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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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4 May 2026

Camille Howes, Forest Supervisor  
Gila National Forest  
ATTN: Black Fire Watershed Restoration Project  
3005 E. Camino del Bosque  
Silver City, NM 88061

**RE: Black Fire Watershed Restoration Project; NMERT Project No. NMERT-5834**

Dear Ms. Howes,

The U.S. Forest Service (USFS) is preparing an Environmental Assessment (EA) to evaluate potential environmental effects of implementing restoration and management actions across approximately 24 watersheds impacted by the Black Fire or its downstream effects (Proposed Action). The New Mexico Department of Wildlife (Department) would like to thank the Gila National Forest for the opportunity to comment on the Proposed Action. In addition to the information provided in the attached New Mexico Environmental Review Tool (NMERT)-generated report for this project (NMDOW 2026), the Department has the following comments on the Proposed Action.

USFWS Consultation

The Department recommends consultation with relevant species leads at the USFWS's New Mexico Ecological Services Office (NMESO), including for federally listed species indicated as being potentially present in the Proposed Action area based on NMDOW (2026) and recognizes the USFS's plan to complete this process before work begins. Species potentially occurring in the area include: Chihuahu chub (*Gila nigrescens*), Chiricahua leopard frog (*Lithobates chiricahuensis*), Gila trout (*Oncorhynchus gilae*), loach minnow (*Rhinichthys cobitis*), Mexican spotted owl (*Strix occidentalis lucida*), Mexican wolf (*Canis lupus baileyi*), northern Mexican gartersnake (*Thamnophis eques megalops*), narrow-headed gartersnake (*Thamnophis rufipunctatus*), spikedace (*Meda fulgida*), and yellow-billed cuckoo (*Coccyzus americanus occidentalis*). The Department also recommends use of the USFWS's Information for Planning and Consultation (IPAC) system (<https://ipac.ecosphere.fws.gov/>) to confirm where the project area

overlaps critical habitat designated for species listed under the federal Endangered Species Act.

### General Comments

The Department would like to note that Gila trout (*Oncorhynchus gilae*) are stocked in Black Canyon Creek, below the fish barrier, and in Sapillo Creek for angling purposes. Because these fish are stocked for recreational purposes, they are not considered recovery populations. Thus, project activities performed in or near these waters do not raise concerns for Gila trout conservation.

The Department also appreciates and concurs with the design features included in Appendix D and the associated planning for Mexican spotted owl in both general habitat and Protected Activity Centers (PACs).

The Department would appreciate the opportunity to review any Biological Assessments or surveys completed for this Proposed Action in order to provide further species-specific recommendations and technical guidance.

Since the Proposed Action will likely include road construction or repair activities, the Department recommends implementation of its [\*Bridge and Culvert Construction Guidelines for Stream, Riparian, and Wetland Habitats\*](#) (NMDOW 2025) for any rivers, streams, washes, springs, seeps, or riparian areas that fall within the impact footprint of this Action. These guidelines should assist in minimizing impacts to the local rivers or wetlands and should be incorporated into the standard best management practices for these types of construction activities.

The Department also recommends that pre-construction bat surveys be conducted during summer months to determine if bats occur in existing culverts or bridges to be impacted by the Proposed Action. If bats are determined to occur at bridge or culvert sites, work should be scheduled to avoid impacting bats that may roost there (i.e., conduct work in winter months).

Construction areas and other impervious surfaces associated with the Proposed Action 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. Reducing the amount of impervious surfaces and phasing construction will reduce these impacts. To prevent sediment and other pollutants from entering waterways within the Proposed Action footprint, the Department recommends developing a Storm Water Pollution Prevention Plan (SWPPP) and provides the following additional recommendations to minimize or eliminate impacts to wildlife and wildlife habitat:

- Divert water around construction sites whenever possible.
- Preserve natural areas within project sites. Strive to maintain the natural drainage system of the sites, including natural stream channels, wetlands, and floodplains. Design, construct, and maintain the sites to protect (or restore) the natural hydrology.

- Following construction, disturbed areas should be re-vegetated using native species that approximate the 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 and 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. 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.
- If erosion control blankets are used post-construction, burying the blanket edges, and using blankets without fused mesh corners (e.g., woven mesh) can reduce the chances of unintentional wildlife entanglement. Regularly check the erosion control blankets after applying them to identify and release any wildlife that does become entangled.
- 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.

### Comments to Minimize Impacts on Wildlife and Terrestrial Habitats

Open trenches or substantive excavations performed under the Proposed Action 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 of 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.

Implementing the general trenching conservation measures outlined in the Department's [Trenching Project Guidelines](#) (NMDOW 2022) will help minimize unnecessary mortality

of wildlife. Best management practices should include, at minimum, the following mitigation measures.

- Whenever possible, locate trenching activities within previously disturbed areas, such as existing road or pipeline right-of-ways. 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 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. Pipe 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 silt fence completely around the open trench. 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 the [Trenching Project Guidelines](#) (NMDOW 2022) should be followed.

The Department appreciates the inclusion of wildlife-friendly fencing in the design features document for the Proposed Action. In addition to those already listed in the Proposed Action documents, the Department has the following recommendations for wildlife-friendly fencing:

- No use of woven wire fencing or buck and rail fencing and minimize use of barbed wire.
- Keep all wires tight and ensure consistent spacing between wires along the length of the fence.
- Have a bottom wire or rail at least 16 inches and preferably 18 to 20 inches above the ground. A bottom wire at 10 inches above ground may be needed in areas with domestic sheep. Use a higher wire (e.g., 22 inches) if the bottom wire is electrified.
- Use smooth wire, including double-stranded smooth wire, or rail for the top and smooth wire on the bottom.
- Preferably, have no vertical stays between posts. If stays are used, consider stiff plastic or composite stays with 10-foot spacing between posts and stays.
- Preferably use a three-strand fence. Four-strand fence may be needed in areas with domestic sheep or high cattle density/use. Five-strand fence may be needed in areas with bison (*Bos bison*).
- Use poly-tape, flagging, light weight PVC pipe, or other markers on the top rail or wire to increase fence visibility.
- Incorporate lay-down sections, gates, or adjustable wires/dropped rails (e.g., temporary wildlife underpasses) for use when livestock are not present and in areas with evidence of wildlife use.
- Cap all open vertical pipes associated with fences, including fence posts or gate uprights.
- Use virtual fencing where feasible.
- If fencing is along a road where the intent is to mitigate wildlife-vehicle collisions, the Department recommends the use of 8-foot tall game-proof fencing.

Further details on these suggestions can be found in the following documents:

[Recommendations for Constructing Wire Fences for Livestock in Big Game Habitats](#) (NMDOW 2003) and [A Wyoming Landowner's Handbook to Fences and Wildlife: Practical Tips for Fencing with Wildlife in Mind](#) (Paige 2025).

For site restoration conducted under the Proposed Action, the Department recommends that only native plant species be used in restoration seed and plant mixes and that the mixes be 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), rarer plants, and plants that are not pre-treated with systemic pesticides may be beneficial. The Department also recommends that all seed mix and mulch be certified weed-free to avoid inadvertently introducing non-native species to the restoration site and that sterile seed sources not be used. Any alternative plant species

used to substitute for primary plant species that are unavailable at the time of restoration should also be native. When possible, the Department recommends using seeds and plants that are sourced from the same region and habitat type as the restoration site and suggests including seeds and plants from a region that represents potential future climatic conditions at the site. For trees, use of containerized seedlings or poles is recommended over seeds as is selection of more protected planting sites with higher soil moisture to increase likelihood of revegetation success. Planting trees in separated clumps or patches may better match natural regeneration and support greater wildlife diversity. More details on tree seedling selection and planting in upland sites are available from the [New Mexico Forestry Division](#).

Since pinyon jay (*Gymnorhinus cyanocephalus*) is listed as potentially present in the Proposed Action area, the Department notes that the breeding season for the pinyon jay starts March 1, earlier than for some other migratory birds, and encourages implementation of recommendations outlined in the [Conservation Strategy for the Pinyon Jay \(\*Gymnorhinus cyanocephalus\*\)](#) (Somershoe et al. 2020) for any vegetation treatments conducted in pinyon-juniper woodlands. In particular, the Department encourages completion of surveys for active pinyon jay colonies during the breeding season prior to treatment implementation and buffering any previously detected colonies with 500 m buffers during project implementation. Further information and management recommendations for pinyon jay within the Gila National Forest can be found in the [Pinyon Jay Surveys in the Gila National Forest, New Mexico - Final Report](#) (Johnson et al. 2023).

For any debris or slash piles, 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 chipping or masticating all mechanically removed woody plant material or, if burning is necessary, burning either immediately after piles are constructed or during the winter.

Additionally, the Department would like to note that the following state-endangered plants: Goodding's onion (*Allium gooddingii*), Metcalfe's penstemon (*Penstemon metcalfei*), and Zuni fleabane (*Erigeron rhizomatus*) have been documented near and potentially within the Proposed Action area footprint. The USFS may need to consider mitigating impacts of projects implemented under the Proposed Action on these species, including during project design. The Department recommends the USFS contact Erika Rowe ([Erika.Rowe@emnrd.nm.gov](mailto: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.

## Comments to Minimize Impacts on Fish and Aquatic Habitats

For projects implemented under the Proposed Action in aquatic habitats where beavers are present, the Department recommends implementing or consulting its [Beavers in New Mexico: Coexistence and Relocation](#) (NMDOW 2025) guidelines as needed to mitigate any local conflicts with beaver activities and for information on relocation procedures in situations where coexistence is not feasible, respectively.

As much as is feasible, the Department encourages the use of low-tech, process-based restoration (LTPBR) techniques (i.e., structures such as beaver dam analogs, one-rock dams, media lunas, post-assisted log structures, and Zuni bowls) and the use of native vegetation or buried log structures (rather than rip rap, concrete, gabions, or other hardening substrate/structures) to stabilize stream banks and address issues related to erosion. LTPBR techniques are low in cost, made from natural and locally sourced materials, and have been shown to be effective in restoring fluvial processes and habitats. Native riparian vegetation provides important habitat to a wide diversity of wildlife.

The Department encourages the USFS to implement biosecurity measures in site-specific plans in order to prevent the transmission of fish and amphibian diseases. Information on disinfection protocols for implementation before going into the field, during the sampling of amphibians, and after work is completed can be found here: [Disinfection Protocols for Herpetofaunal Pathogens](#) (Bletz et al. 2023). The Department recommends these disinfection protocols be used when working in aquatic habitats, even when no faunal sampling or direct handling will take place, in order to protect aquatic species.

If construction activities necessitate temporary dewatering of any waterway within the Proposed Action footprint, the Department recommends conducting fish salvage in the dewatered area and using screens and block nets to prevent fish from being entrapped in any pumps and machinery or any areas disconnected from the mainstem flow during the project. If a waterway is diverted, the Department recommends best management practices include ensuring any diversion liners are constructed and installed so no animals can become entrapped between the lining material and stream banks or other substrates.

Thank you for the opportunity to review and comment on the Proposed Action and for your 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](mailto:meredith.dalton@dgf.nm.gov). For aquatic species or habitat questions, please contact Jelsie Kerr, Aquatic Habitat Restoration Biologist, at (505)637-2811 or [jelsie.kerr@dgf.nm.gov](mailto:jelsie.kerr@dgf.nm.gov).

Sincerely,

Virginia Seamster  
Assistant Chief for Technical Guidance  
Ecological and Environmental Planning Section

## References

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