96 CREEK LEASE ALLOTMENT NO. 04509
GRAZING LEASE RENEWAL

FINDING OF NO SIGNIFICANT IMPACT

The proposed action is to issue a grazing lease to John and Kathy Hatcher which will authorize 4 cattle to graze on the 96 Creek Lease Allotment No. 04509, from March 1 to February 28, each year. The expiration date of the new grazing lease will be February 28, 2009. The 4 animal units will be billed at 100 percent public land use and will amount to 48 Animal Unit Months (AUMs).

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-030-99-083) 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 C. McCormick

Jim McCormick
Acting Assistant Field Manager
Division of Renewable Resources

4-7-99
Date

UNITED STATES DEPARTMENT OF INTERIOR

Bureau of Land Management
Las Cruces Field Office
1800 Marquess Street
Las Cruces, NM 88005

ENVIRONMENTAL ASSESSMENT

EA Number: NM-030-99-083 **Lease/Serial/Casefile Number:**_

Proposed Action Title/Type: Grazing Lease for the 96 Creek Allotment, No. 04509

Location of Proposed Action: The lease is located approximately 14 miles southeast of Lordsburg, New Mexico, on the south side of Interstate 10. The public land is in Sections 11 and 14, T. 24 S., R. 16 W.

Applicant (if any): John and Kathy Hatcher

This proposed action is tiered to the Mimbres Resource Area (MRA)/Resource Management Plan (RMP), December, 1993. This plan has been reviewed and 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: A National Environmental Policy Act (NEPA) review and issuance of a 10-year grazing lease to John and Kathy Hatcher is required to authorize the grazing of livestock on the 96 Creek Lease, Allotment No. 04509.

One of the requirements of the grazing regulations (43 CFR 4180.1) is that the authorized officer shall "...ensure that the following conditions exist. (a)Watersheds are in, or are making significant progress toward, properly functioning physical condition,... (b)Ecological processes, including the hydrologic cycle, nutrient cycle, and energy flow, are maintained, or there is significant progress toward their attainment,... (c)Water quality complies with State water quality standards ... (d)Habitats are, or are making significant progress toward being restored or maintained for Federal threatened and endangered species..." .

An objective 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)). Since the RMP determined that grazing is an appropriate use for the public lands within this allotment, a lease reissue must be considered.

DESCRIPTION OF PROPOSED ACTION: The lease would authorize 4 cattle to graze on the 96 Creek Lease Allotment, No. 04509 from March 1 to February 28 each year. The expiration date of the new grazing lease shall be February 28, 2009. The 4 animal units would be billed at 100 percent (%) public land use and would amount to 48 Animal Unit Months (AUMs). The lease would also specify the kind of livestock authorized on the allotment.

REASONABLE ALTERNATIVES:

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

AFFECTED ENVIRONMENT:

General Information

The 96 Creek Lease Allotment consists of 270 acres of public land. The average annual precipitation ranges from 8 to 12 inches. Elevation is 4,000 to 5,000 feet. The average annual air temperature is 58 to 62 degrees. Frost free days is about 180-220 days. The allotment was classified as an "M" (maintain) in the Mimbres RMP.

The following information was provided by the current permittee and is a documentation of his/her grazing operation: The operation is considered to be a cow/calf ranch. The BLM land is located in the northern part of one of the pastures. The full operation consists of approximately 60 sections of deeded and state land. The BLM part is generally subjected to year long grazing, however, that depends on the availability of moisture. In the absence of adequate moisture, livestock are moved/rotated to a better pasture in terms of less utilization, better growth potential for forage, and improved availability of drinking water for livestock. The permittee refers to this as the "Best Pasture Method". In addition to soil moisture available in pastures, if there is an adequate quantity of seasonal weeds (forbs) or annual grasses, a pasture may receive more or less deferment. If there is a threat to livestock use due to noxious weeds (mustard poisoning) in certain pastures, livestock grazing would be deferred until the hazard declines. Liquid supplemental feeding for protein enrichment is practiced when forage is dry. Range improvements such as wells and pipelines/drinkers would provide additional benefit to the ranching operation. With regard to range improvements, it is unlikely that it would be feasible to consider a large outlay of project work on 270 acres of public land. In the information provided, the rancher was considering the entire ranch unit regardless of land status.

The following environmental elements are not present: Air and Water Quality Concerns, Areas of Critical Environmental Concerns (ACEC), Hazardous & Solid Waste, Prime and Unique Farmlands, Riparian/Wetlands, Floodplains, Wild & Scenic Rivers, Native American Related Concerns, and Wilderness Study Areas (WSA).

Soils Associations and Rangesites

The major rangesite on the public lands within the allotment is sandy. This soil unit is relatively flat and mainly located on plains, alluvial fans, and drainage ways. The unit is comprised of 40% Bucklebar sandy loam, 30% Sonoita loamy sand, and 15% Continental sandy loam. The Bucklebar is on plains and alluial fans, the Sonoita soil is on alluvial fans, and the Continental soil is on drainage ways and depressions.

Vegetation

The natural plant community is mainly black grama, mesa dropseed, bush muhly, and plains bristle grass. Tobosa grass and burro grass are also abundant, particularly in lower depressions and shallow swales. Shrub/half shrub type species consists of yucca, ephedra, mesquite, snakeweed, and smaller amounts of cacti, fourwing saltbush, and winterfat. The average annual production of air dry forage ranges from 700 pounds per acre in favorable years to 250 pounds in unfavorable precipitation years.

Below is a list of vegetative species for the site and the percent by weight of air dried forage which each contribute:

Tobosa & vine mesquite.....40%
Yucca..... 25%
Snake weed..... 20%
Other vegetation..... 15%

Wildlife Habitat- Standard Habitat Site (SHS)
Standard Habitat Sites on the allotment include:
1) Grass Flat-- This habitat type occurs in low swales and consist primarily of grass species. The dominant type being tobosa grass. Others grasses of this SHS are vine mesquite, grama grass species, muhly grass, burrograss, dropseed, sacaton, and lovegrass. Some areas are entirely of alkali sacaton. Shrub species are found in low numbers with soaptree yucca being most common along with snakeweed, honey mesquite, and crown of thorns.
2) Half-Shrub Hills-- This habitat is dominated by snakeweed with Mormon tea and soaptree yucca in smaller density. The grass community is predominately grama species, tobosa grass, muhly grass species, and alkali sacaton. Forbs include leather-weed, globe mallow, spurge species, and f...

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Special Status Species - Animal
There are 77 animal species that show as being present within Hidalgo County ... ment is located. Of the 77 animal species, 67 species were deleted from consideration ... the lack of habitat within the allotment and/or species distribution was far beyond the location of the allotment. The remaining 9 species that may occur within the habitat sites in the allotment are: Texas horned lizard, Ferruginous hawk, Common ground-dove, Loggerhead shrike, Baird's sparrow, Yuma myotis bat, Cave myotis bat, Fringed myotis bat, and Mearns' pocket gopher.

Special Status Species - Plant
The allotment has been evaluated for the effects on Cereus greggii (night blooming cereus).

Visual Resources Management (VRM)
The entire allotment is within a Class IV Classification. This Class states that changes may subordinate the original composition, but must reflect a natural occurance.

Recreation
Upland bird (quail and done) hunting represents the majority of the recreational activity on the allotment.

Cultural And Historical Resources
There is a moderate potential for archaeological sites/features to exist due to the proximity of 96 Creek and one other unnamed drainage running through the allotment.

Fundamentals of Rangeland Health:
These fundamentals include watershed functionality, Ecological processes, Water quality standards, and habitats for for Federal threatened and endangered species and other special status species.

ENVIRONMENTAL IMPACTS:

Critical Elements	Affected Yes	Affected No	Critical Elements	Affected Yes	Affected No
Air Quality	___	_x_	T&E Species	___	_x__
ACEC's	___	_x__	Wastes, Hazardous/Solid	___	_x__
Cultural Resource	___	_x__	Water Quality	___	_x__
Farmlands, Prime/Unique	___	_x__	Wetlands/Riparian Zones	___	_x__
Floodplains	___	_x__	Wild & Scenic Rivers	___	_x__
Nat. Amer. Rel. Concerns	___	_x__	Wilderness	___	_x__
Min./Low Income Pop./Com.	___	_x__			

DESCRIPTION OF IMPACTS:

The proposed action is to authorize a lease for livestock grazing. Continuous grazing is not expected to adversely affect resource conditions within the allotment.

Soil Associates and Rangesites
Some soil movement will occur and continue on these lands with or without livestock grazing the allotment. Soil erosion and runoff will be limited to geologic time. Grazing use as an activity authorized by the BLM will not adversely impact the public land of the allotment.

Vegetation
The Soil/Vegetation Inventory Method (SVIM) which was conducted in the late 1970s and early 1980s show the soil-vegetation relationship for deep sandy loams and sandy clay loams to be in good and stable condition. The information supplied from narratives of that period indicate that the rangesite is located in extensive flatland interspersed with numerous drainages which collect water from the north. Vegetative aspect is yucca with midgrass dominating.

Because of the location of the lease and the small size of the public land, forage utilization has been well managed. A general observation year after year indicates that utilization consistantly stays in the slight to light range. Although an ecological study site has not been established, range condition appears to be in the higher seral stage (good condition).

Wildlife Habitat
Wildlife that have grown accustomed to the presence of domestic livestock, will generally not be impacted by continued grazing activites. Mule deer, antelope, quail, and morning dove are ofter found in areas that are associated with livestock grazing and often utilize water that is provided for livestock. Quail and dove are often associated with sacrifice areas that are found near waters or livestock handling facilities.

Special Status Species - Animal
The 9 special status species have been classified into the following priorities:
***High Priority Species**: Species where legal status, population trend, rarity, and expected population viability suggest a high level of management concern.

Of the 9 species listed above, none are species of high priority concern.

***Medium Priority Species:** Species where legal status, population trend, rarity, and expected population viability suggest an intermediate level of management concern.

Of the 9 species listed above, none are of medium priority concern.

***Low Priority Species:** Species where legal status, population trend, rarity, and expected population viability suggest a lower level of management concern.

The following 9 species are low priority species:

Texas horned lizard--Federal Species of Concern (SOC); BLM Sensitive (BLMS)--occurs in sandy areas and also occurs in grazed and ungrazed areas. Main diet is ants. Pesticide application may result in accumulation of residue in body tissue.

Because data available on this species does not indicate any positive or negative affects from grazing, this species is not expected to be negatively impacted.

Ferruginous hawk--SOC; BLMS--This species is a rare winter resident and is more of a northern New Mexican hawk. It breeds in grasslands, open country, plains, and badlands and feeds on ground

squirrels, prairie dogs, rabbits, and a few birds. It nests in trees, cliffs, rocks, hill sides, sometimes reusing nests and building them larger. Threats are prairie dog control, road construction, and human disturbances near nests.

This species is considered not to be impacted because it is a rare winter resident and is mainly a northern New Mexican hawk, in addition, nesting habitat is lacking.

Common ground dove--New Mexico Endangered (NME)-- This species prefers native shrublands and weedy areas at lower elevations, including such habitats in riparian areas. These include open stands of creosote bush and large succulents. Considered a rare visitor in New Mexico. The most consistent place of occurrence is at San Simon Cienega.

This species is considered not to be impacted because the main habitat within this allotment is creosote, however, there are no riparian areas or large succulents present.

Loggerhead shike--SOC; BLMS--Utilize expensive open grasslands, desert scrub (dominated by mesquite, yucca, and cactus), riparian, and lowland wooded areas. Main threat is consumption of contaminated prey (large insects and small mammals).

Because data available on this species does not indicate any positive or negative affects from grazing, this species is not expected to be negatively impacted.

Baird's sparrow--SOC; NME; BLMS--This species utilizes expansive open grassland. It is a migrant in New Mexico and mainly occurs in the eastern plains and possibly as a winter resident at the Gray Ranch. Main threats are decline of native grasslands due to drought, agriculture, and grazing. Migrational and winter impacts are due to loss of cover and seed crop. Range improvement practices that improve cover and provides greater production of grass seeds is benefitual for the recovery.

This species is not expected to be negatively impacted because the vegetative cover is present to support the species if it passes through during migration.

Yuma Myotis Bat--SOC; BLMS--This species is a winter-surface forage. Its distribution is tied to permanent water sources. In New Mexico, the center of abundance of the species seems to be in desert, grassland, and woodland and the riparian communities of these areas. It utilizes caves/mines, rock crevices, shallow nests, and man-made structures for roosting and nesting. In the Southwest, accessible surface water , roosting sites, and food are necessary for viable habitat. The main impact to bats are disturbance to nursery and roosting sites, pesticides, and livestock grazing in riparian zones. Trend of the species populations in unknown.

This species is not expected to be negatively impacted because there is no suitable roosting or nesting habitat near the allotment, and water is lacking.

Cave myotis bat--SOC; BLMS--The trend for this species population is listed as unknown. It is mainly a desert and lower elevation grassland species but has been collected from juniper-pinyon woodlands. It frequents water courses and roots primarily in caves, although occasionally it will be found in man-made structures such as mine shafts, tunnels, and under bridges. Even through they are found in xeric areas, they are never more than a few miles from some water source such as tanks, canals, or creeks. They are typically low flyers, foraging on insects just above the tops of the vegetation. Main threats are the reopening of abandoned or inactive mines, and human disturbance to roosting or nesting colonies.

This species is not expected to be impacted because roosting or nesting habitat is lacking and the allotment is in good condition.

Fringed Myotis Bat--SOC; BLMS--The trend of the species's population is listed as unknown. This bats roost have been located in ponderosa pine and mixed conifer habitat types. They forage over desert shrub mid-elevation grasslands, consisting of snakeweed, rubberabbit brush, four-wing saltbush with sparse stands of big sagebrush, in oak and pinyon woodlands, and riparian areas. For bats in the southwestern U.S., accessible surface water, suitable roost sites, and food are necessary components of viable habitat. The main impacts to bats are disturbance to nursery and roosting sites, pesticides, and livestock grazing in riparian zones.

This species is not expected to be impacted because roosting and nesting habitat is lacking and the allotment is in good condition.

Mearns' pocket gopher-- SOC; BLMS--The trend of the species population was listed as unknown. From the western edge of the eastern plains westward this gopher occupies almost every habitat where suitable soil conditions exist. The exceptions are the higher elevations of the northern mountains, and the top of the Animas Mountiains. It feeds entirely on plants, mainly grasses and forbs. Does not need free standing water. There is no information available determining affects by grazing, however, it is assumed that lack of vegetation, mainly grasses and forbs would be detrimental to the species.

Because there is no information available determining affects by grazing, it is difficult to assess impacts to this gopher, however, within this allotment, various grass species are present, and the allotment is in good condition, thus providing sufficient forage for this species.

* Management priority does not remove any requirements for compliance with Section 7 of the Endangered Species Act. It merely present a management perspective on where to focus effort.

Special Status Species - Plant
No known populations of night blooming cereus,(Cereus greggii), exists on the allotment. Potential habitat (creosote areas) may exists on the allotment. The action will have no effect on potential populations or potential habitat of this species.

Visual Resources Management (VRM)
VRM would not be impacted by the proposed action.

Recreation
Recreation would not be impacted by the proposed action.

Cultural and Historical Resources
The re-issuance of the grazing lease will not have any affect on known or unknown cultural resources. Few archaeological surveys have been conducted adjacent to the allotment. Should an allotment management plan be prepared for this allotment, the possibility of these archaeological sites/features will be taken into consideration.

Fundamentals of Rangeland Health
The analysis above is supportive of the following statements regarding the Fundamentals of Rangeland Health:

Watersheds are functioning properly in relation to their upland, riparian-wetland, aquatic, water infiltration and water storage capabilities. Issuance of the permit/lease will have no significant negative impacts to these components.

Ecological processes are maintained within the allotments capabilities in order to support healthy biotic

populations and communities. Issuance of the permit/lease will have no significant negative impacts to these processes.

Water quality complies with New Mexico/Arizona State Water Quality Standards and achieves established BLM management objectives. Issuance of the permit/lease will have no significant negative impacts to these standards or objectives.

Habitats are restored or maintained, within the allotments capabilities, for Federal threatened and endangered species, Federal proposed, Federal Species of Concern, and other special status species. Issuance of the permit/lease will have no significant negative impacts to these habitats.

IMPACTS OF THE ALTERNATIVE:

NO ACTION

The reissuance of the grazing lease (Allotment No. 04509) would be denied and no authorized livestock use would be recognized on the public land. Cattle would continue to graze on the permittee's private and state land on the ranch. Since the public land is only a small part of the total ranch, a fence could be constructed (approximately 1.25 miles) between the BLM and state lands to the south by the current permittees. The building of the fence would likely be financially feasible to construct.

Unless the MRA/RMP were amended, grazing as a use on the public land would still be recognized on the allotment. If the BLM portion were relinquished by the current permittee, the public land would eventually be leased to a qualified applicant who could offer an appropriate base property (land in this case) consistent with the Grazing Regulations. There would be, however, a limited number of applicants which could qualify since the BLM land boundary on the north is Interstate 10 and the current permittee's state land is located to the south and east.

In addition, a potential conflict with the Grazing Regulations at 43 CFR (Code of Federal Regulations) 4110.3 may exist. That part of the CFR addresses "changes in permitted use", if an adjustment in livestock numbers were made without monitoring data to support any such change.

Soils and Rangesites

Soils and rangesites would not be impacted by the proposed alternative.

Vegetation

If the public land were effectively fenced away from the state and/or private lands of the allotment, there would be a noticeable increase in forage cover because of the decrease in livestock utilization. In the long term, the ecological condition class may increase, however, it is unlikely that it would reach a higher seral stage because the current condition class appears to be good/excellent range.

Special Status Species- Plant & Animal & Wildlife Habitat

Special status species would not be impacted by the proposed alternative.
Wildlife habitat would not be expected to change during the short interim. If the period of no authorized use were extended, habitat could improve for some species, however, because the public land part is only 270 acres, it is doubtful that there would be a significant impact over a larger area.

Visual Resources Management (VRM) & Recreation

VRM and recreation would not be impacted by the proposed alternative.

Other Environmental Elements

The impacts from the No Action Alternative, for the following elements, would be the same as for the

Proposed Action: Soils and Rangesites, Wildlife Habitat, Special Status Species (Animal & Plant), Fundamentals of Rangeland Health, Recreation, and Cultural.

Cumulative Impacts:

Cumulative effects of livestock grazing have been assessed in the Las Cruces/Lordsburg Resource Area Final Management Framework Plan Amendment Environmental Impact Statement and the Mimbres Resource Area (MRA). Resource Management Plan (RMP), Dec. 1993.

DESCRIPTION OF MITIGATION MEASURES AND RESIDUAL IMPACTS:

If the proposed action is selected, grazing would be administered from the Grazing Regulations, 43 CFR by the Las Cruces Field Office. No additional mitigating measures will be stipulated.

Cultural Mitigation

The public land acreage of the allotment has received a "Conditional Clearance" designation with regard to the Las Cruces Field Office Cultural Program. That rationale is as follows: Future projects will require an archaeological survey. There is a moderate potential for archaeological sites/features to exist due to the proximity of 96 Creek and one other unnamed drainage running through this allotment. Few archaeological surveys have been conducted adjacent to the allotment. Should an allotment management plan be prepared for the allotment, the possibility of these archaeological sites/features must be taken into account.

Monitoring

Use Supervision Reports will be completed periodically to document any changes in resource conditions and determine whether additional and more intensive monitoring should be prescribed.

Residual Impacts

Residual affects of renewing the lease on this allotment would be minimal. The immediate residual impacts of the proposed action would be the continued grazing by livestock on the renewable resources on the public lands.

PERSONS/AGENCIES CONSULTED:

John W. Hatcher - Permittee
Las Cruces Field Office Staff
EA Interdisciplanary Team

Prepare(s): Douglas L. Coalson Date: 04/01/99

EA Coordinator's Signature: _____ Date: 4-1-99