



PROJECT INFORMATION

Project Title: NM15-208 Pearce

Project Type: COMMUNICATIONS, TOWERS (CELLULAR AND OTHER), CELL TOWERS 200 FT OR HIGHER, SUPPORT WIRES OR ON UNDISTURBED GROUND

Latitude/Longitude (DMS): 33.332036 / -103.559038

County(s): LEA

Project Description: Our client proposes to construct a 199-foot-tall self-support telecommunications tower within a proposed 40-foot by 40-foot lease area. A proposed 15-foot-wide access and utility easement, with a 40-foot-wide turnaround, will route east from the proposed lease area approximately 100 feet then continue north approximately 270 feet to an existing drive along NM-457. A proposed 10-foot-wide utility easement will route east from the proposed lease area approximately 120 feet to a proposed utility pole. A proposed 5-foot-wide utility easement will route east from the 15-foot-wide easement approximately 15 feet to a proposed fiber vault. The site is on raw land in the vicinity of desert scrubland.

REQUESTOR INFORMATION

Project Organization:

Contact Name: Evelyn Bell

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Organization: Trileaf Corporation

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OVERALL STATUS

The information contained within this report comprises the recommendations of the New Mexico Department of Wildlife (Department) for management and mitigation of proposed project impacts to wildlife and habitat resources; see the Project Recommendations section below for further details. No further consultation with the Department is required based on the project's location and, with implementation of mitigation measures described in the Project Recommendations section below, no adverse effects to wildlife or important habitats are anticipated. However, a Department biologist may be in touch within 30 days if they determine that further review is required.

About this report:

- This environmental review is based on the project description and location that was entered. The report must be updated if the project type, area, or operational components are modified.
- This is a preliminary environmental screening assessment and report. It is not a substitute for the potential wildlife knowledge gained by having a biologist conduct a field survey of the project area. Federal status and plant data are provided as a courtesy to users. The review is also not intended to replace consultation required under the federal Endangered Species Act (ESA), including impact analyses for federal resources from the U.S. Fish and Wildlife Service (USFWS) using their [Information for Planning and Consultation tool](#).
- This report contains information on wildlife species protected under the ESA and the [Wildlife Conservation Act \(WCA\)](#), [Species of Greatest Conservation Need \(SGCN\)](#) (page 18, table 5), and Species of Economic and Recreational Importance (SERI). Species listed under the ESA are protected from take at the federal level and under the WCA are protected from take at the state level. SGCN are identified in the [State Wildlife Action Plan \(SWAP\) for New Mexico](#); all of these species are considered to be of conservation concern but not all of them are protected from take at the state or federal level. The harvest of all SERI is regulated at the state level. The Department has no authority to designate critical habitat for species listed under the WCA; only the USFWS can designate critical habitat for species listed under the ESA.
- The New Mexico Environmental Review Tool (ERT) utilizes species observation locations and species habitat suitability models, both of which are subject to ongoing change and refinement. Inclusion or omission of a species within a report cannot guarantee species presence or absence within your project area. To determine occurrence of any species listed in this report, or other wildlife that may be present within your project area, onsite surveys conducted by a qualified biologist during appropriate, species-specific survey timelines may be necessary. Any surveys including handling or capturing wildlife may require a scientific collection permit; contact the Department's Wildlife Permits Manager at dgf.permits@dgf.nm.gov for more information.
- The Department encourages use of the ERT to modify proposed projects for avoidance, minimization, or mitigation of wildlife impacts. However, the ERT is not intended to be used in a repeatedly iterative fashion to adjust project attributes until a previously determined recommendation is generated. The ERT serves to assess impacts once project details are developed. The [New Mexico Crucial Habitat Assessment Tool](#), the data layers from which are included in the ERT, is the appropriate system for advising early-stage project planning and design to avoid areas of anticipated wildlife concerns and associated regulatory requirements.

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NHNM, USGS, USFS, US Census Bureau, NMDGF
Esri, NASA, NGA, USGS, FEMA
Esri Community Maps Contributors, New Mexico State University, Texas Parks & Wildlife, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau,

Special Status Animal Species Potentially within 650 Meters of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDOW (WCA)	NMDOW SGCN/SERI	USFS	USFS SCC	BLM
Plains Leopard Frog	Lithobates blairi			SGCN			BLM WATCH
Lesser Prairie-Chicken	Typanuchus pallidicinctus	LE		SGCN	Sensitive Species		BLM SENSITIVE
Mountain Plover	Anarhynchus montanus			SGCN	Sensitive Species		BLM WATCH
Western Burrowing Owl	Athene cunicularia hypugaea			SGCN	Sensitive Species	USFS R3 SCC	BLM SENSITIVE
Common Nighthawk	Chordeiles minor			SGCN			
Loggerhead Shrike	Lanius ludovicianus			SGCN		USFS R3 SCC	BLM WATCH
Thick-billed Longspur	Rhynchophanes mccownii			SGCN			BLM SENSITIVE
Chestnut-Collared Longspur	Calcarius ornatus			SGCN			BLM SENSITIVE
Black-Tailed Prairie Dog	Cynomys ludovicianus			SGCN	Sensitive Species		BLM SENSITIVE
Pronghorn	Antilocapra americana			SERI			
Desert Massasauga	Sistrurus catenatus edwardsii			SGCN			

Common Name hyperlink takes you to species account in bison-m.org; Scientific Name hyperlink takes you to information in [NatureServe Explorer](#); ESA = Endangered Species Act, C = Candidate, LE = Listed Endangered, LT = Listed Threatened, XN = Non-essential Experimental Population, for other ESA codes see this [website](#); WCA = Wildlife Conservation Act, E = Endangered, T = Threatened; SERI = Species of Economic and Recreational Importance; SGCN = Species of Greatest Conservation Need; USFS = U.S. Forest Service, Sensitive Species = A species likely to occur on USFS lands that is of concern for a potential reduction in population viability; SCC = Species of Conservation Concern; BLM = Bureau of Land Management, BLM SENSITIVE = A species that occurs on BLM lands and whose viability is at risk, BLM WATCH = Species that may be added to the sensitive species list in future pending new information regarding species status.

Project Recommendations

Ground-disturbing activities may increase erosion, thus potentially negatively impacting surface waters and wildlife habitats. The movement of topsoil and other sediments may wash away soil nutrients, displace or destroy vegetation, increase sedimentation in waterways, and generally lead to ecosystem degradation. Reducing erosion before, during, and after ground-disturbing activities can reduce these effects and protect wildlife habitats. The Department has the following recommendations regarding erosion control and the selection of wildlife-friendly erosion-control materials:

- Divert water around the project site whenever possible.
- Preserve natural areas and vegetated buffers within and around the project site. Strive to maintain the natural drainage system of the site, including any 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 either approximate the pre-disturbance plant community composition or are otherwise appropriate for the site, including from a region that represents potential future climatic conditions at the site. Include as much locally appropriate genetic diversity in plant material sources as possible. Short-term erosion-control seed mixes are available for temporary control of surface erosion during project implementation; native mixes should be used for temporary and permanent erosion control. Native plants and materials should also be used for any landscaping. All seed mixtures should be certified as weed-free and designed to enhance local pollinator habitat, unless there is concern regarding potential for pesticide, especially neonicotinoid, presence. For pollinating insects, including a diversity of flowering plants with different colors and shapes and flowering times that span spring through fall (March-October), high-nutrient or value plants (e.g., goldenrods [*Solidago* spp.], gumweed [*Grindelia* spp.], or sunflowers [*Helianthus* spp.]), perennials, native bunch grasses and thistles, some plants with pithy and woody stems, some bare ground, and rarer plants may be beneficial. Ideally, at least three different species should be flowering at all times between March and October. Consult pollinator-friendly plant species lists provided by the [Xerces Society for Invertebrate Conservation](#) or other appropriate resources. No-till drills may be more effective than broadcast seeding for establishing flowering plants. 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., use woven mesh) can reduce the chances of unintentional wildlife entanglement. Avoid the use of plastic netting or mesh. Regularly check the erosion control blankets after applying them to identify and release any wildlife that does become entangled.
- 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.

Further information regarding wildlife-friendly erosion control options is provided by the [U.S. Fish and Wildlife Service](#).

Because of the potential for communications towers to cause significant impacts to night-migrating migratory bird populations, we submit the following recommendations:

- We recommend co-locating communications equipment, antennas, etc. on existing towers or buildings (e.g., water towers) or within existing groups of towers or "antenna farms", if feasible.
- Research has shown that lights on towers attract night-migrating birds and can cause large mortality events when birds strike the tower or guy cables. It is our understanding that towers taller than 200 feet (61 m) above ground level (AGL) are required by the Federal Aviation Administration (FAA) to have lighting for aircraft safety. Therefore, if construction of new towers is required, we recommend that they be less than 200 feet AGL, if

possible, so lighting is not necessary.

- Research has also shown that solid or pulsating red lights attract night-migrating birds at a much higher rate than white strobe lights. Therefore, where permissible by FAA and local zoning regulations, we recommend that white strobe lights be used and solid or pulsating red incandescent warning lights be avoided. Also, the minimum amount of lighting required by the FAA should be used, with minimum intensity and number of flashes per minute (i.e., the longest duration between flashes, currently three seconds) allowed by the FAA.
- To the extent possible, construction techniques should be used that do not require guy wires, as these components are thought to be a primary cause of bird mortality associated with communications towers. More acceptable construction techniques include using a lattice structure or a monopole.
- If possible, towers should not be located in or near wetlands, riparian areas, playas, lakes, or other known bird concentration areas (e.g., state or federal waterfowl refuges, staging areas, rookeries); in known migratory or daily movement flyways; or in habitat of threatened or endangered bird species that could be prone to tower-caused mortality (i.e., night-migrating species). If location near or within one of these areas is deemed necessary, the Department requests the opportunity for additional consultation.
- Local meteorological conditions should be reviewed, and areas with an especially high incidence of fog, mist, and low cloud ceilings should be avoided, if possible.
- Towers using guy wires for support constructed in known raptor, waterfowl, or shorebird concentration areas, stopover sites, or daily movement or migratory routes should install daytime visual markers (i.e., bird diverter devices) on the guy wires to prevent collisions by diurnally active bird species. (For guidance on markers, see [Avian Power Line Interaction Committee. 2012. Reducing Avian Collisions with Power Lines: The State of the Art in 2012. Edison Electric Institute and APLIC. Washington, D.C., 159 pp.](#) and *Avian Power Line Interaction Committee, 1996. Suggested Practices for Raptor Protection on Power Lines. Edison Electric Institute/Raptor Research Foundation, Washington, D.C., 128 pp.* Copies can be obtained by calling 1-800/334-5453).
- If significant numbers of breeding, feeding, or roosting birds are known to habitually use a proposed tower construction site, relocation of the tower to an alternate site is recommended. If this is not an option, seasonal restrictions on construction may be advisable in order to avoid disturbance during nesting (i.e., avoid construction during spring and summer).
- If possible, new towers should be designed structurally and electrically to accommodate the applicant's antenna(s), and comparable antennas for at least two additional users, to reduce the number of future towers, unless this design would require the addition of lights or guy wires to an otherwise unlighted and/or unguyed tower.
- Security lighting for on-ground facilities and equipment should be down-shielded to keep light within the boundaries of the site and minimize its potential attraction for birds and bats.
- Tower construction, including road access and fencing, should be implemented to minimize habitat loss and fragmentation and to reduce above-ground obstacles that might impact birds in flight. A larger tower footprint, however, is preferable to construction of a guy-supported tower.
- Towers that involve any excavation activities, especially creation of any trenches that may be left open overnight, should follow the Department's [Trenching Guidelines](#).
- If constructing multiple towers, project proponents should consider the cumulative impacts of all of those towers on migratory birds, as well as the impacts of each individual tower.
- Towers no longer in use or determined to be obsolete should be removed within 12 months of the cessation of use.

See [Communication Tower Project Guidelines NMDGF](#) and [Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance, and Decommissioning](#) from the USFWS for more information.

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 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. 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, permitted 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 for more information. The Wild Take Unit at the USFWS, which issues take and relocation permits for migratory birds, can be reached at MBPermits_take@fws.gov.

The list of [New Mexico SGCN](#) (see 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.

Please also consider impacts to pollinating insects from the removal of flowering plants and ground-disturbing activities. If possible, avoid removing flowering plants when bees and other insect pollinators are most actively foraging (March-October), including early flowering native tree and shrub species. Also avoid any observed bumble bee (*Bombus* spp.) nest sites using a buffer of at least 30 feet. Implement measures to prevent the spread of noxious weeds and invasive plants, including removing dirt, debris, and plant parts from equipment before bringing it on site.

Burrowing owl (*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](#). Surveys including audio calls may require a scientific collection permit; contact the Department's Wildlife Permits Manager at dgf.permits@dgf.nm.gov for more information. Should burrowing owls be documented in the project area, please contact the Department or USFWS for further recommendations and information on any permitting requirements regarding relocation or avoidance of impacts. The Wild Take Unit at the USFWS, which issues take and relocation permits for migratory birds, can be reached at MBPermits_take@fws.gov.

Our preliminary assessment indicates your project occurs in Lesser Prairie-chicken Crucial Habitat Category 1 (Focal Area).

The Lesser Prairie-chicken (*Tympanuchus pallidicinctus*) (LPC) was designated as a SGCN in New Mexico and previously the southern Distinct Population Segment, including populations in New Mexico and Texas, was federally listed as Endangered. The LPC Interstate Working Group has developed the Southern Great Plains Crucial Habitat Assessment Tool ([SGP-CHAT](#)) to designate and prioritize areas for LPC conservation activities and development. Our preliminary assessment indicates your project occurs in LPC habitat. For more information on the SGP-CHAT, contact Chanda Pettie, Industry LPC Program Contact with the Western Association of Fish and Wildlife Agencies, at (719) 207-5053 or chanda.pettie@wafwa.org.

If your project has potential to lead to take (including harassment, harm, pursuit, hunting, shooting, wounding, killing, trapping, capturing, collecting, or attempting to engage in these activities) of a LPC and you entered into the Candidate Conservation Agreement (CCA) or CCA with Assurances (CCAA) for the LPC with [CEHMM](#), the Department recommends you contact CEHMM (575-885-3700). If your project may lead to take of a LPC and you did not enter the CCA/A with CEHMM, the Department recommends a qualified, permitted biologist conduct surveys for the LPC according to these [Lesser Prairie-chicken Survey Protocols](#) and mitigating the effects of project activities by buffering (>1.25 miles of known leks) and avoiding construction or off-road activities during the breeding season (March 1-July 15). Low-altitude aerial surveys or surveys based on flush counts may require a scientific collection permit; contact the Department's Wildlife Permits Manager at dgf.permits@dgf.nm.gov for more information.

Since your project occurs within Lesser Prairie-chicken habitat, the Department recommends the following:

- As much as possible, avoid development within focal areas, connectivity zones, or within 1.25 miles of known Lesser Prairie-chicken (LPC) leks that have been active at least once within the previous five years, as well as project sites dominated by tracts of native grass and shrublands (see Southern Great plains Crucial Habitat Assessment Tool [[SGP-CHAT](#)] and Department staff for more information).
- As much as possible, focus development on lands already altered or cultivated (e.g., in areas with row-crop agriculture or developed oilfields) and away from areas of undeveloped native grass or shrublands. Select fragmented or degraded habitats over relatively intact areas, and select sites with lower LPC habitat potential over sites with greater habitat potential based on appropriate indicators, including Natural Resources Conservation Service Ecological Site Descriptions, specifically loamy, loamy sand, sandhills, sandy, sandy plains, shallow sandy, and very shallow.

Prairie dog colonies may occur within the vicinity of your project area. Both black-tailed prairie dogs (*Cynomys ludovicianus*) and Gunnison's prairie dogs (*Cynomys gunnisoni*) are designated as New Mexico SGCN, and their colonies provide important habitat for other grassland wildlife. Wherever possible, occupied prairie dog colonies should be left undisturbed, and all project activities should be directed off the colony. Any burrows that are located on the project site 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 black-tailed prairie dog can be surveyed by a qualified biologist diurnally, year-round using binoculars. 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 the prairie dog colony, or if project activities involve control of prairie dogs, the Department recommends live-trapping and relocation of prairie dogs. A scientific collection permit may be required; contact the Department's Wildlife Permits Manager at dgf.permits@dgf.nm.gov for more information. The Department can provide recommendations regarding suitability of potential translocation areas and procedures. If a project will only impact 10 or fewer burrows and there is a large, active colony adjacent to the site the continued existence of which will not cause future conflicts, the Department suggests use of reverse dispersal translocation methods as outlined in [Creating Prairie Dog Management Plans Part three: Appendices and Attachments](#) (see Attachment 1). Methods include setting up a wire door over active burrows followed by monitoring and closure of the few burrows in the project disturbance area after prairie dog evacuation and barrier installation to prevent recolonization of closed areas. Removal activities should be performed after the spring breeding and birthing seasons and prior to winter hibernation (e.g., mid-June to mid-November). Prairie dogs in southern New Mexico may remain active in the winter, extending the potential removal period beyond mid-November. Removal activities should also begin roughly one month before construction or other disturbance occurs as it can take between one week and one month for the animals to disperse.

Disclaimers regarding recommendations:

- The Department provides technical guidance to support the persistence of all protected species of native fish and wildlife, including game and nongame wildlife species. Species listed within this report include those that have been documented to occur within the project area, and others that may not have been documented but are projected to occur within the project vicinity.
- Recommendations are provided by the Department under the authority of § 17-1-5.1 New Mexico Statutes Annotated 1978, to provide "communication and consultation with federal and other state agencies, local governments and communities, private organizations and affected interests responsible for habitat, wilderness, recreation, water quality and environmental protection to ensure comprehensive conservation services for hunters, anglers and nonconsumptive wildlife users".
- The Department has no authority for management of plants or Important Plant Areas. The [New Mexico Endangered Plant Program](#), under the Energy, Minerals, and Natural Resources Department's Forestry Division, identifies and develops conservation measures necessary to ensure the survival of plant species within New Mexico. Plant status information is provided within this report as a courtesy to users. Recommendations provided within the ERT may not be sufficient to preclude impacts to rare or sensitive plants, unless conservation measures are identified in coordination with the Endangered Plant Program.
- Additional coordination and/or consultation may also be necessary under the federal ESA or National Environmental Policy Act (NEPA). Further site-specific mitigation recommendations may be proposed during ESA consultation and/or NEPA analyses or through coordination with affected federal agencies.
- Unless a project is marked as confidential in the title or description by the project proponent and if a ERT-generated report is the only response that the project proponent receives from the Department, then the report will be made publicly accessible via the [Public Comment Letters](#) page on the ERT website.