United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Las Cruces District Office
1800 Marquess
Las Cruces, New Mexico 88005
www.blm.gov/nm

In Reply Refer To:

4100 (LLNM03210)
AN 03029, 03056, 03033, 03023

CERTIFIED-RETURN RECEIPT REQUESTED July 19, 2010

DECISION RECORD
Environmental Assessment
DOI-BLM-NM-L000-2009-0140-EA
WEST POTRILLO MOUNTAINS
GRASSLAND RESTORATION PROJECT

Dear Interested Public:

On May 17, 2010 the Bureau of Land Management (BLM) Las Cruces District prepared Environmental Assessment DOI-BLM-NM-L000-2009-0140-EA to analyze the impacts of a proposed brush control treatment within the West Potrillo, Afton, Mount Riley, and Kilbourne Hole grazing allotments located in southwest Doña Ana and eastern Luna Counties in southwest New Mexico.

The public was afforded 30 days to provide comment on the EA. The comment period concluded on June 26, 2010. A total of four letters were received all supporting the proposed action. Representatives from Southwest Consolidated Sportsmen, Southwestern New Mexico Quail Unlimited Inc., Mesilla Valley Audubon Society (MVAS), and New Mexico Department of Game and Fish (NMDGF) all provided letters of support. MVAS provided a list of recommendations regarding chemical application rates, biodiversity monitoring, and future land management. All comments received were given full consideration to ensure recommendations and/or concerns were properly addressed in the EA.

The EA issued for public comment stated that a maximum of 40% utilization of the current year's growth of key forage species would be allowed in treated pastures during the deferment periods in the years following treatment. The NMDGF recommended lowering the utilization level to 35%, stating that "current research has shown that to maintain or improve desert rangelands, grazing levels should be held at or below 35% to 40% use (Klipple and Costello

1960, Paulsen and Ares 1962, Valentine, KA 1970, Martin and Cable 1974)." The Las Cruces District Office concurred with this recommendation and, therefore, Standard Operating Procedure number 2 in the EA has been changed to limit the maximum grazing utilization level during the deferment periods in the years following treatment to 35%.

The final EA along with the Finding of No Significant Impact (FONSI) are available for review on BLM's website at:

http://www.blm.gov/nm/st/en/prog/planning.1.html#las_cruces

Decision:

It is my decision to implement the proposed action, West Potrillo Mountains Grassland Restoration Project, as described in the environmental assessment (EA) DOI-BLM-NM-L000-2009-0140-EA. The proposed action is to apply the chemical herbicide Tebuthiuron (i.e. Spike 20P™) to 27,280 acres of creosote dominated range sites in the West Potrillo grazing allotment and very small parts of the adjacent (Afton, Mt. Riley, and Kilbourne Hole) allotments located in southwest Doña Ana and east Luna counties located in southwest New Mexico. The majority of the proposed action would take place in the West Potrillo Mountains and Aden Lava Flow Wilderness Study Areas (WSA). Under the Proposed Action, Tebuthiuron (i.e. Spike 20P™) would be applied as a small pellet directly onto the soil using a calibrated applicator mounted to aircraft. Application would be in the fall/early winter to take advantage of typically gentle rainfall in fall and winter.

The purpose of the West Potrillo Mountains Grassland Restoration project is to return the vegetative communities, plant composition, distribution, and abundance to within the natural range of variability for the ecological sites that occur within the project area as based on the reference condition.

Authorities:

The proposed actions and alternatives are consistent with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1700 et seq); the Taylor Grazing Act of 1934 (43 U.S.C. 315 et seq.); the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.); the Carlson-Foley Act (1968); and the Federal Noxious Weed Act (1974), as amended by Section 15 - Management of Undesirable Plants on Federal Lands.

The proposal is consistent with and tiered to the New Mexico Record of Decision dated July, 1991, for the Vegetation Treatment on BLM Lands in Thirteen Western States, Final EIS (USDI BLM, May 1991) and the 2007 *Final Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement (PEIS)* (USDI BLM 2007).

The proposed action also conforms to the interim management policy (IMP) and guidelines for lands under wilderness review (Handbook 8550-1) dated July 5, 1995 which states (p. 10):

> *Actions that clearly benefit a [wilderness study area's (WSA)] wilderness values through activities that restore, protect, or maintain these values [roadlessness, naturalness, solitude, primitive, and unconfined recreation, size, and supplemental values] are allowable.*
>
> *If the proposed action would result in a positive or beneficial change in the state or condition of the wilderness value(s) as described, assessed, or calculated on the date of approval of the intensive [wilderness] inventory, then the wilderness value would be enhanced by the proposed action.*

Compliance and Monitoring:

Vegetation and monitoring studies would be established on each treatment to assess the degree to which the treatment meets the key goals and objectives for watershed and habitat improvement. Parameters measured to infer success would include, but not be limited to, basal cover and species composition. Studies would establish a baseline, but timing may vary depending on vegetation response to the chemical. Studies would be reread during the last year of scheduled growing season rest and at least 5 years thereafter.

Biodiversity monitoring would be designed to measure short and long-term effects of herbicide treatments on distribution, abundance, and viability and diversity of multiple taxa including plants, birds, and keystone rodents.

A more detailed discussion of monitoring protocols and parameters can be found in section 2.1.2 of the EA under Standard Operating Procedures.

Standard Operating Procedures:

The treatment parameters and standard operating procedures (SOP) identified in the EA have been formulated into planning and management procedures and stipulations. Those procedures and stipulations identified are as follows:

1. Areas treated with Tebuthiuron would be completely rested from livestock grazing for a minimum of 2 growing seasons (July 1 through October 31) the second and third summers following application. Rest would be incorporated for longer than 2 years if precipitation is inadequate to allow recovery during the first 3 growing seasons. Rest may extend outside the growing season as determined by monitoring to ensure that ground cover (plant basal, leaf litter, etc.) remains on site to protect soil.

2. A maximum of 35% utilization of the current year's growth of key forage species would be allowed in treated pastures during the deferment periods in the years following treatment. This would ensure herbaceous cover remains on site to provide seed source, protect against erosion and add to the litter layer, which is paramount to soil nutrient cycling and repartitioning of nutrients to interspaces between shrubs. Utilization will comply with the levels outlined in the RMP that exist at the time deferment is no longer required.

3. All herbicide treatments would be applied as per the chemical label, State law and BLM's Programmatic Environmental Impact Statement (PEIS) for Vegetation Treatments with Herbicides (USDI 2007a).

4. All sites would be monitored to ensure noxious species do not become established. Where weeds are identified, appropriate control measures would be implemented.

5. Permitted livestock use would not be increased due to increased forage production resulting from implementation of proposed chemical treatments. Improved herbaceous production would be reserved to meet the objectives for enhancement of watershed function and improved wildlife habitat.

6. No herbicide application would be allowed within 100 meters of areas containing sensitive native trees or shrubs (such as little-leaf sumac, skunkbush sumac, desert willow, hackberry, soapberry, willow, oaks, cottonwood, etc.) or other important wildlife habitat susceptible to the herbicide to be used on the treatment.

7. No herbicide application would be allowed within 100 meters of any stick nest if the substrate species is susceptible to the herbicide to be used in that treatment (for example, Tebuthiuron application could occur within 100 m of a soaptree yucca with a stick nest because Tebuthiuron does not kill soaptree yucca. Conversely, a little-leaf sumac with a stick nest would be buffered to ensure it would not be killed.)

8. All range improvement water sources troughs and/or dirt tanks in the vicinity of the treatment area would be buffered a minimum of 100 meters to ensure exclusion from chemical treatment.

9. In order to avoid chemical "drift", application of Tebuthiuron pellets would not occur when wind speeds exceed fifteen (15) mph.

10. Application of Tebuthiuron pellet herbicide would be conducted in the fall/early winter to coincide with typically gentle rainfall to minimize herbicide movement with runoff.

11. Off-road travel would not be authorized within the boundaries of the WSA. In areas where ATV's or other vehicles are used off-road in planning, mapping, or carrying out the project, prior to entering the area they would be high-pressure spray-washed to remove any soil or plant parts to ensure that weed seeds are not carried to the treatment area. Off-road travel would occur only on dry soil surfaces to minimize soil compaction and rutting, and would not occur in sensitive areas.

12. Where determined appropriate, prescribed fire would be utilized in future years as a tool to maintain treatments and continue to move sites toward improved ecological conditions, providing enhanced watershed function and wildlife habitat values.

Plan Conformance and Consistency:

The proposed action and alternatives have been reviewed and found to be in conformance with one or more of the following BLM Land Use Plans and the associated decision(s):

This proposed action conforms to the Mimbres Resource Management Plan approved December, 1993 because it is specifically provided for in the following land use decisions:

MRMP 1993, Decision p. 2-31:

Grass bottomlands, mixed desert shrub (>10 percent slope), snakeweed, and mountain brush type will be treated using combinations of prescribed burning, prescribed natural fire, and prescribed grazing management. Creosote, mesquite and desert shrub (< 10 percent slope) will be treated almost entirely by the use of chemical herbicides.

MRMP 1993, Wilderness p. 2-53

The objective of the wilderness program is to … manage [wilderness] areas in a manner that will preserve the natural values of those ecosystems.

Alternatives Considered:

No Action Alternative

Under the no action alternative, vegetation treatments in the West Potrillo Mountains area would not be implemented. Ecological Sites may continue to degrade from shrub dominated states into shrubland states, resulting in increased erosion and soil loss potential. Wildlife habitat conditions would remain static or would continue to degrade without the proposed treatments. Wildlife and plant species (including special status species) populations would possibly decline due to habitat loss. The landscape would not have a chance to recover to a natural and historical state. Restoration, protection, and maintenance of wilderness

characteristics, through improvement of vegetation conditions from current degraded states to potential natural community, would not occur.

The following alternatives were considered but not analyzed in the EA:

Biological Control Alternative

There currently is no known specific, effective method of biological control for targeted species (i.e., creosote and tarbush).

Treatment with Other Chemical Alternative

There are other chemicals that control invasive brush species. BLM rejected the use of these chemicals due to impacts to non-target vegetation and/or increased impacts to soil or water resources, or reduced cost effectiveness.

Mechanical Treatment Only Alternative

Mechanical treatments for the control of creosote would be cost effective but would result in unacceptable resource damage. Surface disturbance and off-road travel are not permitted under WSA guidelines.

Prescribed Fire Only Alternative

Prescribed fire is the preferred treatment to reduce woody species, however, the current ecological conditions within proposed treatment areas are not conducive to successful burning treatments.

Rationale for Decision:

Approval of the proposed action is the most environmentally acceptable method of stimulating regeneration of desired plant communities and reducing invasive brush encroachment in the proposed project area. The proposed action has identified 27,280 acres of creosote bush invaded rangelands within the West Potrillo grazing allotment which have the potential to return the vegetative communities plant composition, distribution, and abundance to within the natural range of variability for these ecological sites through the application of chemical herbicide Tebuthiuron (Spike 20P™). Watershed function, soil stabilization, wildlife habitat, rangeland health, wilderness values and historic vegetative communities will be improved and restored.

The proposed action is consistent with the Interim Management Policy (IMP) and Guidelines for Lands under Wilderness Review (Handbook 8550-1) which state:

> *"If the proposed action would result in a positive or beneficial change in the state or condition of the wilderness value(s) as described, assessed, or calculated on the date of*

approval of the intensive [wilderness] inventory, then the wilderness value would be enhanced by the proposed action."

The use of herbicide treatments would reduce the amount of creosote and increase the amount of grass cover and eventually return the area to a more natural fire regime. This would benefit the wilderness values of the West Potrillo Mountains and Aden Lava Flow WSAs through maintaining and restoring the naturalness that historically occurred. This would result in a positive change to the existing vegetative community, thus enhancing wilderness values.

Protest and Appeal:

If you wish to protest this decision in accordance with 43 CFR 4160.1 and 4160.243, you are allowed 15 days from the receipt of this decision within which to file a protest with the Assistant District Manager, Division of Renewable Resources at the address below:

United States Department of the Interior
Bureau of Land Management
Las Cruces District Office
ATTN: Jim McCormick
1800 Marquess Street
Las Cruces, NM 88005

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error.

In accordance with 43 CFR 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

In accordance with 43 CFR 4160.3 (b) upon a timely filing of a protest, after a review of protests received and other information pertinent to the case, the authorized officer shall issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal must be filed within 30 days following receipt of the final decision or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above.

The person/party must also serve a copy of the appeal to the appropriate Office of the Solicitor in accordance with 43 CFR 4.413.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR 4.470.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

(1) The relative harm to the parties if the stay is granted or denied.

(2) The likelihood of the appellant's success on the merits.

(3) The likelihood of immediate and irreparable harm if the stay is not granted, and

(4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer and served in accordance with 43 CFR 4.471.

Any person named in the decision that receives a copy of a petition for a stay and/or an appeal and wishes to respond, see 43 CFR 4.472(b) for procedures to follow.

/s/ Jim C. McCormick, Jr. *July 19, 2010*

Jim C. McCormick, Jr. Date
Assistant District Manager,
Division of Renewable Resources

FINDING OF NO SIGNIFICANT IMPACT

Environmental Assessment

DOI-BLM-NM-L000-2009-0140-EA

WEST POTRILLO MOUNTAINS GRASSLAND RESTORATION PROJECT

Based on the analysis of potential environmental impacts contained in the environmental assessment (EA) DOI-BLM-NM-L000-2009-0140-EA, and considering the significance criteria in 40 CFR 1508.27, I have determined that the West Potrillo Mountains Grassland Restoration Project will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

/s/ Jim C. McCormick, Jr. *July 19, 2010*

Jim C. McCormick, Jr. Date
Assistant District Manager
Renewable Resources