



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Las Cruces Field Office  
1800 Marquess St.  
Las Cruces, New Mexico 88005

IN REPLY REFER TO:  
4000 (030)  
Allot. No. 03011  
E.A. No. NM-030-99-064

**MAR 10 1999**

### NOTICE OF PROPOSED DECISION

CERTIFIED- RETURN RECEIPT REQUESTED  
Z 160 577 188

Mr. W. N. Castle  
PO B0x 355  
Hatch, NM 87937

Dear Mr. Castle:

We have completed the Environmental Assessment (EA) and Finding Of No Significant Impact (FONSI) for the issuance of the grazing permit to you on the Loco Allotment No. 03011. The attached FONSI and EA will provide you with the rationale for my Proposed Decision, which is to issue a grazing permit to you in the name of W. N. Castle. The grazing permit will authorize 50 cattle and 2 horses to graze on the Loco Allotment No. 03011, from March 1 to February 28, each year. The expiration date of the new grazing permit will be February 28, 2009. The 52 animal units will be billed to you at 60 percent public land use and will amount to 372 Animal Unit Months (AUMs). You will be authorized to place supplemental feeds, such as salt, minerals, vitamins, and protein, in block or liquid form on public lands. Maintenance feeding of livestock will not be allowed on public land.

The following will be specified as a condition of the permit: 'Actual livestock use information must be submitted to the BLM upon request.'

In accordance with 43 CFR 4160.2, you or any other interested public may protest this Proposed Decision under 43 CFR 4160.1 in person or in writing to the Field Office Manager, Bureau of Land Management, 1800 Marquess, Las Cruces, New Mexico, 88005, within 15 days after receipt of this decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the Proposed Decision is in error. In the absence of a protest, the Proposed Decision will become the Final Decision of the authorized officer without further notice.

Any person whose interest is adversely affected by the Final Decision may file an appeal and petition for stay of the Decision, pending final determination on the appeal. The appeal and petition must be filed with the Field Office Manager, Bureau of Land Management, 1800 Marquess, Las Cruces, New Mexico, 88005, within 30 days of either the date the proposed decision becomes final or from the receipt of a final decision (issued after a formal protest). The appeal shall state the reasons, clearly and concisely why you think the final decision is in error and must comply with the provisions of 43 CFR 4.470 et. seq.

If you have any questions, please feel free to call Phil Smith at 525-4372.

Sincerely,

**/s/ Jim C. McCormick**

Jim C. McCormick  
Acting Assistant Field Manager  
Division of Renewable Resources

**LOCO ALLOTMENT NO. 03011  
GRAZING PERMIT RENEWAL  
FINDING OF NO SIGNIFICANT IMPACT**

The proposed action is to issue a grazing permit to Mr. W. N. Castle which will authorize 50 cattle and 2 horses to graze on the Loco Allotment No. 03011, from March 1 to February 28, each year. The expiration date of the new grazing permit will be February 28, 2009. The 52 animal units will be billed at 60% percent public land use and will amount to 372 Animal Unit Months (AUMs). Placement of supplemental feeds, such as salt, minerals, vitamins, and protein, in block or liquid form, will be authorized on public lands. Maintenance feeding will not be authorized on the public land.

The permit will stipulate "Actual livestock use information must be supplied to the BLM, upon request."

The proposed action will assist the BLM in complying with one of the objectives of the grazing regulations (43 CFR 4100.0-2) which is "to provide for sustainability of the western livestock industry and communities that are dependant upon productive, healthy public rangelands." BLM is required by law to manage public lands "on the basis of multiple use and sustained yield . . ." (43 USC 1701, Sec. 102(a)(7)) Since the RMP determined that grazing is an appropriate use for the public lands within this allotment, permit reissuance must be considered.

I have reviewed the attached Environmental Assessment (EA No. NM-030-99-064) including the proposed action and alternatives, and the explanation and resolution of any potentially significant environmental impacts.

Based on the analysis of potential environmental impacts contained in the environmental assessment, I have determined that the proposed action with the term and condition described above will not have any significant impacts on the human environment or to minority or low-income populations or communities and that an Environmental Impact Statement is not required.

  
\_\_\_\_\_  
Jim McCormick  
Acting Assistant Field Manager  
Division of Renewable Resources

Date 3/10/99

**UNITED STATE DEPARTMENT OF INTERIOR**

**Bureau of Land Management  
Las Cruces Field Office  
1800 Marquess Street  
Las Cruces, NM 88005**

**ENVIRONMENTAL ASSESSMENT**

**Finding of NO Significant Impact  
And Decision Record**

**EA Number:** NM-030-99-064      **Casefile Number:** Loco Allotment No. 03011

**Proposed Action Title/Type:** Grazing permit reissuance.

**Location of Proposed Action:** The allotment is located in Dona Ana County, New Mexico, approximately two miles southeast of Hatch. The public land parcels are found in T. 19 and 20 S., and R. 3 W.

**Applicant:** Mr. W.N. Castle

This proposed action is tiered to the Mimbres Resource Management Plan (MRMP), which was finalized in December 1993. This plan has been reviewed and it has been determined that the proposed action conforms with the land use plan terms and conditions as required by 43 CFR 1610.5.

**NEED FOR THE PROPOSED ACTION:** The grazing permit on this allotment is about to expire. A new permit must be issued, or a decision issued to deny the grazing application. Since the MRMP determined that grazing is an appropriate use for the public lands within this allotment, permit reissuance must be considered.

One of the requirements of the grazing regulations (43 CFR 4180.1) is that the authorized officer shall "ensure that the following conditions exist: (a) Watersheds are in, or making significant progress toward, properly functioning physical condition.... (b) Ecological processes, including the hydrologic cycle, nutrient cycle and energy flow, are maintained, or are making significant progress toward their attainment.... (c) Water quality complies with State water quality standards.... (d) Habitats are, or are making significant progress toward being restored or maintained for Federal threatened and endangered species...".

One of the objectives of the grazing regulations (43 CFR 4100.0-2) is "to provide for sustainability of the western livestock industry and communities that are dependant upon productive, healthy public rangelands." BLM is required by law to manage public lands "on the basis of multiple use and sustained yield" (43 USC 1701, Sec. 102(a)(7)).

**DESCRIPTION OF PROPOSED ACTION:** The grazing permit would authorize 50 cattle and 2 horses to graze on the allotment from March 1 to February 28, each year. The expiration date of the new grazing permit would be February 28, 2009. The 52 animal units would be billed at 60% percent public land use and would amount to 372 Animal Unit Months.

Placement of supplemental feeds, such as salt, minerals, vitamins, and protein, in block or liquid form, would be authorized on public lands. Maintenance feeding would not be allowed on public lands.

**Special Stipulations:** The last permit had no special terms or conditions. The following statement would be made a term and condition of any new permit: 'Actual use information must be submitted to the BLM upon request.'

#### **REASONABLE ALTERNATIVES:**

**No Action:** Issue a proposed decision to deny Mr. Castle a grazing permit.

If the applicant does not meet all mandatory qualifications and requirements, does not own or control appropriate base property, or refuses to agree to the terms and conditions of the permit, the application would be denied. In such an instance, issuance to another applicant would be possible.

#### **AFFECTED ENVIRONMENT:**

This public land allotment is located within an established grazing district, and is administered under Section 3 of the Taylor Grazing Act, as amended and supplemented. Mr. W.N. Castle began obtaining private lands on the ranch in 1960. The allotment was transferred into his name in 1964. This allotment was classified into the Custodial (C) category, in 1985.

The allotment totals 4,640 acres, which consists of 2,930 acres public land and 430 acres private land and 1,280 acres of New Mexico state land.

#### Recreation and Visual Resources

This area is near a town and may be used by the public for hunting, hiking and other forms of recreation. The roads into the allotment cross steep and rugged terrain. The Visual Resource Management (VRM) Classifications for this allotment are Class II and Class III.

Lands in VRM Class II are managed to retain the existing character of the landscape. The level of change to the landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape.

Lands in VRM Class III are managed to retain the existing character of the landscape. The level of change to the characteristic landscape can be moderate. Management activities may attract attention, but should not dominate the view of the casual observer. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape.

## Soils

Several soil associations are found on the allotment. The Nickel-Badland complex is found along the northern part of the ranch. This complex is made up of Nickel very gravelly sandy loam, 3-15% slopes and Badland, 10-75% slopes. The Nickel soils are usually found along sideslopes and above arroyos, while Badland soils may be found on the more unstable areas. Some areas of Tencee and Upton soils may also be present.

The Nickel-Upton association contains Nickel very gravelly fine sandy loam, 3-15% slopes, and Upton gravelly sandy loam, 3-5% slopes. There may be some inclusions of Cave, Simona and Tencee soils. Upton soils are on piedmont slopes and ridges.

The Tencee-Upton association contains Tencee very gravelly sandy loam, 3-15%, and Upton gravelly sandy loam. The Tencee soil is along the side slopes of the ridges, the Upton soil is on the ridge tops. Some areas of Cave, Nickel, and Simona soils are included.

The Motoqua-Rock outcrop association has Motoqua cobbly loam, 3-60% slopes, and Rock outcrop, 20-75% slopes. Motoqua soils are found on hillsides, and Rock outcrop on the hilltops.

The Rock outcrop-Argids association contains Rock outcrop, 15-99%, Argids, 15-80% slopes, and Argids, cool, 15-80% slopes. The Rock outcrop consists of ledges, escarpments, ridges, and cliffs. The Argids are interspersed among areas of Rock outcrop. The Argids, cool, are similar to argids, but are on north facing slopes and in areas subject to cool air currents.

The properties of the soils are shown below:

<u>Soil</u>	<u>Permeability</u>	<u>Runoff</u>	<u>Erosion Hazard</u>	<u>Avail. Water Capacity</u>
Badland		rapid	severe(water) slight(blowing)	
Motoqua	moderate	medium	slight to mod(water) slight(blowing)	very low
Nickel vgfs	moderately slow	medium	moderate	very low to low
Nickel gvsl	moderately slow	medium	moderate(water&blowing)	very low
Tencee	moderate	rapid	slight(water) moderate(blowing)	very low
Upton gsl	moderate	Medium	slight(water) moderate(blowing)	very low

## Watershed

There are no known riparian areas on the allotment. The allotment is dissected by the ephemeral southwest-to-northeast running Arroyo Angustura and Reed Arroyo which drain into the Rio Grande approximately three to four miles downstream from Hatch.

In a 1994 report by the NM Water Quality Control Commission (NMWQCC) to Congress, as required by Section 305(b) of the Clean Water Act (CWA), the Rio Grande from Leasburg Dam to Caballo Dam was identified as an "Assessed Stream Reach Partially Supporting or Not Supporting Designated or Attainable Uses". The uses not fully supported were warm water fishery and limited warm water fishery. Probable causes of nonsupport included pH, reduction of riparian vegetation, and streambank destabilization. Agriculture (rangeland), among other things, was listed as a probable source of nonsupport on the 45.6 mile stream stretch.

The 1998-2000 303(d) list for assessed river/stream reaches requiring Total Maximum Daily Load (TMDL) determination lists the Rio Grande from Leasburg Dam to Caballo Dam (21.4 miles) as partially supported for the uses of Limited warm water fishery and warm water fishery.

The specific pollutant(s) or threshold is pH. Probable sources of the pollutant is Agriculture (including rangeland) and Hydromodification. The TMDL schedule (date TMDL due) for this stream stretch is December 31, 1998.

### Cultural Resources

Several archeological surveys have been conducted within and adjacent to the allotment, and many sites are plotted on the cultural resource base maps. There is high potential for archeological sites due to numerous large drainages throughout the allotment and due to the proximity of the Rio Grande.

### Vegetation

The approximate amount of each range site and vegetation type found on the allotment is shown below:

<u>Range Site</u>	<u>Acres</u>	<u>Vegetation Type</u>	<u>Acres</u>
Gravelly Hills	1,897	Mid-grass	810
Gravelly Sand	2,298	Creosotebush	3,746
	361		

Average long term annual precipitation at the Hatch NOAA station is 9.71". Vegetation growing on the allotment includes: bush muhly, black grama, sideoats grama, hairy grama, tobosa, fluffgrass, snakeweed, creosote bush, tarbush, yucca, and sotol.

### Wildlife

The Standard Habitat Sites (SHS) which occur on this allotment consist of Creosote Rolling Uplands, Creosote Hills, Arroyo habitat, and a small amount of Grass Mountain.

The Creosote Rolling Upland SHS has a vegetative community predominantly of creosote, with a variety of subdominant species: bush muhly, burrograss, tobosa, desert holly, snakeweed, tarbush and little leaf sumac. Upland areas are drained by numerous arroyos and consist primarily of eroded soils and gravelly inclusions.

The Creosote Hills SHS has a similar vegetative type, however, grama grasses are more prevalent and there is more diversity of shrub species. Mariola, spicebush, acacia, and fourwing saltbush may also be found.

The Grass Mountain SHS has good plant species and structural diversity. It commonly has scattered shrubs and trees, such as Mormon tea, agave, sotol, ocotillo, beargrass, juniper and pricklypear.

The SHSs may provide habitat for 113 bird species, 31 reptile and amphibian species, and 33 mammal species.

Angustura Arroyo runs across approximately ½ mile of public land and feeds directly into the Rio Grande, providing a movement corridor for wildlife between the uplands and Rio Grande as well as feeding and cover habitat.

The main arroyos on the allotment carry a considerable amount of water off the Las Uvas

Mountains, during summer thunderstorms. The arroyos are wide and have gravelly, sandy bottoms. Vegetation found in these areas includes: apache plume, little leaf sumac, creosote, tarbush, mesquite, snakeweed, black grama, bush muhly, and tobosa. The arroyo habitat is in mid-seral condition (fair).

The allotment has water available mainly on private land. There are two dirt tanks on Federal land and one on New Mexico state land. The tanks have been maintained recently and are in good condition.

### Special Status Species

Plants - Potential habitat for night-blooming cereus (*Cereus greggii*) and grama grass cactus (*Toumeyia papyracantha*) may occur on the allotment, but neither of these species are known to occur there.

Animals - Thirty eight Special Status Species or their habitat were evaluated for possible occurrence on this allotment. Thirty four species were dropped from consideration because the species or habitat for these species does not occur on the allotment. Four species were evaluated for determination of effect.

Bald eagle - This allotment's proximity to the Rio Grande may provide migration and feeding habitat for this species. Bald eagles have been known to feed in upland areas on small mammals and carrion. The habitat sites on the allotment provide habitat for numerous small mammals such as jack rabbits, desert cottontail, and other small rodents.

Ferruginous Hawk - There are no known nests or nesting areas on the allotment. Occurrence of this species would likely be during migration or in the winter months. The allotment may provide feeding habitat for this species.

Burrowing owl- Suitable habitat for this species occurs on the allotment. The various SHS would support small burrowing mammals that would provide habitat for the owl. Open creosote stands, arroyo habitat, and grass mountains provide diversity for this species.

Loggerhead shrike - Shrikes commonly occur in desert scrub and creosote habitats in Dona Ana county.

### Fundamentals of Rangeland Health

These fundamentals include watershed functionality, ecological processes, water quality standards, and habitats for Federal threatened and endangered species and other special status species.

## ENVIRONMENTAL IMPACTS

<u>Critical Elements</u>	<u>Affected</u>		<u>Critical Elements</u>	<u>Affected</u>	
	Yes	No		Yes	No
Air Quality	___	<u>X</u>	T&E Species	___	<u>X</u>
ACEC's	___	<u>X</u>	Wastes, Hazardous/Solid	___	<u>X</u>
Cultural Resource	___	<u>X</u>	Water Quality	___	<u>X</u>
Farmlands, Prime/Unique	___	<u>X</u>	Wetlands/Riparian Zones	___	<u>X</u>
Floodplains	___	<u>X</u>	Wild & Scenic Rivers	___	<u>X</u>
Nat. Amer. Rel. Concerns	___	<u>X</u>	Wilderness	___	<u>X</u>
Min./Low Income Pop./Com.	___	<u>X</u>			

### DESCRIPTION OF IMPACTS:

#### Proposed Action:

Issuing the grazing permit would allow grazing to continue on the allotment as it has occurred in the past. Impacts of grazing include the direct impact of livestock movement on the ground, the deposition of livestock wastes, and vegetation removal.

#### Recreation and Visual Resources

If the proposed action was implemented, recreation on the allotment would continue as it has in the past. Livestock grazing and management does not interfere with recreation on this allotment. There would be no change in the visual resources of the area.

#### Soils and Watershed

Livestock trailing on the allotment would cause a minor amount of erosion, on areas with little rock, where cattle congregate, such as some saddles between hills, and areas near watering points.

The livestock waste deposition would not be expected to be substantially greater than that produced by wildlife. Renewal of the permit is expected to have a negligible effect on the TMDL in the Rio Grande, because the characteristic vegetation and soil types on the allotment would not be expected to change if livestock grazing was removed.

#### Cultural Resources

The proposed action would have no adverse affect on any existing cultural resources. Any future projects would require an archeological survey.

#### Vegetation

Forage removal should remain within the levels recommended by the MRMP. Properly managed grazing would not affect the vigor and production of the forage plants. Rangeland conditions would be expected to remain static. The majority of the creosote dominated areas are not expected to change condition, with, or without livestock present, unless some form of brush treatment is performed.

## Wildlife

Livestock displace some wildlife. The majority of animal species present would remain substantially unaffected by renewal of the grazing permit. Livestock grazing is not precluding the use of Angustura Arroyo by wildlife.

### Special Status Species

Plants - Implementation of the proposed action would not affect potential populations or potential habitat of night-blooming cereus or grama grass cactus.

Animals - Implementation of the proposed action would not affect the species, for the reasons listed below:

The bald eagle utilizes areas with large bodies of water. The allotment does not offer suitable nesting or forage habitat for the eagles, so any bald eagles in the area would be transient migrants. The ferruginous hawk is a rare winter resident and is more of a northern New Mexico hawk. It may hunt in the area during migration, however the habitat on the allotment is largely unsuitable for this species. The burrowing owl responds positively to controlled livestock grazing. Data on the loggerhead shrike does not indicate any positive or negative affects from grazing practices.

Reissuance of the permit would have no adverse affect on the bald eagle, ferruginous hawk, burrowing owl, and loggerhead shrike.

### Fundamentals of Rangeland Health

The analysis above is supportive of the following statements regarding the fundamentals of rangeland health:

Ecological processes are maintained within the allotments capability in order to support healthy biotic populations and communities. Issuance of the permit would have no significant impacts to these processes.

Watersheds are functioning properly in relation to their upland, riparian-wetland, aquatic, water infiltration and water storage capabilities. Issuance of the permit would have no significant negative impact to these components.

Water quality is making significant progress toward complying with New Mexico water quality standards and achieving BLM management objectives. Issuance of the permit would not impede this progression.

Habitats are restored or maintained, within the allotments capabilities, for federal threatened and endangered species, federal proposed, federal species of concern, and other special status species. Issuance of the permit would have no significant negative impact to these habitats.

**No Action:** The grazing permit would be denied, and no new permit would be issued to the applicant. Eventually the land would be permitted for grazing again, unless the MRMP was amended. The allotment would be permitted when a qualified applicant offered appropriate base property, was offered a grazing permit, and agreed to the terms and conditions of the permit.

The permitted numbers would not be increased, unless rangeland monitoring studies indicate that forage present has increased sufficiently to support more Animal Units (AU's), while maintaining the allotment to BLM standards and guidelines. No such supporting studies exist.

This permit would not be made for less than the permitted numbers, unless:

- 1) Rangeland studies indicated that the forage available for livestock grazing has decreased.
- 2) Resource degradation related to livestock grazing on the allotment was occurring or,
- 3) Reduced numbers of livestock were indicated to maintain the allotment within BLM standard and guidelines.

Without any determination that any of the above is occurring, a reduction or denial of grazing on this allotment would be arbitrary, and contrary to the intent of the MRMP.

The permit might not be reissued for a considerable period of time, because Mr. Castle controls the permanent water in the area. Any other form of short term grazing permit would be unlikely on this allotment, due to the difficulty of hauling water in.

During the interim period, when the permit was not issued to any permittee, any livestock would be in trespass if found to be on the public lands on the allotment. Mr. Castle would need to temporarily remove cattle from the area containing public lands, or fence out the lands, to avoid livestock trespass. This would amount to up to 10 miles fence. Electric fence would not be practical in most of this terrain, so most fence built would be barbed wire fence, at an approximate cost of \$4000 per mile.

Once grazing was allowed on the allotment again, the environmental effects would be similar to those in the proposed action.

#### Recreation and Visual Resources

Affects would be the same as in the proposed action.

#### Soils and Watershed

In the interim period, livestock would not trail on the public lands. Mr. Castle would need to install pipelines, wells, or haul water to his private and state lands to continue to graze the majority of his lands. Less animal waste would be deposited on the public land, in the short term. Nonpoint source pollution would not be affected.

#### Cultural Resources

There would be no adverse affect on any existing cultural resources. Any future projects would require an archeological survey.

#### Vegetation

During the interim, with no livestock grazing on the public land, the amount of forage consumed would be less. There would be more standing vegetation. With a larger and more continuous fuel load present, the probability of wildfire would increase.

If the permit was not re-issued for an extended interval, the vegetation types and the proportions of various species present might slowly change over time. Plants currently favored by livestock might increase.

### Wildlife

Wildlife habitat would not be expected to change during the short interim. If the period of no authorized grazing was extended, habitat could improve for some species, and deteriorate for some other species, depending on the type of habitat favored.

If the rancher kept all livestock off the allotment, some watering facilities might be temporarily shut down, affecting the access of wildlife to water. If the new fences were built, they would impact the access of livestock and some wildlife species to water on the rancher's state and private lands.

### Special Status Species

Plants - Implementation of the no action alternative would not affect potential populations or potential habitat of night-blooming cereus or grama grass cactus.

Animals - Implementation of the no action alternative would have no effect on the special status species.

### Fundamentals of Rangeland Health

The impacts would be the same as those in the proposed action.

Cumulative effects of livestock grazing have been assessed in the Las Cruces/ Lordsburg Resource Area Final Management Framework Plan Amendment Environmental Impact Statement.

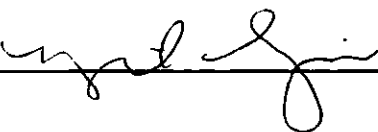
### **DESCRIPTION OF MITIGATION MEASURES AND RESIDUAL IMPACTS:**

If the proposed action was approved, the permittee would be required to follow the grazing regulations. No mitigation measures are planned. Rangeland monitoring studies will be conducted according to New Mexico minimum monitoring standards.

Residual effects of renewing the permit on this allotment would be minimal. Short term effects are covered in the proposed action. Any long-term effects caused by livestock grazing on this area have already occurred. Renewal of the permit should cause no further changes.

### **PERSONS/AGENCIES CONSULTED:**

Preparer: Marcia Whitney Date: February 26, 1999

EA Coordinator's Signature:  Date: 3/3/99