



## 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. 03010  
E.A. No. NM-030-99-041

**FEB 19 1999**

### NOTICE OF PROPOSED DECISION

**CERTIFIED- RETURN RECEIPT REQUESTED**  
Z 558 131 239

Trinidad Bustamante  
Box 213  
Hatch, NM 87937

Dear Mrs. Bustamante:

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 Souse Spring Allotment No. 03010. 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 Trinidad Bustamante. The grazing permit will authorize 25 cattle to graze on the Souse Spring Allotment No. 03010, from March 1 to February 28, each year. The expiration date of the new grazing permit will be February 28, 2009. The 25 animal units will be billed to you at 84 percent public land use and will amount to 252 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. Portions of this allotment are in wilderness study area (WSA) NM-030-065, Las Uvas Mountains. This permit authorizes livestock grazing only any any other actions, such as range improvement construction or other surface disturbing activities, must have prior approval by the BLM. Failure to obtain prior approval of such actions may jeopardize grazing privileges attached to the allotment.'

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.

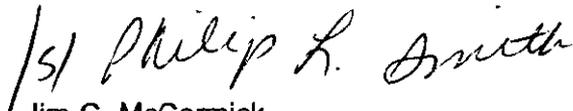
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Any person whose interest is adversely affected by the Final Decision may file an appeal and petition for stay of the Decision, pending final determination on the appeal. The appeal and petition must be filed with the Field Office Manager, Bureau of 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,

A handwritten signature in cursive script that reads "Philip K. Smith". The signature is written in dark ink and is positioned above the printed name.

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

**SOUSE SPRING ALLOTMENT NO. 03010  
GRAZING PERMIT RENEWAL  
FINDING OF NO SIGNIFICANT IMPACT**

The proposed action is to issue a grazing permit to Trinidad Bustamante which will authorize 25 Cattle to graze on the Souse Spring Allotment No. 03010, from March 1 to February 28, each year. The expiration date of the new grazing permit will be February 28, 2009. The 25 animal units will be billed at 84% percent public land use and will amount to 252 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. Portions of this allotment are in Wilderness Study Area (WSA) NM-030-065 Las Uvas Mountains. This permit authorizes livestock grazing only and any other actions, such as range improvement construction or other surface disturbing activities, must have prior approval by the BLM. Failure to obtain prior approval of such actions may jeopardize grazing privileges attached to the allotment."

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-030-99-041) 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 February 19, 1999

**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-030-99-041 **Casefile Number:** Souse Spring Allotment No. 03010

**Proposed Action Title/Type:** Grazing Permit issuance for Souse Spring Allotment No. 03010.

**Location of Proposed Action:** Souse Spring Allotment is located in Dona Ana County, New Mexico, approximately 1 mile southwest of Hatch. The allotment is found in T. 19 & 20 S., and in R. 3 & 4 W.

**Applicant:** Trinidad Bustamante

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:** This allotment is being transferred into the name of the wife of the previous permittee. A new permit will need to be issued, to continue to allow grazing on the allotment. 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)).

This public land allotment is administered under Section 3 of the Taylor Grazing Act, as amended and supplemented. Since the MRMP determined that grazing is an appropriate use for the public lands within this allotment, permit issuance must be considered. A permit must be issued, or a decision issued to deny the grazing application.

**DESCRIPTION OF PROPOSED ACTION:** The grazing permit would authorize 25 Cattle 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 25 animal units would be billed at 84% percent public land use and would amount to 252 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 authorized on the public land.

As terms and conditions of the permit the following would be stipulated:

Actual use information must be supplied to the BLM, upon request. Portions of this allotment are in wilderness study area (WSA) NM-030-065, Las Uvas Mountains. This permit authorizes livestock grazing only and any other actions, such as range improvement construction or other surface disturbing activities, must have prior approval by BLM. Failure to obtain prior approval of such actions may jeopardize grazing privileges attached to the allotment.

Actual grazing use information must be submitted to the BLM upon request.

**REASONABLE ALTERNATIVES:**

**No Action:** Issue a proposed decision to deny applicant's request for a grazing permit.

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

**AFFECTED ENVIRONMENT:** The ranch was originally adjudicated to Manuel Bustamante. In 1968, Juan Bustamante obtained the base property to the allotment. Juan Bustamante passed away this spring, and Trinidad Bustamante and her family are now running the ranch.

The area was unfenced in the past. By 1923 it was grazed by a great many livestock, including cattle, horses, angora goats, and burros. In 1936 the allotment was fenced, as one pasture, and the number of livestock permitted on the allotment was reduced to 40 cattle. In the 1960's the number was reduced to 25 cattle yearlong. This allotment was classified into the Maintain (M) category, in 1982.

The allotment totals 4,750 acres, which consists of 3,465 acres public land and 320 acres private land and 30 acres uncontrolled land.

The approximate amount of each range site and vegetation type is shown below:

<u>Range Site</u>	<u>Acres</u>
Gravelly Hills	3,842 902

<u>Vegetation Type</u>	<u>Acres</u>
Mid-grass	902
Creosotebush	3,814
Mesquite	28

Vehicular access to this allotment is not available to the public. The area can be accessed by foot and by horseback. Known recreational opportunities that exist include hunting for deer, bighorn sheep, quail and dove. Occasional hiking and bird-watching may occur. The Visual Resource Management Classification for this allotment is Class II and Class III

## 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. Some areas of Tencee and Upton soils may be included.

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.

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

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)	
Nickel vgfsl	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

The allotment is dissected by south-to-north running arroyos which drain into the Placitas Arroyo. The Placitas Arroyo is the major ephemeral east-to-west running drainage which terminates in the Rio Grande. Souse Spring is located on private land on the ranch. There are no other known riparian areas on the allotment.

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 warmwater fishery and limited warmwater fishery. Probable causes of nonsupport included pH, reduction of riparian vegetation, and streambank destabilization. Agriculture, including rangeland, was listed as a probable source of nonsupport on the 45.6 mile stream stretch.

Following further studies on the 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 threat 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.

## Vegetation

Rangeland condition on the allotment is high-fair to low-good, according to a study conducted on the gravelly range site, in 1997. 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, and mariola.

## WSA

A portion of the Las Uvas Wilderness Study Area (WSA) is found on the southern end of the allotment. The WSA totals 11,067 acres. The portion within the Souse Spring Allotment is 1,408 acres, which is approximately 13% of the WSA.

The part of the allotment within the WSA is mostly mountainous, and in the Hills range site.

## Wildlife

Standard Habitat Sites (SHS) on this allotment include Creosote Rolling Uplands, Creosote breaks, and Grass Mountain.

A variety of southwestern desert species may be found on the allotment. The SHS may provide habitat for 113 bird species, 31 reptile and amphibian species, and 33 mammal species.

## Special Status Species

The proposed action was analyzed for effects on Night-blooming cereus (*Cereus greggii*) and Parish's alkaligrass (*Puccinellia parishii*). Neither of these species occurs on the allotment, Potential habitat for both species exists on the allotment.

Thirty eight special status animal species or their habitat were evaluated for possible occurrence on this allotment. Thirty four species were dropped from consideration because the species or the habitat for them does not occur on the allotment. The four species listed below were evaluated for determination of effect.

<b>Species</b>	<b>Status</b>
Bald eagle	Federally Threatened
Ferruginous Hawk	Federal Species of Concern
Burrowing Owl	Federal Species of Concern
Loggerhead Shrike	Federal Species of Concern

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

Ferruginous hawk - There are no known nests or nesting areas on this allotment. Occurrence of this species would likely be during migration or in 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.

Loggerhead shrike - Shrike commonly occur in desert scrub and creosote habitats in Dona Ana County.

Cultural Resources

Some archeological surveys have been conducted within and adjacent to the allotment, and many sites are plotted on the cultural resource base maps. There is a high potential for archeological and historic sites due to the springs and large number of drainages within and adjacent to the allotment, the close proximity of the Sierras de Las Uvas and Placitas Arroyo, and historic railroad tracks at the north end of the allotment.

**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.

Soils and Watershed

Livestock trailing on the allotment would have an affect on the soils. There would be some erosion, on areas where cattle congregate, mainly on the private land, where the water is located.

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 water quality.

Vegetation

Forage removal should remain within the levels recommended by the MRMP. Properly managed grazing should not affect the vigor and production of the forage plants. Rangeland conditions and SHS would be expected to remain in similar condition.

## WSA

Implementation of the proposed action would not impair the suitability of the Las Uvas Mountains WSA for preservation as wilderness. Issuance of the permit is not expected to change the range condition, habitat sites, or the visual qualities of the WSA.

### Wildlife

Livestock displace some wildlife. The animal species present would remain substantially unaffected by renewal of the grazing permit. Issuing the grazing permit is not expected to alter the habitat types and rangeland condition.

Arroyo habitat on the public lands on this allotment would not be adversely affected by livestock travel. There are a few main arroyos, but they are rocky and gravelly, and withstand livestock traffic well.

### Special Status Species

Implementation of the proposed action is not expected to alter the habitat types, and would not affect potential populations or potential habitat of Night-blooming cereus and Parish's Alkali grass.

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 effects from grazing practices.

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

### Cultural Resources

The proposed action should have no adverse effect on any existing cultural resources. Any future projects would, of course, require an archeological survey.

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

### **No Action:**

The transfer of the grazing permit would be denied, and no permit would be issued to the Trinidad Bustamante. The land would be permitted for grazing again, unless the MRMP was amended. Without any determination that the land is not being used according to BLM standards or that resource damage is occurring, a reduction or denial of grazing on this allotment would be arbitrary, and contrary to the intent of the MRMP.

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.

This permit would not be made for less than currently permitted numbers, unless rangeland studies indicated that the forage available for livestock grazing has decreased or resource degradation related to livestock grazing on the allotment was occurring.

Without any determination that the land is not being used according to BLM standards or that resource damage 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 the Bustamantes own the private land controlling main access to the allotment. Any other form of short term grazing permit would be unlikely on this allotment, due to the lack of public access.

During the interim period, when the lease was not issued to any lessee, the Bustamante's livestock would be in trespass if any were found to be on the allotment. The Bustamantes would need to temporarily remove cattle from the allotment, or fence in their private and state lands, to avoid livestock trespass on the public lands.

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

#### Soils and Watershed

In the interim period, livestock would not trail on the public lands. Less animal waste would be deposited on the public land, in the short term. Nonpoint source pollution would not be affected substantially.

#### Vegetation

With no livestock grazing on the allotment, the amount of forage consumed would be less. There would be more standing vegetation. With a larger and more continuous fuel load present, the possibility 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.

#### WSA

The Bustamante's State Lease lands and private lands directly adjoin the WSA. If the Bustamantes built a fence around their state and private lands it would have a slight affect on the visual resources of the WSA. Because of the ruggedness of the terrain in the WSA, if the allotment remained in nonuse for an interim period, there would be little affect on vegetation use and composition.

#### 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 out of the allotment, the watering facilities might be temporarily shut down, affecting the access of wildlife to water.

Special Status Species

Effects would be the same as in the proposed action. No special status species would be affected.

Cultural Resources

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

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

If the proposed action is selected, grazing would be administered by the Grazing Regulations, 43 CFR. The permittee would be required to follow the grazing regulations. No mitigation measures are planned.

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. Reissuance of the permit should cause no further changes.

**PERSONS/AGENCIES CONSULTED:**

Preparer: Marcia Whitney Date: January 29, 1999

EA Coordinator's Signature:  Date: 2-5-99

