

FINDING OF NO SIGNIFICANT IMPACT/DECISION RECORD
Circle F Pipeline - 03 Construction, EA NM-060-2003-0064

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 water pumpline to provide adequate water supply on Allotment #63035, Townsend Brangus, Circle F Ranch. Total pipe to be installed is 1.43 miles of pipeline and two tubs that will be placed on public land to insure water supply and availability of water.

Location of the pipelines are as follows:

Circle F Pipeline - 03 T. 4 S., R. 19 E., Sec. 19, 20, 29, & 30

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

Actual construction of the pipeline will be done by the BLM. Pipeline construction is normally accomplished during the summer months, June through September. 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

3/17/03

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

Date

Environmental Analysis
Circle F Pipeline Reconstruction -03 (Pasture 7 Pipeline Reconstruction)
NM-060-2003-0064
Allotment #63035
Bureau of Land Management
Roswell Field Office
Roswell, New Mexico
February 25, 2003

Location:

T. 4 S., R. 19 E. Sections 19, 20, & 30, Lincoln County, New Mexico
New Mexico Principal Meridian

I. INTRODUCTION

Need For the Proposed Action

The need for the proposed action is to install a pipeline to continue to provide permanent water for livestock and wildlife with the construction of a pipeline containing approximately 7,550 feet (1.43 miles) of 1 1/4", 200 psi pipeline, across public land. The entire length of pipeline connects to one storage tank, and three troughs. Two troughs will also be replaced, to be authorized under this application. This action will replace a pipeline constructed in 1973. The pipeline has deteriorated to the extent that maintenance is no longer feasible.

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. An 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 water developments on rangeland is important in controlling the movement, distribution, and concentrations of livestock. Reliable water supply would lessen the distance wildlife and livestock have to travel between forage and available water.

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

Relationship to Statutes, Regulations, or Other Plans: The construction of pipelines 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 Statutes, 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 water pipeline (7,550 feet on public land) to provide adequate water supply to two drinking troughs within the area; in order to provide consistent and reliable water distribution.

The pipeline will be laid using the standard construction methods.

The location of the proposed pipeline is T. 4 S., R. 19 E., Sections 19, 20, 29 & 30, Lincoln County, New Mexico Principal Meridian.

The pipeline will be located on public surface and will be constructed under a Cooperative Range Improvement Agreement . The pipeline and drinking troughs will be funded by Range Improvement funds and installed by a contractor for the Bureau of Land Management, Roswell Field Office. (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.

Water will be provided yearlong to all drinking tubs located on public land, for wildlife purposes, when livestock are not in the pasture. Wildlife escape ladders will be installed in all drinkers.

Livestock drinking tubs will not exceed 18" in height.

The co-operator shall not use the pipeline route as a road for purposes other than routine maintenance as determined necessary by the Authorized Officer in consultation with the co-operator. The co-operator shall take whatever steps are necessary to ensure that the pipeline route is not used as a roadway.

Vegetation, soil, and rocks left as a result of construction or maintenance activity shall be randomly scattered over the project area and shall not be left in rows, piles, or berms, unless otherwise approved by the Authorized Officer. A berm shall be left over the ditch line to allow for settling back to grade.

Non-galvanized storage tanks will be painted Carlsbad Canyon (2.5Y C/2 on Munsell Soil Color Chart) to blend with the environment.

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.

B. Alternatives

1. **No Action - Alternative 1**

This alternative would leave the water supply as is. By not constructing the pipeline, the water supply to the existing tubs and storage may be inconsistent. This water would be available for use by wildlife or livestock.

2. **Locate Elsewhere - Alternative 2**

This alternative would re-route the entire proposed pipeline or major portions of it. The alternatives would: a. add length to the pipeline as well as increasing the amount of surface disturbance; b. would cause more impact to the affected resources on the alternate route or c. 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 pipeline, storage and drinkers are to be located on the Townsend Brangus Circle F Ranch, Allotment #63035. The Circle F allotment is located approximately sixty five miles northwest of Roswell, lying west of Highway 285, and straddles the Lincoln/Chaves County lines..

The major regional industries are ranching, and recreation, 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 pipeline on July 11, 2001, no artifacts or other cultural sites were found.

No Oil & Gas leases are present. No mining claims exist in this area.

Soils: The project area for the Circle F Pipeline - 03 includes the Deama- Pastura association moderately sloping and the Deama-Rock Outcrop association, very steep. The Deama soils are very shallow, and shallow, well drained soils, formed mainly in limestone. The soils are found on hills and mesas. Slope is from 0 to 50 percent. The Pastura soil is very shallow and shallow and is well drained. Permeability for this association 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-Rock Outcrop association is found mainly on the hills and breaks. Slope is 15 to 50 percent for the association. The Rock Outcrop consists of area of exposed limestone, surface runoff is rapid.

Vegetation: The pipeline area predominately fits the Shallow, Shallow Limestone, and Limestone Hills 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 pipeline construction area.

Visual: The proposed route for the pipeline 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 64077. 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.

Cave-Karst Impacts While the proposed action is located in the High Potential Karst Area, no surface cave/karst features were observed in the vicinity of the proposed action.

IV. ENVIRONMENTAL IMPACTS

Impacts of the Proposed Action

The impacts from the proposed action will be made during the construction of the pipeline. Short term negative impacts would include: vegetation disturbance will be localized to the immediate area of the project. Vegetation will be destroyed where the trench runs, but the disturbed area will naturally re-vegetate within two growing seasons with adequate precipitation. Approximately 5.20 acres of vegetation will be subject to disturbance during the construction of the pipeline, (based on the estimate of 1.43 miles * 30 ft. width). 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. Soil disturbance will be localized to the immediate area of the project. 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. Visual impacts by the pipeline as proposed will be kept at a minimum by designing the lay of the pipeline along topographic lines as much as possible. Other visual impacts will be minimized as long as the standards are adhered to. There should be no impact to known cave entrances, or karst features within the areas of the proposed action.

Impacts of the Alternatives

Under the No Action alternative the pipeline would not be constructed, and the associated impacts of that construction would not occur.

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 should aide 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. Livestock would benefit also by the more even distribution of water availability. Wildlife, such as bird species, would benefit by having additional water sources. The construction of the project as proposed would not affect the environment as a whole, but would be site specific in its effect. While as much as 5.2 acres of vegetation will be initially affected, this can be mitigated by allowing the site to naturally re-vegetate with receipt of normal precipitation. 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.

John Spain, Rangeland Management Specialist,
Roswell Field Office, BLM
Gayland Townsend, Townsend Brangus - Circle F Ranch,
Allotment 63035
Roy Stovall, Range Improvement Specialist, Roswell Field Office, BLM
Stan Brisco, Range Improvement Specialist, Roswell Field Office, BLM

Prepared by:

Helen C.J. Miller, Rangeland Management Specialist

Date

STIPULATIONS

1. No blading will occur on public land, unless authorized by the Roswell Resource Area Manager.
2. Water will be provided yearlong to all drinking tubs located on public land, for wildlife purposes, when livestock are not in the pasture. Wildlife escape ladders will be installed in all drinkers.
3. Livestock drinking tubs will not exceed 18" in height.
4. The co-operator/contractor shall not use the pipeline route as a road for purposes other than routine maintenance as determined necessary by the Authorized Officer in consultation with the co-operator/contractor. The co-operator/contractor shall take whatever steps are necessary to ensure that the pipeline route is not used as a roadway.
5. Vegetation, soil, and rocks left as a result of construction or maintenance activity shall be randomly scattered over the project area and shall not be left in rows, piles, or berms, unless otherwise approved by the Authorized Officer. A berm shall be left over the ditch line to allow for settling back to grade.
6. The co-operator/contractor 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.
7. 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/contractor's 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.
8. 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.
9. 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.

10. 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.

11. If, during any construction activities any sinkholes or cave openings are discovered, all construction activities shall immediately cease. Contact Mike Bilbo at (505) 627-0278.

12. The BLM Authorized Officer will, within 24 hours of notification in "11" above, conduct an on-the-ground field inspection for karst. At the field inspection the authorized field inspector will authorize or suggest mitigating measures to lessen the damage to the karst environment. A verbal order to proceed or stop the operation will be issued at that time.