

**United States Department of the Interior
Bureau of Land Management**

Environmental Assessment

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**Las Cruces Foothills Landfill
Lease Amendments and Patent Conversion**

EA # DOI-BLM-NM-L000-2013-086

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1/24/2014

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1 INTRODUCTION

The Bureau of Land Management (BLM) granted a Recreation and Public Purpose Act of 1954 (R&PP) lease to the City of Las Cruces (CLC) in 1963 for a community landfill which was patented in 1992 (patent number 30-92-0005). Additionally, 40 acres were leased in 1966 under R&PP (NM000014) for additional landfill purposes. NM000014 is currently held under lease by the CLC. In 1974 the CLC leased an additional 40 acres for landfill purposes adjacent to the east edge of the NMNM 000014 property; this lease was authorized under R&PP under BLM lease number NMNM 018155 (see Figure 1).

The Landfill ceased acceptance of municipal solid waste on September 4, 1996, after which only clean fill was accepted. Since 1996 it has served primarily for composting yard and green waste. The estimated total quantity of municipal solid waste in place is 3,038,624 cubic yards.

Since 2007 the landfill has been operating under closure plans, which were implemented in three phases: Phase I included slopes and caps; Phase II included fencing; and Phase III was the final cap. In August of 2011, the completed closure plan was approved and accepted by NMED (see appendix 1), which requires 30 years of on-going monitoring and necessary corrective actions, gated entry to mitigate access issues, nine groundwater monitoring wells, ocular reconnaissance for the cap, fences, and run-off control.

The entire landfill is fenced by a 6' tall chain link fence, with a gate located in the southwest corner of the yard. A service road traverses the landfill from southwest gate to the southeast portion of the landfill. The service road provides access to the CLC mulch yard. There is a storm water pond on the northwest portion of the yard. A scale house trailer and a refueling station exist near the southwest gate. No other structures exist on the subject site.

1.1 Purpose and Need

The BLM purpose, as a multiple use agency, is to make public land and its resources available for use and development to meet National, regional, and local needs, consistent with National objectives, while simultaneously applying the principles of sustained yield governing the many resources the agency manages. For this particular proposed action, the BLM's specific purpose is to amend existing R&PP landfill leases NMNM000014 and NMNM18155 to include approximately 45 acres of adjacent land, and to subsequently convey the amended leases to the CLC by conversion to patent, as described in BLM R&PP Handbook H-2740-1, Chapter X(D)(1).

The principles of sustained yield include safeguarding wildlife and their habitat, threatened species and their habitat, endangered species and their habitat, sensitive species and their habitat, water quality, soils, paleontological, archaeological, vegetation, and watershed functions. Goals and objectives for these resources were set forth in the Mimbres Resources Management Plan (December 1993).

The need is to respond to a Federal Land Policy and Management Act (FLPMA) R&PP patent request under Sec. 212(a) (44 Stat. 741, as amended; 43 U.S.C 869 et seq.).

1.2 Decision to be Made

The BLM would decide whether to grant amendment to R&PP lease serial numbers NMNM 000014, and NMNM 018155, for the purpose of expanding the lease boundaries of an existing, formally closed landfill, to include adjacent land which has history of landfill activity. Upon amending the lease boundaries, the BLM would subsequently convert to patent the resulting (approximately 125 acre total) amended leases NMNM 000014 and NMNM 018155, as described in the proposed action.

1.3 Plan Conformance

This proposed action conforms to the Mimbres Resource Management Plan approved December 1993. It is clearly consistent with the following decisions, objectives, and conditions of the RMP:

- “Previously permitted landfills will be retained until the sites have been closed according to the New Mexico Environmental Division regulations.” (Mimbres RMP page 2-14). The Foothills landfill is formally closed pursuant to a closure plan approved by the New Mexico Environmental Department’s Solid Waste Bureau on January 8, 2007.

The proposed action is also consistent with the following BLM Policy:

- “Field offices should be working with lessees in an all-out effort to stop waste collection and close the current landfills or to convey title to present landfill leases under either the R&PP Act...” BLM Handbook H-2740-1-Recreation and Public Purpose, Chapter X (A)(1).

1.4 Scoping and Issues

- The project would be scoped with the CLC Solid Waste Administration, and the New Mexico Environmental Department’s Solid Waste Bureau.
- In preparation for the proposed action, in April of 2013, in conformance with ASTM E1527-05, BLM developed a Phase I Environmental Site Assessment (ESA) to help identify recognized environmental conditions (RECs) (see appendix 4). The ESA findings were that the ESA revealed no evidence of RECs, except the following:

“The subject site is a closed CERCLA landfill. The landfill is in year 7 of its 30-year monitoring period, and is in corrective action with the NMED for an expanding groundwater contaminant plume.” (In actuality, the landfill is in year 2 of its 30-year monitoring period.)

The identified groundwater contaminant plume was recognized by groundwater monitoring well results which, according to the CLC, fluctuates at times just slightly above NMED’s acceptable threshold (see appendix 5). As a result, NMED required additional ground water monitoring; including semi-annual sampling/testing, and a characterization study. At this time, NMED is not requiring remediation. The CLC has developed a conceptual model of the landfill, which would help reveal optimal locations for future actions, such as placement of additional groundwater monitoring wells, and if necessary, remediation.

1.4.1 Internal Scoping

On April 26, 2013, the proposed action was presented to the BLM Las Cruces District Office (LCDO) Interdisciplinary Team. Additionally, since late 2012, the proposed action has been discussed with, and guidance has been provided by the BLM New Mexico State Office’s Realty staff.

1.4.2 External Scoping

The BLM requested for NMED to review this EA and provide comment. NMED provided review and comment, which BLM has incorporated into this EA. BLM also provided the CLC opportunity to review and comment on this EA; the CLC provided comments which BLM has incorporated into this EA. The BLM will notify holder of encumbrances of record as identified on Table 2, and adjacent land owners. Additionally, this EA will be posted for 30 days on BLM’s world wide website at:

http://www.blm.gov/nm/st/en/fo/Las_Cruces_District_Office.html

1.4.3 Resource Issues Identified

What would be the effect of the R&PP lease amendments and subsequent patents on paleontological, cultural, wildlife, special status species, weeds, livestock, vegetation, ground water quality, soils, minerals, air quality, visual, and recreation resources?

2 PROPOSED ACTION AND ALTERNATIVES

2.1 Proposed Action

On November 16, 2011, the BLM received a letter from the CLC, which described the CLC's interest in obtaining patent to BLM land which is currently being leased for landfill purpose. The landfill, commonly known as the Foothills landfill, is comprised of approximately 164 acres.

The approximately 164 acre landfill consists of the following components (see Table 1), the majority of which are included in an NMED, Solid Waste Bureau, approved landfill closure plan:

Table 1 Landfill Components

Component	Number	Acres	Description
Patent	30-92-00005	40	R&PP Patent to CLC, no reversionary clause, ditches, canals, and geothermal reserved to the United States
Lease	NMNM 018155	40	R&PP Lease to CLC for landfill purpose
Lease	NMNM 000014	40	R&PP Lease to CLC for landfill purpose
ROW	NMNM 083937	.451	Grant held by the CLC for landfill weigh station
ROW	NMNM 091750	121	Grant held by the CLC for NMED required fencing and monitoring wells. The land inside the ROW boundary comprises of approximately 121 acres and includes NMNM 000014, NMNM 018155, NMNM 083937, and approximately 42.5 acres of unauthorized landfill area adjacent to the north sides of the leased areas.

Under the proposed action, BLM would (see Figure 1):

- Amend the existing 40 acre BLM R&PP lease NMNM 00014, to add approximately 22.5 acres of adjacent land in which known landfill activity occurred in the past.
- Amend the existing 40 acre BLM R&PP lease NMNM 018155, to add approximately 22.5 acres of adjacent land in which known landfill activity occurred in the past.
- Convert to patent the resulting amended leases, NMNM 000014 and NMNM 018155. Patents would not include a reversionary clause. Ditches and Canals would be reserved to the United States. Jurisdiction of ROWs within the subject patents would either be transferred to the CLC, or converted to perpetual ROW. All minerals would be conveyed along with surface.
- Recommend to holders of encumbrances identified in Table 2, that jurisdiction of their encumbrance would be transferred to the CLC, with exception to an RS-2477 road. BLM would request Doña Ana County's express written consent to issue patent "subject to" the RS-2477 road.

To reduce the spread of noxious weeds in the future, the CLC would periodically collect weeds either manually or with the Loader that is at the site. Cap maintenance inclusive of the established and maintained native grasses is a component of the 30 year monitoring program. Additionally, the CLC

Codes enforces regulations in place to prevent the spread of noxious weeds. Clean fill and composting activities on-going at the site falls under CLC, and regulatory safety and housekeeping inspection program standard operating procedures. The CLC would continue this effort as needed at the site depending on weed growth, and would also spray around our buildings and scale house to kill weeds and prevent weed growth, in accordance with federal, state, and local government regulations.

BLM would need to process this proposed action during early calendar year 2014 in order to ensure the ESA prepared for this case would not expire.

The subject property is located in Las Cruces, NM, approximately .25 miles east of the intersection of Lohman and Sonoma Ranch Blvd. More specifically, the site property is located in Doña Ana County.

2.2 No Action Alternative

Under the no action alternative, BLM would deny the CLC' request to patent BLM leases NMNM 000014 and NMNM 018155, and BLM would not amend the subject leases to include adjacent land wherein known landfill activity has occurred.

3 AFFECTED ENVIRONMENT

The Proposed Action would amend existing R&PP landfill leases to include adjacent land wherein known landfill activity has occurred in the past, and subsequently convert the subject amended leases to patent. The proposed action occurs within an area of highly disturbed public land which is currently a closed landfill within the following Public Land, in Doña Ana County (see Figure 1):

New Mexico Principal Meridian, New Mexico
T. 23 S., R. 2 E.,
sec. 11, W¹/₂NW¹/₄NW¹/₄NW¹/₄NE¹/₄, W¹/₂SW¹/₄NW¹/₄NW¹/₄NE¹/₄, N¹/₂NW¹/₄,
N¹/₂SW¹/₄NW¹/₄, N¹/₂SE¹/₄NW¹/₄, NW¹/₄SW¹/₄SW¹/₄NW¹/₄.

The subject property contains 125 acres.

3.1 Water Resources

The subject parcel is located within the corporate limits of the CLC. The surrounding area is characterized by the development for single-family residences, roads, and educational facilities. Undeveloped areas are limited to Public Domain inholdings of variable acreage. The proposed site is within a predominantly barren sandy wash that drains the surrounding desert landscape with rolling hills and valleys. Vegetation adjacent to the wash is degraded Chihuahua desert grassland and includes mesquite, yucca, and snakeweed. Temperatures range from an average daily minimum of 21.1°F in January to an average daily maximum of 95.0°F in July. Average monthly precipitation ranges from 0.21 inches in April to 2.05 inches in August, with a total average annual precipitation of 9.9 inches/yr. (Western Regional Climate Center, 2009). Soil characteristics, plant communities, topography, and/or high rock content surrounding the project area are generally sufficient for infiltrating rainwater, and slowing flow velocities.

The elevation of the subject site is approximately 4,300 feet AMSL. Overall topography in this area is generally gently sloping areas. In addition, the area is occupied by sandy to gravely sandy loam area association with the growth of mesquite shrubs, resulting in locally variable topography. Soils at these sites are very coarse and excessively drained. Flooding and run-off do not typically occur as the soil

typically absorbs most surface water resulting from the limited precipitation. As a result, surface water drainage off the site, if any, is very limited.

The subject site is located in the Paso del Norte watershed. The groundwater flow in the vicinity of the subject site is known to be due west. It is important to note that local conditions such as pumping wells, buried utilities, tunnels, roadways, building foundations and fill soil can affect local shallow groundwater flow direction.

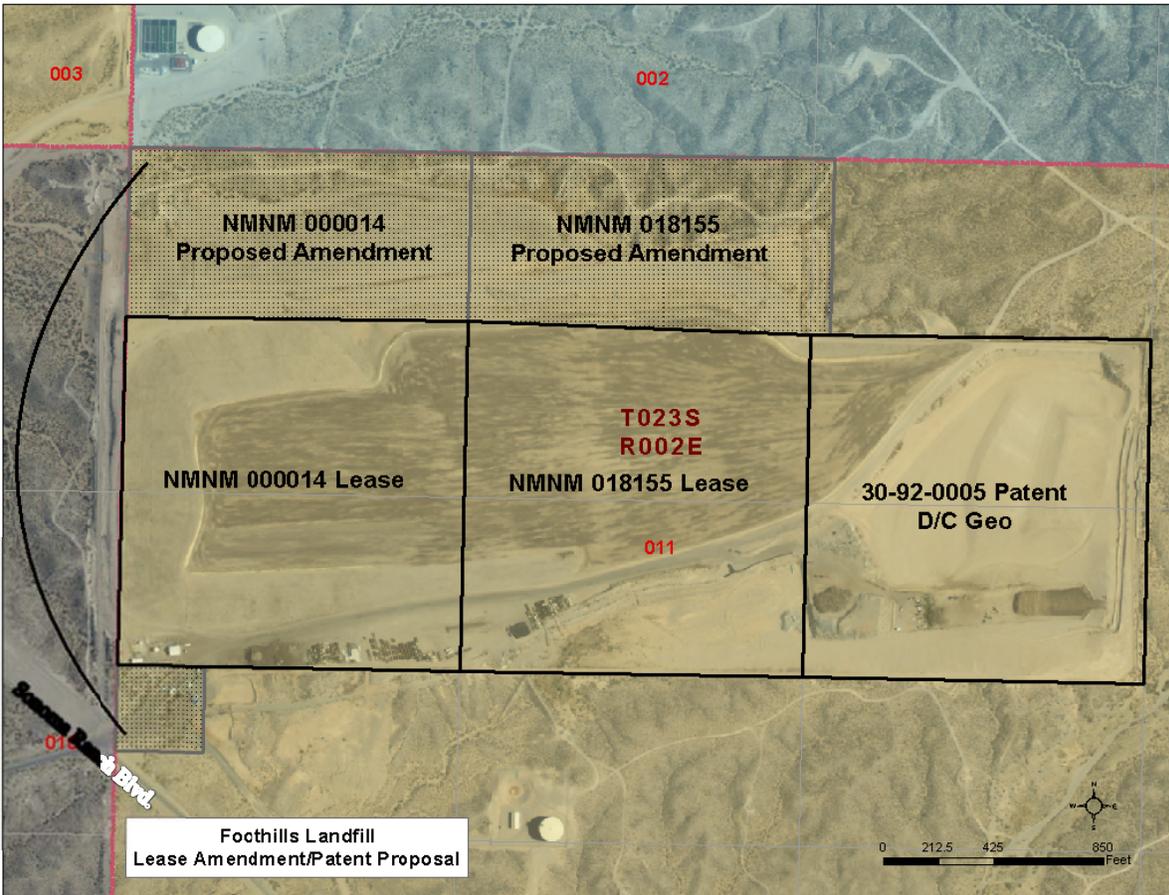


Figure 1 Landfill lease amendment/convert to patent proposal diagram.

3.2 Soil Resources

Soil texture is loamy sand and gravelly sandy loams. The area is dominated by Haplargid, dissected (HD) and Bluepoint-Caliza-Yturbide complex (BP) map units, and smaller part of map units Dumps (DS), Bluepoint loamy sand 1 to 5% slopes (Bm) and Pajarito fine sandy loam (Pa). The HD map unit soil is deep, well-drained, and sloping to very deep. They formed in mixed alluvium along the terminal breaks of piedmont slopes and old fans. The BP is complex map unit consists of hilly to very steep alluvial soil on fans and terraces along the Rio Grande valley. This soil is severely dissected with gullies. The Dumps (DS) map unit is miscellaneous area consists of waste rock, concrete slab waste, old highway black top material. The Bm soil is deep, somewhat excessively drained, and very gently sloping to gently sloping. It

formed in sandy alluvium that has been modified by wind on fans, terraces, and ridges along Rio Grande Valley. The Pa map unit soil is a deep, well drained, very gently sloping that formed in mixed alluvium that has been modified by wind. It is on fans below the margins of piedmonts and on fans on piedmonts.

This soil is all similarly characterized as being fine to coarse-grained loamy sand formed in sandy alluvium along fans, terraces and ridges in the upper Rio Grande valley. Soil depth is approximately 60' and the root zone extends through the entire depth. Permeability ranges from moderately rapid to rapid and water capacity and organic matter content is low. Surface runoff ranges from low to medium. The water erosion hazard is rated as slight and the wind erosion hazard is rated high. This soil is not irrigated and are used for grazing, wildlife habitat and urban development (Doña Ana Area NRCS, 1980), and for complete soil descriptions have been compiled by the NRCS, and can be found at their website, <http://websoilsurvey.nrcs.usda.gov/app/>

3.3 Cultural

The BLM parcel considered in the Proposed Action is highly disturbed and cultural remains are not evident. The archaeological context of the Project Area is the Jornada Mogollon cultural period, which dates from approximately 200 AD to 1400 AD. The Mogollon engaged in intensive agriculture, manufactured ceramic artifacts, and lived in sedentary villages. Pit-house villages and rock/adobe masonry walled single or multiple-roomed surface structures are found in what is now present day eastern Doña Ana County. The early Spanish explorers arrived in the 1580s.

3.4 Lands/Realty

The subject lands are considered Disposal lands in the Mimbres RMP, indicating that they could leave federal ownership at some point and become developed.

The landfill is located in an area that is currently experiencing significant community expansion; evidence of this expansion has been realized in the last year with the full build out of Sonoma Ranch Blvd. Sonoma Ranch Blvd. is a major thoroughfare in the CLC. Access to the landfill is from Sonoma Ranch Blvd., near its intersection with Lohman Blvd., in the southwest corner of the landfill (see Figure 1).

Due to its ease of access to the community, public land adjacent to the subject landfill is utilized by the public. Power transmission and distribution lines, water facilities, user created roads and trails, a sand and gravel pit, and recreational use all occur within half a mile of the landfill.

Encumbrances of record within the subject area are identified in Table 2, below:

Table 2 Subject Landfill Encumbrances.

Serial Number	Holder	Facility Type	Instrument
NMNM 057029	Doña Ana County	RS-2477 Road	Pending ROW Claim
NMNM 061211	Qwest Corporation	Telephone/Telegraph	ROW
NMNM 083937	CLC	Weigh Station	ROW
NMNM 083958	El Paso Electric Co.	24/13.8 kV Transmission	ROW
NMNM 091758	CLC	Fence/Monitoring Wells	ROW
NMNM 093537	CLC	Water Line	ROW
NMNM 094745	CLC	Road – Sonoma Ranch	ROW
NMNM 099278	CLC	Natural Gas Pipeline	ROW
NMNM 000014	CLC	Landfill	R&PP Lease
NMNM 018155	CLC	Landfill	R&PP Lease

3.5 Recreation

There are no developed recreation areas or trails located within the area of the proposed action; neither is there any Wilderness Study Area (WSA) nor Area of Critical Environmental Concern (ACEC) in the area of the proposed action. User created roads and trails are evident in the areas adjacent to the Foothills Landfill but none are inside.

3.6 Special Status Plant Species

Presence of special status plant species and their habitats in Doña Ana County 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: 18 January 2006)]. Based on evaluation of the referenced information, of the 21 rare or special status plant species known to occur in Doña Ana County, one species, night-blooming cereus (*Cereus greggii*), may occur in the proposed action area.

3.7 Special Status Animal Species

Special Status animal species lists for Dona Ana County were compiled from: (www.wildlife.state.nm.us/conservation/threatened_endangered_species/index.htm and www.fws.gov/ifw2es/NewMexico/SBC_view.cfm?spcnty=DonaAna). Known geographic distribution and habitat requirements were considered for each species in comparison with habitat types in the Organ Mountains. Of the species listed by the USFWS as species of concern in Dona Ana County, one species is considered to have potential habitat within the proposed action area: Townsend's big-eared bat. It is a BLM Sensitive species and a USFWS Species of Concern.

Townsend's big-eared bat roosts in caves and mines, there is no potential roost habitat for this species, but it may feed over the landfill on occasion.

3.8 Wildlife and Wildlife Habitats

Two Standard Habitat Sites (SHS) occurs adjacent to the Project Area: Mixed shrub Rolling Upland; including creosote, mesquite, yuccas, little-leaf sumac, and bunch grasses including mesa dropseed, sand dropseed, and plains bristlegrass, and Arroyo habitat supporting shrubs such as little-leaf sumac, acacia, and Apache plume. The east mesa of Las Cruces provides habitat for approximately 40 species of native mammals, 25 species of Herptiles, and almost 200 species of birds. Many of the birds are seasonal. Lists of wildlife species occurring by habitat type are available from the BLM Las Cruces District Office.

3.9 Vegetation

The Project Area is a closed landfill currently operating for the collection of clean fill and green yard waste. Soil is mapped as Canutio and Arizo gravelly sandy loam (USDA Web Soil Survey 2009). Both are well-drained, and neither flooded nor ponded. The soil does not meet hydric criteria. Because the Project Area is a closed landfill with ongoing activities associated with the collection of clean fill, and green yard waste, the site is poorly vegetated. Plants typical of disturbed low elevation Chihuahuan Desert are found in the Project Area, such as creosote bush and four-wing saltbush.

There are no known populations of noxious weeds within the project area.

3.10 Mineral Resources/Geology

Land status of the subject area is Federal minerals. Onsite elevation of the area ranges from 4,260 to 4,330 ft. There are no active mining claims, current geothermal, oil and gas mineral leases or mineral-material sales/free-use permits on or adjacent to this subject land.

The dominant structural feature in the region is the Rio Grande rift which extends from south central Colorado to northern Chihuahua, Mexico consisting of a series of en echelon grabens (down-dropped blocks), transecting New Mexico from south to north. Quaternary and young Tertiary sediments, alluvial and fluvial fill the rift and are bordered by complex, uplifted ranges of Precambrian, Paleozoic, or lower Tertiary rocks. This rift is an active thermo-tectonic system with thick Cenozoic sediments in fault block basins characterized by high heat flow and late-Quaternary faulting and volcanic activity, making this area one of the largest convective, low-temperature geothermal systems in the United States.

A Minerals Potential Report was prepared for this proposed action. A more detailed description of the minerals affected environment is contained in the minerals potential report (see appendix 2).

3.11 Paleontological

The subject parcel is situated within a potential fossil yield classification (PFYC), class 4b area. PFYC class 4b is characterized as areas underlain by geologic units with high potential but have lowered risks of human-caused adverse impacts and/or lowered risk of natural degradation due to moderating circumstances. The bedrock unit has high potential, but a protective layer of soil, thin alluvial material, or other conditions may lessen or prevent potential impacts to the bedrock resulting from the activity. A paleontological resource survey for this project was prepared (see Appendix 3).

4 ENVIRONMENTAL EFFECTS

4.1 Impacts of the Proposed Action on Water Resources

The purpose of landfill closure plan is to develop a working plan to assist in the closure of the landfill in accordance with the 20.9.6 NMAC regulations. The goal of landfill closure is to reduce leachate generation from the fill area. Leachate generation is reduced by applying a cap system which will promote surface water runoff and minimize infiltration into the solid waste layers, thereby reducing leachate and landfill gas generation.

The project constructed a surface water collection and conveyance system to control surface run on and runoff, preventing erosion of the landfill cover, and discharge the flow off-site. Surface water structures are designed to handle the 100-year storm event. In addition, the project constructed stormwater control structures on the northwest portion of the project.

There are seven groundwater monitoring wells at the existing site. Groundwater is encountered at an elevation of approximately 3940 feet in the existing site monitoring wells. The direction of groundwater flow at the site is the west-southwest at a gradient of approximately 0.1 foot per foot (see appendix 5).

The Foothills Landfill is a closed landfill, and the CLC is 2 years into the 30 year monitoring period as required by NMED. The CLC is in corrective action with the NMED for a groundwater contaminant plume. The groundwater monitoring report suggests that there is a chlorinated hydrocarbon plume (PCE) migration in groundwater.

The NMED has required that the CLC take additional measures to characterize and monitor the subject plume, in accordance with the Solid Waste Rules (specifically 20.9.9.15 through 17 NMAC), which apply

to groundwater contamination at Foothills Landfill. Further site characterization is needed such that an Assessment of Corrective Measures can be developed, which will lead to the selection of an appropriate remedy for addressing ground water contamination at the site.

The BLM lease agreement recognizes that the CLC, as a NMED Solid Waste permittee of the Foothills Landfill operations and post closure program, that the CLC is responsible for any environmental condition created by the landfill activity. BLM's review of the NMED approved closure plan, a conceptual site model prepared for the Foothills Landfill, 2012 annual groundwater monitoring report prepared for the Foothills Landfill, and discussions with CLC landfill administrators, it not anticipated that the proposed action would have direct or indirect effect to water resources, so long as the CLC continues to administer the closed landfill in accordance with the NMED approved closure plan.

4.2 Impacts of the Proposed Action on Soil Resources

The Project Area is a closed landfill currently operating for the collection of clean fill and green yard waste. The soil has been disturbed, in situ, due to such use. The soils do not meet hydric criteria. The subject site is located in Jornada Plain soils. Jornada Plain soils have almost no humus or organic matter, and there is little change in texture between surface soil and subsoil. Lime content is high in all soil types. Through time, lime from the soil and from calcareous dust has leached downward and deposited at the depth to which rainfall normally penetrates, from a few inches to several feet. This zone of lime accumulation, or caliche layer, is often so thick and dense that penetration by water or roots is severely limited. Because the Project Area is a closed landfill with ongoing activities associated with the collection of clean fill, and green yard waste, the site is poorly vegetated. Plants typical of disturbed low elevation Chihuahuan Desert are found in the Project Area, such as creosote bush and four-wing saltbush.

During landfill operation, excavation, bury and daily cover activities were performed using site soils. The landfill ceased acceptance of municipal solid waste on September 30, 1996. In accordance with the NMED approved closure plan, a clay cap layer was constructed on the surface of the landfill. The cap must be maintained and any future use must not conflict with the NMED approved closure plan. Due to past human perturbation of the site, as long as the CLC continues to administer the closed landfill in accordance with the NMED approved closure plan, the proposed action would not have any direct or indirect effect to Soil Resources.

4.3 Impacts of the Proposed Action on Cultural

No cultural resource sites that are significant to the history or prehistory of the area, region, or nation exist within the proposed project area. The proposed action will not have any effect on cultural resources.

4.4 Impacts of the Proposed Action on Lands/Realty

Because of the presence of existing roads and trails upon lands adjacent to the subject landfill, direct and indirect effects to access to public land surrounding the landfill would not be expected.

Direct effects to encumbrances of record, as identified in Table 2, which are held by the CLC would not be expected to be negative, because the CLC is the holder of the encumbrances. These encumbrances would be relinquished and/or terminated since the CLC would become the owner of the subject property.

Direct or indirect effects to the RS-2477 road claimed by Doña Ana County, recorded with BLM under NMNM 057029, would not be expected to be negative, because this particular segment of NMNM 057029 terminates at the weigh station of the subject landfill. Additionally, NMNM 057029 can be accessed from numerous other locations along Sonoma Ranch Blvd. If the County is unwilling to

relinquish claim to the subject segment for the road, patent(s) would be issued subject to the subject RS-2477 road.

Direct effects NMNM 061211 and NMNM 083958 would not be negative because the holders would retain the right to continue to construct, operate, maintain, and terminate their ROW, as the patent would be conveyed subject to those ROWs. Upon expiration of the ROW grants, the holder would then need to negotiate terms and conditions with the CLC.

4.5 Impacts of the Proposed Action on Recreation

Because there are no developed recreation areas or trails, WSAs or ACECs in the area of the proposed action, there would be no direct effects to any of these resources. There would be no direct effects to user created roads and trails in the areas adjacent to the Foothills Landfill, because there are no user created roads or trails are currently inside the landfill, which is currently fenced.

4.6 Impacts of the Proposed Action on Special Status Plant Species

Implementation of the proposed action may result in a gradual improvement in the area as habitat for night-blooming cereus as the area becomes reclaimed and is protected from further disturbance, and would not be expected to move the plant toward a listing as a Federally Threatened or Endangered species, or to cause the extirpation of the species.

4.7 Impacts of the Proposed Action on Special Status Animal Species

Implementation of the proposed action may result in a gradual improvement in the area as feeding habitat for Townsend's big-eared bat. As the area becomes reclaimed and is protected from further disturbance, the habitat would slowly improve. The proposed action would not be expected to move the plant toward a listing as a Federally Threatened or Endangered species, or to cause the extirpation of the species.

4.8 Impacts of the Proposed Action on Wildlife and Wildlife Habitat

Implementation of the proposed action would result in a gradual improvement of approximately 164 acres as wildlife habitat. The R&PP area would still remain habitat for a few species. Bats would be attracted to lights at night, to feed on moths and beetles. Side-blotched lizards and many native species would use vegetated areas of the site, as well as debris piles. Fences, antennae, and power poles would provide roost sites for raptors and other birds including white-winged doves, which are abundant in the area. The area would continue to provide habitat for some of the approximately 40 species of native mammals, 25 species of herptiles, and almost 200 species of birds in the area. Eventually the landfill may serve as an island of wildlife habitat within the CLC.

4.9 Impacts of the Proposed Action on Vegetation

The small portion of the project area that still has native vegetation will eventually be denuded. Growth of annual vegetation is expected to vary in the project area with varying climatic conditions.

Soil disturbing activities increase the risk potential for noxious weed establishment and spread. Under the proposed actions the periodic removal of weeds will be helpful in reducing the risk on site. However, transporting weeds out of the area increases the risk of noxious weed establishment in other areas along the route.

4.10 Impacts of the Proposed Action on Mineral Resources

The proposed action would have no effect to authorized minerals operations, because there are no active mining claims, mineral leases, or mineral-material sales/free-use permits on or adjacent to the subject land.

The subject land has high potential for the occurrence of common-variety minerals materials (sand and gravel) and low-temperature geothermal resources. However, due to the fact that the subject land is being used for the long-term reclamation and monitoring of a closed landfill, any surface mining or geothermal development would result in conflicts with the approved NMED closure plan objectives. Any future mineral estate development could be a conflict with landfill deposit stabilization into perpetuity.

The inability to develop the mineral estate associated with the subject land due to the aforementioned conflicts would negate the value of the mineral estate. Therefore, it is not anticipated that the proposed action would have a significant effect to the mineral interest currently held by the United States in the subject land.

4.11 Impacts of the Proposed Action on Paleontological Resources

No fossils were found along any portion of the authorized landfill boundary or adjacent land. Because of the heavy disturbance and emplacement of the landfill cap, vertebrate fossils are unlikely to be found in the landfill. A greater chance of vertebrate fossil discovery exists in the northern boundary of the landfill, but because the subject property is managed in compliance with an NMED approved closure plan, (of which further excavation of the site is not currently anticipated), the chance of the discovery of vertebrate fossils is negated.

4.12 Impacts of the No Action Alternative

Since there would be no changes under the no action alternative, there would be no direct or indirect impacts on any resources. The CLC would continue to operate the landfill under BLM leases, and ROWs, and would continue to be responsible for monitoring and remediation requirements under the NMED Solid Waste Bureau's jurisdiction. BLM would continue to issue leases on a yearly basis, and would not amend the existing lease boundaries to include the land adjacent to the existing landfill which is part of an NMED landfill closure plan.

4.13 Cumulative Impacts

The CLC has considered utilizing the subject land for recreation purposes in the future, such as an open area for remote control airplanes. However, the underlying landfill would continue to be subject to terms and conditions administered by the NMED. No future uses could conflict with the NMED closure plan (see appendix 1).

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:

http://www.blm.gov/nm/st/en/prog/planning/nepa_logs.html

Notification of the availability of this EA for public comment was mailed out to members of the public and other agencies of jurisdiction. Members of the public include adjacent land owners, managers, and holders of BLM authorizations (leases, permits, and ROW).

The BLM has consulted extensively with the CLC Utility Division, which administers the Foothills Landfill. The CLC is currently implementing a landfill closure plan in compliance with the 20.9.6

NMAC as administered by NMED. Data and annual reports associated with groundwater sampling submitted to the BLM clearly describe the environmental conditions

It is the understanding of the CLC and the BLM, that the CLC is in compliance with EPA requirements identified in the approved closure plan, and enforced by the NMED Solid Waste Bureau. Additionally, the NMED Solid Waste Bureau has been involved with the development of this EA.

6 LIST OR PREPARERS

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