

**From:** Hall, Joshua D -FS on behalf of FS-Northern NM Riparian and Aquatic Watershed Restoration  
**Sent:** 7 Nov 2019 16:52:38 +0000  
**To:** Meredith Zaccherio  
**Subject:** FW: Riparian Restoration  
**Attachments:** 2019 Riparian Restoration.pdf



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**From:** Tom & Carlyn Jervis [mailto:Jervidae@cybermesa.com]  
**Sent:** Saturday, November 2, 2019 7:40 AM  
**To:** FS-Northern NM Riparian and Aquatic Watershed Restoration <SM.FS.NNMRAWR@usda.gov>; Ratajczak, Daryl - FS <daryl.ratajczak@usda.gov>; Hall, Joshua D -FS <joshua.hall@usda.gov>  
**Subject:** Riparian Restoration

Attached please find the Comments of the New Mexico Audubon Council on the proposed Northern New Mexico Riparian, Aquatic and Wetland Restoration Project.

Sincerely,

Thomas Jervis, President  
New Mexico Audubon Council

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# New Mexico Audubon Council

Representing Four Local Chapters of the National Audubon Society in New Mexico, Conserving and restoring natural ecosystems, focusing on birds, other wildlife, and their habitats for the benefit of humanity and the earth's biological diversity

November 2, 2019

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*Via e-mail:*

## **RE: Northern New Mexico Riparian, Aquatic and Wetland Restoration Project**

The New Mexico Audubon Council represents almost 6,000 members of the National Audubon Society in New Mexico. We provide public education through Newsletters, evening programs on conservation topics, and field trips to introduce people to and foster a respectful appreciation of nature. The National Forests of New Mexico provide essential habitat for many species of birds, some of them of significant conservation concern both locally and regionally. Our members make use of these Forests for wildlife viewing, recreation, and quiet contemplation of nature.

These comments are in response to the Northern New Mexico Riparian, Aquatic and Wetland Restoration Project presented in September of 2019. Our specific comments are indexed to the draft by page number.

We would first like to commend the Forest Service for paying specific attention to the degraded condition of the Riparian, Aquatic and Wetland areas on the National Forests of northern New Mexico. The condition of these habitats is the result of many years of management neglect and historic practices and will take years to rectify. We are pleased that attention is being focused on these essential habitats.

We support most of the actions contemplated in this project and do not intend that our lack of specific support of these individual actions be interpreted as a lack of overall support of the Project. We do have some concerns.

1. As indicated above, the degraded condition of these habitats is the result of many years of practices that have not prioritized the ecological health of riparian and wetland habitats relative to grazing, timber, and other resource extractive uses of the Forests. Unless there is a fundamental shift towards an emphasis on the ecological health of the Forests, whatever is done to improve riparian and wetland habitats in the short term will be in vain. This is not to say that these extractive uses of the Forests are incompatible with riparian and wetland health, but that they must be carried out with a priority on habitat protection.

2. We are particularly pleased to see the emphasis on ecological process and function (Purpose and Need, P 2, para. 2), but are concerned that the emphasis throughout the documents is on *condition-based management*. If the ecological processes and functions are

impaired, no long-term improvement will result. For example, the introduction highlights the need to “Create and enhance sheet flow across meadows and hillsides.: (Purpose and Need, p 3, final bullet). Sheet flows are important processes for groundwater infiltration and grass and forb health, but if meadows and hillsides are overgrazed, sheet flows will result in stream sedimentation and erosion.

3. We acknowledge that the project anticipates development of off-channel livestock watering facilities, which will also benefit wildlife (Categories, page 16). This is perhaps the most important single feature of this project. But it is important that these be in place and of *demonstrated* effectiveness before expenditures on stream bank stabilization and riparian vegetation are contemplated or these latter actions will be of only short-term benefit.

4. The listing of Mitigation Design Criteria for each of the Project Categories is redundant (Categories, pp 11, 19, 22) and is completely missing from the Riparian Vegetation, Road and Trail Erosion, and Groundwater Restoration sections. Mitigation design criteria should be common to *all* project categories. these are Best Management Practices (BMPs) and should be called out and applied to all activities. By the way, BMPs are not “installed”(Categories, p 3) but perhaps “applied.”

5. Direction for management and protection of migratory birds and their habitats within the continental United States exists in several forms:

- The Migratory Bird Treaty Act (MBTA) enacted in 1918 established Federal prohibition, unless permitted by regulations, to pursue, hunt, take, capture, kill any migratory bird, any part, nest, or egg of any such bird.
- Executive Order (EO) 13186 signed January 10, 2001 directed Federal agencies to avoid or minimize adverse impacts (to the extent practical) on migratory bird resources when conducting agency actions (among many items within the “Federal Agency Responsibilities” section of the EO.
- Pursuant to the EO, agencies were to develop Memorandum of Understanding (MOU) to strengthen and promote migratory bird conservation and collaboration with the U.S. Fish and Wildlife Service. The original 2008 MOU was extended and signed in 2016.
- Bald and Golden Eagle Protection Act (1940 as amended) protects eagles from actions of anyone (or entity) which would “take” eagles to the point of causing nest failure or reduce productivity (unless you or your entity have obtained a permit issued by the Secretary of the Interior).

There have not been specific USFS policies provided to direct migratory bird analyses into the NEPA process. However, the Southwestern Regional Office (R3 USFS) direction on migratory bird analysis is as follows:

- 1) Analyze effects to Species of Concern which are developed by the local (State) Partners In Flight Office with an emphasis on “high priority species”.
- 2) Analyze effects of project action on Important Bird Areas (IBA’s) and
- 3) Analyze effects of project actions to important overwintering areas on USFS lands.

Vegetation management activities of almost any kind are disruptive to the essential ecological process of reproduction for all wildlife but particularly for birds. Dramatic declines in avian populations across the board (Decline of the North American Avifauna, K.V. Rosenberg et al., Science Vol. 366 PP 120-124 (2019)) highlights the broader issue of habitat loss for many birds, smaller mammals, and herpetofauna. We note with approval that earthmoving activities will be performed primarily in the fall/ winter. Compliance with this direction suggests that no vegetative treatments be conducted during the nesting season for birds; roughly mid-April

through mid August. This is also the primary season for reproduction of all wildlife. This restriction should be included in the Mitigation Design Criteria/Best Management Practices discussed above for all actions.

6. We note that there is no mention of any wildlife monitoring activities in any of the documents. Surveys for the presence/absence of T&E species should be an integral part of any activities associated with this Project.

We thank you for the opportunity to comment on this proposal and ask that we continue to be informed as the analysis process proceeds.

Sincerely,



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