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28 September 2026
Debbie-Anne A. Reese, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

RE: *Forza Pipeline Project (Project), Environmental Assessment. FERC Docket Nos. CP26-34-000 and CP26-35-000; NMDOW No. NMERT-6455.*

The New Mexico Department of Wildlife (Department) has reviewed the proposed Forza Gas Pipeline Project's (Project's) Environmental Assessment (EA) that has been prepared by the Federal Energy Regulatory Commission (FERC).

The Department concurs with the EA's assessment that the proposed Project should not result in significant effects to lesser prairie-chicken (*Tympanuchus pallidicinctus*) because of the lack of appropriate habitat and the high degree of existing disturbed habitat resulting from previous oil and gas development activities.

Except for consideration of the burrowing owl (*Athene cunicularia*), the EA does not specify how impacts to migratory birds and other wildlife species that could occur within and near the Project area (Appendix A) will be minimized.

The Department provides the following, more specific, recommendations for FERC to help avoid and minimize potential impacts to wildlife during pipeline construction activities:

1. Open trenches excavated for underground oil and gas pipelines 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 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 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 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](#) 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, 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 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. 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 prevent 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](#) should be followed.

2. 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 U.S. Fish and Wildlife Service (USFWS), which issues take and relocation permits for migratory birds, can be reached at MBPermits_take@fws.gov.

The list of [New Mexico Species of Greatest Conservation Need \(SGCN\)](#) (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.

3. Burrowing owls (*Athene cunicularia*) may occur within the 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.

4. Prairie dog colonies may occur within the vicinity of the 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 the 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.
5. For post-construction reclamation of the Project area, the Department recommends that only native plant species are used in the reclamation seed mix and, unless there is concern regarding potential for local soil contamination or pesticide, especially neonicotinoid, presence, that the mix is designed to enhance local pollinator habitat. If contaminants or pesticides are known to be present or in use, then attracting pollinators to the site is not recommended. 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, including the [Ecological Revegetation Application](#). No-till drills may be more effective than broadcast seeding for establishing flowering plants. Plants that may attract pollinating insects should not be used in narrow (< 60 foot) road medians or within 15 feet of roadways if planting in the right-of-way. 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 non-native seed sources not be

used. If using mulch, a shallow layer of pebbles or compost, leaf litter, plant debris, or wood are preferred over plastic mulch. 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. Include as much locally appropriate genetic diversity in seed sources as possible.

Sincerely,

Michael B. Sloane
 Director

Appendix A. Species of Greatest Conservation Need (SGCN) and Species of Economic and Recreational Importance (SERI), with state-listed species noted, that may occur in the Forza Gas Pipeline Project area.

Common Name	Scientific Name	Taxonomic Group	State Status	SGCN/SERI
Barking Frog	<i>Craugastor augusti</i>	Amphibian		SGCN
Plains Leopard Frog	<i>Lithobates blairi</i>	Amphibian		SGCN
American Bittern	<i>Botaurus lentiginosus</i>	Bird		SGCN
Aplomado Falcon	<i>Falco femoralis</i>	Bird	Endangered	SGCN
Chestnut-Collared Longspur	<i>Calcarius ornatus</i>	Bird		SGCN
Clark's Grebe	<i>Aechmophorus clarkii</i>	Bird		SGCN
Common Nighthawk	<i>Chordeiles minor</i>	Bird		SGCN
Lesser Prairie-Chicken	<i>Tympanuchus pallidicinctus</i>	Bird		SGCN
Lewis's Woodpecker	<i>Melanerpes lewis</i>	Bird		SGCN
Loggerhead Shrike	<i>Lanius ludovicianus</i>	Bird		SGCN
Pygmy Nuthatch	<i>Sitta pygmaea</i>	Bird		SGCN
Sprague's Pipit	<i>Anthus spragueii</i>	Bird		SGCN
Thick-billed Longspur	<i>Rhynchophanes mccownii</i>	Bird		SGCN
Vesper Sparrow	<i>Pooecetes gramineus</i>	Bird		SGCN
Western Burrowing Owl	<i>Athene cunicularia hypugaea</i>	Bird		SGCN
Black-Tailed Prairie Dog	<i>Cynomys ludovicianus</i>	Mammal		SGCN
Mule Deer	<i>Odocoileus hemionus</i>	Mammal		SERI
Pronghorn	<i>Antilocapra americana</i>	Mammal		SERI
Spotted Bat	<i>Euderma maculatum</i>	Mammal	Threatened	SGCN
Desert Massasauga	<i>Sistrurus catenatus edwardsii</i>	Reptile		SGCN
Dunes Sagebrush Lizard	<i>Sceloporus arenicolus</i>	Reptile	Endangered	SGCN