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STATE OF NEW MEXICO
DEPARTMENT OF WILDLIFE

One Wildlife Way, Santa Fe, NM 87507

Tel: (505) 476-8000 | Fax: (505) 476-8180

For information call: (888) 248-6866

<https://wildlife.dgf.nm.gov>

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7 April 2026

Sarah Scott
Project Manager
Bureau of Land Management (BLM) Farmington Field Office
6251 College Blvd., Suite A
Farmington, NM 87402

RE: Evaluation of Potential Revocation of Chaco Withdrawal, NEPA Number: DOI-BLM-NM-F010-2026-0002-EA; NMDGF No. NMERT-5817

Dear Ms. Scott,

The Secretary of the Interior proposes to revoke the withdrawal of up to approximately 336,425 acres of public lands surrounding Chaco Culture National Historical Park (CCNHP) in San Juan County in northwestern New Mexico (Proposed Action). Overall, the New Mexico Department of Wildlife (Department) strongly encourages the BLM to support the No Action Alternative and retain the current withdrawal of the culturally important and biodiverse lands within the 336,425 acres that would be affected by the Proposed Action. The Department provides the following comments for BLM to consider in crafting a draft Environmental Assessment (EA) for the Proposed Action.

Comments to Minimize Impacts on Wildlife and Terrestrial Habitat

The species in Appendix A potentially occur within the area that would be affected by Alternative 1 for the Proposed Action. The Department encourages full consideration of these species and potential impacts associated with the Proposed Action in the BLM's draft EA. In terms of species-specific best management practices, the Department notes that the burrowing owls (*Athene cunicularia*) that may occur within the Proposed Action area 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](#) (NMDOW 2007). Should burrowing owls be documented in the project area, please contact the Department or U.S. Fish and Wildlife Service (USFWS) for further recommendations regarding relocation or avoidance of impacts. For Gunnison's prairie dog (*Cynomys*

gunnisoni) colonies that may occur within the Proposed Action area, this species is designated as a New Mexico Species of Greatest Conservation Need and its colonies provide important habitat for other grassland wildlife. As a best management practice, wherever possible, occupied prairie dog colonies should be left undisturbed, and all development activities should be directed off the colony. Any burrows that are located in areas affected by development activities should be surveyed by a qualified biologist to determine whether burrows are active or inactive and whether burrowing owls may be utilizing the site. 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 fairly 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 a prairie dog colony, or if development 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.

It appears that the Proposed Action area encompasses Pueblo/Reservation lands. The Department has no jurisdiction or authority over the wildlife resources on Indian reservations or property. The Department recommends that BLM contact the Pueblo/Reservation regarding general wildlife issues they may have, and contact the USFWS regarding any federally threatened or endangered species concerns.

The Proposed Action could lead to trenching and excavation activities associated with installation of pipelines and other infrastructure. As a result, the Department encourages consideration of the potential impacts of open trenches and other excavations in the BLM's draft EA for the proposed action. Open trenches and other excavations could unintentionally entrap and cause the unnecessary mortality of amphibians, reptiles, and small mammals, and can cause injury to large mammals. Trapped animals can die from exposure, starvation, crushing from pipe-laying, entombment from trenching backfilling, drowning, and predation. This unnecessary wildlife mortality can be avoided by implementing conservation measures, including concurrent trenching, pipe-laying, and backfilling operations to minimize the amount of trench left open overnight or longer; construction escape ramps; and employing biological monitors to remove trapped animals. Periods of highest activity for amphibians and reptiles vulnerable to entrapment include summer months and wet weather, and they can be active both day and night. Small mammals subject to entrapment are active year-round and generally most active at night.

Incorporating the general trenching conservation measures outlined in the [Department's Trenching Project Guidelines](#) (NMDOW 2022) will help minimize unnecessary mortality of wildlife. At a minimum, best management practices should include the following:

- Whenever possible, locate trenching activities within previously disturbed areas, such as existing road or pipeline rights-of-way. To the extent possible, avoid trenching in undisturbed habitat.
- Trench during the cooler months (October – March).
- Utilize concurrent trenching, pipe- or cable-laying, and backfilling. Keep trenching, pipe- or cable-laying, and backfilling crews as close together as possible to minimize the amount of open trench at any given time. When

trenching activities are temporarily halted (e.g., overnight, weekends, holidays, weather shutdowns), protect wildlife from accessing any open trench between digging and backfilling operations by using one or more of the methods described below:

- Avoid leaving trenches open overnight. When trenches cannot be backfilled immediately, escape ramps should be constructed at least every 90 meters and preferably 30 meters. Escape ramps can be constructed parallel or perpendicular to the existing trench. The escape ramp slope should be less than 45 degrees (1:1). If pipe or cable has been installed but backfilling has not occurred, escape ramps may need to be constructed on both sides of the trench, since, unless the pipe is elevated enough to allow animals to move underneath it, the pipe or cable may block access of amphibians, reptiles, and small mammals to the ramps if only constructed on one side.
- Trenches that have been left open overnight should be inspected the following day by a qualified biological monitor and trapped animals removed as soon as possible, especially where state- or federally listed threatened or endangered amphibians, reptiles, or small mammals occur. Untrained personnel should not attempt to remove trapped wildlife because of the potential to injure animals and the possibility of injury from venomous snakes. Required tools for removal will include snake tongs for removing snakes and a dip net for capturing and removing amphibians and small mammals. Many animals trapped in a trench will burrow under loose soil. To the extent possible, the biological monitor should disturb loose soil in the trench to uncover and remove trapped animals. Animals should be relocated at least 50 meters away from the open trench in undisturbed habitat.
- When the pipe has been laid in the trench, end caps should be placed on the open end(s) of the pipe to preclude animals from entering. Pipes staged outside the trench should be capped until placed in the trench or checked for wildlife before being placed into the trench.
- Most wildlife can be protected by constructing a silt fence completely around the open trench. A silt fence should be supported from sagging by t-posts, rebar, or stakes and buried at the base to preclude animals from moving below the fence. If construction of a silt fence is a required best management practice for erosion control, then, to preclude the need for a biological monitor, escape ramps, and concurrent backfilling, the guidelines for silt fence installation and maintenance in NMDOW (2022) should be followed.

The Department also suggests all future development, especially development entailing substantial surface disturbance and creation of bare ground, associated with the Proposed Action include post-construction reclamation of any construction areas as a best management practice. Specifically, the Department recommends that only native plant species are used in reclamation seed mixes and that the mixes are designed to enhance local pollinator habitat. For pollinating insects, including a diversity of flowering plants with flowering times that span spring through fall (March-October) and rarer plants may be beneficial. The Department also recommends that the seed mixes and

mulch be certified weed-free to avoid inadvertently introducing non-native species to reclamation sites and that sterile seed sources not be used. Any alternate plant species, 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 and suggests including seeds from a region that represents potential future climatic conditions at the site.

For future development associated with the Proposed Action that may entail tree/vegetation removal, the Department notes that all migratory birds are protected against direct take under the federal [Migratory Bird Treaty Act](#) (16 U.S.C. Sections 703-712). Hawks, falcons, vultures, owls, songbirds, and other insect-eating birds are protected under New Mexico State Statutes (17-2-13 and 17-2-14 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 as a best management practice that ground disturbance and vegetation removal activities be conducted outside of the primary migratory bird breeding season of April 15-September 1. 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, then 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*), and peregrine falcon (*Falco peregrinus*) nests; all of these raptors appear in Appendix A. 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 (NMDOW 2025) (see [link](#), page 18, table 5) and the federal list of [Birds of Conservation Concern](#) should be reviewed to fully evaluate the potential effects on 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 the persistence of migratory bird species whose populations are small and/or declining within New Mexico.

Additionally, the Department would like to note that the Proposed Action area intersects at least one Important Plant Area (IPA); IPAs support either a high diversity of sensitive plant species or contain the last remaining locations of New Mexico's most endangered plants. Additionally, the following state-endangered plants: Zuni fleabane (*Erigeron rhizomatus*), Clover's cactus (*Sclerocactus cloverae*), Aztec gilia (*Aliciella formosa*), and Goodding's onion (*Allium gooddingii*), have been documented near and potentially within the footprint of the Proposed Action area. The Department encourages the BLM to consider mitigating the impacts on these state-listed species in their draft EA for the Proposed Action. The Department also recommends that the BLM – Farmington Field Office contact Erika Rowe, Erika.Rowe@emnrd.nm.gov, at the New Mexico

Endangered Plant Program of the Energy, Minerals, and Natural Resources Department regarding potential presence of, and conservation needs for, state-listed plants and the appropriate federal species lead(s) with the [New Mexico Ecological Services Office](#) of USFWS for federally listed plants, including Zuni fleabane.

Comments to Minimize Impacts on Aquatic Habitats

For oil and gas exploration activities resulting from the Proposed Action, the Department strongly recommends the use of closed-loop drilling systems as a best management practice. Closed loop systems eliminate the need to build fences or install netting to exclude wildlife from mud pits, reduce the amount of surface disturbance associated with drill pad sites, and consume significantly less water. If mud/fluid pits are utilized, the Department recommends as a best practice a combination of fencing and netting or covering mud pits with solid panels to exclude terrestrial wildlife, birds, and bats. If netting is used, the Department recommends extruded plastic, knit, or woven netting with a mesh size no larger than one inch to exclude smaller animals. The Department does not support the use of monofilament netting due to its tendency to ensnare wildlife, usually resulting in injury or death. Netting material must be held taught over a rigid and adequately supportive frame to prevent sagging into mud pits.

Springs and other important natural water features occur within the Proposed Action area. These habitats can constitute high use areas for wildlife relative to the surrounding landscape. To ensure continued function of these important wildlife habitats, the Department encourages that best management practices include avoiding the following:

- Altering surface or groundwater flow or hydrology.
- Disturbance to soil that modifies geomorphic properties or facilitates invasion of non-native vegetation.
- Affecting local surface or groundwater quality.
- Creating disturbance to wildlife utilizing these water features. Disturbance to wildlife can be reduced through development practices including clustering infrastructure and activity wherever possible, avoiding large visual obstructions around water features, and limiting nighttime project operations or activities.

Department biologists are available for site-specific consultation regarding measures to assist with the management and conservation of these important habitats.

There are also wetlands, as classified by the New Mexico Environment Department's [Wetland Map](#), in the Proposed Action area. Wetlands can also be viewed on the New Mexico Environmental Review Tool's (NMERT's) [Create Project/Map page](#). This [key](#) can assist in interpreting Landscape Position, landform, water flow path, and waterbody_type (LLWW) codes in the NMERT's wetland data. Wetlands provide important habitat for numerous species of wildlife, including pollinators, and provide ecosystem services, such as water filtration and storage, to downstream users. As best management practices regarding wetlands, the Department recommends avoiding disturbance of wetlands whenever possible, avoiding actions or infrastructure installation that may disrupt natural wetland hydrological processes, and reseeding or replanting areas where disturbance to wetlands cannot be avoided with native wetland plant species appropriate to the local wetland type. For a list of native seed providers,

please see the Department's guidelines for [Restoration and Management of Native and Non-native Trees in Southwestern Riparian Ecosystems](#) (NMDOW 2024).

Thank you for the opportunity to review and comment on the Proposed Action and for BLM's consideration of these comments. If you have any questions regarding terrestrial habitat or species, please contact Meredith Dalton, Terrestrial Habitat Specialist, at (505) 709-0671 or meredith.dalton@dgf.nm.gov.

Sincerely,

Michael B. Sloane
Director

References

[NMDOW] New Mexico Department of Wildlife. 2007. Guidelines and Recommendations for Burrowing Owl Surveys and Mitigation. New Mexico Department of Wildlife, Santa Fe, New Mexico, USA. <<https://wildlife.dgf.nm.gov/download/burrowing-owl-surveys-and-mitigation-2007/?wpdmdl=43123&refresh=69cd995a17f181775081818>>.

[NMDOW] New Mexico Department of Wildlife. 2022. Conservation Measures to Avoid Mortality of Wildlife from Trenching Operations. New Mexico Department of Wildlife, Santa Fe, New Mexico, USA. <<https://wildlife.dgf.nm.gov/download/trenching-project-guidelines/?wpdmdl=43136&refresh=69cd995a232a41775081818>>.

[NMDOW] New Mexico Department of Wildlife. 2024. Habitat Restoration and Management of Native and Non-native Trees in Southwestern Riparian Ecosystems. New Mexico Department of Wildlife, Santa Fe, New Mexico, USA. <<https://wildlife.dgf.nm.gov/download/restoration-and-management-of-native-and-non-native-trees-in-southwestern-riparian-ecosystems-updated-2-21-2024/?wpdmdl=48675&refresh=669feb9b525a41721756571>>.

[NMDOW] New Mexico Department of Wildlife. 2025. State Wildlife Action Plan for New Mexico. New Mexico Department of Wildlife, Santa Fe, New Mexico, USA. <<https://wildlife.dgf.nm.gov/download/new-mexico-state-wildlife-action-plan-swap-final-2025/?ind=17520976476241&filename=2025%20State%20Wildlife%20Action%20Plan%20for%20New%20Mexico.pdf&wpdmdl=51964&refresh=686ee37d997eb1752097661>>.

Appendix A. Species of Greatest Conservation Need (SGCN) and Species of Economic and Recreational Importance (SERI) Potentially Found within the Area to be Impacted by the Proposed Action, Alternative 1. BLM = Bureau of Land Management.

Common Name	Scientific Name	State-Listed	Other State Status	BLM Status
Mountain Treefrog	<i>Hyla wrightorum</i>		SGCN	
Boreal Chorus Frog	<i>Pseudacris maculata</i>		SGCN	
Northern Leopard Frog	<i>Lithobates pipiens</i>		SGCN	BLM Sensitive
Clark's Grebe	<i>Aechmophorus clarkii</i>		SGCN	
American Bittern	<i>Botaurus lentiginosus</i>		SGCN	BLM Watch
Bald Eagle	<i>Haliaeetus leucocephalus</i>	Threatened	SGCN	BLM Sensitive
Ferruginous Hawk	<i>Buteo regalis</i>		SGCN	
Golden Eagle	<i>Aquila chrysaetos</i>		SGCN	BLM Watch
Peregrine Falcon	<i>Falco peregrinus</i>	Threatened	SGCN	BLM Watch
Mountain Plover	<i>Anarhynchus montanus</i>		SGCN	BLM Watch
Flammulated Owl	<i>Psilosops flammeolus</i>		SGCN	BLM Watch
Burrowing Owl	<i>Athene cunicularia hypugaea</i>		SGCN	BLM Sensitive
Common Nighthawk	<i>Chordeiles minor</i>		SGCN	
Black Swift	<i>Cypseloides niger</i>		SGCN	
Lewis's Woodpecker	<i>Melanerpes lewis</i>		SGCN	BLM Watch
Williamson's Sapsucker	<i>Sphyrapicus thyroideus</i>		SGCN	
Olive-Sided Flycatcher	<i>Contopus cooperi</i>		SGCN	
Bank Swallow	<i>Riparia riparia gymnorhinus</i>		SGCN	
Pinyon Jay	<i>Cyanoccephalus</i>		SGCN	BLM Sensitive
Clark's Nutcracker	<i>Nucifraga columbiana</i>		SGCN	
Juniper Titmouse	<i>Baeolophus ridgwayi</i>		SGCN	BLM Watch
Pygmy Nuthatch	<i>Sitta pygmaea</i>		SGCN	
Western Bluebird	<i>Sialia mexicana</i>		SGCN	
Mountain Bluebird	<i>Sialia currucoides</i>		SGCN	
Bendire's Thrasher	<i>Toxostoma bendirei</i>		SGCN	BLM Sensitive
Loggerhead Shrike	<i>Lanius ludovicianus</i>		SGCN	BLM Watch
Gray Vireo	<i>Vireo vicinior</i>	Threatened	SGCN	BLM Watch
Virginia's Warbler	<i>Leiothlypis virginiae</i>		SGCN	BLM Sensitive
Black-Throated Gray Warbler	<i>Setophaga nigrescens</i>		SGCN	BLM Watch
Grace's Warbler	<i>Setophaga graciae</i>		SGCN	BLM Watch
Black-Chinned Sparrow	<i>Spizella atrogularis</i>		SGCN	BLM Watch
Vesper Sparrow	<i>Pooecetes gramineus</i>		SGCN	
Chestnut-Collared Longspur	<i>Calcarius ornatus</i>		SGCN	BLM Sensitive
Cassin's Finch	<i>Haemorhous cassinii coccothraustes</i>		SGCN	BLM Watch
Evening Grosbeak	<i>vespertinus</i>		SGCN	
Spotted Bat	<i>Euderma maculatum</i>	Threatened	SGCN	BLM Sensitive

Gunnison's Prairie Dog	<i>Cynomys gunnisoni</i>	SGCN	BLM Sensitive
Black Bear	<i>Ursus americanus</i>	SERI	
Mountain Lion	<i>Puma concolor</i>	SERI	
Elk	<i>Cervus canadensis</i>	SERI	
Mule Deer	<i>Odocoileus hemionus</i>	SERI	
Pronghorn	<i>Antilocapra americana</i>	SERI	
