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

***RE: Green Chile Gas Pipeline Project (Project), Environmental Assessment. FERC
Docket No. CP26-80-000; NMDOW No. NMERT-6508.***

The New Mexico Department of Wildlife (Department) has reviewed the proposed Green Chile 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 that the proposed alternative pipeline routes do not provide any significant environmental benefits relative to the preferred alternative and proposed action and that the proposed alternative routes that would involve crossing the Rio Grande would significantly increase potential environmental impacts to wildlife.

The Department provides the following recommendations for the Project proponent to help avoid and minimize potential impacts to wildlife that may be present in the Project area (Appendix A) 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 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 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 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.

3. Burrowing owl (*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. The Department recommends that the Project proponent contact Erika Rowe (Erika.Rowe@emnrd.nm.gov) at the New Mexico Endangered Plant Program ([Botany Program - Forestry \(nm.gov\)](https://www.emnrd.nm.gov/botany-program-forestry)) of the Energy, Minerals, and Natural Resources Department regarding potential presence and conservation needs for state-listed plants. The state endangered plant sand prickly-pear cactus (*Opuntia arenaria*) has 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.
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](https://www.xerces.org/) 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.

Thank you for the opportunity to review and comment on the EA and for FERC's consideration of these comments. If you have any questions, please contact Ron Kellermueller, Mining and Energy Habitat Specialist, at (505) 270-6612 or ronald.kellermueller@dof.nm.gov.

Sincerely,

Michael B. Sloane Digitally signed by Michael B. Sloane
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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 Green Chile Gas Pipeline Project area.

Common Name	Scientific Name	Taxonomic Group	State Status	SGCN/SERI
Barking Frog	<i>Craugastor augusti</i>	Amphibian		SGCN
Anthony Blister Beetle	<i>Lytta mirifica</i>	Beetle		SGCN
Aplomado Falcon	<i>Falco femoralis</i>	Bird	Endangered	SGCN
Bell's Vireo	<i>Vireo bellii</i>	Bird	Threatened	SGCN
Bendire's Thrasher	<i>Toxostoma bendirei</i>	Bird		SGCN
Black-Chinned Sparrow	<i>Spizella atrogularis</i>	Bird		SGCN
Common Nighthawk	<i>Chordeiles minor</i>	Bird		SGCN
Loggerhead Shrike	<i>Lanius ludovicianus</i>	Bird		SGCN
Lucy's Warbler	<i>Leiothlypis luciae</i>	Bird		SGCN
Pinyon Jay	<i>Gymnorhinus cyanocephalus</i>	Bird		SGCN
Sprague's Pipit	<i>Anthus spragueii</i>	Bird		SGCN
Vesper Sparrow	<i>Pooecetes gramineus</i>	Bird		SGCN
Western Burrowing Owl	<i>Athene cunicularia hypugaea</i>	Bird		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
Night-Blooming Cereus	<i>Peniocereus greggii</i> var. <i>greggii</i>	Plant	Endangered	N/A
Sand Prickly-Pear	<i>Opuntia arenaria</i>	Plant	Endangered	N/A
Desert Massasauga	<i>Sistrurus catenatus edwardsii</i>	Reptile		SGCN
Rock Rattlesnake	<i>Crotalus lepidus</i>	Reptile		SGCN