

**HANOVER LEASE ALLOTMENT NO. 04542
GRAZING LEASE RENEWAL**

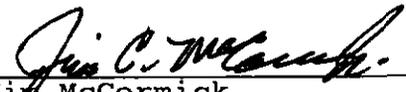
FINDING OF NO SIGNIFICANT IMPACT

The proposed action is to issue a grazing lease to Ronald L. Strain, which will authorize 1 cow to graze on the Hanover Lease Allotment No. 04542, from March 1 to February 28, each year. The expiration date of the new grazing lease will be January 31, 2008. One (1) animal unit will be billed at 100 percent public land use and will amount to 12 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, leasepermit reissuance must be considered.

I have reviewed the attached Environmental Assessment (EA No. NM-030-99-103) 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

4-28-99
Date

UNITED STATES 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-030-99-103 **Casefile Number:** _____

Proposed Action Title/Type: Grazing Lease renewal for the Hanover Lease Allotment No. 04542.

Location of Proposed Action: The allotment is located approximately 10 miles northeast of Silver City, New Mexico, on State Highway 90 in south central Grant County. The public land parcels are found in Sections 20 and 21 of Township 17 S., Range 12 W.

Applicant (if any): Ronald L. Strain

This proposed action is tiered to the Mimbres Resource Area /Resource Management Plan (MRA/RMP), dated 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: National Environmental Protection Act (NEPA) review and re-issuance of a 10 year grazing lease to Ronald L. Strain is required to allow Mr. Strain to continue grazing livestock on the Hanover Lease Allotment No. 04542.

This public land allotment is outside any established grazing district, and administered under Section 15 of the Taylor Grazing Act, as amended and supplemented. The current grazing lease has expired. Since the MRA/RMP determined that grazing is an appropriate use for the public lands within this allotment, lease reissuance must be considered. A new lease must be issued, or a decision issued to deny the grazing lease.

A 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...".

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 dependent 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 of the public lands within this allotment, lease reissuance must be considered.

DESCRIPTION OF PROPOSED ACTION: The grazing lease would be reissued to authorize one cow to graze on the Hanover Lease Allotment No. 04542, from March 1 to February 28th each year. The expiration date of the new grazing permit would be January 31, 2008. One (1) animal unit would be billed at 100% public land for a total of 12 Animal Unit Months (AUMs). This authorization would not limit the actual number of livestock on the allotment, it would simply bill the lessee for the estimated amount of forage available for use on the public lands.

REASONABLE ALTERNATIVES:

No Action: Issue a proposed decision to deny the applicants request for a grazing lease.

AFFECTED ENVIRONMENT:

General Information

Ronald L. Strain first applied for a lease to graze this allotment on February 9, 1990. A transfer into his name was approved in September of the same year. The original grazing lease between Chino Mines and Mr. Strain was initiated in 1987, however he did not make application to graze the public lands until 1990. A second grazing lease agreement was received for the term of February 1, 1993 to October 31, 1998. The current lease agreement between Ronald L. Strain and Chino Mines runs from February 1, 1998 to January 31, 2008.

This allotment was classified in the Maintain (M) category in 1984. Category M allotments are those allotments with current satisfactory conditions. There are no special management areas within this allotment. The lease lands are within a much larger ranch controlled by Mr. Strain.

The lease consists of two separate parcels of unfenced public land, totalling 63 acres, surrounded by private lands controlled by the permittee. There are no permitted range improvement projects on public land.

Soils

Oro Grande-Rock Outcrop Complex, 25 to 75 percent slopes:

These soils are on hills and mountains. The native vegetation is mainly juniper, pinon

and grasses. Elevation is 5,000 to 7,000 feet. The average annual precipitation is 12 to 16 inches. This unit contains 40% Oro Grande very cobbly loam, 25 to 75 percent slopes, and 30% rock outcrop. Included in this unit are small areas of Encierro, Luzena, Muzzler, and Abrazo soils on hills, Santa Fe soils on hills and mountains, and Monzano soils in valleys. Included areas make up about 30% of the total acreage. Permeability of these soils is moderate. Available water capacity is very low. Runoff is medium and the hazard of water erosion is moderate.

Vegetation

Vegetation growing on the allotment include the following grasses: blue grama, sideoats grama, hairy grama, spike dropseed, threeawns, wolftail, vine mesquite and green sprangletop.

Shrubs, half shrubs, trees and forbs include: one seeded juniper, alligator juniper, shrub live oak, gray oak, true mountain mahogany, Colorado pinon pine, Russian thistle, beargrass, littleleaf sumac, prickly pear cactus, and annual and perennial forbs.

The average annual production of air-dry vegetation ranges from 1,300 pounds per acre in favorable years to 450 pounds in unfavorable years. The vegetation most closely fits the Hills range site.

Monitoring

No rangeland monitoring studies or utilization studies have been conducted on this allotment.

Wildlife Habitat

Standard Habitat Sites (SHS) found on this allotment include:

Pinon-Juniper/Grass Mountain

The dominant aspect is of Colorado pinon pine and one seeded juniper with sparse to medium dense grass cover of grama grass species, muhlenbergia species and threeawns. The shrub understory consist of true mountain mahogany, oak species, rubber rabbitbrush, sumac and cactus species. Several annual and perennial forbs are represented.

Special Status Species - Animals

An initial effect determination was completed for 9 animal special status species that potentially occur, at least part of the year, in habitats on this allotment. These are: American peregrine falcon, Bald eagle, Gray vireo, Ferruginous hawk, Loggerhead shrike, Mearns pocket gopher, Cave myotis bat, Fringed myotis bat, and Pale Townsend's big-eared bat.

Special Status Species - Plants

The following plants were analyzed for effects by grazing either on the plants or their

potential habitats: Night blooming cereus (Cereus greggii), Mimbres figwort (Scrophylloria macrantha), Pinos Altos flame flower (Talinum humile), Grama grass cactus (Toumeya papyracantha), Wright's catchfly (Silene wrightii), Green flowered pincushion (Mammillaria viridiflora).

Water Resources/Riparian

In a 1996 report by the New Mexico Water Quality Control Commission (NMWQCC) to congress, as required by section 305(b) of the Clean Water Act (CWA), a four mile segment of the Hanover Creek from the headwaters to Highway 152 bridge was identified as an "Assessed stream reach which partially supported designated uses". Resource extraction was the probable source of pollutant/threat. Livestock grazing was not identified as a probable source. Hanover Creek was removed from the 1998-2000 303(d) list as an impaired waterbody after it was determined that this stream reach is ephemeral.

There are no water resources of concern or riparian areas within the 63 acres of public land on this grazing lease.

Visual Resource Management

The Visual Resource Management (VRM) Classification for this allotment is Class II, in which change can be visible but does not attract attention. The objective of this class is to retain the existing character of the landscape. The level of change to the character of the landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape.

Recreation

Known recreational opportunities that exist include big game hunting for mule deer and elk, bird hunting for quail and dove, and wildlife viewing and photography.

Cultural/Historical Resources

Although the public lands associated with this lease are limited, there is a high potential for archaeological and historic sites. The high probability is due to there being many drainages within and adjacent to this allotment, and the fact that mining has occurred in the area for over 100 years.

Economic Conditions

As a general rule a ranch with a federal grazing permit or lease is worth more than a ranch without a permit or lease. A value associated with a federal grazing permit or lease is considered in the purchase and sale of ranch property. The Taylor Grazing Act, The Federal Land Policy and Management Act, grazing regulations, and case law, have consistently held that issuance of a grazing permit or lease does not create any right, title, interest, or estate in the public lands or resources. Despite this, public land

ranchers, bankers, and economists have asserted that a grazing permit or lease attaches value to the base property in the context of a sale or loan value of a base property (Rangeland Reform Draft EIS, 1994).

Social Conditions

Ranching is a way of life for many people in the west. The average rancher is 55 years old and has worked on the same ranch for 31 years. The average ranching family has been in business for 78 years and in the same state for 68 years. The average ranch has nearly seven people associated with it, not including children. An average of two of the seven people are unpaid family members, and another family member works off the ranch, contributing an average of 23 percent of the household income. Many ranches, especially small ones, would not remain economically viable without off the ranch income. Ranches spend about \$19,000 annually in local communities, showing that some local businesses depend on ranchers. They spend an average of 9 days in land planning meetings annually. Ranchers also said that the public visits federal allotments an average of 950 times annually for recreation (Rangeland Reform Draft EIS, 1994).

Whether they are American Indian, Hispanic, Anglo, or other races, ranchers tend to share many social characteristics. According to Simpson (1975), ranchers perceive themselves as personifying traits such as fair play, honesty, and independence. They believe they are rugged and enduring individuals who are not afraid of hard work. They take great pride in being independent but willingly work to help neighbors when the need arises. Many Americans also hold similar perceptions about these rancher characteristics.

Fundamentals of Rangeland Health

These fundamentals include watershed functionality, ecological processes, water quality standards, and habitats for federal threatened and endangered species and other special status species.

ENVIRONMENTAL IMPACTS:

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

DESCRIPTION OF IMPACTS:

Soils

By maintaining the current vegetative conditions, soil erosion and runoff will remain the same. There will be some compaction near waters, and hoof action will break the crust that may form on the soil surface. Under current management there would be a continued slow improvement over the long term in upland soil conditions where soils are most productive. On poorer sites, there would be little or no change over the long term in the health of the upland soils except in response to drought or additional moisture conditions.

Vegetation

The vegetation types will remain the same under the proposed action. Forage will be removed annually by the livestock authorized on the grazing permit, and this will be compensated by the annual regrowth of forage in response to precipitation. By maintaining the current conditions, soil erosion and runoff will be limited to geologic effects.

Wildlife

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

Visual Resource Management

Grazing may cause changes to the basic elements to be evident however, it will not change the existing character of the landscape.

Special Status Species - Animals

An initial effect determination was completed for 9 animal special status species that potentially occur, at least part of the year, in habitats on this allotment. These are: American Peregrine falcon, Bald eagle, Gray vireo, Ferruginous hawk, Loggerhead shrike, Mearns pocket gopher, Cave myotis bat, Fringed myotis bat, and Pale Townsend's big-eared bat.

American Peregrine Falcon-- Federal Endangered (FE) and New Mexico Endangered (NME) A falcon that spends spring and summer nesting in the U.S. and then migrates south during the winter. It is proposed to be delisted in the near future. This species prefers cliffs which generally exceed 200 feet in height often at the top of talus slopes, with a southern exposure. Nest sites are normally near water courses and impoundments because of abundance of avian prey which frequent such areas. There are such areas around this allotment. They can occur away from major stream

courses if a prey base of small passerine birds, pigeons or doves is readily available. Eyries are not known to exist at present on this allotment or near it. Most of the allotment could be utilized as a foraging area. There are no livestock handling facilities within .5 miles of potential nesting areas on the allotment. Their main prey base are small avian species captured in the air. They may travel up to 17 miles from the nest site to the preferred hunting habitats such as cropland, meadows, river bottoms, marshes and lakes. The main threat is pesticides accumulating from prey species, causing egg shell thinning and also nest disturbance. Maintaining healthy grasslands and riparian areas will benefit the peregrine falcon.

As the effect determination (still in draft) stands at this time, grazing practices on the allotment are considered to be a NO EFFECT on the peregrine falcon due to the fact that at present, no nesting sites have been identified within the area. The areas with cliffs which are on the allotment are over 1000 yards away from livestock handling facilities, which is the distance that is required in which activities do not disturb possible nesting peregrines. In addition, the grazing practices utilized are not expected to cause major disturbances to a nesting pair if a nesting pair is ever identified. Watersheds and available forage for prey species are expected to be maintained or improved under existing or planned grazing systems.

Bald Eagle--FE, NME--This species utilizes areas with large bodies of water. Nesting occurs in high cliffs or pinnacles or trees usually 300 feet in height with water in near proximity (within 600 feet). Roost perches are generally high in elevation either on cliffs or ridge tops or in the tips of prominent snags. Foraging perches are typically in mesquites, willow, cottonwoods, and rock outcrops averaging 20 to 200 feet above water level. Both roosting and foraging perches are within visibility of the nest. Prey species is typically channel catfish, carp, Sonora sucker, and desert sucker. Small mammals and birds are also taken.

There are potential nest sites and roost perches within this allotment. This area might be utilized for foraging.

The proposed action will have No Effect on the bald eagle because at present no known nesting sites have been identified within the allotment or the adjoining area but there are numerous potential roost sites. Any eagles present are considered wintering eagles. Also the potential roosting habitat within the allotment will not be affected by livestock grazing.

Gray Vireo - New Mexico Threatened (NMT). The habitat for this vireo is most often found in arid juniper woodlands and foothills and mesas, these most often associated with oaks and usually in habitat with a well-developed grass component. It is an insectivore and occurs in New Mexico only during the warmer months. It occurs up to 7000 feet elevation. Threats to the gray vireo include loss or alteration of quality juniper-grassland habitat and an increase in nest-parasitism by brownheaded

cowbirds.

There will be no affect to this species because this allotment has only marginal habitat for this species as it has very little juniper woodlands. These areas are expected to be maintained under proper grazing management.

Ferruginous Hawk--Federal Species of Concern (SOC) BLM Sensitive: (BLMS)--This species is a rare winter resident and is more of a northern New Mexico hawk. It may hunt in the area during winter migration, however habitat is largely unsuitable. 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, hillsides, sometimes reusing nests and building them bigger and bigger. Threats are prairie dog control, road construction, and human disturbances near nests. Open water storage troughs and tanks can cause raptors to drown if there is not an escape route.

There should be NO EFFECT to this species because it is a rare migrant, there are no prairie dogs, and there is limited grassland.

Loggerhead Shrike--SOC; BLMS--This species utilizes expansive open grasslands, desert scrub (dominated by mesquite, yucca, and cactus), riparian, and lowland wooded areas. Their main threat is consumption of contaminated prey (large insects and small mammals). Data does not indicate any positive or negative affects from grazing.

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

Mearns Pocket Gopher--SOC--Trend of the population for this species is unknown. It occurs throughout the state and in most elevations. It is found wherever soil conditions allow them to dig. They eat roots and tubers.

Grazing would have NO EFFECT on this species because the grazing system used on this allotment maintains the different habitats in good condition.

Cave Myotis Bat--The northern range of this species is southern NM. Some populations are migratory spending winters in Mexico. It occurs in the lower elevations of the arid southwest, in areas dominated by creosote bush and cactus. It roosts in caves, mines, and tunnels. They forage over riparian areas and arroyo washes for insects. Threats to the species are mine closures, recreational caving and loss of foraging habitat in riparian areas.

There will be NO EFFECT to this bat from the proposed action because grazing will not impact any caves or mines.

Fringed Myotis Bat--SOC; BLMS--Roosts of this bat have been located in ponderosa pine and mixed conifer habitat types. It also occurs in mid-elevation grasslands, deserts, oak and pinion 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. Population trend is listed as unknown.

This species is not expected to be negatively impacted if the allotment is properly grazed and because there are no riparian areas on the allotment. In addition, the areas that might possibly be used for roosting or maternity sites, are in very rough areas not suitable for grazing.

Pale Townsend's Big-Eared Bat--SOC; BLMS--This bat is primarily a cave dwelling species, which also roosts in old mine shafts. In summer these bats occur widely in the state and can be found over desert scrub, in shelters, in desert-mountains, oak-woodland, pinion-juniper, or coniferous forests. Their main diet is moths. Because of its extreme sensitivity to human disturbances, populations of this species are threatened by habitat loss, vandalism, disturbance by cave explorers at maternity and hibernation roosts, and loss of riparian habitat. It is unclear how riparian areas affect this bat. Population trend is listed as unknown.

This species could be negatively impacted if the allotment is not grazed in such a way to keep it in fair to good condition with trend improving. In addition, the areas that might possibly be used for roosting or maternity sites, are in very rough areas not suitable for grazing.

Special Status Species - Plants

Renewal of the grazing lease was determined to have no effect on potential populations or potential habitats for the identified plant species: Night blooming cereus (Cereus greggii), Mimbres figwort (Scrophylloria macrantha), Pinos Altos flame flower (Talinum humile), Grama grass cactus (Toumeyia papyracantha), Wrights catchfly (Silene wrightii), Green flowered pincushion (Mammillaria viridiflora). None of these species are known to occur on this allotment.

Water Resources / Riparian Areas

The current grazing management and livestock numbers has not been detrimental to the water resources on the 63 acres of public lands. The biggest impact to water resources in the area, is the mining that takes place on private lands.

Recreation

Most recreational activities such as hunting, hiking and wildlife viewing are compatible with livestock grazing and are not likely to be impacted.

Cultural/Historic Resources

Re-issuance of the grazing lease will not have any negative effect on known or unknown cultural resources.

Economic Conditions

Acceptance of the proposed action, which is reissuance of a ten year grazing lease, would maintain the current value of the lease, thereby maintaining the economic viability of the ranch unit. The ranching operation would continue to be worth more than a similarly situated ranching operation that does not possess a grazing lease.

Social Conditions

Under the proposed action the permittees and their ranching families and communities would be able to continue local ranching customs and culture, and the western way of life.

Fundamentals of Rangeland Health

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

Watersheds are not functioning properly in relation to their upland, riparian-wetland, aquatic, water infiltration and water storage capabilities. The biggest reason for this is the extensive mining that takes place on private lands within this watershed. Neither livestock grazing nor its management is impeding progression towards properly functioning watersheds. Issuance of the grazing 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 grazing lease will have no significant negative impacts to these processes.

Water quality complies with New Mexico State Water Quality Standards and achieves established BLM management objectives. Issuance of the grazing 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 Candidate, Federal Species of Concern and other special status species. Issuance of the grazing lease will have no significant negative impacts to these habitats.

IMPACTS OF THE ALTERNATIVES:

The impacts from the No Action alternative would be that Mr. Ronald L. Strain would not be permitted to graze livestock on the Hanover Lease Allotment.

The short-term impacts, described in the following would only become long term impacts if the MRA/RMP is amended to remove livestock grazing use from this part of the public lands and the allotment is closed.

Short-term Impacts: The only livestock that may be present would be possible trespass livestock from neighboring private lands, which would only be found by the BLM during supervisory visits to the allotment. The 63 acres of public land are not currently fenced.

Vegetation Types

Pounds of grass production is likely to be the same as under the proposed action, however in the short-term it will not be harvested to any large degree and will cause a large amount of litter to remain on the ground. This may possibly build to a point that natural and manmade fires may increase in frequency and intensity

Visual Resources

Visual resources may not be impacted from the no action alternative because in the short-term there would not be enough grazing to cause changes to the basic elements to be evident.

Economic Conditions

Failure to reissue a 10 year lease would have minimal impacts due to the small amount of public land acreage.

Social Conditions

The ability for permittees, their ranching families and communities, to continue local ranching customs and culture, and the western way of life, would be minimally affected due to the small amount of public land acreage.

Other Environmental Elements

The impacts from the No Action alternative, for the following elements, would be the same as for the Proposed Action: Soils, Wildlife Habitat, Special Status Species, Fundamentals of Rangeland Health, Recreation, and Cultural.

Cumulative Impacts

The cumulative impacts from the proposed action are addressed in detail in the Impacts section of the Mimbres Resource Area/Resource Management Plan (December, 1993).

DESCRIPTION OF MITIGATION MEASURES AND RESIDUAL IMPACTS:

Mitigation

No mitigation measures have been identified for this lease.

Monitoring

Use Supervisions, which are rapid evaluations of existing activities and conditions that are taking place on the allotment, will be completed periodically to document any changes in resource (soil and vegetation) conditions.

Residual Impacts

The immediate residual impacts of the proposed action would be the continued grazing by livestock on the renewable resources of the public lands.

PERSONS/AGENCIES CONSULTED:

- Mr. Ronald L. Strain - Permittee
- Ray Aguilar - Rangeland Management Specialist
- Roy Placker - Wildlife Biologist
- Bruce Call - Soil, Water and Air Specialist
- Pam Smith - Archaeologist
- Laird McIntosh - Botanist

Prepare(s): Raymond M. Aguilar

Date: February 12, 1999

EA Coordinator's Signature: _____

Date: 4-15-99

