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17 September 2026

Merceidez Fabok
U.S. Department of Agriculture
Natural Resources Conservation Service New Mexico
100 Sun Avenue Northeast, Suite 602
Albuquerque, NM 87109-3434

***Re: Public Alternatives Finalization for the Supplemental Watershed Plan-
Environmental Assessment (Plan-EA) for the Tortugas Arroyo Watershed Dam
Site 1 Rehabilitation Project, Dona Ana County, New Mexico; NMERT Project No.
NMERT-6443***

The New Mexico Department of Wildlife (Department) would like to thank the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) and the Elephant Butte Irrigation District (EBID; Project Sponsor) for the opportunity to comment during the alternatives finalization phase of the Tortugas Arroyo Watershed Dam Site 1 Rehabilitation Project (Project). The Department acknowledges the Project Sponsor's preference for Alternative 3 (Structural) and offers the following comments for Alternatives 2 through 4 should NRCS retain them for potential future consideration. These comments are provided in addition to those included in the attached New Mexico Environmental Review Tool (NMERT)-generated report for this Project (NMDOW 2026).

Comments to Mitigate Impacts on Wildlife from Alternatives 2-4:

Ground-disturbing Activities

Construction areas and other impervious surfaces 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 ephemeral waterways in the Project area, 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 site whenever possible.
- Preserve natural areas within the Project site. Strive to maintain the natural drainage system of the site, including 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 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. 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 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, 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](#). For any trees used for revegetation, 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](#).
- 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.

Trenches and excavation, including activities associated with structure demolition and construction and sediment removal (if sediment is dry) can unintentionally entrap and cause the unnecessary mortality of amphibians, reptiles, and small mammals, can cause injury to large mammals, and can damage underground bee nests. Trapped animals can die from exposure, starvation, crushing from pipe-laying, entombment from trenching or excavated area 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. Conducting pre-trenching or excavation wildlife surveys, especially for bumble bee (*Bombus* spp.) nests, which may occur in abandoned rodent holes and other cavities and be present year-round, and active burrows, can aid in avoiding nest and burrow destruction. The [Bumble Bee Nest Quest](#) project provides some information on what to look for when searching for bumble bee nests.

Implementing the general trenching conservation measures outlined in the Department's [Trenching Project Guidelines](#), or modifications as needed to match the type of excavation conducted for the Project, will help minimize unnecessary mortality of wildlife. Best management practices should include, at minimum, the following mitigation measures.

- Whenever possible, locate trenching or excavation activities within previously disturbed areas, such as existing road or pipeline right-of-ways. To the extent possible, avoid trenching in undisturbed habitat.
- Trench or excavate 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 or excavating activities are temporarily halted (e.g., overnight, weekends, holidays, weather shutdowns), protect wildlife from accessing any open trench or excavated area between digging and backfilling operations by using one or more of the methods described below.
- Avoid leaving trenches or excavated areas 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 or excavated areas that have been left open overnight but will ultimately be filled in should be inspected the following day by a qualified, permitted 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 or other excavated area will burrow under loose soil. To the extent possible, the biological monitor should disturb loose soil in the trench or excavated area to uncover and remove trapped animals. Animals should be relocated at least 50 meters away from the open trench or excavated area in undisturbed habitat. Capture and relocation of all state-protected animals, and even of unprotected animals using a dip net, may require a scientific collection permit; contact the Department's Wildlife Permits Manager at DGF.Permits@dgf.nm.gov for more information.
- 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 or excavated area. 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](#) should be followed.

For any Alternatives entailing large amounts of dry soil removal, the Department recommends surveying the Project area for any burrowing wildlife species prior to the initiation of any soil moving activities. If disturbance of any detected burrowing wildlife cannot be avoided, then a qualified biologist should be engaged to capture and move any such wildlife. Capture and relocation of all state-protected animals, and even of unprotected animals, may require a scientific collection permit; contact the Department's Wildlife Permits Manager at DGF.Permits@dgf.nm.gov for more information.

Vegetation Considerations

For any activities entailing 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), 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 18, 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

Additionally, the Department recommends that you 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. State endangered plants including sand prickly-pear (*Opuntia arenaria*) and night-blooming cereus (*Peniocereus greggii greggii*) have been documented near and potentially within the Project area footprint and may need to be considered and/or mitigated for while designing and implementing Project activities.

Other Wildlife Considerations

Prior to any structure demolition (e.g., structures downstream of the dam if the dam were breached), especially demolition of any structures that have not been in recent use, the Department recommends conducting surveys for any roosting bats that might be using the structure as a summer breeding site or a winter hibernation site. Demolition can often be performed in spring or fall when bats are not regularly using such structures either for breeding or hibernating.

The current Project area appears to be within Crucial Habitat as identified in the Crucial Habitat Assessment Tool (CHAT) layers provided in the NMERT (NMDOW 2026). This indicates that a diversity of species of conservation concern and sensitive or important habitats for wildlife is likely to be found in the Project area. The Department recommends the completion of a thorough environmental assessment before exercising care during the implementation of Project activities to avoid adverse impacts on sensitive wildlife and habitats.

Thank you for the opportunity to review and comment on the proposed Project and for your consideration of these comments. If you have any questions, please contact Jelsie Kerr, Aquatic Habitat Restoration Biologist, at (505) 637-2811 or jelsie.kerr@dof.nm.gov.

Sincerely,

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

References

[NMDOW] New Mexico Department of Wildlife. 2026. Tortugas Dam Alternatives Finalization Comments. New Mexico Environmental Review Tool Report. New Mexico Department of Wildlife, Santa Fe, New Mexico, USA.
<https://nmert.org/system/files/project_report_tortugas_dam_alternatives_f_44854_45598.pdf>