

Environmental Analysis
New Pens 5-strand Barbed Wire Fence Construction
NM-060-2002-0070
Allotment #63020
Bureau of Land Management
Roswell Field Office
Roswell, New Mexico
March 1, 2002

Location:

T. 4 S., R. 15 E.
Section 21,
Section 22, SW $\frac{1}{4}$
Lincoln County
New Mexico Principal Meridian

I. INTRODUCTION

Need For the Proposed Action

The need for the proposed action is to provide pasture fencing for livestock with the construction of 1.62 miles of 5-strand barbed wire fence across public land. The entire area to be enclosed will be 598 acres, all on public land.

Existing fences, water developments, and other range improvements needed to implement grazing systems or other management plans were incorporated or new ones were designed during specific management plan development. Other range improvements may be addressed as the need becomes apparent on allotments without documented allotment management plans. No Allotment Management Plan is currently on file for this allotment with the Bureau of Land Management.

Range fencing and water developments facilitate the handling of and caring for livestock. The location of fence developments on rangeland is important in controlling the movement, distribution, and concentrations of livestock.

Conformance with Land Use Plans: The proposed activity is addressed as part of the Roswell Resource Management Plan (October, 1997).

Relationship to Statues, Regulations, or Other Plans: The construction of fences as range improvements, either under Cooperative Agreement or Range Improvement Application is addressed under the 43 Code of Federal Regulations, Parts 4100, Grazing Administration, Exclusive of Alaska., Subpart 4120.3

Other Statues, Regulations or Plans are:

The Taylor Grazing Act of 1934, as amended (43 U.S.C. 315 (a)-(r))

The Federal Land Policy and Management Act of 1976, as amended (Pub. L. 94-579, 43 U.S.C. 1702 et seq), Sections 302 (a) & (b), Section 502 (a) & (c)

The Public Rangelands Improvement Act of 1978, as amended (Pub. L. 95-514, 43 U.S.C. 1901 et seq),

The National Environmental Policy Act of 1969, as amended (Pub. L., 91-190, 42 U.S.C. 4321-4347) Sec. 101

II. PROPOSED ACTION AND ALTERNATIVES

A. Proposed Action

The proposed action is the construction of a 5-strand barbed wire fence 1.62 miles in length to develop a 598 acre working trap. Construction of the fence will help to implement a working area between three pastures, and reduce concentrated trailing between three existing water locations over easily eroded soils.

The fence will be constructed using the standard construction methods.

The fence will be the seventeenth fence segment constructed on the allotment, and no other fences are planned on the ranch. The location of the proposed fence is T. 4 S., R.15 E., Sections 21 and 22, Lincoln County, New Mexico Principal Meridian.

The fence will be located on public surface and will be constructed under a Cooperative Range Improvement Agreement. The allottee will be responsible for the construction of the fence across public land. (See attached Map)

Standard measures that will be included in the authorization for these projects are:

No blading will occur on public land, unless authorized by the Authorized Officer.

Fences shall be flagged to warn big game of the new structures. White topped fence posts may be used along with flagging.

Fence post spacing shall be up to 150 feet..

BLM reserves the right to alter any fence on federal land should it be necessary for wildlife purposes.

No road is authorized as a part of this project for construction or maintenance.

Gates will be installed on existing roads to ensure public access.

Brush will be cleared by hand with hand tools.

The co-operator shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this authorization.

Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the co-operator/contractor or any person working on the co-operator's/contractor behalf, on public or Federal land shall be immediately reported to the authorized officer. The co-operator/contractor shall suspend all operations in the immediate area of such discovery until

written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The co-operator/contractor shall be responsible for the cost of evaluation and any decision as to the proper mitigation measures will be made by the Authorized Officer after consulting with the co-operator/contractor.

The co-operator/contractor is hereby obligated to comply with procedures established in the Native American Grave Protection and Repatriation Act (NAGPRA) to protect such cultural items as human remains, associated funerary objects, sacred objects, and objects of cultural patrimony discovered inadvertently during the course of the implementation. In the event that any of the cultural items listed above are discovered during the course of project work, the proponent shall immediately halt the disturbance and contact the BLM within 24 hours for instructions. The proponent or initiator of any project shall be held responsible for protecting, evaluating, reporting, excavating, treating, and disposing of these cultural items according to the procedures established by the BLM in consultation with Indian Tribes.

The co-operator/contractor shall be responsible for maintaining the site in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.

The approval of the Permit/Agreement does not convey the right to prevent other lawful uses from occurring. The applicant/cooperator understands that other lawful users with proper authorizations may pass over, under, or through the range improvement authorized by the Permit/Agreement. Appropriate stipulations by the BLM to other users will protect the stability and purpose of this improvement.

2. Alternatives

1. **No Action - Alternative 1**

This alternative would leave the pasture system as is. By not constructing the fence, livestock distribution patterns would remain concentrated at the existing locations, and the current situation would remain either at status quo or would decline..

2. **Locate Elsewhere - Alternative 2**

This alternative would re-route the entire proposed fence. The alternatives would: a. would cause more impact to the affected resources on the alternate route or b. would not be economical to install, maintain or use.

This alternative will not be given further consideration in this report; fewer environmental impacts would result from the action as proposed.

III. AFFECTED ENVIRONMENT

General Setting

The affected environment of the area is generally discussed in the Roswell Resource Management Plan (Oct. 1997). Only those resources actually impacted by the proposed action will be addressed in this document.

The proposed fence is to be located on the Bogle, Ltd. X-Bar Allotment #63020. The allotment is located approximately fifty miles northwest of Roswell.

The major regional industries are ranching, and oil and gas development, as well as seasonal hunting.

Affected Resources

The critical elements of ACEC's, Air Quality, Prime or Unique Farmlands, Floodplains, Native American Religious Concerns, Hazardous or Solid Wastes, Water Quality, Wetland and Riparian Zones, Wild and Scenic Rivers, Low Income/Minority Populations and Wilderness will not be affected. A cultural clearance was completed for the fence on February 27, 2002, no artifacts or other cultural sites were found.

Soils: The project area for the New Pens fence includes the Darvey- Pastura Association, gently sloping and the Deama-Pastura association. The Darvey Pastura association is found on uplands and valley sides. Slopes are 0 to 8 percent. The Darvey soil is very deep and well drained. Permeability of the Darvey soil is moderate, with an effective rooting depth of 60 inches or more. Available water capacity is very high, runoff is medium and the hazard of water erosion is moderate. The hazard of soil blowing is high. The Pastura soil is very shallow and shallow and is well drained. Permeability is moderate while the effective rooting zone is 5 to 20 inches. Available water capacity is very low, runoff is rapid and the hazard of water erosion is high. The Deama Pastura association is found mainly on the uplands. The Deama soil is very shallow and shallow is is well drained. All three soils are formed in limestone. Permeability of the Deama soil is moderate. The effective rooting depth is 7 to 20 inches with very low available water capacity. Runoff is rapid and the hazard of water erosion is high. However the hazard of soil blowing is slight.

Vegetation: The fenceline area predominately fits the Shallow and Shallow Limestone CP-3 Range Site descriptions. The vegetation for these sites at climax (potential) are mainly grasses such as blue grama, galleta, black grama and sideoats with some New Mexico feathergrass. The shrub component includes fourwing saltbush, juniper, pinon and algerita, while forbs such as buckwheat, indian paintbrush and penstemmen occur.

Invasive, Non-Native Species: There are currently no known Non-native, Invasive species in the immediate area of the proposed fence construction area.

Visual: The proposed route for the fence is contained in an area which is considered to be Class IV Visual Resource Class Areas; this class provides for management activities which require major modification to the existing character of the landscape. The level of change in these areas can be high.

Wildlife: The project areas provide habitat for desert mule deer, pronghorn antelope, bobwhite, scaled quail, mourning dove, raptor species, and various non-game species.

Threatened or Endangered Species: There are no known threatened or endangered species of plant or animals on Allotment 63020. A list of federal threatened, endangered and candidate species reviewed for this EA can be found in Appendix 11 of the Roswell Approved RMP (AP11-2). There are no designated critical habitat areas within this allotment. The swift fox is a Federal Candidate species that may occupy or utilize the area; refer to the Biological Opinion (AP11-38) in the Roswell RMP for a detailed description of the range, habitats and potential threats. The mountain plover has been recently proposed for listing as an Endangered Species. It is associated with shortgrass and shrub-steep landscapes throughout its breeding and wintering range. Historically, on the breeding range, it occurred on nearly denuded prairie dog towns and in areas of major bison concentration. The mountain plover are considered to be strongly associated with sites of heaviest grazing pressure, to the point of excessive surface disturbance. Short vegetation, bare ground, and a flat topography are now recognized as habitat-defining characteristics at both breeding and wintering locales.

IV. ENVIRONMENTAL IMPACTS

Impacts of the Proposed Action

The impacts from the proposed action will be made during the construction of the fence. Short term negative impacts would include: vegetation disturbance will be localized to the immediate area of the project. Vegetation will be destroyed where the posts are set, but the disturbed area will naturally re-vegetate within two growing seasons with adequate precipitation. Soil disturbance will be localized to the immediate area of the project. Impacts from the proposed construction activity may cause temporary disruption of wildlife activity within the immediate vicinity of the project area during construction. No reduction in AUMs will result. Positive long term impacts would include: vegetation will benefit from this project due to the reduced amount of stress caused by foraging animals. This will lower utilization levels around the current yearlong available water sources. There is sufficient wildlife habitat in the surrounding areas that will minimize the impacts to wildlife. The grazing system dependent on existing fences will benefit by the additional flexibility provided by the new locations. Visual impacts will be minimized as long as the standards are adhered to.

Impacts of the Alternatives

Under the No Action alternative the fence would not be constructed, and the associated impacts of that construction would not occur. Under the No Action alternative, the established sites for water needed for livestock and wildlife use would continue to be heavily utilized. Erosion would continue as the livestock trail between the three existing water locations.

Mitigation Measures and Residual Impacts

Mitigating Measures: No additional mitigating measures will be needed if the standard operating procedures and design features previously discussed are adhered to.

Residual Impacts: Implementation of the proposed action or of the alternative of a different location would have the same potential for unavoidable temporary adverse environmental impacts.

Cumulative Impacts: The results of the proposed action will not substantially change the plant and animal communities of the project area, however, decreasing the utilization levels near the existing water locations by implementing the rotation grazing system should aid in attaining increased plant vigor. The proposed action will result in beneficial effects to the soil and animal life. Beneficial effects to the soil resource would appear in reduced soil compaction in areas of little slope. The construction of the project as proposed would not affect the environment as a whole, but would be site specific in its effect. Therefore, the cumulative impact will not be significant when compared to existing disturbances created by heavy utilization of forage near existing water locations.

V. PERSONS OR AGENCIES CONSULTED

The following are people who have been consulted for their comments in regards to the proposed action in addition to the resource area specialists. The comments and suggestions expressed during the consultation have been incorporated into this EA.

Clark Taylor, Rangeland Management Specialist,
Roswell Field Office, BLM (now with USDA Forest Service)
Bogle, Ltd (X-Bar), Donald Bogle allottee of Allotment #64077

Prepared by:

Helen C.J. Miller, Rangeland Management Specialist

Date

FINDING OF NO SIGNIFICANT IMPACT/ DECISION RECORD
Bogle Ltd (X-Bar) New Pens Fence Construction, EA NM-060-2002-0070

FINDING OF NO SIGNIFICANT IMPACT: Based on the analysis of potential environmental impacts contained in the attached environmental assessment, I have determined the proposed action is not expected to have significant impacts on the environment and that preparation of an Environmental Impact Statement is not warranted.

DECISION: It is my decision to authorize the construction of the 5-strand barbed wire fence to provide implementation of a rotation grazing system and construction of a working trap on Allotment #63020, Bogle, Ltd. (X-Bar) Ranch. One and six tenths miles of 5-strand barbed wire fence will be placed on public land, covering the entire project.

Location of the fence is as follows:

T. 4 S., R. 15 E. parts of Sec. 21 and Sec. 22 SW $\frac{1}{4}$

All in Lincoln County, New Mexico Principle Meridian. (Please refer to the map in the Environmental Assessment.)

Actual construction of the fence will be done by the allottee. The surface protection procedures set forth in the proposed action have been incorporated into the Environmental Assessment. Any comments made to this proposed action were considered and addressed.

Rationale for Recommendations: The decision to authorize the proposed action does not result in any undue or unnecessary environmental degradation. The action is consistent with planned actions presented in the Roswell Resource Management Plan, Oct, 1997.

In accordance with 43 Code of Federal Regulations, Part 4100, Sec 4160.2 any applicant, permittee, lessee or other affected interests may protest this proposed decision in person or in writing to the authorized officer, within 15 days after receipt of this decision. Please be specific in your points of protest.

In the absence of a protest, this proposed decision will become the final decision without further notice. Any person who is adversely affected by a final decision of the authorized officer may file a written appeal to the Final Decision for the purpose of a hearing before an administrative law judge under 43 CFR 4.470. A period of 30 days after the decision becomes final is provided in which to file an appeal and a petition for stay of the decision in this office (43 CFR §4160.3 [c] and §4160.4).

/s/ T R Kreager
T. R. Kreager, Assistant Field Office Manager, Resources

6/4/02
Date

STIPULATIONS

1. No blading will occur on public land, unless authorized by the Authorized Officer.
2. Fences shall be flagged to warn big game of the new structures. White topped fence posts may be used along with flagging.
3. Fence post spacing shall be up to 150 feet..
4. Wire spacing should no less than 12 inches from the ground and shall not exceed 48 inches in height. Spacing will be 12, 8, 8, 10 and 10 inches from the ground up. Bottom wire should be smooth wire.
5. BLM reserves the right to alter any fence on federal land should it be necessary for wildlife purposes.
6. No road is authorized as a part of this project for construction or maintenance.
7. Gates will be installed on existing roads to ensure public access.
8. Brush will be cleared by hand with hand tools.
9. The co-operator shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this authorization.
10. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the co-operator/contractor or any person working on the co-operator's/contractor behalf, on public or Federal land shall be immediately reported to the authorized officer. The co-operator/contractor shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The co-operator/contractor shall be responsible for the cost of evaluation and any decision as to the proper mitigation measures will be made by the Authorized Officer after consulting with the co-operator/contractor.
11. The co-operator/contractor is hereby obligated to comply with procedures established in the Native American Grave Protection and Repatriation Act (NAGPRA) to protect such cultural items as human remains, associated funerary objects, sacred objects, and objects of cultural patrimony discovered inadvertently during the course of the implementation. In the event that any of the cultural items listed above are discovered during the course of project work, the proponent shall immediately halt the disturbance and contact the BLM within 24 hours for instructions. The proponent or initiator of any project shall be held responsible for protecting, evaluating, reporting, excavating, treating, and disposing of these cultural items according to the procedures established by the BLM in consultation with Indian Tribes.

12. The co-operator/contractor shall be responsible for maintaining the site in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
13. The approval of the Permit/Agreement does not convey the right to prevent other lawful uses from occurring. The applicant/cooperator understands that other lawful users with proper authorizations may pass over, under, or through the range improvement authorized by the Permit/Agreement. Appropriate stipulations by the BLM to other users will protect the stability and purpose of this improvement.