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9 June 2025

Customer Support Branch
Building 163, Springfield Ave.
AMIM-WSP-E-CS
White Sands Missile Range, NM 88002-5000

***RE: White Sands Missile Range Watershed Resiliency draft Programmatic
Environmental Assessment; NMERT Project No. NMERT-4656***

To Whom It May Concern,

The New Mexico Department of Game and Fish (Department) has reviewed the draft Programmatic Environmental Assessment (EA) prepared by White Sands Missile Range (WSMR) for the proposed implementation of numerous flood control solutions that would improve installation resilience. Below are the Department's official comments regarding the EA.

Section 2.4.1 outlines Alternative 1 and lists the menu of conceptual designs that would reestablish desired hydraulic capacity and increase resilience to future storms, including detention basins, check dams, bioengineering, and erosion control. Detention basins have the potential to act as temporary, or even permanent, ponds, which would greatly benefit wildlife in the area. The Department recommends planting or seeding the surrounding area with native riparian or xero-riparian plants to create habitat that would further benefit wildlife. Additionally, the Department recommends constructing the basins without impermeable linings at the bottom to allow for seepage that can provide water to surrounding native plants and recharge the local aquifer.

Similarly, the proposed check dams should be designed in such a way that they reconnect the focal channels to their floodplains by spreading out even, low flows. This, in addition to regrading banks and planting/seeding native vegetation on the floodplains, would facilitate overbank flows and floodplain reconnection. The Department supports these activities as well because they would dissipate the energy of flows and create floodplain habitats for wildlife.

The Department recommends that WSMR clarify what is meant by "bioengineering" and "erosion control." These are offered as other possible engineering design options that could be incorporated into the project; however, no further information is given in the EA

or its Appendices regarding the construction materials anticipated for these options, their spatial footprint, nor their potential environmental impacts. The Department recommends that WSMR finalize plans for bioengineering and erosion control and present an updated EA that incorporates these plans before proceeding.

Burrowing owls (*Athene cunicularia*) may occur within your project area. Burrowing owls are protected from take by the Migratory Bird Treaty Act and under New Mexico state statute. Before any ground-disturbing activities occur, the Department recommends that a preliminary burrowing owl survey be conducted by a qualified biologist using the Department's [burrowing owl survey protocol](#). Should burrowing owls be documented in the project area, please contact the Department or the U.S. Fish and Wildlife Service (USFWS) for further recommendations regarding relocation or avoidance of impacts.

Due to the large amounts of soil proposed for removal in order to construct the detention basins and other structures, in addition to the burrowing owl surveys recommended above, the Department recommends surveying the project area for any burrowing wildlife species prior to the initiation of any soil moving activities. If disturbance of any detected burrowing wildlife cannot be avoided, then a qualified biologist should be engaged to capture and move any such wildlife before earth moving activities begin.

All migratory birds are protected against direct take under the federal [Migratory Bird Treaty Act](#) (16 U.S.C. Sections 703-712), and hawks, falcons, vultures, owls, songbirds, and other insect-eating birds are protected under New Mexico State Statutes (17-2-13 and 17-2-14 New Mexico Statutes Annotated [NMSA]), unless permitted by the applicable regulatory agency. To minimize the likelihood of adverse impacts to migratory birds, nests, eggs, or nestlings, the Department recommends that ground disturbance and vegetation removal activities be conducted outside of the primary migratory bird breeding season of April 15-September 1. The breeding season may begin earlier for raptors or when working in low-elevation habitats such as deserts. 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 at least 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 (*Aquila chrysaetos canadensis*), 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.

The list of [New Mexico SGCN](#) (see 2019 document link, page 14, table 5) and the federal list of [Birds of Conservation Concern](#) should be reviewed to fully evaluate potential effects to migratory birds from your proposed project. Federal agencies are also required under Executive Order 13186 to implement standards and practices that

lessen the amount of unintentional take attributable to agency actions. These conservation measures are strongly recommended to ensure persistence of migratory bird species whose populations are small and/or declining within New Mexico.

The current project area appears to be within Crucial Habitat as identified in the Crucial Habitat Assessment Tool (CHAT) layers provided in the NMERT. This indicates that a diversity of species of conservation concern and sensitive or important habitats for wildlife are likely to be found in the project area. The Department recommends completion of thorough environmental assessment prior to, and exercising care during, implementation of project activities to avoid adverse impacts to sensitive wildlife and habitats.

Your project area intersects an Important Plant Area (IPA) that contains one or more species of plants listed as threatened or endangered by the New Mexico Energy, Minerals and Natural Resources Department (EMNRD) under NMSA 75-6-1 or by the USFWS under the federal Endangered Species Act. Although IPAs have no legal designation, they have been identified as areas that support either a high diversity of sensitive plant species or contain the last remaining locations of New Mexico's most endangered plants. The Department recommends that you consult with EMNRD's [Endangered Plant Program Coordinator](#) regarding any state-listed plants and the USFWS's [Information for Planning and Consultation \(IPAC\)](#) system for any federally listed plants and reaching out to the appropriate federal species lead(s) with the [New Mexico Ecological Services Office of USFWS](#). The Department does not have any authority to designate or advise on state- or federally listed plants.

Thank you for the opportunity to review the WSMR Watershed Resiliency draft EA. Please contact Jack Marchetti, Aquatic/Riparian Habitat Specialist, at jack.marchetti@dgf.nm.gov or 505-479-1269 if you have any questions.

Sincerely,

Virginia Seamster, Ph.D.
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Ecological and Environmental Planning Section