available from the Natural Resources Conservation Service and the Colorado Natural Areas Program.
- Maintain a vegetated buffer zone along all watercourses, including ephemeral arroyos, sufficient to minimize erosion and sediment delivery.
- Use properly engineered drainage swales and other vegetated channel systems instead of storm sewers, lined channels, curbs, and gutters. Vegetated swales should be gently sloped (4:1) so that small wildlife is able to maneuver them.
- Efforts should be made during construction to minimize impacts on vegetative communities. Existing roads and rights-of-way should be used for all transportation. Off-road driving should be avoided. Staging areas should be located in previously disturbed sites, where possible, and kept as small as possible.

The Department also recommends that you contact Erika Rowe (Erika.Rowe@emnrd.nm.gov) with the New Mexico Endangered Plant Program (<https://www.emnrd.nm.gov/sfd/rare-plants/request-a-collection-permit/#gsc.tab=0>) at the Energy, Minerals, and Natural Resources Department regarding potential presence

of and conservation needs for state-listed plants. The state-endangered plants New Mexico Stickseed (*Hackelia hirsuta*) and Arizona Willow (*Salix arizonica*) have been documented near and potentially within the Project area footprint and may need to be considered and/or mitigated for while planning and implementing Project activities.

We appreciate the opportunity to comment on this Project. Should you have any questions regarding our comments, please contact Jack Marchetti, Aquatic and Riparian Habitat Specialist, at (505) 479-1269 or jack.marchetti@dof.nm.gov.

Sincerely,

Virginia Seamster, Ph.D. on behalf of Matt Wunder, Ph.D.
Chief, Ecological and Environmental Planning Division

Attachments: NMERT-generated report

References

Aigner, P. A., W. M. Block, and M. L. Morrison. 1998. Effect of firewood harvesting on birds in a California oak-pine woodland. *The Journal of Wildlife Management* 62(2):485-496.

Goguen, C. B., R. S. Fritsky, and G. J. San Julian. 2015. Effects of brush piles on small mammal abundance and survival in Central Pennsylvania. *Journal of Fish and Wildlife Management* 6(2):392-404.

Sperry, J. H., and P. J. Weatherhead. 2010. Ratsnakes and brush piles: intended and unintended consequences of improving habitat for wildlife? *The American Midland Naturalist* 163(2):311-317.