

XI. DECISION RECORD

DOCUMENT EA# NM-512-2006-159

DECISION RECORD

Decision: I have reviewed this proposed action, including the environmental impacts and have determined that the proposed project is in conformance with the approved land use plan. Therefore, no further environmental analysis is required. It is my decision to implement the one day "Art in the Orchard" and a set up and clean up day for the area. Any comments made to this proposal were considered and any necessary changes have been incorporated into the Environmental Assessment.

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 petition a stay of the decision in this office.

____//SS//_____
Timothy R. Kreager,
Assistant Field Office Manager - Resources

August 14, 2006_____
Date

ENVIRONMENTAL ASSESSMENT
EA NUMBER NM-512-2006-159
Art in the Orchard
Tract 1, Lincoln Acquired Lands
Township. 9 South ,. Range 15 East. Section 15 SE 1/4

I. INTRODUCTION

A. Background

The Proposed action is necessary to provide a location for a one-day event called "Art in the Orchard". The event will be held on September 10, 2006 and on successive years to follow. The event will be authorized under a Special Recreation Permit. The Friends of Lincoln State Monument (FOLSM) are putting on the event for 2006. In subsequent years other events will be held in the Apple Orchard in Tract One of the Rio Bonito Acquired Lands.

1. Purpose and Need For The Proposed Action

Art in the Orchard is a yearly event that has taken place at various locations in Lincoln County New Mexico for the past 10 years. This year FOLSM would like to hold the event in the old apple orchard in Tract One of the Lincoln Acquired lands. They propose to set up booths on September 9, conduct the event on September 10 and tear down and clean up the area on September 11. Parking for vender vehicles, Patrons and accessible parking will be located in front (on the south side) of the old apple orchard. A permanent Driveway Permit will be acquired from the New Mexico Department of Transportation Department. The Driveway Permit will allow safe egress and exit for vehicles entering and exiting the area. The new access will have approximately 1000 linier feet of sight access on U.S. Highway 380. The existing access to the apple orchard is on a curve with very little sight distance and great possibility of vehicular accidents.

2. Conformance with Land Use Planning

The Proposed action is consistent with Bureau policy and guidance as well as actions analyzed in the Roswell Approved Resource Management Plan and Record of Decision of October 1997 Record of Decision (RMP) and the Rio Bonito Acquired Lands Final Activity Plan of December 2004 (NM-060-2004-127

D. Relationship to Statutes, Regulations, or Other Plans

Other pertinent statutes affecting the proposed action include:

Federal Land Policy and Management Act (FLPMA) of October 21, 1976, as amended;
National Historic Preservation Act of 1966 (36 CFR 800);
Clean Air Act (CAA) as amended (42 U.S.C. 7401);
Safe Drinking Water Act (SDWA), as amended (42 U.S.C. 300f);
Clean Water Act (CWA) of 1977 (33 U.S.C.)1251;
Resource Conservation and Recovery Act (RCRA) of 1976, as amended (42 U.S.C. 6901);
43 Code of Federal Regulations 8342 Designation of areas and trails.
Special Recreation Permit (43 U.S.C. 1201; 43 U.S.C. 1701;16 U.S.C. 460 L-6(a); and 43 CFR Group 8300.

II. PROPOSED ACTION AND ALTERNATIVES

3. Description of the Proposed Action

The proposed action is to use approximately 4 acres of the old apple orchard for the one day event "Art in the Orchard"

B. Alternatives To The Proposed Action

1. Have the event at the orchard and use the existing access to the orchard.
2. Have the event at the orchard and develop a new access to the orchard.
3. The No Action alternative would be to not have the event.

III. DESCRIPTION OF THE AFFECTED ENVIRONMENT

A. General Setting

The proposed action will use the flat area on the south side of the orchard and 4 acres of the old orchard for a one-day event.

B. Affected Resources/Critical Elements

The following critical elements have been evaluated and are either not present or are not affected by the Proposed Action or the Alternative in this assessment: Farmland - Prime or Unique, Flood Plains, Native American Religious Concerns, Wastes- Hazardous or Solid, Wild and Scenic Rivers, Wilderness, Low Income or Minority populations or communities and Environmental Justice.

1. Topography:

The topography of the area is relatively flat on the outside of the apple orchard and within the inside of the orchard. Elevation above sea level ranges is approximately 6,000 feet.

2. Climate:

The climate is semi-arid with normal monthly temperatures ranging from 35 F in January to 70 F in July (Dunkel, 1984). Observed minimum and maximum temperatures were -28 F and 101 F, respectively. Average annual precipitation is 13.9 inches, with average annual snowfall of 20 inches. Annual precipitation has ranged from 6.1 inches to 25.6 inches, and snowfall has been as high as 64 inches (Dunkel, 1984).

3. Vegetation:

The area has some native grass and weeds located on it. The old orchard has grassland vegetation type and is dominated by blue grama (*Bouteloua gracilis*). A typical blue grama community is composed of blue grama, hairy grama (*Bouteloua hirsuta*), sideoats grama (*Bouteloua curtipendula*), cane bluestem (*Bothriochloa barbinoidea*) and western wheatgrass (*Agropyron smithii*), with sagewort (*Artemisia* spp.) and verbena (*Verbena* spp.) as common for species. The muhly-blue grama community is dominated by creeping muhly, blue grama, verbena, scarlet globemallow (*Sphaeralcea coccinea*), and broom snakeweed (*Gutierrezia sarothrae*). The variety of apple trees is undetermined at this time.

4. Land/Realty/ROW:

There are no utilities within the proposed area. A Driveway Permit has been applied for with the New Mexico State Department of Transportation to create a safe access into the apple orchard from U.S. Highway 380. Minimal grading will be needed for the access. An opening of approximately 24 foot will be cut into the Right of Way fence. Two 12 foot gates or a 24 foot gate will be placed in the opening and the R/W fence. The gates will be supported with an "H" brace to maintain the R/W fence.

5. Minerals:

The BLM does not own the minerals in this area.

DESCRIPTION OF THE AFFECTED ENVIRONMENT

1. Air Quality:

Private property surrounds the area. The Capital Wilderness is located approximately nine miles northeast of the ACEC and the White Mountain Wilderness is located approximately 14 miles west of the area. Both are classified as a Class I airsheds.

Environmental Impacts:

There may be some fugitive dust when the area when the area is on use.

All Alternatives would cause no adverse actions.

2. Fire and Fuels:

If possible the area will be irrigates approximately four weeks before the proposed event. This will promote the grass to grow and make a green space for the event. In the event there is enough vegetative growth from previous rains the area will be mowed to allow use of the area. In this case the orchard will not be irrigated prior to the event. Trees with an inordinate amount of dead branches will be roped off with flagging to keep visitors away from these trees.

No open fires or flames of any kind will be allowed during, before or after the event.

3. Water Quality:

The proposed area is in the upper Rio Hondo drainage basin, which consists of the Rio Bonito watershed. The two streams come together to form the Rio Hondo at the town of Hondo approximately 10 miles southeast of the area The entire area lies within the Rio Bonito watershed.

The New Mexico Water Quality Control Commission (WQCC) has been delegated authority to designate uses and establish water quality standards for waters of the State. The WQCC (2000a) has identified perennial reaches of the Bonito below Angus, and the Rio Ruidoso below the U.S. 70 bridge near Seeping Springs Lakes as parts of Segment 2208. Designated uses for Segment 2208 include fish culture, irrigation, livestock watering, wildlife habitat, a coldwater fishery, and secondary contact (e.g., wading).

The WQCC (2000a) has also established water quality standards to protect the designated uses, and directs periodic water quality assessments to ensure that standards are met. According to the WQCC (2000b), the coldwater fishery and

irrigation use are not supported on the Bonito due to stream bottom deposits (i.e., sediment). The probable sources of sediment listed were agriculture, removal of riparian vegetation, streambank modification/destabilization, and other unknown sources.

Environmental Impacts: The Proposed Action would cause no impacts to the water quality of the area.

No ground-water impacts would be expected under any Alternative. Neither the long-term benefits nor the short-term impacts expected under the Proposed Action would be realized under the No-Action Alternative.

4. Soil:

The *Soil Survey of Lincoln County Area, New Mexico (USDA Soil Conservation Service, 1983)* was used to describe and analyze impacts to soil. Soil in the treatment area is grouped into three general categories.

Deacon loam and Tortugas-Rock outcrop association are found on uplands, breaks, The Deacon loam and Tortugas soil are derived from alluvium and limestone, respectively. The surface texture of the Tortugas soil is very cobbly loam. The Deacon loam is deep, but the Tortugas soil is shallow. Both are well-drained and have moderate permeability. The runoff is moderate for the Deacon loam, but is rapid for the Tortugas soil. Therefore, the water erosion hazard is high for the Tortugas soil and moderate for the loam. The wind erosion hazard is high on the loam, but only slight on the Tortugas soil.

Environmental Impacts:

There should be very little soil loss before and after the event.

There would be no impacts to the area under all of the alternatives.

5. Floodplains:

The proposed action is not in a floodplain.

Environmental Impacts:

No environmental impacts should occur.

6. Non-native, Invasive Species:

On February 3, 1999, the President signed Executive Order 13112 (EO), Invasive Species. The EO dictates that "each Federal Agency whose actions may affect the status of invasive species shall, to the extent practicable and permitted by law: prevent the introduction of invasive species; detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner;

monitor invasive species populations accurately and reliably; provide for restoration of native species and habitat conditions in ecosystems that have been invaded; conduct research on invasive species and develop technologies to prevent introduction and provide for environmentally sound control of invasive species; and promote public education on invasive species and the means to address them.” The Noxious Weed Management Act of 1998 for the State of New Mexico finds that noxious weeds have caused extensive economic damage in New Mexico.

Specifically, the presence and spread of noxious weeds: decreases land values and productivity, forces out nutritious forage for livestock and often causes the death of livestock and crops; harms the environment by crowding out native vegetation and endangered species, increasing fire danger, increasing water usage; and; increases government and industrial costs by increasing highway cleanup costs, decreasing the lease value of state and federal land and curtailing the hunting, fishing and recreational use of the land.

“Class A” weeds are considered to be non-native species with limited distribution in New Mexico. Preventing new infestations and eliminating existing infestations is the highest priority. “Class B” weeds are non-native species that are presently limited to portions of the state. They are designated for control in regions where they are not yet widespread. Preventing infestation in these areas is a high priority. In regions where a “Class B” species is already abundant, control is decided at the local level with containment as the primary goal. “Class C” weeds are other non-native weeds found in New Mexico. Many of these are widespread in the state. Long-term programs of suppression and management are a local option, depending upon local threats and the feasibility of management in local areas. The area will be monitored for weeds by the BLM staff and weed eradication programs will initiated as weed species are found.

Environmental Impacts:

Vehicles, that are carrying a seed source, are a major transportation of noxious weed seed. The unwanted species seeds would usually drop off of vehicles and grow along roads within the area. If unchecked the species would spread from the roads into adjacent pastures within the ACEC.

The No Action Alternative would result in a “status quo” situation. Native vegetation would decrease, productivity would decline and a monoculture of invasive species would become established. Use of the area would not be conducive to recreationists, such as bird watchers or picnickers, as noxious weeds are not extensively used by wildlife and have a tendency to be irritating to pass through. The sites would also become a “nursery area” or seed source for noxious weeds, spreading up and down the Rio Bonito Valley.

7. Terrestrial and Aquatic Wildlife Habitat:

The Rio Bonito valley provides for approximately 151 species of birds, 38 species of mammals and 9 species of fish.

Several bird species associated with pinyon-juniper woodlands are the common flicker, ladderbacked woodpecker, acorn woodpecker, pinyon jay, scrub jay, mountain chickadee, common bushtit, plain titmouse, white-breasted nuthatch, blue-gray gnatcatcher, gray vireo, rock wren, and Montezuma quail.

The blue grama grassland habitat supports such species as scaled quail, roadrunner, western meadowlark, Northern harrier, brown-headed cowbird, vesper sparrow, lark bunting, rufous-crowned sparrow, and horned lark.

Several species of birds occur in the riparian community or near other sources of water. Representative species are acorn woodpecker, killdeer, mourning dove, mallard, bufflehead, belted kingfisher, blue grosbeak, lesser goldfinch, yellow-rumped warbler, Northern waterthrush, and yellow-breasted chat. In addition, the bald eagle winters throughout the area, and the Rio Bonito drainage is an important wintering area.

The diversity of small mammals provide for an excellent prey base for carnivores such as the coyote, gray fox, bobcat, raccoon, badger, striped skunk, long-tailed weasel, and occasionally black bear and mountain lion.

Blue grama grassland mammal species include the spotted ground squirrel, pocket gopher, silky pocket mouse, Ord's kangaroo rat, banner-ailed kangaroo rat, northern grasshopper mouse, southern plains woodrat, and the pronghorn antelope.

Other mammals use the pinyon-juniper woodland habitat to some extent. Mule deer occur throughout the Fort Stanton area. During winter, some deer migrate from the higher elevations of the Sierra Blanca Mountains to the Fort Stanton area. Since 1990, a number of Rocky Mountain elk have used the area on a yearlong basis.

Beavers use the riparian habitat to the exclusion of upland habitat. Over the past years, beavers have built dams and lodges on the Rio Bonito. Annual floods that wash out the dams seem to be the most serious problem for beavers. Beavers may also leave the area when water levels drop.

Fish species found in the Rio Bonito are the Rio Grande sucker, brook trout, rainbow trout, cutthroat trout, fathead minnow, white sucker, Rio Grande chub, long-nose dace, and mosquitofish. In addition, an extensive list of aquatic insects and reptiles can be found in the Fort Stanton Habitat Management Plan on file at the Roswell Field Office.

Environmental Impacts: The one day event, set up and clean up day (three days) would be a temporary displacement of terrestrial wildlife during the actual activities due to human activity and noise levels. Wildlife would shy away from the area when vehicles and pedestrians are in the area.

Under all alternatives the activities would be status quo.

8. Cultural Resources:

A cultural inventory was conducted on the area and no cultural sites or artifacts were found. There is some left over junk from previous ownership of the area but is not considered to be significant.

Environmental Impacts:
There should be no impacts to the area.

All alternatives would have no impacts on cultural resources within the area.

9. Cave/Karst Resources:

There are no known cave/karst resources within the area.

10. Outdoor Recreation:

At present the area is closed to general recreation. Areas such as this are only open to the public under a Special Recreation Permit or letter of authorization. A trail head is planned and could be established within the area to give visitors access to this part of Tract One.

Environmental Impacts:
There should be no impact to outdoor recreation within the area.

All alternatives would have no impact on recreation use of the area.

11. Visual Resources (VRM):

The Visual Resources within the proposed area are Class III. The Class III rating means the contrasts to the basic elements caused by the management activity may be evident and begin to attract attention in the landscape. The changes, however, would remain subordinate to the existing landscape. The Proposed Action may result in short term visual impacts to the casual observer for the three days people are in the area.

Environmental Impacts:

There should be very little visual impacts from people using the area.

All alternatives would cause no impacts on visual resources.

IV. CUMULATIVE IMPACTS:

Population increases and recreation demand increases are considered the primary multipliers of cumulative resource degradation effects for the future. There would be a positive effect to the safety of the visitor by providing a new driveway access U.S. Highway 380. Increase in regional metropolitan populations and other recreation demands may also impact the town of Lincoln's natural, cultural, and recreational resources. Other southwest recreation sites, areas, parks and facilities have experienced a general increase in resource degradation within the past fifteen years. The trend is expected to continue as the public becomes more aware of the value of public lands to the nation.

All alternatives maintain the status quo of the area.

V. MITIGATION MEASURES

See the Proposed Action for mitigation measures to impacts.

4. RESIDUAL IMPACTS

There should be no residual impacts to the proposed project.

5. PERSONS AND AGENCIES CONSULTED**PERSONS CONSULTED:**

Paul T. Happel, Natural Resource Specialist

Pat Flanary, Archaeologist

Tim Kreager, Assistant Field Manager, Resources

Mike McGee, Hydrologist

Helen Miller, Rangeland Management Specialist

Howard Parman, Planning and Environmental Coordinator

Joseph Navarro, Rangeland Management Specialist

John Spain, Rangeland Management Specialist

Irene Salas, Reality Specialist

Al Collar, Geologist

VIII. LITERATURE CITED

New Mexico Water Quality Control Commission. 2000a. State of New Mexico standards for interstate and intrastate surface waters. 20 NMAC 6.1. 57 pp.

New Mexico Water Quality Control Commission. 2000b. Water quality and water pollution control in New Mexico. NMED/SWQ-00/1. 112 pp.

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XII. DECISION RECORD

DOCUMENT EA# NM-512-2006-159

FINDING OF NO SIGNIFICANT IMPACT/RATIONALE

FINDING OF NO SIGNIFICANT IMPACT: I have reviewed this environmental assessment including the explanation and resolution of any potential significant environmental impacts. I have determined the proposed action will not have significant impacts on the human environment and that preparation of an Environmental Impact Statement (EIS) is not required.

Rational for Recommendations: The proposed action would not result in any undue or unnecessary environmental degradation. The proposed action will be in compliance with the Roswell Resource Management Plan and Record of Decision (October, 1997 and the Rio Bonito Acquires Lands Plan Final Activity Plan of December 2004.

_____/SS/_____
Timothy R. Kreager,
Assistant Field Office Manager – Resources

August 14, 2006_
Date

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