

DECISION RECORD AND FINDING OF NO SIGNIFICANT IMPACT  
EA# NM-510-2006-0191  
Right-of-Way NM 114113

Recommendation: I recommend that the proposed action by Otero County Electric Coop., Inc. for installation of an overhead electric distribution line be approved as mitigated, subject to the Standard Stipulations for Overhead Electric Distribution Lines in the Roswell District, BLM. This action will affect the following public lands:

New Mexico Principal Meridian  
T. 8 S., R 21 E. N.M.P.M.  
Section 34: NW1/4NE1/4.

Authority of this action is the Federal Land Policy and Management Act of 1976.

Rationale for recommendation: The proposed action would not result in any undue or unnecessary environmental degradation. Portions of the subject land and adjacent land have been used for similar purposes and all present and potential uses and users have been considered.

Prepared by:

/s/Irene M. Gonzales

9/6/06

\_\_\_\_\_  
Irene M. Gonzales, Realty Specialist

\_\_\_\_\_  
Date

Decision: The recommendation and rationale are adopted as my decision.

Finding of No Significant Impact: Based on the analysis of potential environmental impacts contained in the attached environmental assessment, I have determined that impacts are not expected to be significant and an environmental impact statement is not required.

Compliance and Monitoring

The construction phase of this proposed action and subsequent operational phases will be monitored as per regulation.

/s/Larry D. Bray

9/6/06

\_\_\_\_\_  
Larry D. Bray  
Assistant Field Manager  
Lands and Minerals

\_\_\_\_\_  
Date

BUREAU OF LAND MANAGEMENT  
ROSWELL FIELD OFFICE  
ROSWELL, NM 88201

ENVIRONMENTAL ASSESSMENT  
EA# NM-510-2006-0191  
Right-of-Way NM 114113

Applicant: Otero County Electric Coop., Inc.  
P. O. Box 227  
Cloudfcroft, NM 88317

Location: T. 8 S., R 21 E. N.M.P.M.  
Section 34: NW1/4 NE1/4.

Preparer: Irene M. Gonzales August 30, 2006

I. INTRODUCTION

A. Need for the Proposed Action

The proposed electric facilities will be used primarily to supply the electric power to a livestock water well for a cattle ranch operation.

B. Conformance with Land Use Plan

The proposed action is in conformance with the approved Roswell Resource Management Plan (RMP), and is consistent with Bureau policy and guidance.

C. Relationship to Statues, Regulations, or Other Plans

The proposed action does not conflict with any known State or Local planning or zoning ordinance. The authority for this action is the Federal Land Policy and Management Act of 1976.

II. DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

A. Background and Proposed Action

On May 10, 2006, Otero County Electric Coop., Inc. (OCEC), filed a right-of-way application for an overhead electric distribution line located in the rural area northwest of Roswell, New Mexico. On May 15, 2006, OCEC withdrew the application and stated that the power line would be located entirely on private land. On June 21, 2006 the application was resubmitted. An amended application was received on July 20, 2006. The archaeological report was received on July 31, 2006 and archaeological clearance was given on September 6, 2006.

The proposed electric distribution line would be used primarily to supply power to a livestock water well for operations at the Moorhead Cattle Ranch. This proposed 14.4 KV electric distribution line will utilize one 35 and two 40 foot poles with respective span of 400 feet. Total length of the entire power line is 1,012 feet with located on public land.

An auger would be used to drill the holes for the power poles. The poles would be set in the holes with a hoist and the holes would be backfilled. Subsequently, transformers would be installed, lines strung and the power line energized. The power line would be a vertical construction (no cross arms).

The right-of-way would contain 912 feet in length and 30 feet in width (0.173 miles, 0.628 acres).

The proposed action is located Chaves County, New Mexico. The legal land description is:

T. 8 S., R 21 E. N.M.P.M.  
Section 11: NW1/4 NE1/4.

## B. Alternatives

### No Action

Under this alternative the application would be rejected.

### Change the Alignment--Reroute the Project

There are no alternate routes that would have significantly less environmental impacts or any clear advantages over the proposed action. Therefore, the alternative of changing the location of the project is not analyzed further.

## III. AFFECTED ENVIRONMENT

General Setting. The proposed action is located northwest of Roswell. The primary route is as follows; you start at Sunflower Road in Roswell, and go northwest on SR 246 for approximately 16.6 miles to the intersection of Verbena County Road and Pinelodge Road SR-246. Then turn left on a dirt road approximately ¼ miles to the Childress/ Sam Moorhead Ranch.

Both the surface and mineral estates are in public ownership on the portion located on public land. An inspection of the Master Title Plats revealed the following title information.

Oil and Gas Lease – NM .

Rights-of-way – no rights-of-way of record.

Affected Resources. The following critical elements have been evaluated and are either not present or are not affected by the proposed action or the alternatives in this EA.

Areas of Critical Environmental Concern (ACECs)  
Cultural/Archaeological Resources (06-R-055-A)  
Farm Lands (Prime and Unique)  
Floodplains  
Native American Religious Concerns  
Threatened or Endangered (T&E) Species (plant & animal)  
Wastes, Hazardous and/or Solid  
Water Quality, Drinking and Ground  
Wetlands and Riparian Zones  
Wild and Scenic Rivers  
Wilderness

The impact of the proposed action and alternatives to minority or low-income populations or communities has been considered and no significant impact is anticipated.

A. 1. Air Quality:

The area of the proposed action is considered a Class II air quality area. A Class II area allows moderate amounts air quality degradation. The primary sources of air pollution are dust from blowing wind on disturbed or exposed soils and exhaust emissions from motorized equipment.

B. Soil

The *Soil Survey of Chaves County, New Mexico, Northern Part (USDA Soil Conservation Service 1980)* was used to describe and analyze impacts to soil from the proposed action. The soil map units represented in the project area are:

Ector: Shallow, well drained, nearly level to rolling soil; on ridges and hills.

C. Vegetation

The native vegetation is mainly grasses and shrubs. The present vegetation in most areas is mainly Metcalfe muhly, hairy grama, wolftail, and broom snakeweed

D. Invasive & Noxious Weeds:

There are no known populations of invasive or noxious weed species on the proposed access road and well pad (pipeline, rights-of way, fence line etc.)

Infestations of noxious weeds can have a disastrous impact on biodiversity and natural ecosystems. Noxious weeds affect native plant species by out-competing native vegetation for light, water and soil nutrients. Noxious weeds cause estimated losses to producers \$2 to \$3

billion annually. These losses are attributed to: (1) Decreased quality of agricultural products due to high levels of competition from noxious weeds; (2) decreased quantity of agricultural products due to noxious weed infestations; and (3) costs to control and/or prevent the noxious weeds.

Further, noxious weeds can negatively affect livestock and dairy producers by making forage either unpalatable or toxic to livestock, thus decreasing livestock productivity and potentially increasing producers' feed and animal health care costs. Increased costs to operators are eventually borne by consumers.

Noxious weeds also affect recreational uses, and reduce realty values of both directly influenced and adjacent properties.

Recent federal legislation has been enacted requiring state and county agencies to implement noxious weed control programs. Monies would be made available for these activities from the federal government, generated from the federal tax base. Therefore, all citizens and taxpayers of the United States are directly affected when noxious weed control prevention is not exercised.

E. Range

The proposed project is located within the following grazing allotment:

GR 64029 Moorhead Cattle Co.  
6720 Pinelodge Road  
Roswell, NM 88201

F. Wildlife

Wildlife species utilizing this habitat include mule deer, pronghorn, dove, quail, Northern harrier, coyote, foxes, rabbits, kangaroo rats, pocket gophers, prairie rattlesnakes, as well as a variety of raptors.

G. Visual Resources

The proposed action is located in a scenic area along the U.S. 70 corridor designated VRM Class III. The setting presents a brownish setting due to vegetation and landform colors in winter and, in warm months, with foliage, a variegated blend of Olive Drab.

H. Recreation:

The area around the proposed action site is primarily used by recreational visitors engaged in hunting and off-highway vehicle use. Non-recreation visitors include oil and gas industrial workers and ranchers.

I. Cave/Karst:

While no surface cave/karst features were observed in the immediate vicinity of the proposed actions, the proposed actions are located in the *Medium Karst Potential Area*.

#### IV. Environmental Impacts

Impacts of the Proposed Action. Impacts from the proposed action are minimal and short-term in nature. Temporary soil and vegetative disruption would occur during installation of the powerline. Removal of vegetation along the right-of-way will not take place. However, some soil loss will occur from soil blowing winds, as a natural result from exposing of the soil during installation of the power poles. Some vegetation would be crushed by vehicles during installation/maintenance activities. A reduction in AUM's would not occur.

Air quality would temporary be impacted with pollution from exhaust emissions, chemical odors, and dust that would be caused by the motorized equipment used to construct and install the proposed action. Dust dissemination would discontinue upon completion of the construction and installation phase of the proposed action. Air pollution from the motorized equipment would discontinue at the completion of the construction and installation phase of the proposed action. The winds that frequent the southeastern part of New Mexico generally disperse the odors and emissions. The impacts to air quality would be greatly reduced as the construction and installation phases of the proposed action are completed.

The construction of the powerline may unintentionally contribute to the establishment and spread of noxious weeds. Noxious weed seed could be carried to and from the project areas by construction equipment, the drilling rig and transport vehicles. The main mechanism for seed dispersion on the roads and well pads is by equipment and vehicles that were previously used and or driven across or through noxious weed infested areas. The potential for the dissemination of invasive and noxious weed seed may be elevated by the use of construction equipment typically contracted out to companies that may be from other geographic areas in the region. Washing and decontaminating the equipment prior to transporting onto and exiting the construction areas would minimize this impact.

Impacts by noxious weeds will be minimized due to requirements for the company to eradicate the weeds upon discovery. Multiple applications may be required to effectively control the identified populations.

Impacts from the proposed construction activity may cause temporary disruption of wildlife activity within the immediate vicinity of the project area. More mobile species such as small mammals and birds would temporarily leave the site during actual construction/maintenance activities but should return in a short period of time.

VRM Class III objective is to: Partially retain existing landscape character. The level of change to the characteristic landscape should be moderate. Management activities may attract attention but should not dominate a casual observer's view. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape.

Facilities, such as power poles and electrical lines would provide a geometrically strong vertical visual contrast in form and line to the characteristic landscape and vegetation, which have flat, horizontal to slightly rolling form and line.

The use of wood power poles should lessen the impacts to the view shed within the area. The color of the power lines should not effect the view shed within the area.

Recreation: The proposed right-of-way would have minimal to no impact on the current recreational uses of the area.

Cave/Karst: There should be no adverse impact to karst features within the proposed action area. No surface cave/karst features were observed in the immediate vicinity of the proposed action. Unknown karst features may be found during the power post drilling.

#### Impacts of the Alternatives.

1. The "No Action" alternative denies the application. This alternative would result in no environmental impacts; however, there would be adverse economic impacts to the applicant. Electric service would not be supplied to the cattle ranch thereby not allowing power to the livestock well and limiting the ranch operations.

#### Mitigating Measures

The applicant will be required to comply with the Roswell District Standard Stipulations for Overhead Electric Distribution Lines as directed in the proposed RMP.

Wood power poles should be used for the project. The poles would blend into the environment and lessen the visual contract within the Class III area. The color of the powerlines should not affect the view shed of the area.

#### Residual Impacts

The lands along the proposed route have already been disturbed by powerline, roads and pipelines and cattle ranch operations. It is anticipated that the lands along the proposed route as well as adjacent land, will continue to be used for a variety of right-of-way facilities, therefore, the cumulative effects of the project on the identified resources and existing rights-of-way are not significant.

#### V. Consultation and Coordination

The comments and suggestions expressed during the consultation have been incorporated into this EA.

BLM Serial Number: NM 114113  
Company Reference: Moorehead Power Line

STANDARD STIPULATIONS FOR OVERHEAD ELECTRIC DISTRIBUTION LINES IN  
THE ROSWELL FIELD, BLM

The holder agrees to comply with the following stipulations to the satisfaction of the Authorized Officer, BLM.

1. The Holder 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.
2. The Holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the Holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et. seq.) with regard to any toxic substances that are used, generated by or stored on the pipeline route or on facilities authorized. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.
3. The Holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et. seq. or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, et. seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way Holder's activity on the pipeline). This agreement applies without regard to whether a release is caused by the Holder, its agent, or unrelated third parties.
4. If, during any phase of the construction, operation, maintenance, or termination of the pipeline, any oil or other pollutant should be discharged, impacting Federal land, the control and total removal, disposal, and cleaning up of such oil or other pollutant, wherever found, shall be the responsibility of the Holder, regardless of fault. Upon failure of the holder to control, dispose of, or clean up such discharge on or affecting Federal land, or to repair all damages to Federal land resulting therefrom, the Authorized Officer may take such measures as deemed necessary to control and cleanup the discharge and restore the area, including, where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of the Holder. Such action by the Authorized Officer shall not relieve the Holder of any liability or responsibility.

5. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the Holder, or any person working on the Holder's behalf, on public or Federal land shall be immediately reported to the Authorized Officer. The Holder 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 Holder will 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 holder.

6. The holder is hereby obligated to comply with procedures established in the Native American Graves 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 project 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."

7. The holder shall be held responsible if noxious weeds become established within the area. Evaluation of growth of the noxious weeds shall be made upon discovery. Weed control will be required on the disturbed lands resulting from this actions, which include the roads, pads and associated pipelines and on adjacent lands affected by the establishment of weeds due to this action.

The holder shall insure that the equipment and or vehicles that will be used to construct, maintain and administer the access roads, well pad, and resulting well are not polluted with invasive and noxious weed seeds. Transporting of invasive and noxious weed seeds could occur if the equipment and vehicles were previously used in noxious weed infested areas. In order to prevent the spread of noxious weeds, the Authorized Officer shall require that the equipment and vehicles be cleaned with either high pressure water or air prior to construction, maintenance and administration of the access roads, well pad, and resulting well.

The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods, which include following EPA and BLM requirements and policy.

8. The holder shall be responsible for maintaining the site in a sanitary condition at all times; waste materials 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.

9. The holder shall conduct all activities associated with the construction, operation and termination of the powerline within the authorized limits.

**10. No blading or clearing of any vegetation will be allowed unless approved in writing by the Authorized Officer.**

11. Power lines shall be constructed to standards outlined in "Suggested Practices for Raptor Protection on Powerlines," Raptor Research Foundation, Inc., 1981, unless otherwise agreed to by the Authorized Officer in writing. The holder shall assume the burden and expense of proving that pole designs not shown in the above publication are "eagle safe." Such proof shall be provided by a raptor expert approved by the Authorized Officer. The BLM reserves the right to require modifications or additions to all power line structures placed on this right-of-way, should they be necessary to ensure the safety of large perching birds. Such modification and/or additions shall be made by the holder without liability or expense to the United States.

12. The holder shall minimize disturbance to existing fences and other improvements on public lands. The holder is required to promptly repair impacted improvements to at least their former state. The holder shall contact the owner of any improvements prior to disturbing them. When necessary to pass through a fence line, the fence will be braced on both sides of the passageway prior to cutting of the fence. No permanent gates will be allowed unless approved by the Authorized Officer.

13. Construction holes left open over night shall be covered. Covers shall be secured in place and shall be strong enough to prevent livestock or wildlife from falling through and into a hole.

14. The holder shall evenly spread the excess soil excavated from pole holes in the immediate vicinity of the pole structure.

15. The BLM serial number assigned to this right-of-way grant shall be posted in a permanent, conspicuous manner, and be maintained in a legible condition for the term of the right-of-way at all major road crossings and at all serviced facilities. Numbers will be at least two inches high and will be affixed to the pole nearest the road crossing and at the facilities served.

16. Upon cancellation, relinquishment, or expiration of this grant, the holder shall comply with those abandonment procedures as prescribed by the Authorized Officer.

17. All surface structures (poles, lines, transformers, etc.) shall be removed within 180 days of abandonment, relinquishment, or termination of use of the serviced facilities or within 180 days of abandonment, relinquishment, or termination of this grant, whichever comes first. This will not apply where the power line extends to serve an active, adjoining facility or facilities.

18. Special stipulations:

A. The holder shall insure that the equipment and or vehicles that will be used to construct, maintain and administer the access roads, well pad, and resulting well are not polluted with invasive and noxious weed seeds. Transporting of invasive and noxious weed seeds could occur if the equipment and vehicles were previously used in noxious weed infested areas. In order to prevent the spread of noxious weeds, the Authorized Officer shall require that the equipment and vehicles be cleaned with either high pressure water or air prior to construction, maintenance and administration of the access roads, well pad, and resulting well.

B. Wood power poles will be used for the project to blend into the environment and lessen the visual contract within the Class II and III areas.