

**United States Department of the Interior
Bureau of Land Management
Las Cruces District Office
1800 Marquess Street
Las Cruces, NM 88005**

Environmental Assessment for
Cooke's Range Acquisition
Private Land: Luna County, NMPM, T. 21 S., R. 9 W., Sec. 24, all.
DOI-BLM-NM-L000-2013-0098-EA

_____/s/ Kendrah Penn_____9/18/13_____Date
Signature and Title of Project Lead

_____/s/Jennifer Montoya_____9/18/13_____Date
Signature of Planning & Environmental Coordinator



1 INTRODUCTION

The Bureau of Land Management (BLM) proposes to acquire in fee ownership a privately owned parcel adjacent to the Cooke's Range Wilderness Study Area (WSA), approximately 10 miles northeast of Deming, New Mexico, on the north side of the Deming-Hatch Highway (Highway 26) (Figure 1). The property consists of 640 acres in Luna County, located at Section 24, Township 21 South, Range 9 West. The property is bounded on the west, north, and east sides by the Cooke's Range WSA and provides access to the southern portion of the WSA. The proposed acquisition parcel is part of the Hidden Valley Ranch Allotment, located in Luna County, New Mexico, approximately 10 miles NE of Deming, New Mexico on the north side of the Deming-Hatch Highway (Highway 26). The allotment is located within Townships 20-22 South, Ranges 8-9 West.

In 2006, the previous owners of the property approached the BLM to acquire the 640 acre parcel. The BLM had identified the property in the Mimbres Resource Management Plan (Mimbres RMP), as an area for acquisition. The BLM began working with the landowners and attempted to obtain funding necessary to purchase the property. Through several years of discussions and preliminary work, the BLM was not able to obtain the funding in a timely manner and the landowners decided to approach a conservation group to acquire the property instead.

In 2012, The Conservation Fund (TCF) acquired this parcel through the facilitation process. Under this process, TCF purchases property to hold in ownership for possible acquisition by the BLM if funding becomes available and environmental analysis of a possible acquisition reveals no significant resource issues.

Funding for the purchase of the private land is available through Public Law 109-94, known as the Ojito Wilderness Act. This act allowed for certain public lands to be placed into trust for the Pueblo of Zia, and other purposes, upon receipt of fair market value consideration. The money is available to the Secretary of Interior, to expend funds on acquisitions of land or interests in land from willing sellers in the State of New Mexico. The Conservation Fund is a willing seller of the 640 acre parcel of land adjacent to the Cooke's Range WSA and funding has been approved to be used to acquire this parcel.

1.1 Purpose and Need

The purpose of the proposed action is to consolidate public land ownership of inholdings that have been identified for acquisition by the Mimbres RMP that have important cultural, historic, and scenic values. The need for the action is established by the BLM's responsibility under section 205 of the Federal Land Management and Policy Act; that acquisitions shall be consistent with the mission of the department involved and with applicable departmental land-use plans.

1.2 Decision to be Made

This environmental assessment (EA) analyzes two alternatives; the Proposed Action (acquisition of the proposed parcel); and No Action (no acquisition). This EA also discusses the environmental consequences of implementing either alternative. The authorized officer for the acquisition will be the Las Cruces District Manager. Based on the information provided in this EA, the District Manager will decide whether or not to move forward with the acquisition.

Specific planning for the parcel if acquired would be analyzed in a subsequent environmental document. Decisions on management prescriptions will not be made with this document.

1.3 Plan Conformance/Authority/Relationships to Statutes, Regulations and Other Plans

The authorization for this action is consistent with the requirements for land acquisitions as stated in the Federal Land Policy and Management Act (FLPMA) of 1976 (43 USC 1715). FLPMA Section 205(a) states that “Notwithstanding any other provisions of law, the Secretary, with respect to the public lands and the Secretary of Agriculture, with respect to the acquisition of access over non-Federal lands to units of the National Forest System, are authorized to acquire pursuant to this Act by purchase, exchange, donation, or eminent domain, lands or interests therein.” FLPMA Section 205 (b) also states that “Acquisitions pursuant to this section shall be consistent with the mission of the department involved and with applicable departmental land-use plans.”

Funding for the action would be through remaining funding from a legislative land sale the BLM conducted with the Zia Pueblo in Northern New Mexico.

This action is also in conformance with the 1993 Mimbres RMP (page 2-9 – 2-17). The Mimbres RMP states that “the objective of the lands program is to facilitate the acquisition, exchange, or disposal of public land in order to provide the most efficient management of public resources.” The RMP identifies 56,210 acres of private land for potential acquisition.

1.4 Scoping and Issues

1.4.1 Internal Scoping

The proposed acquisition was presented to an interdisciplinary team of resources specialists on May 20, 2013 at the Las Cruces District Office. As a result of this internal scoping meeting, soils, vegetation, livestock, wildlife/Special Status Species, cultural resources, paleontological resources, special designated areas, socioeconomic, lands and realty, recreation and visual resources were identified as potential issues with approving this acquisition.

1.4.2 External Scoping

The BLM sent scoping letters describing the proposed action to adjacent landowners, Luna County and City Government officials, Congressional Representatives, Legislators, BLM Resource Advisory Committee Members, and current BLM permittees.

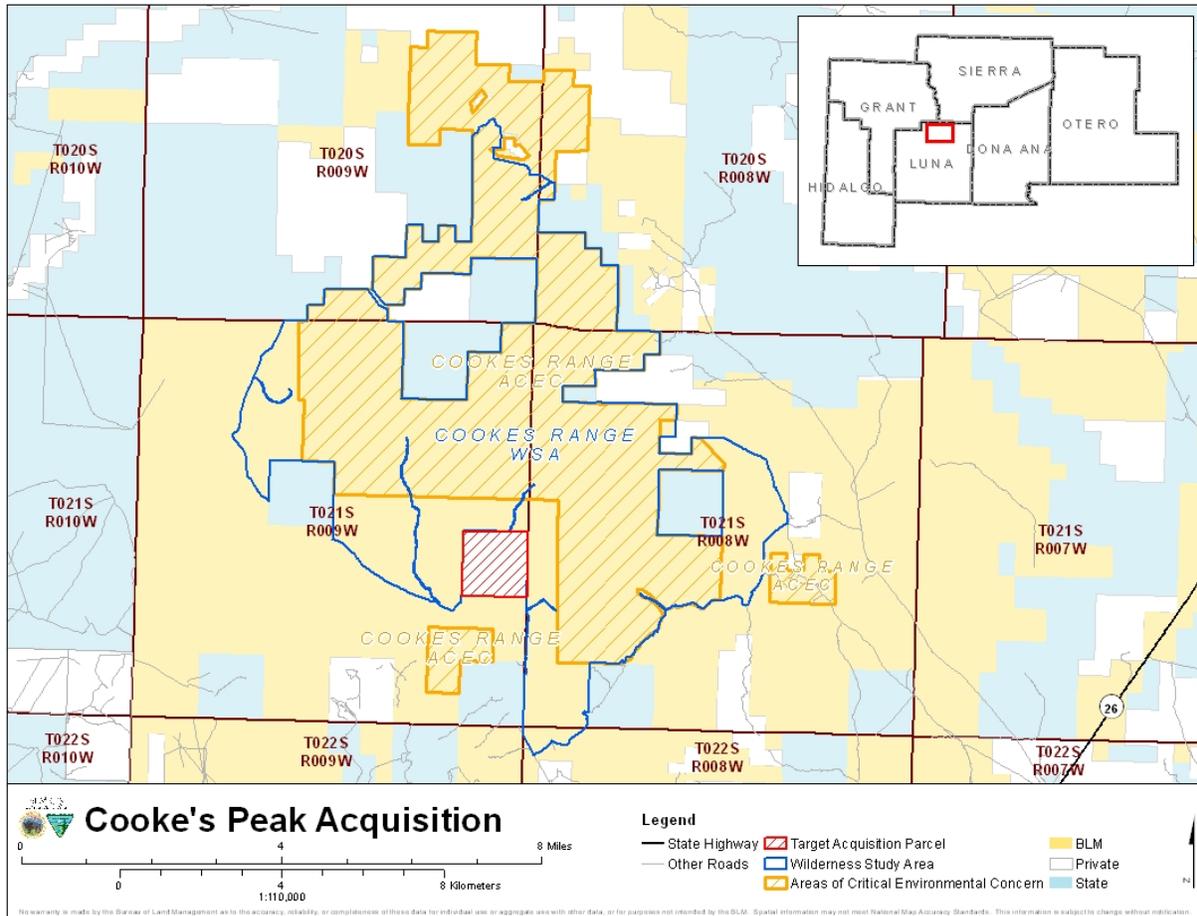
1.4.3 Resource Issues Identified

Issues Identified in Comments Received:

The Interdisciplinary Team (IDT) evaluated the scoping comment received to determine whether any significant issues were raised by the public. Significant issues were defined as those directly or indirectly caused by implementing the proposed action. Non-significant issues were identified as those: 1) outside the scope of the proposed action; 2) already decided by law, regulation, Land Use Plan, or other higher level decision; 3) irrelevant to the decision to be made; or 4) conjectural and not supported by scientific or factual evidence. The Council on Environmental

Quality NEPA regulations require this delineation in Sec. 1501.7, “identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review (Sec. 1506.3)...”

Figure 1 Acquisition Parcel Map



2 PROPOSED ACTION AND ALTERNATIVES

2.1 Proposed Action

The Proposed Action is for the BLM to acquire private property located in Luna County, NMPM, T.21 S., R. 9 W., sec. 24, all (Figure 1), from the willing seller, The Conservation Fund. The BLM would pay fair market value for the property as determined by an appraisal completed by the Office of Valuation Services (OVS). The acquisition would be conducted in accordance with the BLM Acquisition Handbook and FLPMA, as amended. Upon acquisition, the parcel would be managed in a manner similar to that of the adjacent public land without any specific management specifications as outlined in the 1993 Mimbres RMP.

Any future management prescriptions and decisions would be analyzed in an additional Environmental Assessment and Decision Record, which may amend the Mimbres RMP.

2.2 No Action Alternative

Under this alternative, the BLM would not acquire the parcel. The land would continue to be owned and managed by TCF.

2.3 Alternatives Considered but Eliminated from Detailed Analysis

2.3.1 Management of Resources Alternative

The BLM considered analyzing a “management of resources” alternative through the form of a Resources Management Plan Amendment (RMPA) that may have amended the current Mimbres RMP. The RMPA would have analyzed the different resources and management scenarios and would have led to a management decision on how the proposed parcel would be managed in the future. However, because of the current BLM workload and lack of resources necessary to fully analyze this alternative at this time, the BLM decided to postpone management analysis until a later date and this alternative was no longer considered.

3 AFFECTED ENVIRONMENT

3.1 Soils

The primary soils in the area of the proposed acquisition in Luna County consists of rough broken and rock land (RU), Lehman's very rocky loam (LD), Lehman's extremely rocky loam (LK), Luxor extremely stony sandy loam (LU), Mimbres and Verhalen soils (MR) and Nickel very gravelly sandy loam (NK). These soils are fully described by the Natural Resources Conservation Service (NRCS) on their Web site; <http://websoilsurvey.nrcs.usda.gov/app/>

3.2 Vegetation

Common ecological sites found within the Hidden Valley Ranch allotment are gravelly, draw, igneous hill/mountains and sandy. The area of the proposed acquisition parcel (section 24) is made up of gravelly, sandy and draw ecological sites (Figure 2).

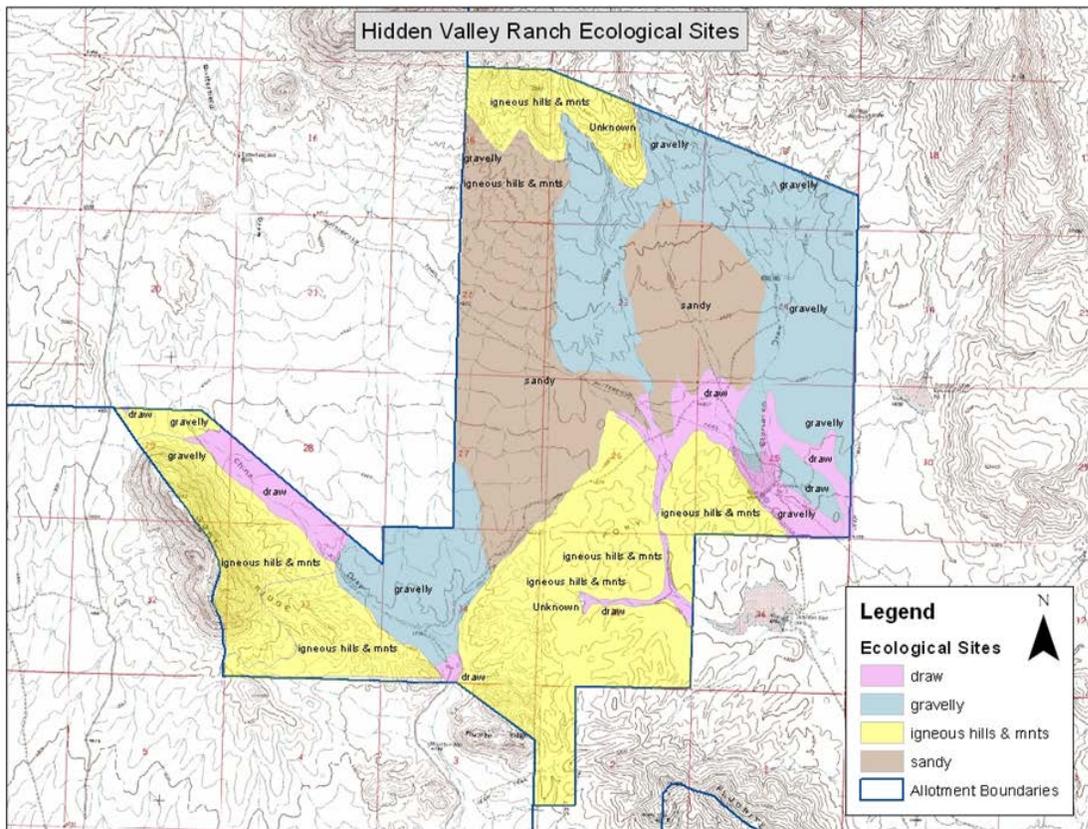
These ecological sites are within the Southern Desertic Basin, Plains, and Mountains (SD-2) or ID 042, which are fully described by the Natural Resources Conservation Service (NRCS) on their Web Site:

[https://esis.sc.egov.usda.gov/Welcome/pgReportLocation.aspx?type=ESD&state=NM&mlra=.](https://esis.sc.egov.usda.gov/Welcome/pgReportLocation.aspx?type=ESD&state=NM&mlra=)

Gravelly ecological sites have an average precipitation of 8 to 10.5 inches annually with wide fluctuations ranging from a low of 2 inches to a high of 20 inches. Soils are shallow to deep. The historic plant community is believed to have been dominated by grasses, especially bush muhly and black grama, and sometimes dropseeds. Shrubs, especially creosote, are co-dominants (black grama/shrubs community). Gravelly sites on the Hidden Valley Ranch Allotment are better characterized as being in a shrub-dominated state with a decline in the cover of and an increase in bare ground as well as an increase in shrubs.

Draw ecological sites occur as desert draining ways, draws or swales. The majority on the Hidden Valley Ranch Allotment present themselves as draws. These sites receive and transport runoff water from both higher elevation within its own confines and from surrounding sites. Flooding may occur as many as two or three times a year in favorable years. Draw sites have an average annual precipitation of 8 to 10.5 inches annually, with wide fluctuations ranging from a low of 2 inches to a high of 20 inches. Soils are deep and well drained. The historic plant community for a draw is a tobosa dominated grassland state, with other grasses including alkali sacaton or vine mesquite. Draws on the Hidden Valley Allotment are tobosa dominated with an increase in bare ground.

Figure 2 Hidden Valley Allotment Ecological Sites

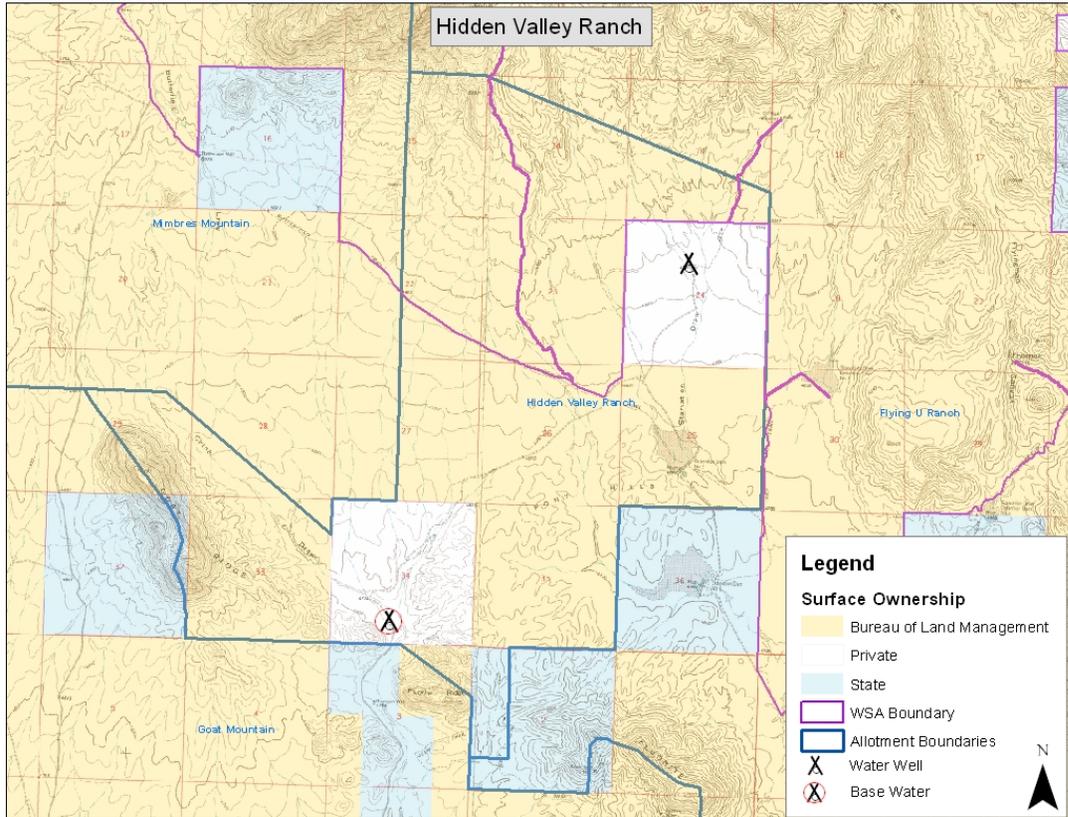


Igneous Hills ecological sites have an average precipitation of 8 to 10.5 inches annually with wide fluctuations ranging from a low of 2 inches to a high of 20 inches. Soils are generally shallow and well drained. This ecological site tends to occur at transitions to higher elevation. Historic climax plant community for a hills site is dominated by black grama, and bush muhly, other grasses includes blue grama, sideoats grama, and tobosa. Succulents are also common subordinate plants, including banana yucca, sotol, ocotillo and agaves. Cool season grasses, such as New Mexico feathergrass may also be present. Creosote may also be present. The Hidden Valley Ranch Allotment has transitioned into a shrub/bare ground state with creosote being the dominant vegetation.

Sandy ecological sites have an average annual precipitation of 7 to 11 inches, with wide fluctuation ranging from a low of 2 inches to a high of over 20 inches. Soils are moderately deep

to deep. The historic plant community is a black grama, dominated and dropseeds may be secondary dominants. Bush muhly and threeawns are other common grasses. Soap tree yucca, longleaf ephedra, and sand sage are common shrubs. The sandy sites on the Hidden Valley Ranch have transitioned into a mesquite shrubland state which is characterized as having snakeweed, threeawns and many mesquite with very low grass cover.

Figure 3 Hidden Valley Ranch Allotment Map



3.3 Livestock Grazing

The proposed parcel to be acquired lies within the Hidden Valley Ranch Allotment No. 02009 (Figure 3). This allotment is primarily a cow/calf operation and is permitted for 40 cattle yearlong at 82% public land for a total of 394 BLM permitted AUMs. The allotment is comprised of 5,330 acres of federal (BLM) lands and 1,280 acres of private lands (includes the 640 acre parcel to be acquired) (Table 1).

The proposed parcel to be acquired is 640 acres with 5 CYL (cattle yearlong) attached to this acreage. TCF is not the current permit holder.

Table 1 Current Permitted Livestock Use in the Hidden Valley Allotment

Livestock #/Kind	Grazing Period	% Public Land	BLM Permitted AUM's	Acreage of Federal	Acreage of Private	Proposed Lands to be Acquired
40 Cattle	3/1-2/28	82	394	5,330	1,280	640

3.4 Wildlife and Wildlife Habitat

The distribution and quality of wildlife habitats on the proposed parcel reflects impacts from many decades of livestock grazing combined with other human influences. Historically, this area was dominated by grasses and grassland associated wildlife species but with human presence, the landscape has become creosote dominated with little or no habitat for grassland dependent species.

3.5 Special Status Species

3.5.1 Plants

Presence of special status plant species and their habitats in Luna and Doña Ana Counties was considered using LCDO species occurrence/habitat records and New Mexico Natural Heritage Program species records. Species descriptions and distributions were derived from LCDO office records and New Mexico Rare Plant Technical Council [NMRPTC. 1999. New Mexico Rare Plants. Albuquerque, NM: New Mexico Rare Plants Home Page. <http://nmrareplants.unm.edu> (Latest update: 30 March 2012)].

Based on evaluation of the above information in comparison with the habitat types on the parcel to be acquired, 2 species and/or habitats could potentially occur in the parcel (Table 2). There are no known occurrences of special status plants on the parcel.

Table 2 Special Status Plan Species

Plant Species	Conservation Status
Night-blooming cereus	BLM Special Status, USFWS Species of Concern, New Mexico Endangered
Porter's globe mallow	BLM Special Status, USFWS Species of Concern, New Mexico Species of Concern

Night-blooming cereus (*Peniocereus greggii* variety *greggii*) This slender, twig-like cactus grows mostly in sandy to silty gravelly soils in gently broken to level terrain in desert grassland or Chihuahuan desert scrub. Typically found growing up through and supported by shrubs, especially mesquite and creosote.

Porter's globe mallow (*Sphaeralcea procera*) This tall (3 meter), woody perennial forb is not well known. It is known only from the type collection, 20 miles northeast of Deming; in a sandy arroyo in Chihuahuan desert grassland at about 1,350 m (4,400 ft). This plant has not been relocated despite repeated searches of the type locality in which it was first discovered. The likelihood of this plant being located on the parcel is extremely low, however if it is located, it should be protected as it would be the second time this plant was observed in the last 72 years.

3.5.2 Animals

The Special Status animal species lists for Luna County was compiled from: Biota Information System of New Mexico (BISON-M). <http://www.bison-m.org>

Known geographic distribution and habitat requirements were considered for each species in comparison with habitat types on the parcel. The results of this analysis for the parcel are shown below (Table 3).

Table 3 Special Wildlife Species

Species	Status
Texas horned lizard	BLM Sensitive
Bald eagle	NM Threatened
Northern Aplomado falcon	USFWS Endangered, NM Endangered
American peregrine falcon	USFWS Species of Concern, NM threatened
Common ground dove	NM Endangered
Ferruginous Hawk	BLM Sensitive
Burrowing owl	USFWS Species of Concern, BLM Sensitive
Mountain Plover	USFWS Species of Concern, NM Sensitive
Loggerhead Shrike	BLM Sensitive, NM Sensitive
Townsend's big-eared bat	USFWS Species of Concern, BLM Sensitive, NM Sensitive
Fringed Myotis Bat	BLM Sensitive, NM Sensitive
Desert pocket gopher	USFWS Species of Concern

3.5.3 Migratory Birds

Executive Order 13186 directs federal agencies to take actions to implement the Migratory Bird Treaty Act and contribute to the conservation and management of migratory birds and their habitats. As categorized by Rustay and Norris (2007) in the New Mexico Bird Conservation Plan, the projects lie within the Chihuahuan Desert Shrub (CDS) habitat type.

The plan ascribes 3 levels of priority to migratory bird habitats based on importance to birds and level of threat (highest, high, moderate to low) and a conservation opportunity score (Habitats were sorted into priority categories based on combined scores for importance and threat, with opportunity for conservation scores noted.). CDS habitat was rated high priority with a low score for conservation opportunity.

The plan lists 44 species for CDS. The plan also designates priority bird species, based on importance to species conservation (SC) and/or biodiversity conservation (BC). Priority bird species with reasonable potential to occur in the project area for breeding or wintering, and in a few cases foraging only are listed in Table 4.

Table 4 Priority Bird Species Potentially Occurring in the Project Area

Species	Priority Conservation Designation and Level of Concern Score¹
Loggerhead Shrike	SC2
Black-throated Sparrow	SC2
Northern Harrier	BC2
Bendire's Thrasher	SC1
Prairie Falcon	SC2
White-throated Swift	SC2
Cassin' Kingbird	SC2
Hooded Oriole	BC2
Crissal Thrasher	SC2
Golden Eagle	BC2
Gray Vireo	SC1
Swainson's Hawk	SC2
Scaled Quail	SC2
Broad-tailed Hummingbird	SC2
Varied Bunting	BC2
¹ SC = Species Conservation BC = Biodiversity Conservation Conservation Opportunity Score: 1= high. 2 = Moderate.	

3.6 Recreation

The proposed action is in close proximity to Deming and Las Cruces. The Cooke's Peak area is frequented by hunters, campers, hikers, photographers, bird watchers, and a variety of other recreationists. The surrounding Cooke's Range WSA was identified, in part, for recreational opportunities including backpacking, hiking, hunting, mountain and rock climbing, horseback riding, rock-hounding, and sightseeing. In addition, the nearby Cooke's Range ACEC contains excellent scenic values. However, there are no formally designated recreation sites or special recreation management areas associated with the Cooke's Range.

Travel routes are limited in the nearby Cooke's Range WSA to designated routes and in the surrounding public land travel is limited to existing routes.

3.7 Visual Resources

Visual Resource Management (VRM) classes are to be used as tentative minimum management objectives for the visual management units identified. Each visual resource management class describes a different degree of modification allowed in the basic elements of the landscape. The primary character of the landscape will be retained regardless of the degree of modification.

Areas immediately adjacent to the west, north, and east of the proposed parcel are currently within the Cooke's Range WSA and are managed as VRM class I, while the area immediately adjacent to the south of the proposed parcel is outside of the WSA / ACEC and managed as VRM Class II.

VRM Class I preserves the existing character of the landscape. This class provides for natural ecological changes; however, it does not preclude very limited management activity. The level of change to the characteristic landscape should be very low and should not attract attention.

VRM Class II is intended 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.

3.8 Paleontological Resources

The parcel is underlain by Piedmont alluvial deposits that date from the Upper and Middle Quaternary and that are estimated to be less than 10,000 years old. These deposits have been tentatively assigned a Potential Fossil Yield Classification (PFYC) of 1 of a scale of 1-5, with 5 representing the highest potential for preservation of fossil resources. A PFYC of 1 typically does not represent any management concerns due to the low probability of paleontological preservation. However, a few marine fish along with a small variety of micro-fossils have been documented within a PFYC 2 region approximately 5 miles from the proposed acquisition area suggesting the periphery of the parcel could contain older depositional environments capable of hosting fossilized specimens.

3.9 Cultural Resources

The lands are in an area of archaeological significance and contain at least one significant Classic Mimbres prehistoric ruin occupied between 950 AD and 1150 AD. Part of the ruin also occurs on adjacent BLM lands and is related to the nearby Pony Hills petroglyph site which is in the Cooke's Peak ACEC. This is part of a larger overall historically rich area that includes the nearby Butterfield Trail and Ft. Cummings ruins.

3.10 Special Designations

3.10.1 Wilderness Study Area

The proposed action is surrounded on the west, north, and east by the Cooke's Range WSA, which is located in southern New Mexico about 60 miles from Las Cruces. The central feature in the WSA is Cooke's Peak, which rises over 3,600 feet above the surrounding plains. The northern portion is extremely rugged while the southern portion is rolling and includes open hills cut by deep canyons. The Cooke's Range WSA contains 19,608 acres of public land.

The Cooke's Range WSA was found to meet the wilderness characteristics criteria of size, naturalness, outstanding opportunities for solitude and primitive and unconfined recreation, and supplemental values (described in more detail below in the lands with wilderness characteristics section). In particular, the area was found to have myriad recreational opportunities, as well as features of scenic, cultural, and historic value.

3.10.2 Lands with Wilderness Characteristics

The two units (Cooke’s West unit and Cooke’s East unit) to be acquired look much like the surrounding Cooke’s Range area on the southern end of the WSA. Both units are approximately 640 acres in overall size and are contiguous to the Cooke’s Range WSA. The central feature of this area is Cooke’s Peak and Massacre Peak. There are several ridges that rise between 1,000 and 3,000 feet above the surrounding terrain and run the length of the WSA. The area consists of mostly rolling open hills cut by arroyo canyons and is made up of gravelly, sandy and draw ecological sites. The vegetation in that area consists of mountain mahogany/oak scrub, creosote bush, shrub-steppe and shrub savanna.

The area meets the overall criteria for wilderness character. The area meets the size criteria because it is contiguous to the Cooke’s Range WSA and also meets the other wilderness characteristics of naturalness, outstanding opportunities for solitude, and primitive and unconfined types of recreation.

3.10.3 Areas of Critical Environmental Concern

The parcel to be acquired is located within 0.5 miles from two portions of the existing Cooke’s Range ACEC. The Cooke’s Range ACEC is 17,160 acres, and was designated because it provides habitat for several State-listed and State-sensitive plants, is rich in cultural resources, has the only population of Arizona cypress in New Mexico, and has excellent scenic values. It includes the Fort Cummings, Pony Hills, and Massacre Peak Petroglyph sites.

3.11 Socioeconomic

Based on reporting data from the BLM National Operations Center (NOC) and the BLM Washington Office, in 2012, Luna County, NM, received Payment in Lieu of Taxes (PILT) monies from the Federal Government. The PILT payments received totaled \$1,824,436.00, which equated to \$2.40 per acre for Public Land managed by the BLM. In accordance with the Economic Profile System-Human Dimensions, the PILT payments were 3.84% of Luna Counties total general government revenue in 2007.

Luna County has approximately 40% of its land base under public land ownership (Table 5).

Table 5 Land Ownership in Luna County

Land Ownership	Acreage	Percentage of Land Base
Private	586,340	31%
Public Land	759,220	40%
Other	552,260	29%
Totals	1,897,820	100%

Current Luna County Tax rates for open rangeland grazing fall under three tax units within the county (Table 6), and vary on the total cents per acre.

Table 6 Luna County Tax Rates for Open Rangeland

Tax Units	Cost per Acre
Southeastern Portion	90 cents
Central Portion	\$1.05
Northern One Third Portion	\$1.35

"Payments in Lieu of Taxes" (or PILT) are Federal payments to local governments that help offset losses in property taxes due to non-taxable Federal lands within their boundaries. The key law is Public Law 94-565, dated October 20, 1976. This law was rewritten and amended by Public Law 97-258 on September 13, 1982 and codified at [Chapter 69, Title 31 of the United States Code](#). The Law recognizes that the inability of local governments to collect property taxes on Federally-owned land can create a financial impact.

PILT payments help local governments carry out such vital services as firefighting and police protection, construction of public schools and roads, and search-and-rescue operations. The payments are made annually for tax-exempt Federal lands administered by the BLM, the National Park Service, the U.S. Fish and Wildlife Service (all agencies of the Interior Department), the U.S. Forest Service (part of the U.S. Department of Agriculture), and for Federal water projects and some military installations. PILT payments are one of the ways that the Federal government can fulfill its role of being a good neighbor to local communities.

3.12 Lands and Realty

3.12.1 Access

The proposed acquisition parcel has physical access, but does not have legal access. The subject property is entirely surrounded by public lands administered by the BLM and is physically accessed from County Road A016 (Greenleaf Road), which is a graveled county maintained road authorized under RS2477. The county road runs in a northerly direction from State Highway 26 and as the road approaches the subject property, it somewhat abruptly changes direction to the west – just a few hundred feet short of intersecting the proposed acquisition parcel boundary. The county road falls short of reaching the acquisition parcel's southern boundary by a distance of roughly 800 feet along the alignment of the existing roadway. This relatively short segment of roadway traverses federal lands currently administered by the BLM.

The existing roadway that traverses the subject property provides access to an onsite livestock well, windmill and buried water lines. The road continues past these improvements and is recognized as a cherry stemmed road that enters into the Southern boundary of the Cooke's Range WSA. The BLM currently does not have a public or administrative easement for access into the Cooke's Range WSA. When field work is needed, the BLM requests permission to use the road from the private landowner in order to access the WSA.

4 ENVIRONMENTAL EFFECTS

4.1 Soils

4.1.1 Impacts of Proposed Action on Soils

The impacts to soils would primarily be positive. The acquisition parcel would be managed to reduce soil erosion and to promote watershed function.

4.1.2 Impacts of No Action on Soils

The current management trends would likely continue. Future management of the existing soil types would be at the TCF's discretion. Inconsistent soils management on this parcel may impact the management of the surrounding public lands.

4.2 Vegetation

4.2.1 Impacts of Proposed Action on Vegetation

There would be little to no impacts to vegetation per the proposed action. The current vegetation composition would remain the same because no significant change to management would occur. Grazing would continue as it has in the past with no adjustment to the grazing permit. The proposed action would simplify the BLM's management of the public lands because of uniformity of management objectives. Large blocks of public land would allow for the BLM to better manage lands and may provide for more restoration activities such as vegetation treatments to occur.

4.2.2 Impacts of No Action on Vegetation

Under the no action alternative vegetation could be affected in several different ways as management of the 640 acre parcel would be at the discrepancy of TCF. Current management trends could continue if TCF allowed the grazing permittee to continue to graze the parcel. However under the no action alternative TCF could also exclude the permittee from grazing the parcel which would change the utilization distribution on the allotment, as utilization would become concentrated at available waters. One of the main livestock waters is on the TCF parcel and if it became unavailable, a more concentrated utilization level would result. Some areas of the allotment would receive lighter utilization than currently seen and other portions of the allotment would receive a heavier utilization rates than currently seen. This may have a positive affect for the areas that would receive lighter utilization but the areas where utilization would become heavier would become more degraded, causing a decline in rangeland health. Inconsistent vegetation management on this parcel could impact the management of the surrounding public lands in a negative or positive way depending on how TCF chooses to manage the parcel.

4.3 Livestock Grazing

4.3.1 Impacts of Proposed Action on Livestock Grazing

Under the proposed action the acreage and livestock water located on the parcel would continue to be available for grazing. The acreage would be incorporated to the total BLM acres that make up the allotment, increasing the amount of public land associated with the grazing permit. Although the number/kind of livestock currently utilizing the Hidden Valley Ranch Allotment would remain unchanged, the number of livestock AUMs the BLM would administer as permitted use for the allotment would change by 38 AUMS. This is a slight increase (10%) (Table 7 & 8).

Table 7 Current Permitted Livestock Use in the Hidden Valley Allotment

Livestock #/Kind	Grazing Period	% Public Land	BLM Permitted AUM's
40 Cattle	3/1-2/28	82	394

Table 8 Permitted Use in the Hidden Valley Allotment Resulting from the Proposed Action

Livestock #/Kind	Grazing Period	% Public Land	AUM's
40 Cattle	3/1-2/28	90	432

With the proposed action a new 10 year permit would be issued as is shown in Table 8. This change would have little to no affect to livestock grazing, the only change would be in the percentage of public land and the amount of AUM's that the BLM would authorize on the Hidden Valley Ranch. Increases in range inspections, fee collection and monitoring would be negligible.

4.3.2 Impacts of No Action on Livestock Grazing

Management of the 640 acre parcel would be at the discrepancy of TCF. An agreement between the current permit holder and TCF could be entered into in which permissions to graze the parcel could be given to the permit holder; in this case there would be no change to the permitted AUMs (Table 7).

TCF could also have the option to exclude the permit holder from grazing the parcel and from using the existing water well located on the parcel by fencing out livestock. Management of livestock and range resources for the parcel would be at the landowner's discretion. These inconsistencies in the management of the parcel could impact the management of the surrounding public lands dependent on how TCF would choose to manage the parcel.

Excluding the parcel from being grazed in conjunction with the BLM permit would change the number of AUM's permitted as well as the percent public land (Table 9). If the water located on the parcel was no longer available it would have a significant impact on the grazing distribution of livestock on the Hidden Valley Ranch. Utilization would be concentrated around the one well located in section 34 and the seasonal (dependent on rainfall) dirt tank, located in section 25. New range improvements to remedy the distribution shortfall would not be an option as the area serviced by the water located in the parcel is within the WSA. This would have a potential of degrading the rangeland health of the southern portion of the allotment as utilization would become concentrated there while forage in the northern portion of the allotment went unused.

Table 9 Possible Permitted Use Under the No Action Alternative

Livestock #/Kind	Grazing Period	% Public Land	BLM Permitted AUM's
35 Cattle	3/1-2/28	89	374

4.4 Wildlife and Wildlife Habitat

4.4.1 Impacts of Proposed Action on Wildlife and Wildlife Habitat

No species or habitat would be affected by this alternative, as current activity would continue, except with less risk of detrimental actions in the future.

4.4.2 Impacts of No Action on Wildlife and Wildlife Habitat

There would be a small risk of future surface development on the acquisition property, which could have negative impacts on resident and migratory wildlife.

4.5 Special Status Species

4.5.1 Plants

4.5.1.1 Impacts of Proposed Action on Plants

No species or habitat would be affected by this alternative, as current activity would continue, except with less risk of detrimental actions in the future.

4.5.1.2 Impacts of No Action on Plants

There would be a small risk of future surface development on the acquisition property, which could have negative impacts on special status plants.

4.5.2 Special Status Wildlife

4.5.2.1 Impacts of Proposed Action on Special Status Wildlife

No species or habitat would be affected by this alternative, as current activity would continue, except with less risk of detrimental actions in the future.

4.5.2.2 Impacts of No Action on Special Status Wildlife

There would be a small risk of future surface development on the acquisition property, which could have negative impacts on resident and migratory wildlife.

4.6 Recreation

4.6.1 Impacts of Proposed Action on Recreation

The proposed action would increase the amount of accessible public land within the area south of the Cooke's Range, thus allowing visitors interested in a variety of recreational experiences to engage in their chosen activity unhindered by scattered landownership patterns. The proposed

action would also reduce management complications (such as unintentional trespass) common with scattered landownership patterns.

4.6.2 Impacts of No Action on Recreation

The private inholdings would remain privately owned and the management complications common with scattered landownership patterns would continue.

4.7 Visual Resources

4.7.1 Impacts of Proposed Action on Visual Resources

The proposed action would ensure the integrity of the existing visual resource management (VRM) classification of the area by preventing incompatible development to occur in the acquisition area. With this alternative, the land would be managed as a VRM Class II. The BLM would ensure that the existing character of the landscape be retained. The level of change to the character of the landscape would 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.

4.7.2 Impacts of No Action on Visual Resources

Under the no action alternative, the visual condition of the property would be at TCF's discretion. A change in the visual condition would adversely affect the surrounding characteristic of the landscape of the BLM land, including the Cooke's Range ACEC and WSA.

4.8 Paleontological Resources

4.8.1 Impacts of Proposed Action on Paleontological Resources

Under the Proposed Action, the BLM would manage any paleontological resources (that may be discovered) as outlined in the Mimbres RMP and under the Omnibus Public Lands Act, Paleontological Resources preservation subtitle. Impacts to the resource would be positive because any fossil potential would be classified under the PFCY System, and any discovered fossil locality would be managed and preserved through scientific principles and expertise for research and public education. The proposed action is not expected to have a significant effect on paleontological resources.

4.8.2 Impacts of No Action on Paleontological Resources

There are no known paleontological localities documented within the property, so effects to the resource under this alternative are unknown. Under TCF ownership, the public would have no involvement in the management or protection of paleontological resources.

4.9 Cultural Resources

4.9.1 Impacts of Proposed Action on Cultural Resources

Acquisition of the parcel would have no direct or indirect short-term impacts on Cultural Resources because no changes in on-the-ground management would occur as a result of the

acquisition. Over the long-term, the potential exists to increase protection of Cultural Resources, as authorizations for uses and permit applications are evaluated and decisions implemented with multiple use considerations and the requirements of federal laws, regulations and policies for protection of resources incorporated. Acquisition of the parcels would extend federal protection to both historic and prehistoric resources listed in or eligible for the National Register of Historic Places. With this action, the BLM would become responsible for managing historic properties that may be on the property. This alternative, though an undertaking, has no effect on historic properties. Future proposed undertakings (range improvements) would require cultural resource review as directed by Section 106 of the National Historic Preservation (NHRP) Act of 1966, as amended. The one known archaeological site would be recorded and evaluated for the NRHP and benefit directly from added protection as Federal property. The ruins have the potential for research and interpretation for the public. The lands also have a high potential for the occurrence of more sites and Heritage Tourism as part of the overall area.

Contingent to funding, BLM would undertake a Class III cultural resource survey in compliance with Section 110 of the NRHP upon receipt of the offered lands to inventory and evaluate cultural resources under Federal ownership.

4.9.2 Impacts of No Action on Cultural Resources

TCF would remain responsible for any historic properties that may be on the property. Since the parcel would remain in private ownership any historic properties that may be present would not be protected under the National Historic Preservation Act of 1966, as amended.

4.10 Special Designations

4.10.1 Wilderness Study Areas

4.10.1.1 Impacts of Proposed Action on Wilderness Study Areas

Acquisition of the parcel would consolidate federal ownership in the southern boundary of the Cooke's Range WSA. Acquisition would improve access to the WSA. Although BLM does not have the authority to add lands to the existing Cooke's Peak WSA, BLM does have the authority to manage acquired lands outside of WSAs for wilderness characteristics.

4.10.1.2 Impacts of No Action on Wilderness Study Areas

The parcel would continue to be owned and managed by TCF and access into the Cooke's Peak WSA would not improve in that area.

4.10.2 Lands with Wilderness Characteristics

4.10.2.1 Impacts of Proposed Action on Lands with Wilderness Characteristics

Unit Cooke's Range West NM-030-172 *Naturalness*:

The area generally appears natural. There is a windmill that impacts the naturalness locally, and should be cherry-stemmed out along with the route that runs the entire length of the section. There is a cement type pad with a small disconnected water pipe and a route (.05 miles) that is

substantially unnoticeable due to the vegetation screening around it. When considering the entire WSA as a whole, (19,608 acres) this unit appears to remain in its natural state.

Outstanding opportunities for solitude:

When considering the entire WSA as a whole, the configuration and topography of this unit provides outstanding opportunities for solitude. The combination of ridges and drainages create a great deal of topographic relief and screening and provides ample opportunity for seclusion.

Outstanding opportunities for primitive recreation:

When considering the entire WSA as a whole, this area offers a variety of primitive recreational activities and opportunities. The area is large enough to support a 3 to 4 day pack trip. Primitive recreation opportunities are enhanced by the size of the WSA and the diversity of vegetation and topography found.

Supplemental values:

There is at least one cultural site with several dwellings that exist within this unit.

Unit Cooke's Range East NM030-173 Naturalness:

The area generally appears natural. There is a windmill that impacts the naturalness locally, and should be cherry-stemmed out along with the route that runs the entire length of the section. There is a route off of the main route (approximately .05 miles in length) that goes to an arroyo and is substantially unnoticeable and does not affect the overall naturalness of the unit, especially when considering the entire WSA as a whole, (19,608 acres). This unit appears to remain in its natural state.

Outstanding opportunities for solitude:

When considering the entire WSA as a whole, the configuration and topography of this unit provides outstanding opportunities for solitude. The combination of ridges and drainages create a great deal of topography relief and screening and provides ample opportunity for seclusion.

Outstanding opportunities for primitive recreation:

When considering the entire WSA as a whole, this area offers a variety of primitive recreational activities and opportunities. The area is large enough to support a 3 to 4 day pack trip. Primitive recreation opportunities are enhanced by the size of the WSA and the diversity of vegetation and topography found.

Supplemental values:

There is at least one cultural site with several dwellings that exist within this unit. Under the proposed action, if this unit was acquired, it would consolidate federal ownership in the southern boundary of the Cooke's Range.

4.10.2.2 Impacts of No Action on Lands with Wilderness Characteristics

Under the no action alternative, the BLM would not acquire the parcel. It would continue to be owned and managed by TCF. Without the parcel acquisition, the unit would not be managed to protect the wilderness characteristics and values.

4.10.3 Areas of Critical Environmental Concern

4.10.3.1 Impacts of Proposed Action on Areas of Critical Environmental Concern

Acquisition of the parcel would consolidate federal ownership half a mile from the southern boundary of the Cooke’s Range ACEC. If the BLM chose to manage the acquired area as part of the existing Cooke’s Range ACEC, BLM would be required to enter into a land use planning process, either through revision or by amendment. This process may be initiated subsequent to the acquisition. Until a planning process to address management as an ACEC is initiated, the area would be managed in accordance with adjacent parcels as described in the 1993 Mimbres RMP.

4.11 Socioeconomic

4.11.1 Impacts of Proposed Action on Socioeconomic

Under the Proposed Action Alternative, the BLM would compensate Luna County for the change in ownership from Private land to Public land in the form of PILT payments. Acquisition of the parcel would equate to a change in private ownership from 586,320 acres to 585,700 acres (Table 10).

Table 10 Comparison of Land Ownership in Luna County under the Proposed Action & No Action Alternatives

Land Ownership	Acreage	Percentage of Land Base	Acreage in Proposed Action	Percentage of Land Base in Proposed Action (No Change)
Private	586,340	31%	585,700	31%
Public Land	759,220	40%	759,860	40%
Other	552,260	29%	552,260	29%
Totals	1,897,820	100%	1,897,820	100%

Luna County would receive more money from the Federal Government in the form of PILT payments than they would if the property remained under private land ownership based on their current Tax rates for open rangeland grazing. The BLM would compensate Luna County approximately \$2.40 per acre for the private land, whereas under private ownership, the current taxable income is approximately \$1.35 per acre.

4.11.2 Impacts of No Action on Socioeconomic

Under the no action alternative, the property would remain under private ownership and the taxes collected on private property would remain taxable as open rangeland grazing property. PILT funding would not be adjusted.

4.12 Lands and Realty

4.12.1 Access

4.12.1.1 Impacts of Proposed Action on Access

Under the proposed action alternative, physical access to the property would be maintained. Decisions on future management for access would be determined in a subsequent NEPA document that would address BLM's approach for managing the acquired parcel. The public would be allowed to access the property and they would be able to drive to the northern terminus of the road which is a cherry stemmed road in the existing WSA. Acquiring the parcel provides the BLM and the public with access into the Cooke's Range WSA.

4.12.1.2 Impacts of No Action on Access

Under the no action alternative, the BLM would not acquire the property and the property would continue to have physical access but not legal access. If the landowner ever wanted to improve the roadway or secure legal access, they would have to apply for a BLM right-of-way for the road for the private portion that traverses federal lands. The public would only be allowed to utilize the roadway as long as they have permission from the current landowner, otherwise it could be considered a trespass onto private lands.

4.13 Cumulative Impacts

4.13.1 Proposed Action Alternative

Under the proposed action, BLM would manage the parcels acquired in accordance with the existing 1993 Mimbres RMP.

Acquisition of the proposed parcels would provide BLM with opportunities to manage all of the resources identified in this EA, including cultural resources, recreation uses, wildlife and plant habitat, and to manage water quality on the acquired lands.

4.13.2 No Action Alternative

The lands proposed for acquisition would remain in TCF ownership, and there would be no opportunities for the BLM to manage the resources identified in the EA. Past and present actions would likely continue and possibly increase. Over time it is possible that there would be impacts to not only the private lands but also to the adjacent public lands within the assessment area.

5 INDIVIDUALS, ORGANIZATIONS, TRIBES OR AGENCIES CONSULTED

The public had the opportunity to contact the LCDO and provide input on this project. The project was listed on the New Mexico BLM Website NEPA Log: **DOI-BLM-NM-L000-2013-0098-EA** http://www.blm.gov/nm/st/en/prog/planning/nepa_logs.html

6 LIST OF PREPARERS

Kendrah Penn, Realty Specialist, Preparer
Dave Goodman, Planner
Tom Holcomb, Archaeologist
Tom Phillips, Recreation and Cultural Supervisor
Joe Sanchez, Natural Resource Specialist
John Thacker, Outdoor Recreation Planner
Steven Torrez, Wildlife Biologist
Amelia Underwood, Rangeland Management Specialist
Corey Durr, Hydrologist
Dr. Mohammad Nash, Hydrologist
Kathryn Lloyd, Wilderness Specialist
Jennifer Montoya, Planning and Environmental Specialist

7 REFERENCES

BLM PILT Information: <http://www.doi.gov/pilt/index.cfm>