



PROJECT INFORMATION

Project Title: Silver Oak Potential Wind Energy Park development
Project Type: ENERGY DEVELOPMENT, WIND, WIND FACILITIES CONSTRUCTION OR EXPANSION
Latitude/Longitude (DMS): 32.987985 / -103.525705
County(s): LEA
Project Description: Potential wind energy development

REQUESTOR INFORMATION

Project Organization:
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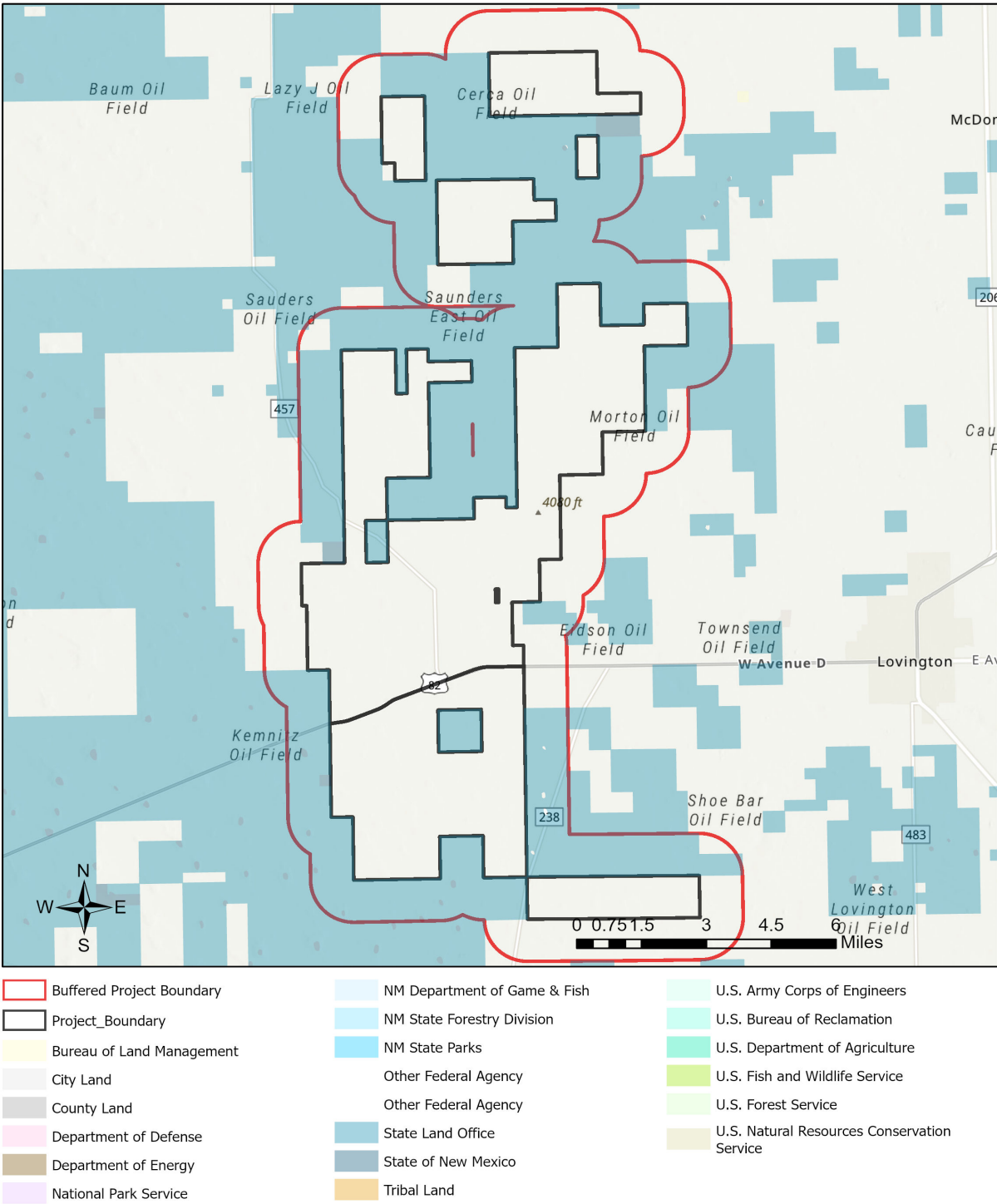
OVERALL STATUS

This report contains an initial list of recommendations regarding potential impacts to wildlife or wildlife habitats from the proposed project; see the Project Recommendations section below for further details. Your project proposal is being forwarded to a New Mexico Department of Wildlife (Department) biologist for review to determine whether there are any additional recommendations regarding the proposed actions. A Department biologist will be in touch within 30 days if there are further recommendations regarding this project proposal.

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.

Silver Oak Potential Wind Energy Park development



NHNM, USGS, USFS, US Census Bureau, NMDGF
Esri, CGIAR, USGS
Texas Parks & Wildlife, Esri, TomTom, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA, USFWS

Special Status Animal Species Potentially within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDOW (WCA)	NMDOW SGCN/SERI	USFS	USFS SCC	BLM
Boreal Chorus Frog	Pseudacris maculata			SGCN			
Plains Leopard Frog	Lithobates blairi			SGCN			BLM WATCH
Clark's Grebe	Aechmophorus clarkii			SGCN			
American Bittern	Botaurus lentiginosus			SGCN			BLM WATCH
Peregrine Falcon	Falco peregrinus		T	SGCN			BLM WATCH
Lesser Prairie-Chicken	Typanuchus pallidicinctus	LE		SGCN	Sensitive Species		BLM SENSITIVE
Snowy Plover	Anarhynchus nivosus nivosus			SGCN			
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			
Lewis's Woodpecker	Melanerpes lewis			SGCN		USFS R3 SCC	BLM WATCH
Williamson's Sapsucker	Sphyrapicus thyroideus			SGCN			
Pygmy Nuthatch	Sitta pygmaea			SGCN			
Mountain Bluebird	Sialia currucoides			SGCN			
Loggerhead Shrike	Lanius ludovicianus			SGCN		USFS R3 SCC	BLM WATCH
Vesper Sparrow	Poocetes gramineus			SGCN			
Thick-billed Longspur	Rhynchophanes mccownii			SGCN			BLM SENSITIVE
Chestnut-Collared Longspur	Calcarius ornatus			SGCN			BLM SENSITIVE
Evening Grosbeak	Coccothraustes vespertinus			SGCN			
Black-Tailed Prairie Dog	Cynomys ludovicianus			SGCN	Sensitive Species		BLM SENSITIVE
Mule Deer	Odocoileus hemionus			SERI			
Pronghorn	Antilocapra americana			SERI			
Desert Massasauga	Sistrurus catenatus edwardsii			SGCN			

Common Name hyperlink takes you to species account in [bison-m.org](https://www.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.

Special Status Plant Species Potentially within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS	USFS	USFS SCC	BLM
Tharp's Blue Star	Amsonia tharpii		E				BLM SENSITIVE

NMAC = New Mexico Administrative Code, E = Endangered; NMRPCS = [New Mexico Rare Plant Conservation Strategy](#), SS = NM Rare Plant Conservation Strategy Species; 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

Your proposed project activities may require a custom review for assessment of potential effects to wildlife. See the "OVERALL STATUS" section above to determine the likelihood that your project will be reviewed further based on its location. A Department biologist will confirm whether any additional conservation measures are needed. You should expect to receive any additional project recommendations within 30 days of your project submission. If the "OVERALL STATUS" section indicates that no further consultation with the Department is required based on its location, then you will only receive additional project feedback from the Department if a biologist deems it necessary.

If bats may be present in your project area and your project entails the following types of activities, the Department recommends following the relevant portions of the [Guidelines for Mitigating Impacts of Development on New Mexico's Bat Communities](#): bridge, building, or culvert demolition; extensive construction, excavation, paving, or trenching; outdoor lighting installation; pesticide use; prescribed burning; riparian restoration; vegetation removal.

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.

The Department recommends use of the federal wind energy guidelines tiered decision-making process ([US Fish and Wildlife Service Land-Based Wind Energy Guidelines- 2012](#)) through which wind developers gather information in increasing detail (from early site evaluations to site-specific surveys) to effectively evaluate potential impacts to wildlife and make informed siting and operational decisions. Once consultation is initiated with the USFWS, the Department typically participates in the tiered evaluation process with the project proponent to minimize potential impacts to wildlife. The Department also recommends use of the internally developed [Recommendations to Minimize Adverse Impacts of Wind Energy Development on Wildlife- 2012](#).

For post-construction reclamation of the project area, the Department recommends that the project proponent use only native plant species and that the reclamation seed mix is 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), rarer plants, perennials, native bunch grasses and thistles, some plants with pithy and woody stems, some bare ground, and high-nutrient or value plants (e.g., goldenrods [*Solidago* spp.], gumweed [*Grindelia* spp.], or sunflowers [*Helianthus* spp.]) 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. The Department also recommends that only certified weed-free seed be used to avoid inadvertently introducing non-native species to the reclamation site. Any alternate seeds 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 or from a region that represents potential future climatic conditions at the 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.

The proposed project occurs near a playa. Playas are shallow, ephemeral wetlands that fill in response to precipitation. Some playas remain wet for just a few weeks or months, while others remain wet for years. Playas are often highly productive habitats that attract abundant wildlife and are vital to continentally important populations of waterfowl, shorebirds, waterbirds, and many other migratory and resident birds.

- To ensure continued function of these important wildlife habitats, the project footprint should completely avoid the playa feature during both wet *and* dry periods. Some playas may remain dry for multiple years. Construction techniques should not disturb the natural playa soils or hydrology, such as by farming, trenching, pitting, or draining.
- Projects occurring in upland areas near a playa should maintain a minimum 40-meter wide buffer around the entire playa. A buffer of 40 meters protects the playa from excess sedimentation, which is a major source of playa degradation. The buffer should consist of native grass species, preferably native shortgrass prairie species such as buffalo grass (*Bouteloua dactyloides*) or blue grama (*Bouteloua gracilis*).
- Because playas are bird concentration areas, tall structures should be located as far away from the playa as possible to prevent avian collisions. If location near a playa is deemed necessary, the Department requests the opportunity for additional consultation.
- Design considerations should also include clustering project activity and development within the project footprint wherever possible and avoiding disturbances that lead to increases in noise, lighting, perturbed soil and non-native vegetation, or other activity.

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.

The current project area appears to contain one or more wetland types as classified by the New Mexico Environment Department's [Wetland Map](#). Information on wetlands in your project area can also be viewed on the ERT's [Create Project/Map](#) page. This [key](#) can assist in interpreting Landscape Position, landform, water flow path, and waterbody type (LLWW) codes in the ERT's wetland data. Wetlands provide important habitat for numerous species of wildlife and pollinators and provide ecosystem services, such as water filtration and storage, to downstream users. The Department recommends avoiding disturbance of wetlands whenever possible, avoiding actions or infrastructure installment that may disrupt natural wetland hydrological processes, and reseeding or replanting areas where disturbance 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 habitat handbook guideline for [Restoration and Management of Native and Non-native Trees in Southwestern Riparian Ecosystems](#). For projects involving filling wetlands under federal jurisdiction, please contact the [Army Corps of Engineers](#) for more information on permits required under the Clean Water Act.

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.