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## STATE OF NEW MEXICO DEPARTMENT OF WILDLIFE

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26 June 2026

James Hollen, NEPA Coordinator  
New Mexico Abandoned Mine Land Program (AML)  
Mining and Minerals Division  
1220 South St. Francis Drive  
Santa Fe, NM 87505

***RE: T20 Uranium Mine Site Reclamation Project, Draft Biological Assessment and Evaluation, McKinley County, New Mexico. NMDOW Project No. NMERT-6097.***

Dear Mr. Hollen,

The New Mexico Department of Wildlife (Department) has reviewed the above-referenced Draft Biological Assessment and Evaluation (BA/BE) prepared by Tetra Tech. The proposed project area is located on private land in McKinley County and is approximately 12 miles north of Milan in Township 13N, Range 9W, Section 30. The proposed Area of Potential Effects (APE) can be accessed using County Road 23 and encompasses approximately 86 acres. Staff from the Department and AML conducted a site inspection on 17 June 2026.

The BA/BE states that a biological field survey was conducted on 27 April 2026. The biological survey primarily documented vegetation at the site, and it appears that wildlife was only documented incidentally while conducting the plant-focused survey. The large difference in the number of plant species documented (n=50) compared to wildlife species documented (n=10) was particularly notable. The Department recommends that biological surveys should always include appropriate dates that allow for the documentation of both early- and late-nesting species. There is also no discussion in the BA/BE of the field methods that were used for conducting the biological survey.

In Section 11, Mitigation Measures; it states that "if ground clearing activity is planned between 1 May and 20 August, a survey for migratory birds (nests) would occur immediately prior to initiation of all activity". The Department believes that Tetra Tech's dates for the migratory bird breeding season (1 May-20 August) may not adequately protect occupied migratory bird nests from ground disturbance and vegetation removal activities that are conducted outside of that time period. The Department has the following, more specific, recommendations for protecting migratory birds: Ground disturbance and vegetation removal activities should be conducted outside of the following dates, 15 April - 1 September for upland songbirds, 1 March - 1 September for most raptors; 1 January - 15 July for golden eagle (*Aquila chrysaetos canadensis*) and great horned owl (*Bubo virginianus*); and 1 March - 15 September for sites in low-elevation 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, 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. Removal of active nests of state-protected species may require a scientific collection permit; contact the Department's Wildlife Permits Manager at [dgf.permits@dgf.nm.gov](mailto:dgf.permits@dgf.nm.gov) for more information.

For post-project reseeded of the disturbed areas, the Department recommends that only native plant species are used in the reclamation seed mix and that the mix is 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 mix and mulch be certified weed-free to avoid inadvertently introducing non-native species to the reclamation site 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.

Thank you for the opportunity to review and comment on the BA/BE. If you have any questions, please contact Ron Kellermueller, Mining and Energy Habitat Specialist, at (505) 270-6612 or [ronald.kellermueller@dgf.nm.gov](mailto:ronald.kellermueller@dgf.nm.gov).

Sincerely,

Virginia Seamster, PhD.  
Assistant Chief for Technical Guidance  
Wildlife Management Division

cc: USFWS NMES Field Office