

# **RECLAMATION OF COMMUNITY PIT 1 NMNM-110639**



## **ENVIRONMENTAL ASSESSMENT NM-030-2009-0042 & FINDING OF NO SIGNIFICANT IMPACT**

February 2010





# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Las Cruces District Office  
1800 Marquess Street  
Las Cruces, New Mexico 88005  
[www.blm.gov/nm](http://www.blm.gov/nm)



In Reply Refer To:

1792 (L0310)

FEB 10 2010

Dear Interested Party:

Enclosed is a copy of the Environmental Assessment (EA) and Finding of No Significant Impacts (FONSI) prepared by the Bureau of Land Management (BLM) for reclamation of the Community Pit No. 1. The Community Pit No. 1 is located northwest of the City of Las Cruces, in Doña Ana County, New Mexico. These documents are being made available for review, with the review period ending on March 12, 2010.

Please be advised that as of this date the BLM has not received any monies for reclamation of the pit. Should monies be received, then a contract would be let for the design of a reclamation plan. The BLM plans on conducting a public meeting to go over the reclamation designs produced by the contract. Further environmental analysis would be conducted at that time if a determination is made by the BLM that it is needed.

Should you have any written comments, please send them to:

Edward Seum, Project Lead  
BLM Las Cruces District Office  
1800 Marquess Street  
Las Cruces, NM 88005

Thank you for your continued interest and participation in the planning process. If you have any questions, please contact Edward Seum at (575) 525-4313.

Sincerely,

Bill Childress  
District Manager

1 Enclosure

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

**ENVIRONMENTAL ASSESSMENT  
DOI-BLM-NM-030-2009-0042-EA  
For  
Reclamation of Community Pit No. 1  
NMNM-110639  
T. 22 S., R. 01 E., Section 19, S1/2SE1/4  
NMPM, Dona Ana County, NM**

Prepared by:

Edward Seum 2-8-2010  
Supervisory Multi-Resource Specialist Date

Reviewed by:

Judy Michels 2-8-2010  
EA Coordinator Date

Approved by:

Bill Chelak 2-8-2010  
District Manager Date

## 1. HISTORY AND BACKGROUND

The Bureau of Land Management (BLM) Community Pit No. 1 is located in T. 22 S., R. 1 E., Section 19, S1/2SE1/4, NMPM, Dona Ana County, New Mexico (see Map 1 for general location). Access to the pit is by an existing road off of Shalem Colony Road in T. 22 S., R. 1 E., Section 20. A Community Pit is defined as an area of public land from which the BLM can make disposals of mineral materials through contract sales to private citizens or businesses (Code of Federal Regulations 43 CFR 3603). The defined area is noted to the BLM public records (Master Title Plat).

The area known as Community Pit No. 1 has been mined since 1969. In 1979, BLM formally designated the defined area for Community Pit No. 1. The area designated as Community Pit No. 1 encompassed 50 acres and was a source of building stone to local building contractors for many years. In 1994, the BLM limited use of the community pit to four contractors (no private citizen use). Contractor activities were managed by the regulations at 43 CFR 3600 and written stipulations developed by the BLM. The 43 CFR 3600 regulations do not require community pit operators to do reclamation. Mining in the community pit ended in 2007 with no reclamation of the pit having taken place.

## 2. INTRODUCTION AND NEED FOR THE PROPOSED ACTION

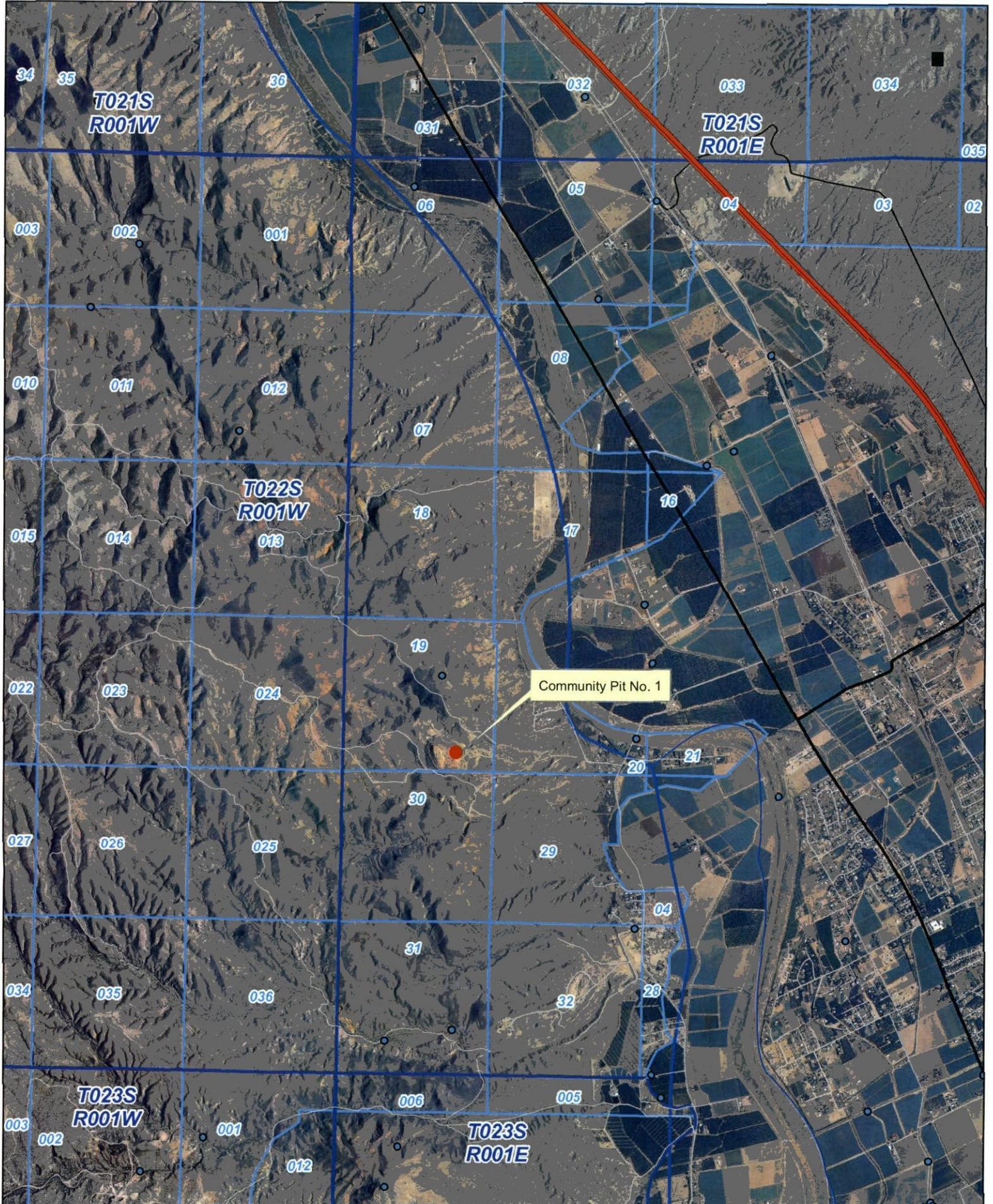
**Proponent:** Bureau of Land Management, Las Cruces District Office

**Purpose and Need for Proposed Action:** Mining operations took place in the Community Pit No.1 from 1979 to 2007. Mineral materials were removed from the pit by contractors for use in the nearby communities. Mining disturbed approximately 50 acres with no reclamation taking place. The lack of reclamation resulted in a number of highwalls, spoil piles and pits being left behind. The site is hazardous in nature due to the leftover highwalls which are not stable, and the pits which tend to retain water for periods of time after rain events. As a result of pit expansion through mining over the years, soil has been pushed over the edge of the slopes on the south and southwest sides of the pit. When rain events occur, this material has washed down slope into the drainage where existing access roads exist. In addition to erosion issues (i.e., sedimentation into the surrounding drainages) this is also impacting public access to the surrounding area. The site has not revegetated so the lands are eroding and are currently not meeting any kind of post mining land use.

Section 102 of the *Federal Land Policy and Management Act of 1976, as amended (FLPMA)*, declares that it is the policy of the United States to manage the public land "in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and will provide for outdoor recreation and human occupancy and use." Section 302 of FLPMA requires that the Secretary of the Interior take any action necessary to prevent unnecessary or undue degradation of the public land. The BLM is tasked with implementing policies and requirements under FLPMA and the 43 CFR 3600 Regulations on the Federal land it manages. The purpose for the action is to improve public safety; reduce visual impacts; return the site to multiple-use; and reduce erosion and other resource impacts. The need for the action is required by the BLM's responsibilities under FLPMA and the 43 CFR 3600 Regulations to reclaim public land mined under a community pit designation.

**Conformance with Land Use Plan:** This Proposed Action is in conformance with the Mimbres Resource Management Plan approved December of 1993 because it is clearly consistent with the following decisions, objectives, and conditions of the RMP: It is clearly consistent with the objective on

MAP 1 - GENERAL LOCATION



0 0.5 1 2 Miles

page 2-3, "The objective of the minerals program is to provide for the public use of leasable, locatable and saleable minerals consistent with the laws that govern these activities and to minimize environmental damage;" and

It is consistent with the Continuing Management Guidance and Actions on page 2-3, "The BLM is also responsible for ensuring that mineral development is carried out in a manner which minimizes environmental damage and provides for the rehabilitation of affected lands;" and

It is consistent with Continuing Management Guidance and Action, Salables on page 2-5, "Stipulations and reclamation and reseeding requirements for mineral material pits will be developed on a case-by-case basis."

## **1. DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES**

**Alternative A: Proposed Action - Reclaim Site to Approximate Original Contour:** The BLM would bid out a design and construct contract for reclamation of the community pit. The winning bidder would design a reclamation plan for the site; and then reclaim the site in accordance with the reclamation plan. The contractor would be required to obtain all necessary permits and ensure that all applicable laws and regulations are met.

A reclamation plan would be developed based on the pre-mine slopes and adjacent landforms for the area. The exposed fossil bearing strata around the quarry body would be mapped and recorded as a component of the reclamation design. The site would be returned to as near original contour as possible once reclamation was completed. Existing mine site topography is dominated by a large hill and an alluvial wash. Hill slopes consist of cut banks up to 150 feet high that range from 2:1 horizontal to vertical (H:V) to nearly vertical. Exposed high walls along the northern and southern margins of the intact portion of the quarry body are composed of friable sandstone, siltstone and shale overlain by an approximately 65 foot thick layer of dense limestone. This structural arrangement is unstable due largely to decades of poorly engineered quarrying activities; and the fact that the units underlying the limestone weather at a rate higher than the limestone.

All pits and highwalls would be eliminated using a combination of recovering materials cast over the out slopes and existing spoil piles; and by blasting a portion of the 65 foot layer of limestone cap rock for backfilling. The volume of materials cast over the out slopes and in existing spoil piles are estimated to be approximately 100,000 cubic yards. The in-place volume of the limestone cap is approximately 630,000 cubic yards. The loose volume (limestone expands when broken) of material in the limestone cap ranges from approximately 750,000 cubic yards (based on a conservative estimate) to approximately 967,000 cubic yards (the upper end of expansion according to engineering manuals). Approximately 400,000 cubic yards of materials would be needed to eliminate the highwalls to a slope of 40 percent or greater. This would necessitate the use of approximately 20 - 35 feet (depending on actual rate of expansion) of the limestone cap as part of the reclamation. Care would be taken during blasting and removal of the upper layer of the limestone cap rock so as to not cause fracturing of the underlying red bed layer. Once grading is completed the area would be seeded with a native seed mixture to re-establish a vegetative cover.

Equipment that would be required for reclamation would include a drill and explosives truck for blasting; bull dozers, backhoes, front end loaders and pans to move and grade materials; a water truck for dust suppression and to possibly water the site post seeding; and various types of equipment for applying seed and mulch to the area. Reclamation activities would only be allowed to take place Monday through

Friday from a half hour after sunrise to a half hour before sundown. It would take up to four months to complete reclamation once work started on the project based on the following estimate:

Drilling and blasting:	3 to 4 weeks
Backfilling and grading:	10 weeks
Final grading and seeding:	2 weeks

Measures would be taken to control erosion from the site including final grading of slopes along contours; leaving rougher slopes in steeper areas; the use of mulch, jute netting or other materials on slopes after seeding; and the use of hay or rock check dams and diversions. Access into the surrounding areas would be maintained, however, the portion of the road leading into the pit would be removed by ripping from the existing gate in a westerly direction towards the pit. Access to the pit would continue to be blocked until vegetation is re-established. Access may be further reduced by fencing to keep use off the site until vegetation can become established. Gates would be placed in the fence in order to remove any livestock which might get onto the site. Once successful reclamation is judged to have occurred, the fence and gates would be removed.

Public safety is the primary objective of the reclamation strategy in this alternative. The BLM will look at the design of a permanent road and parking area for recreation purposes as part of the reclamation plan. However, these facilities would have to be adopted as part of the management plan for the Prehistoric Trackways National Monument and separate funding would be required for construction.

**Alternative B: Reclaim Site to Less Than Approximate Original Contour Alternative:** Exposed high walls along the northern and southern margins of the intact portion of the quarry body are composed of friable sandstone, siltstone and shale overlain by a 65-foot thick layer of dense limestone. This structural arrangement is unstable due largely to decades of poorly engineered quarrying activities; and the fact that the units underlying the limestone weather at a rate higher than the limestone. However, this lithic profile has also revealed diagnostic strata containing a variety of Permian age fossil imprints which could be used to help interpret the fossil record within the surrounding area.

Under this Alternative, the BLM would seek interpretive and recreation recommendations from a design team and incorporate those recommendations into a final engineering design for the quarry. An engineered access to an exposed section of the profiled strata, sufficient for some degree of interpretation and analysis and/or public visitation would be created and would be part of the design and construct contract.

Visitor facilities such as an improved roadway, visitor parking facility and footpath(s) to direct visitors to any area of the quarry selected for study and interpretation would be considered. However these facilities would have to be adopted as part of the management plan for the Prehistoric Trackways National Monument and a separate contract and funding would be required for construction.

A reclamation plan would be developed that would backfill existing pits and lessen the highwalls, to the extent possible without blasting. The volume of materials cast over the out slopes and existing spoil piles are estimated to be approximately 100,000 cubic yards. These materials would be used to backfill and grade the existing pits and highwall. This would result in most of the highwalls being left which would be a hazard during public use of the site. Fencing or other measures would need to be taken to keep the public away from dangerous areas. Once grading was completed the area would be seeded with a native seed mixture to re-establish a vegetative cover. Measures taken to control erosion from the site would be the same as in the Proposed Action.

Equipment that would be required would be the same as in the Proposed Action except for a drill and explosives truck for blasting. Reclamation activities would only be allowed to take place Monday through Friday from a half hour after sunrise to a half hour before sundown. It would take up to 3 months to complete reclamation once work started on the project based on the following estimate:

Backfilling and grading: 10 weeks  
Final grading and seeding: 2 weeks

**Alternative C: No Action Alternative:** The site would remain essentially as it currently exists. No reclamation would take place under this alternative. The highwalls and pits would remain a hazard to the public land users. No measures would be taken to re-establish vegetation or to control erosion on the site. The site would be signed as to the safety hazards and closed to the general public.

## 2. AFFECTED ENVIRONMENT

The affected environment would be the same for all three alternatives. The area to be disturbed is located northwest of Las Cruces, New Mexico within the legal location of T. 22 S., R. 1 E., Section 19, S1/2SE1/4, NMPM, Dona Ana County, New Mexico. Access to the pit is by an existing road starting in T. 22 S., R. 1 E., Section 20. Mining in the area impacted approximately 50 acres of public land.

**Lands and Access:** The majority of the project is located on public land managed by the BLM. There may be some spoil materials which accumulated onto lands withdrawn to the International Boundary and Water Commission on the south side of the mined area. However, a survey would be required to determine if this is the case. There are no rights-of-way associated with the BLM Community Pit. An existing road provides public access to ranchers and recreational users. The road is approximately 12 feet wide and allows for one lane of travel. The entrance to the Community Pit is currently blocked to prevent access to the site.

**Vegetation:** The actual project area is currently void of any vegetative resources due to the past mining activities. Prior to the disturbance, there were two dominant range sites within the proposed project area: Limestone Hills and Gravelly. These range sites occur within the New Mexico Southern Desert (SD-2) Major Land Resource Area (MLRA). A description of these range sites can be found at <http://www.nm.nrcs.usda.gov/technical/fotg/section-2/esd/mlra1983map.html>. The Limestone Hills range site is dominated by a mixed desert shrub community of creosote, ocotillo, bush muhly and black grama. The Gravelly range site is dominated by creosote and tarbush with an understory of bush muhly. Remnants of these two range sites still exist in the outer perimeters of the pit.

There are no invasive or noxious weeds known to occur on the proposed project site.

***Special Status Plants:*** Presence of special status plant species and their habitats in Doña Ana County was considered using Las Cruces District Office (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: 22 January 2009)]. Based on evaluation of the above information, one species and/or its habitat could potentially occur in the project area. There are no known locations of night-blooming cereus near the project area but suitable habitat does exist. Table 1 below identifies special status plant species considered and its conservation status.

Table 1 Special Status Plant Species	
Species	Status
Night-blooming cereus	BLM Special Status, USFWS Species of Concern, New Mexico Endangered

Night-blooming cereus: 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 creosote and honey mesquite.

**Wildlife:** The BLM conducted an inventory of wildlife habitats using the Integrated Habitat Inventory and Classification System (IHICS) in 1981. There are two standard habitat sites (SHSs) adjacent to the project area. The existing boundary of Community Pit No.1 occurs within the Mixed Mountain Shrub SHS. The access road to the pit crosses the Creosote Rolling Upland and Creosote Breaks SHSs.

Mixed Shrub Mountain: This SHS has topography that is usually steep and includes a vegetative community consisting of various shrubs such as acacias, mimosa, rhus, eriogonum and cercocarpus and an understory of grammas, muhlenbergia, tridens and various forbs.

Creosote Rolling Uplands and Creosote Breaks: These SHS are similar in topography, vegetation and wildlife occurrence. They are dissected by numerous arroyos or drainages and are on uplands or edges of uplands. The vegetative community is primarily creosote with a variety of subdominant species such as muhlenbergia, scleropogon, tridens, hilaria, rhus and various forbs.

Common mammals that occur within these SHSs include various rodents, cottontail, bats, ringtail, skunks, coyote, fox, mountain lion and mule deer. Common birds include various raptors such as red-tailed hawk, Cooper's hawk, golden eagles and songbirds such as swifts, swallows, hummingbirds, flycatchers, jays, wrens, thrushes, thrashers, warblers, sparrows, blackbirds and tanagers. Reptile and amphibian species that may occur within this habitat type include toads, collared lizards, spiny lizards, horned lizards, whiptails, whipsnakes, kingsnakes and rattlesnakes.

Special Status Animals: The special status animal species list for Doña Ana County was compiled from: Biota Information System of New Mexico (BISON-M). <http://www.bison-m.org>. The results of this analysis list 53 special status animal species that may potentially occur in Doña Ana County.

Known geographic distribution and habitat requirements were considered for each species in comparison with habitat types in the proposed project area. The results of this analysis are that seven special status species potentially occur on the proposed project area. Table 2 below identifies special status wildlife species considered and their conservation status.

Table 2 Special Status Wildlife Species	
Species	Status
Texas horned lizard	BLM Sensitive
American peregrine falcon	USFWS Species of Concern, NM threatened
Common ground dove	NM Endangered
Burrowing owl	USFWS Species of Concern, BLM 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

Habitat descriptions for these special status wildlife species are available from the Bureau of Land Management, Las Cruces District Office upon request.

**Range:** There is one grazing allotment within the project area. The allotment name and number is Picacho Peak Allotment # 03008. Grazing authorization for this allotment is for 89 cattle year long (CYL) for a total of 822 Animal Unit Months (AUMs). An AUM is the amount of forage that one cow or one cow and calf will consume in a one month period.

An existing water pipeline runs along the access road to the Robledo Mountains. The pipeline (Robledo Pipeline, Project No. 634776) provides water to two concrete tanks adjacent to the pit and proceeds uphill to a storage tank west of the pit.

**Soils:** The site has been highly disturbed in the past by mining so that there are only remnant areas where the original soils still exist. Original soils at the site were derived from the weathered remnants of a rocky ridge. The site is characterized by shallow, stony and cobbly soils interspersed between areas of limestone rock outcropping on slopes to 75 percent. Included within this unit are areas of deeper soils and outcroppings of sandstone and shale.

In a natural setting, local soils are generally stable. However, soil can become loose and “powdery” when disturbed. Dry, powdery soils become very susceptible to erosion by water and wind and create a significant amount of dust when the wind blows the soils off-site. Soils in areas which were previously mined, but not subjected to continuous disturbance form a chemical crust over the surface. When soils are allowed to remain undisturbed and a crust has formed, soil erosion by wind is significantly reduced.

**Geology:** The Robledo Mountains consist of a fault-block uplift which tilts gently to the south. The block is bounded on the east and west by normal faults with a number of other faults occurring within the range. Large exposures of Paleozoic age rocks of the Hueco and Abo formations are found within the Robledo Mountains. Triassic-aged volcanic and Quaternary- aged sedimentary rocks are also found exposed to a lesser extent.

A limestone from the Hueco Formation overlies a series of alternating sandstones, siltstones and shales from the Abo Formation in the area designated as community pit. Approximately 150 feet of these formations are exposed in profile due to the mining that took place. The area of the community pit that was mined is also bounded by normal faults.

**Cultural:** A cultural resources survey of the mine site was conducted on June 15, 2004. No cultural resources were found.

**Paleontology:** In 1969, the BLM allowed a community quarry operation (which eventually became the Community Pit No. 1) to open up in the red beds of the Robledo Mountains. The bedded sandy siltstones were mined for flagstone and other building material. Pockets of tracks and fossil plants were unearthed at the quarry and the spoil piles of the pit became fertile hunting grounds for fossil collectors. The pieces with footprints and plant material became highly prized decorative stone. Cessation of mining at the Community Pit occurred in 2007 and some loose fossils can still be found within the spoil piles left in the pit after mining ceased. There are no lateral exposures of the trackway layer in the mined portion of the pit. There are some trackway layers exposed in profile in the un-mined portion of the pit. However, there is no way to determine if there are fossils in these un-mined layers without exposing them laterally.

The Community Pit is adjacent to the Prehistoric Trackways National Monument in the Robledo Mountains which is considered an important locality for tracks, trackways, and petrified wood, fossil

impressions of plants and invertebrate fossils. In March 2009 the Prehistoric Trackways National Monument was established through legislation. Approximately 5,300 acres were designated as National Monument and a portion of the Monument's boundaries abuts the Community Pit (north and west boundaries of the pit). The Community Pit is not included in land designated for the Monument.

**Visual Resources:** The area was designated as a Class II area for Visual Resources in the Mimbres Resource Management Plan (1993). In a Class II area, changes in the form, line, color, and texture of the landscape should not be evident. Past mining activities created substantial, visible changes to the form, lines, colors, and texture of the landscape.

**Recreation:** The area currently is used for off-highway vehicle use, mountain biking, hiking, hunting and target shooting. Access to the Robledo Mountains for these activities is provided by the road up the canyon on the south side of the mine.

**Air Quality & Climate:** Most of the year, air quality throughout Dona Ana County is very good. However, during dry spring months windstorms and blowing dust can create problems. National Ambient Air Quality Standards (NAAQS) for airborne particulate matter (PM10) have been exceeded since 1996. In 1999, air monitoring equipment recorded 16 days which exceeded NAAQS for PM10.

Excessive dust in the air can impair driving visibility and, when breathed, be potentially harmful to high-risk people with respiratory conditions. In December 2000, New Mexico Environmental Department (NMED) released a Natural Events Action Plan (NEAP) for Dona Ana County. In January 2001, Dona Ana County adopted Ordinance No. 194-2000, Erosion Control Regulations, which included provisions for surface-disturbing activities which might cause an increase in fugitive dust. Appropriate dust control measures must be outlined and approved by the county prior to any soil disturbing activities.

The Environmental Protection Agency (EPA) lists six types of greenhouse gases which contribute to global warming potential. These include carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydro fluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>). The first three gases listed are naturally occurring as well as manmade, while the last three are predominantly manmade. These emissions are present in the project area naturally and due to human habitation and uses. They are also present due indirectly to the existing power line right-of-ways.

**Surface Water:** Surface water flows intermittently as ephemeral streams down west-to-east running arroyos on the north and south sides of the community pit. The Rio Grande is approximately 1 mile downstream from the Community Pit. A small drainage in the middle of the pit was closed to further drainage by dumping waste material into the small arroyo. This drainage is a tributary to a larger arroyo on the south side of the Community Pit. In the past, waste material was deposited on the side slopes in such a manner that a portion of the debris would ultimately reach the arroyos and be transported towards the river.

**Groundwater:** There are no perched aquifers or springs within the community pit; and no wells have ever been drilled in the pit. Sedimentary rock units within and adjacent to the pit have low porosity/permeability and would have low yields if wells were drilled. There are several depressions that were created during mining which accumulate surface water run-off. Due to the low porosity of the underlying rocks very little of this water infiltrates and evaporates instead.

The closest producing water wells are located a quarter mile to the east in unconsolidated alluvium. The water table in the unconsolidated alluvium is generally 10 to 25 feet below the ground surface.

**Noise:** Currently, the only sources of noise come from the sporadic use of motorized vehicles accessing the area.

### **3. ENVIRONMENTAL EFFECTS:**

The environmental effects for all the alternatives are described below. The effects to the environment under Alternatives A and B would be the same for almost all of the resources. Where there may be a difference in impacts between the alternatives they are described.

**Soils:** The site has been highly disturbed in the past by mining so that there are only remnant areas where the original soils still exist. These areas could be impacted during reclamation through compaction of soils by heavy equipment traveling over them. There could also be some disruption to the soil profile during grading of the area. However, most of the area would benefit from reclamation. There would be a mixing of spoil materials during the reclamation process. These mixed spoils would then be redistributed over the area creating a new growth medium. Compacted areas would be ripped and soil amendments would be added to the growth medium prior to seeding the area with a native seed mixture.

Eventually a new soil profile would develop, although it would differ from the original one. Some erosion may occur due to precipitation falling and concentrating on areas disturbed by the project. Erosion would be lessened through the use of erosion control measures described earlier in this document. Erosion would also lessen once a vegetative cover was re-established.

Under the No Action Alternative, the site would remain the same. Unstable slopes and areas with compacted slopes would remain. Erosion would continue at its current pace with each new storm event resulting in a more degraded environment.

#### **Mitigation Measures - Soils:**

1. Disturbance shall be limited to the smallest area possible in order to reduce soil compaction. Where practical, the permittee shall stay within the previously disturbed areas. When using spoils for a growth medium, they will be tested and soil amendments will be added as required to increase their potential for vegetative success.
2. Erosion control measures will be used to reduce erosion from reclaimed slopes. Measures should include final grading of slopes along contours; leaving rougher slopes in steeper areas; the use of mulch, jute netting or other materials on slopes after seeding; and the use of hay or rock check dams and diversions.

**Vegetation:** There would be very minor impacts to the local vegetation in the Community Pit. Native vegetation was removed from most of the area during mining. The area to the west of the pit is also heavily impacted by activities other than those associated with the pit. This area receives a lot of recreational use, including OHV use. Currently, there is little vegetation over most of the area. Proper reclamation and the use of native seed should increase the occurrence of native plants on the area. Establishment of a new vegetative community should enhance the areas potential for use by wildlife and improve the overall watershed in the upper portions of the reclaimed area. The lower portions, around the wash, may continue to receive heavy public use and may be difficult to re-vegetate. Erosion control as part of the reclamation should prevent these lower areas from washing out and may allow for some recovery of the vegetation in the arroyos.

The possibility exists for noxious weeds to become established on the area after reclamation takes place. This would be due to vehicles from outside areas, which might contain weeds, coming onto the site causing the spread of weeds during reclamation. However, following the mitigation measures, including the requirement to wash all equipment prior to entry on the project area, should minimize noxious weed invasion.

*Special Status Plants:* There are no known occurrences of night-blooming cereus plants within the project area; however, suitable habitat does exist. Reclamation should provide suitable habitat for this plant to potentially re-establish.

Under the No Action Alternative, re-vegetation of the site would take place at an extremely slow rate if at all. The site would depend on pioneer species to find niches where it could become established. There would be a higher likelihood that noxious weeds would become established in the area since they generally out-compete native species.

### **Mitigation Measures - Noxious Weeds:**

1. The contractor shall be responsible for controlling all undesirable invading plant species (including listed noxious weeds and other invasive plants identified as undesirable by Federal, state or local authorities) within the boundaries of their authorization area and Bureau-authorized ancillary facilities (e.g. access and utility corridors), including all operating and reclaimed areas, until re-vegetation activities have been deemed successful and responsibility released by the authorized officer. Control standards and measures proposed must conform to applicable state and Federal regulations.
2. The contractor shall use weed free seed for reclamation and for other organic products for erosion control, stabilization, or re-vegetation (e.g. straw bales, organic mulch) must be certified weed free.
3. Prior to any application of herbicide on public land, the contractor shall have a current Pesticide Use Permit that outlines application methods, rates, weather constraints and the specific dates of applications. The contractor will coordinate project activities with the BLM Weed Coordinator regarding any proposed herbicide treatment. The contractor will prepare, submit, obtain and maintain a pesticide use proposal (PUP) for the Proposed Action. Weed treatments may include the use of herbicides, and only those herbicides approved for use on public land by the BLM.
4. The contractor is responsible for ensuring that all project related vehicles and equipment arriving at the site (including, but not limited to, drill rigs, dozers, support vehicles, pickups and passenger vehicles, including those of the contractor or subcontractor and invited visitors) do not transport noxious weeds onto the project site. The contractor shall ensure that all such vehicles and equipment that will be traveling off constructed and maintained roads or parking areas within the project area have been power washed, including the undercarriage, since their last off road use and prior to off road use on the project. When beginning off road use on the project, such vehicles and equipment shall not harbor soil, mud or plant parts from another locale. Depending on the site setting such as remoteness, or other site condition, the contractor may be required to have an on-site wash area identified and readily available. If a noxious weed infestation is known or later discovered on the project site, project related vehicles or equipment that have traveled through such an infestation shall be power washed including the undercarriage prior to leaving the site, at an established, identified wash area. Wash water and sediment shall be contained in an adjacent settling basin. Should any vegetation emerge in the wash area or settling basin, it will be promptly identified and appropriately controlled if found to be an undesirable invasive plant.

5. Should undesirable invasive plants become established on developed areas prior to reclamation; appropriate measures will be taken to ensure that the invasive plants are eradicated prior to reclamation earthwork. Should undesirable invasive plants become established on reclaimed areas prior to reclamation seeding; appropriate measures will be taken to ensure that invasive plants are eradicated prior to seeding the site.

**Mitigation Measures - Vegetation:**

The site will be seeded with the following seed mix after final grading of the site has taken place.

**Bouteloua gracilis:** variety Hachita (blue grama grass), 10% purity, 55% germination rate, 3.0 pounds per acre.

**Bouteloua curtipendula:** variety Niner or Vaughn (sideoats), 10% purity, 50% germination rate, 8.0 pounds per acre.

**Sporobolus cryptandrus:** (sand dropseed), 10% purity, 50% germination rate, 2.0 pounds per acre.

**Baileya multiradiata:** (desert marigold), 10% purity, 50% germination rate, 0.25 pounds per acre.

**Sphaeralcea incana:** (globemallow), 80% purity, 60% germination rate, 1.0 pounds per rate.

Seeding rates are given in pounds per acre and are based on the above percent purity and germination rates. Percent pure live seed (PLS) can be calculated from commercial or custom collected seed by the following formula: %PLS = % pure seed x % germination/100.

If seed conforming to the requirements for purity or germination rate is not readily available, seed not conforming to these requirements may be used provided that the application rate for such seed is increased to compensate for the lower PLS. The seed application rate can be adjusted based on the preceding formula to compensate for germination rate or purity above or below that specified. Seed would be broadcast and mixed into the top 0.5 inch of the substrate by either raking or dragging a chain across the seedbed or other suitable method.

The reclamation plan would outline the timing for seeding, watering needs including irrigation if needed, and fencing requirements to allow for establishment. Success of re-vegetation would be judged upon the effectiveness of the vegetation and by comparing quantified vegetative cover, density and number of species of the reclaimed mined land to local areas of naturally occurring vegetation or pre-mining conditions (Baseline).

	<u>BASELINE</u>	<u>PERFORMANCE STANDARD</u>
Cover:	100%	75%
Species Richness:	5 PER 100 SQ. FT.	3 PER 100 SQ. FT.

**Wildlife:** Burrowing mammals and reptiles occurring on the site may be killed during reclamation. However, these species are generally common and widespread. Negative impacts would be minimal. Reclamation and successful establishment of a native vegetative community would increase species habitat. Some wildlife species which currently avoid the area would return to the site after disturbing activities cease. There is a slight chance that this action may affect migratory birds if disturbance occurs during their nesting season. The proponent must comply with the Migratory Bird Treaty Act and avoid potential impacts to protected birds within the project area. A list of protected birds can be found at 50 CFR 10.13.

Special Status Animals: Seven special status animal species potentially occur in the proposed project area:

**Texas horned lizard:** Activities associated with the reclamation of the Community Pit may potentially lead to mortality of horned lizards. Any mortality would be limited to individuals and not affect overall population sizes.

**Loggerhead shrike:** Loggerhead shrikes prefer open shrub and grasslands and are year-round residents of southern New Mexico. Removal of perch sites and potential nesting sites such as creosote and mesquite would not be on a large enough scale that it would adversely affect loggerhead shrikes. Reclamation could potentially create new habitat for the loggerhead shrike.

**Burrowing owl:** Burrowing owls often inhabit disturbed areas such as gravel pits because of the availability of burrows and other cavities suitable for nesting. The Proposed Action could potentially cover up inhabited burrows and activities associated with the reclamation could kill individual owls; however, the reclamation is not anticipated to affect overall populations of burrowing owls rather just individuals.

Implementation of the Proposed Action is not anticipated to affect the following species due to the lack of suitable habitat:

Common ground dove

American peregrine falcon

Townsend's big-eared bat

Fringed myotis bat

Burrowing mammals, birds and reptiles occurring on the site would not be killed, and there would be no increase in habitat under the No Action Alternative.

#### **Mitigation Measures - Migratory birds:**

1. To prevent undue harm, habitat-altering projects or portions of projects should be scheduled outside bird breeding season. In upland desert habitats and ephemeral washes containing upland species, the season generally occurs during the period of March 15th - July 30th.

2. If a project that may alter any breeding habitat has to occur during the breeding season, then a qualified biologist must survey the area for nests prior to commencement of construction activities. This shall include burrowing and ground nesting species in addition to those nesting in vegetation. If any active nests (containing eggs or young) are found, an appropriately-sized buffer area must be avoided until the young birds fledge.

**Range:** Reclamation of the site would have no negative impacts on the allotment and would not affect the existing livestock operation. Any fencing proposed would be coordinated with the livestock permittee to ensure no cattle traps are created and ensure gates are placed strategically to ensure livestock can be removed from the reclaimed area should they get inside. Erosion control as part of the reclamation would allow for water flows to follow the natural drainage and prevent washout of the access road and water pipeline.

There would be effects to the livestock operations under the No Action Alternative. Under this Alternative, the potential exists for washout of the roads and pipeline located below the pit and potentially

affecting the private land downstream of the pit. This would affect the availability of water for cattle and could increase costs to manage the allotment.

**Geology:** The upper part of the limestone from the Hueco Formation would be disturbed under Alternative A. Approximately 20 - 35 feet would be removed to use in reclamation of the highwall. There would be no affect on the series of alternating sandstones, siltstones and shales from the Abo Formation under any of the alternatives. Blasting under Alternative A would be at a low enough intensity that it would have no affect on the normal faults bounding the Community Pit. There would be no affect to the adjacent geology in the Prehistoric Trackways National Monument by blasting conducted under Alternative A.

There would be no affect to geology under the No Action Alternative.

**Paleontology:** There are no lateral exposures of the trackway layer in the mined portion of the pit. There are some trackway layers exposed in profile in the un-mined portion of the pit. There is no way to tell if these un-mined layers contain fossils without further exposing them in a lateral extent. Some loose fossils can still be found within the spoil piles left in the pit after mining ceased. Currently some collecting of fossils is taking place within the Community Pit. The collections are authorized through permit and take place in the loose materials left in the pit from mining operations. Reclamation of the site could impact this activity since fossils could be crushed or covered up during backfilling and grading operations.

Blasting under Alternative A would not impact the underlying red beds. The use of proper blasting techniques would insure that no impacts occur. Blasting would only affect the top 20 - 35 feet of the limestone cap that sits on top of the track way layers. This would leave at least a 30 foot protective layer over the trackway layers. Backfilling of the highwalls under Alternative A would eliminate the ability to view any of the trackway layers currently left in profile. Alternative B would only partially backfill the highwalls and would leave some exposures of the trackway layers in profile.

Reclamation of the Community Pit would have no effects on the fossils exposed in the adjacent Prehistoric Trackways National Monument. All reclamation would take place outside of the boundary of the monument.

Under the No Action Alternative, the site would remain in its current condition. Any fossils currently exposed would remain that way.

#### **Mitigation Measures - Paleontology:**

1. Prior to starting any reclamation, the exposed fossil bearing strata around the quarry body would be mapped and recorded. A paleontological survey of the spoil piles would be conducted to identify and remove loose fossils which might be found in the spoils.
2. A blasting plan would be developed that incorporates measures to insure that no impacts occur to the underlying trackway layers. Blasting operations would adhere strictly to the plan.

**Visual Resources:** This action falls within a VRM Resource Management Class II area. In a Class II area, changes in the form, line, color, and texture of the landscape should not be evident. However, past mining activities created substantial visible changes to the form, line, color, and texture of the landscape. Vehicles and machinery used to reclaim the site would attract additional attention to the area until they were removed upon completion of reclamation.

Returning the site to approximate original contour would also lessen the contrast of the site as the form, line and texture would approach the surrounding landscape areas. Reclaiming the site to less than approximate original contour would result in more visual impacts being left after reclamation is completed since there would be less change to the existing mined form, line and texture. This would lead to more contrast with the surrounding areas.

The site would remain a visual blight in the area under the No Action Alternative. Substantial visible changes to form, line, color and texture of the landscape would remain that way.

**Recreation:** The area currently is used for off-highway vehicle use, mountain biking, hiking, hunting and target shooting and access to the Prehistoric Trackways National Monument. These activities would probably be disrupted during reclamation of the site. The potential for blasting and the use of heavy equipment would present a danger to anyone trying to use the area. In addition, the noise produced during reclamation may be enough to cause avoidance of the area. The quality of these pursuits would be raised once reclamation was completed on the site. Safety of the site would increase the most under the Proposed Action since the highwall would be entirely eliminated.

The No Action Alternative would result in the area presenting a danger to the public through exposure to highwalls and pits. The highwalls would present a danger of falling rock from the highwall face or from a member of the public falling from above the highwall. The pits would represent a drowning hazard during the rainy season.

**Air Quality & Climate:** Air quality would be impacted during reclamation of the site. Some dust would be generated during blasting, backfilling, grading and seeding. Dust and emissions of hydrocarbons and other byproducts would occur during operating hours. The contractor would be required to design appropriate dust control measures as part of the reclamation plan; and receive approval of those measures from the county prior to beginning reclamation. Implementation of these measures during reclamation would limit impacts to an acceptable level.

Greenhouse gases would be emitted during operating hours as well. Upon completion of operations, emissions of dust and hydrocarbons would cease. Greenhouse gases emitted as part of the reclamation process would cease as well. However, they would be naturally present in the project area due to human habitation and uses. There would be an overall reduction in emissions in the area once re-vegetation of the site takes place. Growing plants would tend to remove carbon dioxide from the air.

The generation of dust and hydrocarbons could occur under the No Action Alternative if the site is disturbed by off-road vehicles. Hydrocarbons would be generated by the vehicles and dust would occur since they would tend to break any crust which might have formed on the site since mining ceased. However, it is not likely that there would be a significant increase in either of these. There likely would be no reduction in greenhouse gases since the site would not be re-vegetated.

#### **Mitigation Measures - Air Quality:**

1. The contractor shall be required to obtain any applicable air quality permit prior to any surface disturbing activities. The permit holder shall carry out any monitoring requirements and pay any fees imposed by the permit. The contractor shall agree to indemnify the United States against any liability arising from the release of dust or other pollutants on the permit area. This agreement applies without regard to whether a release is caused by the Holder, its agent or contractor, or unrelated third parties.

**Surface Water:** There could be impacts to surface waters during the reclamation process if rains were to occur. Grading of the site would break any crusts which might have formed. Loose materials could be carried by run-off into the adjacent arroyos. Blasting of the limestone cap would not have an effect on surface waters. Blasting would create rock fragments of various sizes with only a small fraction being of a size that could be carried by run-off. These materials would be caught on the bench below and would run into the existing pits if contacted by surface water.

Some of the measures used to reduce the potential for sedimentation to occur during reclamation would include diversion ditches, check dams of rock or hay bales and the use of silt fence. The contractor would be required to design appropriate erosion control measures as part of the reclamation plan; and receive approval of those measures through appropriate permitting processes prior to beginning reclamation.

Reclamation of the site would lead to an increase in water quality. This is due to the fact that the reclaimed site would be less susceptible to erosion. Slopes would be more stable, land shaping and re-vegetation of the site would reduce the speed of water run-off. This would lead to less sediment loading and less negative impacts on downstream areas. Measures would be taken to control erosion from the site as part of the final reclamation. These would include final grading of slopes along contours; leaving rougher slopes in steeper areas; the use of mulch, jute netting or other materials on slopes after seeding; and the use of hay or rock check dams and diversions.

Water quality would continue to be degraded at its current rate under the No Action Alternative. Slopes would be less stable, and there would be no land shaping and re-vegetation of the site that would reduce the speed of water run-off.

#### **Mitigation Measures - Surface Water Quality:**

1. The contractor shall be required to obtain any applicable water quality permits prior to any surface disturbing activities. The permit holder shall carry out any monitoring requirements and pay any fees imposed by the permit. The contractor shall agree to indemnify the United States against any liability arising from the release of pollutants on the permit area. This agreement applies without regard to whether a release is caused by the Holder, its agent or contractor, or unrelated third parties.

2. Measures shall be taken to control erosion from the site during and after reclamation. Measures will include, but are not limited to, final grading of slopes along contours; leaving rougher slopes in steeper areas; the use of mulch, jute netting or other materials on slopes after seeding; and the use of hay bale or rock check dams and diversions.

**Groundwater:** Reclamation of the site would have no impact on groundwater. The geologic units found within the community pit typically do not contain contaminants that have a potential to impact groundwater. No mineralized zones are exposed in the remaining geologic profile and none are expected to be encountered even if a portion of the limestone cap were to be subjected to blasting. Reclamation will not have an effect on the infiltration of surface water into the groundwater system. To further lessen the potential for groundwater contamination reclamation could be stopped if mineralized zones or contaminants were encountered. Further evaluation of these areas could be made to insure that the materials pose no threat to water quality.

No springs or perched aquifers would be affected. The nearest groundwater wells are approximately a quarter mile from the Community Pit. These wells are located in alluvial fill that would not be impacted by reclamation of the pit. Partial removal of the limestone cap by blasting would also not affect the wells.

The top of the limestone cap is at approximately 4,430 feet and only the top 20 - 35 feet would need to be removed under Alternative A. Blasting to 35 feet would take it to an elevation of 4,395 feet which is still 483 feet above the water table in the alluvium. The use of proper blasting techniques would insure that no impacts occur.

There would be no impacts to groundwater under the No Action Alternative.

**Mitigation Measures - Groundwater:**

1. If mineralized zones or contaminants are encountered during reclamation activities those activities will be stopped till such time as an evaluation can be completed to determine if they pose a threat to water quality. If they do pose a threat then additional measures will be developed to meet any regulatory requirements for their disposal.
2. A blasting plan will be developed that incorporates measures to insure that no impacts occur to the groundwater or existing wells in the area surrounding the Community Pit. Blasting operations will adhere strictly to the plan.

**Noise:** There would be a temporary increase in noise levels while the area was being reclaimed. Noise would be generated by heavy equipment moving materials during backfilling and grading. Equipment noise levels predicted to be generated by this project (30 dBA) were compared with an EPA established 55 dBA. This established amount has been determined to protect the public health.

Noise would also be generated during the drilling and blasting process under the Proposed Action. The U. S. Bureau of Mines has developed both damage and annoyance criteria applied to air blasts from mining. The established criteria, determined to protect the public from air blast damage and annoyance is 129 dBA or less.

During reclamation, users of the adjacent public land (including the Prehistoric Trackways National Monument) may be impacted by the noise level. This could lead to an overall reduction in use of the adjacent areas. These sources of noise would stop once reclamation was completed and use would return to a more normal level.

There would be no increase in noise levels under the No Action Alternative.

**Mitigation Measures - Noise:**

1. Reclamation activities, other than blasting, will only take place Monday through Friday from a half hour after sunrise to a half hour before sundown.
2. An overall blasting plan will be developed and distributed to residents in the area. Blasting will only take place between the hours of 10 a.m. and 2 p.m., Monday through Friday. Noise from blasting shall not exceed the U. S. Bureau of Mines damage and annoyance criteria applied to air blasts from mining. The established criteria, determined to protect the public from air blast damage and annoyance is 129 dBA or less.

#### 4. CUMULATIVE IMPACTS:

The action area associated with this project are the lands located east of the Rio Grande, within sections 19, 20, W1/2, 29, W1/2 and 30 of T. 22 S., R. 1 E., Dona Ana County, New Mexico. The area contains approximately 1,920 acres of land.

**Private Land:** Private land makes up approximately 120 acres of the area. The land is not part of any developed community. Not all of the private land is developed. There are a few homes scattered throughout the private land. The area is not currently exhibiting any signs of growth and is likely to retain its rural character.

**Public Land:** Certain actions on public land, such as off-road vehicle use not associated with organized events, and dumping are difficult to control and may contribute to habitat destruction and degradation. These activities will increase as the development of private land in the area increases.

A Public Land Order, PLO 1866, withdraws all of the public land located in section 29, NW1/4NW1/4, and section 30, N1/2NE1/4 of T. 22 S., R. 1 E. The withdrawal is in support of the International Boundary & Water Commission. The land may be used to supply materials for the construction of levies. However, this has not happened to date.

Legislation passed in March of 2009 established the Prehistoric Trackways National Monument on approximately 5,300 acres. No development of this land is expected to take place until a management plan is completed. Visitor facilities such as an improved roadway, visitor parking facilities and footpath(s) to direct visitors for study and interpretation would be considered as part of the planning process. It is not known where these facilities may be placed at this time, but it is possible that they could be located within the area of the Community Pit.

The Community Pit No. 1 is located on 50 acres in section 19, S1/2SE1/4 of T. 22 S., R. 1 E. Mining for mineral materials from the pit ceased in 2007, and no further mining will take place. Cumulative impacts from reclamation of the Community Pit would include a reduction in degradation of surface waters; return of approximately 50 acres of land to a productive post mine land use with establishment of a vegetative community; improvement of 50 acres for wildlife habitat; improvement to the overall visual landscape; and increased safety to the general public that might use the area. Reclamation of the pit will have no impacts on the Prehistoric Trackways National Monument beyond those discussed previously in this document.

Parts of two grazing leases, mentioned previously, fall within the action area. At present, there is no known reason why these leases would not continue at their present levels into the near future.

No open mining claims exist in the area. No future mining operations for locatable minerals are expected. No other type of mineral development is expected to occur in the area.

#### 5. List of Preparers

Edward Seum	Supervisory Multi-Resource Specialist
John Thacker	Natural Resource Specialist
Leticia Lister	Supervisor Range
Steven Torrez	Biologist
Jennifer Montoya	Planning & Environmental Coordinator

## **6. Individuals, Organizations, or Agencies Consulted**

The EA/Finding of No Significant Impact has been sent to a mailing list of approximately 300 individuals, State, Federal and local governments, Congressional representatives, Indian tribes, and other interested organizations.

## **7. Public Comment**

A 30-day public review period for the Community Pit 1 Reclamation EA ended on January 11, 2010. A total of 23 were received during this time (see Appendix A).

**FINDING OF NO  
SIGNIFICANT IMPACT**

**FINDING OF NO SIGNIFICANT IMPACT  
FOR RECLAMATION OF  
COMMUNITY PIT NO. 1**

**Finding of No Significant Impact:**

I have reviewed Environmental Assessment (EA) DOI-BLM-NM-030-2009-0042-EA, dated February 8, 2010. After consideration of the environmental effects as described in the EA, and incorporated herein, I have determined that reclamation of Community Pit No. 1 as proposed in either Alternative A or Alternative B will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required to be prepared.

I have determined that Alternatives A and B are in conformance with the Mimbres Resource Management Plan approved December of 1993; and are consistent with the plans and policies of neighboring local, county, state, tribal and Federal agencies and governments. This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

**Context:** The Mesilla Valley of New Mexico is experiencing population growth in Las Cruces and the surrounding environs which is anticipated to continue into the future. Because of the continued growth of this region, there will be an increased demand for available recreation areas; concerns over quality of life issues and environmental conditions of the surrounding landscape.

**Intensity:**

1) *Impacts that may be both beneficial and adverse.*

The EA has considered both beneficial and adverse impacts of the proposed reclamation. During reclamation there is a limited potential for temporary adverse impacts to wildlife, air quality, surface water quality, visual resources, noise and recreation. On the whole, reclamation will result in a reduction in degradation of surface waters; return of approximately 50 acres of land to a productive post mine land use with establishment of a vegetative community; improvement of 50 acres for potential wildlife habitat; improvement to the overall visual landscape; and increased safety to the general public that might use the area.

2) *The degree to which the Proposed Action affects public health or safety.*

The proposed reclamation would directly affect public health and safety. Reclamation would lead to increased safety for any publics which might access the area. There are no known significant or unusual risks to workers or public health and safety based on the proposed reclamation. No exceedance of any air or water quality standard is projected based on the analysis presented in the EA. There would be an overall increase in surface water quality if the reclamation takes place.

3) *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

The community pit is located adjacent to the newly designated Prehistoric Trackways National Monument. Designation of the monument is expected to lead to an increase in visitor use of the area. Reclamation of the community pit would lead to an increase to the safety of publics using the area and to

the overall scenic resources. The area is located near the Rio Grande, which is an important water way in the western United States. Reclamation would lead to an increase in the quality of surface waters flowing into the river.

*4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

The local community is supportive of reclamation of the Community Pit. There were no effects to the quality of the human environment, identified in the EA that are likely to be highly controversial. The EA documents that reclamation will result in a reduction in degradation of surface waters; return of approximately 50 acres of land to a productive post mine land use with establishment of a vegetative community; improvement of 50 acres for wildlife habitat; improvement to the overall visual landscape; and increased safety to the general public that might use the area.

*5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

There are no highly uncertain or unique or unknown risks from either Alternative A or B.

*6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

Neither Alternative A nor B establishes a precedent for future actions with significant effects. They also do not represent a decision in principle about a future consideration. The reclamation activities identified in the EA are only for the specific property and are not applicable to a wider area.

*7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

Reclamation of the Community Pit under Alternative A or B is not related to other actions with individually insignificant but cumulatively significant impacts.

*8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.*

Neither Alternative A nor B will cause the loss or destruction of any significant scientific, cultural or historic resources. Pockets of tracks and fossil plants were unearthed at the quarry during mining operations taking place in Paleozoic age red beds. Some loose fossils can still be found within the spoil piles left in the pit after mining ceased. Prior to starting any reclamation, the exposed fossil bearing strata around the quarry body would be mapped and recorded. A paleontological survey of the spoil piles would be conducted to identify and remove loose fossils which might be found in the spoils. It is felt that this will prevent any destruction of fossils which might be a significant scientific resource.

9) *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the ESA of 1973.*

There would be no adverse affect on any endangered or threatened species or its critical habitat under Alternative A or B.

10) *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

Neither Alternative A nor B will violate or threaten to violate any Federal, State, or local law or requirement imposed for protection of the environment.

  
\_\_\_\_\_  
Bill Childress, District Manager

2-8-2010  
Date

**APPENDIX A**  
**PUBLIC COMMENT LETTERS**



NEW MEXICO  
ENVIRONMENT DEPARTMENT



Office of the Secretary

BILL RICHARDSON  
Governor

Harold Runnels Building  
1190 Saint Francis Drive (87505)  
PO Box 26110, Santa Fe, NM 87502  
Phone (505) 827-2855 Fax (505) 827-2836  
www.nmenv.state.nm.us

RON CURRY  
Secretary  
Jon Goldstein  
Deputy Secretary

RECEIVED  
LAS CRUCES DISTRICT OFFICE  
2010 JAN -8 PM 1:32  
LAS CRUCES, NM 88006

January 5, 2010

Edward Seum, Project Lead  
BLM Las Cruces District Office  
1800 Marquess Street  
Las Cruces, NM 88005

**RE: Proposed Bureau of Land Management's Reclamation of Community Pit No. 1  
Northwest of the City of Las Cruces, Doña Ana County**

Dear Mr. Seum:

The New Mexico Environment Department (NMED) received a letter dated December 10, 2009, from Mr. Tim L. Sanders regarding the above referenced project and was sent to various bureaus for review and comment. Comments were provided by the Air Quality and Groundwater Quality Bureaus and are as follows.

**Air Quality Bureau**

The proposed Bureau of Land Management's Reclamation of Community Pit No. 1 northwest of the City of Las Cruces, is located in Doña Ana County. This area of Doña Ana County is currently in attainment for all of the New Mexico and National Ambient Air Quality Standards. However, the AQB has recorded exceedances of the standard for particulate matter (PM<sub>10</sub> & PM<sub>2.5</sub>) in the past.

A Natural Events Action Plan (NEAP) for Doña Ana County has been prepared and approved by the U.S. Environmental Protection Agency. As part of the NEAP, dust control ordinances (Ordinance #1789 and #194-2000) were adopted by the City of Las Cruces and Doña Ana County respectively. In accordance with these ordinances, appropriate dust control measures need to be outlined and approved by the city or county for any soil disturbing activities and should also be addressed in the environmental documentation.

This project will temporarily impact air quality as a result of fugitive dust and equipment exhaust emissions generated during restoration and will impact air quality in the area. However, with the appropriate dust control measures in place, the increased levels should be minimal. Areas disturbed by the restoration activities, within and adjacent to the project area should be reclaimed to avoid long-term problems with erosion and fugitive dust.

The project, as proposed, is not anticipated to result in nonattainment of the New Mexico or National Ambient Air Quality Standards or contribute negatively to air quality on a long-term basis.

**Groundwater Quality Bureau**

The Ground Water Quality Bureau (GWQB) staff reviewed the above-referenced document as requested, focusing specifically on the potential effect to ground water quality in the area of the proposed project. The Bureau of Land management is proposing reclamation of the BLM Community Pit No. 1 in Dona Ana County.

The Environmental Assessment indicates that flagstone was mined from sandstone, siltstone and shale units overlain by a 65 foot thick layer of limestone. Reclamation of the site will include blasting highwalls to mitigate associated public safety concerns, followed by regrading and reseeding to establish vegetation and control erosion. Although no information is given regarding the geochemical characteristics of the units proposed for reclamation, the geologic units listed typically do not contain contaminants that have the potential to impact ground water quality. In the event mineralized zones or contaminants associated with the former mining operation are encountered during reclamation, additional evaluation should be taken to insure that the material does not pose a threat to water quality. Any further questions regarding this should be directed to Kurt Volbrecht at (505) 827-0195.

I hope this information is helpful to you.

Sincerely,



Georgia Cleverley  
NMED File #3113

cc: Tim L. Sanders  
Assistant District Manager  
Division of Multi-Resources



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
New Mexico Ecological Services Field Office  
2105 Osuna NE  
Albuquerque, New Mexico 87113  
Phone: (505) 346-2525 Fax: (505) 346-2542

RECEIVED  
LAS CRUCES DISTRICT OFFICE  
2010 JAN 25 PM 1:25  
LAS CRUCES, NM 88005

January 21, 2010

Cons. #22420-2010-CPA-0004

Mr. Edward Seum, Project Lead  
BLM Las Cruces District Office  
1800 Marquess Street  
Las Cruces, New Mexico 88005

Dear Mr. Seum:

Thank you for the opportunity for comment on the Draft Environmental Assessment (EA) concerning the Bureau of Land Management's (BLM's) Reclamation of Community Pit No. 1. BLM Community Pit No. 1 is located northwest of the City of Las Cruces, in Dona County, New Mexico. The draft EA analyzes three alternatives:

- Alternative A: Reclaim Site to Approximate Original Contour
- Alternative B: Reclaim Site to Less Than Approximate Original Contour
- Alternative C: No Action Alternative

**Alternative A** – This alternative would reclaim the site to the approximate original contour by eliminating all highwalls using a combination of blasting the 65-foot layer of limestone cap rock and backfilling. Elimination of the highwalls would remove any danger they present to the public when using lands after reclamation has been completed. All pits would be backfilled and slopes would be reduced by backfilling and grading. Measures would be taken to control erosion and re-establish vegetation on the site.

**Alternative B** – This alternative would reclaim the site less than approximate original contour, this alternative would include those activities described in Alternative A with exclusion of the blasting. This may lead to some highwalls being left which could be hazardous during public use of the site.

**Alternative C** – This is the no action alternative. This alternative would keep the site as it currently exists. No reclamation, leaving behind highwalls and pits hazardous to the public land users. No measures would be taken to re-establish vegetation or to control erosion on the site.

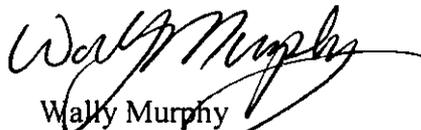
The following comments are based on the draft EA provided to us on December 14, 2009. The Service supports and encourages the implementation of conservation measures for migratory birds:

1. To prevent undue harm, habitat-altering projects or portions of projects should be scheduled outside bird breeding season. In upland desert habitats and ephemeral washes containing upland species, the season occurs between March 15 and July 30.
2. If a project that may alter any breeding habitat has to occur during the breeding season, then a qualified biologist must survey the area for nests prior to commencement of construction activities. This shall include burrowing and ground nesting species in addition to those nesting in vegetation. If any active nests (containing eggs or young) are found, an appropriately-sized buffer area must be avoided until the young birds fledge.

Please contact the Service if: 1) future surveys detect listed, proposed or candidate species in habitats where they have not been previously observed; 2) the Alternatives are changed or new information reveals effects of the proposal to listed species that have not been considered in this analysis; or 3) a new species is listed or critical habitat designated that may be affected by the action.

Thank you for your concern for endangered species and New Mexico's wildlife habitats. We appreciate the analyses provided in the draft EA and your efforts to protect endangered and threatened species. In future communications regarding this project please refer to Consultation #22420-2010-CPA-0004. If you have any questions, please contact Melissa Mata of my staff at the letterhead address or at (505) 761-4743.

Sincerely,

  
Wally Murphy  
Field Supervisor



RECEIVED  
LAS CRUCES DISTRICT OFFICE  
2010 JAN 14 PM 1:14  
LAS CRUCES, NM 88005

January 11, 2010

*Submitted via US mail*

Edward Seum, Project Lead  
BLM Las Cruces District Office  
1800 Marquess Street  
Las Cruces, NM 88005

**RE: Environmental Assessment for Reclamation of Community Pit No. 1 (DOI-BLM-NM-030-2009-0042-EA)**

Dear Mr. Seum:

Thank you for the opportunity to comment on the Environmental Assessment (EA) for reclamation of Community Pit No. 1 in Doña Ana County, New Mexico. The Wilderness Society represents more than a half million members and supporters nationwide who have a great interest in the protection and enhancement of the natural values on BLM lands within the Las Cruces District.

We support reclamation of the community pit, and we are excited that the recent designation of Prehistoric Trackways National Monument presents BLM with the opportunity to restore this area while promoting visitor use to the Monument and continued scientific research. The area encompassing the pit was designated as an ACEC in the Mimbres RMP for its "significant paleontological, cultural and scenic values and endangered plant species" (1993 Mimbres RMP, section 5-43). Despite this designation, nearly 30 years of mining in the pit and subsequent lack of reclamation have severely degraded the natural and scientific values of the area, impair recreational experiences, and potentially threaten public safety. Proper reclamation can restore these values and enhance the setting of the Monument.

However, we have several concerns with the draft EA, and recommend that BLM develop additional or sub-alternatives that defer blasting and evaluate reclamation in a manner that will achieve the purpose of reclaiming the pit while also providing an opportunity to improve management and experience of the Monument. A revised EA should be provided for comment that incorporates these critical components.

**I. BLM should analyze and minimize impacts to Prehistoric Trackways National Monument.**

The RMP for the Monument, which began scoping on January 5, 2010, will provide an opportunity to look at a landscape-level, long-term plan for area, but this EA needs to evaluate the impacts of different reclamation activities on the Monument. BLM should develop revised alternatives that evaluate the costs and benefits to the Monument from reclamation activities.

a. Cumulative impacts

BLM must address potential impacts to the Monument in the EA. The Monument is immediately adjacent to the community pit, and any actions taken in the area of the pit can adversely affect the Monument objects and resources.

The National Environmental Policy Act (NEPA), 42 U.S.C. § 4321 *et seq.*, dictates that the BLM take a “hard look” at the environmental consequences of a proposed action and the requisite environmental analysis “must be appropriate to the action in question.” Metcalfe v. Daley, 214 F.3d 1135, 1151 (9<sup>th</sup> Cir. 2000); Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 348 (1989). In order to take the “hard look” required by NEPA, BLM is required to assess impacts and effects that include: “ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, **whether direct, indirect, or cumulative.**” 40 C.F.R. § 1508.8. (emphasis added). The NEPA regulations define “cumulative impact” as:

the impact on the environment which results from the **incremental impact of the action when added to other past, present, and reasonably foreseeable future actions** regardless of what agency (Federal or non-Federal) or person undertakes such other actions. **Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.**

40 C.F.R. § 1508.7. (emphasis added). A failure to include a cumulative impact analysis of actions within a larger region will render NEPA analysis insufficient. *See, e.g., Kern v. U.S. Bureau of Land Management*, 284 F.3d 1062, 1078 (9<sup>th</sup> Cir. 2002) (analysis of root fungus on cedar timber sales was necessary for entire area). In the context of this EA, the decisions made in one area of this landscape are likely to affect other areas, including the Monument objects. Accordingly, to the extent that management decisions in the non-Monument lands can affect the Monument objects, BLM must analyze potential impacts and consider ways to avoid or limit them in order to perform a NEPA analysis of commensurate with the scope of the decisions included in the EA.

**Recommendation:** BLM should be considering the effects on both Monument objects and other non-Monument resources from the management decisions made in the non-Monument lands. The BLM should present a complete evaluation of the proposed action’s impacts on the paleontological, cultural and recreational resources of the non-Monument lands and on the Monument objects by specifically identifying and incorporate this analysis in an expanded EA as part of developing and selecting an alternative.

b. Monument objects in the reclamation area

The EA recognizes that the quarry area contains “a variety of Permian age fossil imprints that may be important to the interpretation of the fossil record within the Paleozoic [sic] Trackways National Monument” (EA at 2). However, the EA does not go on to address protecting these resources during reclamation activities, but instead states that “under either alternative, it *may* be possible to engineer access to an exposed section of the profiled strata, sufficient for some degree of interpretation and analysis and/or public visitation.” BLM must analyze impacts to these paleontological resources from the proposed action and alternatives, and minimize adverse impacts.

The legislation establishing the Monument states that management should be informed by “information developed in studies of any land within **or adjacent to** the Monument” (16 U.S.C. § 431, Pub.L. 111-11, Title II, § 2104) (emphasis added). The only proto-jellyfish that have been found in the area have been in the quarry; therefore, protection of these resources is necessary to scientific interpretation of the tracksites.

**Recommendation:** BLM should analyze impacts to paleontological resources in the pit area from proposed alternatives and evaluate an alternative to protect the fossils in the quarry area so that they can be researched as part of overall research activities taking place within and around the Monument.

c. Future opportunity for Monument expansion

The legislation establishing the Monument states: “If additional paleontological resources are discovered on public land adjacent to the Monument... the Secretary may make minor boundary adjustments to the Monument to include the resources in the Monument” (16 U.S.C. § 431, Pub.L. 111-11, Title II, § 2103). Proper reclamation of the pit could qualify the area for inclusion in the Monument, because of the numerous and significant paleontological resources found there.

The EA briefly discusses including recreation and interpretive recommendations into the reclamation strategy; these ideas should be expanded in an alternative that aims to restore the area in a way that makes it eligible for inclusion in the Monument’s boundaries.

**Recommendation:** BLM should include a new or revised alternative in the EA that considers opportunities to expand the Monument to include the quarry area once it is properly reclaimed.

**II. BLM must complete a more comprehensive analysis of the impacts of blasting.**

The EA is woefully inadequate in analysis of the potential impacts of blasting activities. The “environmental effects” section focuses more on impacts of finished reclamation than impacts of reclamation activities, and does not specifically discuss any impacts of blasting. We do not completely discount the possibility that blasting may be needed for properly reclaiming the pit. However, the fact that BLM considers blasting necessary may indicate that the limestone cap rock structure is not unstable to the point of threatening public safety. Furthermore, if BLM finds that blasting is necessary for adequate reclamation, then a project-specific blasting plan should be made available for public review and comment.

When BLM proposed blasting in the area in 2005 to increase production of building stone from the pit, the agency received comments outlining many potential impacts from blasting and over 300 local residents and affected citizens opposed the original plan for blasting at the quarry site. Although the blasting activities that BLM is currently proposing would presumably be much less intensive and for a shorter period of time, many of the concerns that were raised previously are still valid and warrant more in-depth analysis.

Specific resources that must be evaluated for impacts from blasting include: paleontological resources in the quarry; nearby structures; and the earthquake fault that runs along the base of the Robledo Mountains. The blasting activities which BLM may find necessary for reclamation purposes may not be intensive enough to impact most of these resources. However, BLM must analyze them as part of the EA or a future blasting-specific plan.

**Recommendation:** BLM should adopt an alternative that does not provide for blasting at the outset, either as a revision of Alternative B or as a new alternative or sub-alternative incorporating other elements suggested in these comments. This alternative could provide that the BLM could still determine blasting is needed for public safety, but, in such an event, the agency will produce a blasting plan for public review and comment before proceeding.

### **III. Impacts to water resources need to be fully and specifically discussed and addressed.**

#### **a. Potential impacts from blasting**

BLM must analyze impacts on water resources from blasting activities. The June 27, 2007 IBLA decision which set aside and remanded BLM's original blasting plan for the area did so specifically because of inadequate analysis of impacts to water: "Because BLM's EA failed to identify impacts to water quality and measures to mitigate them, the decision is properly set aside and the case remanded." *Friends of the Robledos, et al*, IBLA 2005-211 (2007), at 4. The decision also quoted the New Mexico Surface Water Quality Bureau (SWQB) 2005 report on the community pit, which found that "activities at this site result in the creation of various pollutant sources including...blasting activities...These are significant potential sources of storm water contaminants."

Again, although it can be presumed that blasting activities for this proposed plan would be much less intensive than those proposed in the 2005 EA, BLM still must analyze potential impacts from blasting on water quality, even if they may be temporary. The EA also fails to analyze impacts of blasting on the local aquifer, well components, and septic systems.

**Recommendation:** BLM must analyze and mitigate the impacts to water resources from blasting. This can be deferred if the agency adopts an alternative that does not rely on blasting, so that further analysis will be conducted if and when BLM determines that blasting is necessary and completes a project-specific blasting plan.

#### **b. Impacts from other reclamation activities**

The EA states that reclamation, once finished, will benefit water quality, but does not address potential impacts of reclamation activities on water quality. Whether or not BLM proceeds with blasting, other reclamation activities such as backfilling and grading could impact water quality, even if temporarily.

**Recommendation:** The EA must address impacts of proposed reclamation activities on water quality, in addition to impacts of the final result.

### **IV. BLM should carry forward and expand proposed mitigation measures.**

We support BLM's proposed mitigation measures and encourage BLM to follow through with them. Additionally, BLM must incorporate mitigation measures for protecting paleontological resources found in the quarry. If BLM decides to move forward with a blasting plan, mitigation measures specific to blasting activities should be developed and made available for public review and comment as part of the proposed blasting plan.

Thank you for considering these comments. Please contact us with any questions.

Sincerely,

**THE WILDERNESS SOCIETY**

Nada Culver, Director BLM Action Center

Juli Slivka, Outreach Coordinator

1660 Wynkoop, Suite 850

Denver, CO 80202

(303) 650-5818

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LAS CRUCES, NM 88005  
Edward Seum, Project Director  
Las Cruces Office of BLM  
1800 Marquess Street  
Las Cruces, NM 88005

Box 786  
Dona Ana, NM 88032  
January 6, 2010

Re: BLM EA (DOI-BLM-NM-030-2009-0042-EA for Community Pit No. 1.

Dear Mr. Seum,

I have been a resident of the area near Community Pit No. 1 (AKA "The Quarry") for over 30 years. Also, I have been a supporter of protecting the paleontological material in the Robledos and the Quarry area during that time. I do agree that reclamation is necessary. Please consider the following:

- The Quarry is filled with important and unique Paleozoic remains and prints today....most notably the "proto-jellyfish" which is unique of its kind in the world. All of this material has NOT been removed and there is much more than the casually mentioned "pockets." Please see attached Attachment A.
- Looking to the West at the Quarry, the northern 2/3 appears to need very little reclamation visually but only for scientific purposes and for safety. The southern 1/3 is the most damaged and possibly is the area most suitable for adjustment suggested below.
- The Quarry is literally right in the middle of the new Prehistoric Trackways National Monument (Please correct EA where it refers to *Pleozoic* National Monument.) The Quarry thus is important to the Monument as a) entrance b) possible future area for buildings and parking c) scientific exploration areas d) outdoor amphitheater e) pedestrian paths f) planted areas showing native plants and habitats g) and more.
- BLM's previous decision to blast away the Quarry mountain caused the IBLA decision (6-27-07) that there would be detrimental impact on water quality and storm water run off if blasting were to be allowed. None of this is mentioned in the current EA. At that time, BLM was unable to show that it had the necessary Storm Water permit, as well.
- There is an earthquake fault at the base of the Robledo Mountains. The EA does not mention this.
- There are a number of homes about ¼ to ½ mile from the quarry. There is no mention of safety precautions for these residents, their homes and their wells.

Because of the above factors and more, I suggest that Alternative "D" be created by BLM to include the following:

- Strong language to recognize the existence of and to protect the “proto-jelly fish” and similar important scientific examples in the Quarry. There needs to be created a “Mitigation Plan” for the protection of these scientific examples.
- Provide for scientific consultations with Jerry MacDonald and others to make sure the reclamation does not destroy as it seeks to reclaim.
- Strong statements to provide protection and safety measures for residents, their water systems and their homes in the area.
- Address the question of reclamation effects on the earthquake fault (which can be readily seen from the air.)
- Get away from trying to reshape to what it was before and think more along lines of something “compatible” with the surrounding area but which could be beneficial to the new Prehistoric Trackways National Monument. I highly recommend that as little as possible (for now) be done to the north 2/3rds and the concentration be on the south 1/3 of the quarry.
- Include water quality and storm water drainage issues fully and specifically.
- No blasting unless there is a detailed plan with safety measures and public input.

I appreciate the opportunity to share my beliefs with you. If you need more specifics on the previous non-blasting decision by IBLA I can access my files and share them with you. That concept was explored in considerable detail at the time. I agree with the need to reclaim the area. I do, however, believe there is more work needed to make the reclamation not only safe, but scientifically protected, National Monument compatible, and visually attractive.

Sincerely,



Joan R. Smith

*Oahspe Association (Inc.)*

*dba*

**Shalam Colony & Oahspe  
Museum**

P.O. Box 159

Dona Ana, NM 88032, USA

*An all-volunteer, secular museum, offering  
a permanent exhibit of uncommon history & literature*

Friday, January 8, 2010

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LAS CRUCES, NM 88005

BLM Las Cruces District Office  
1800 Marquess Street  
Las Cruces, New Mexico 88005

To Whom it May Concern at BLM:

SUBJ: Reclamation of Community Pit No.1

Although we certainly approve of plans to perform reclamation of this particular quarry, we understand that blasting is still proposed.

We ask that the reclamation proceed, but WITHOUT BLASTING.

Our organization, as part of the grassroots *Friends of the Robledos*, came out against blasting when it was first proposed during the quarry's operation.

We remain opposed to any blasting, and believe it is not necessary for reclamation, as it would still be harmful for the surrounding area which includes, in particular:

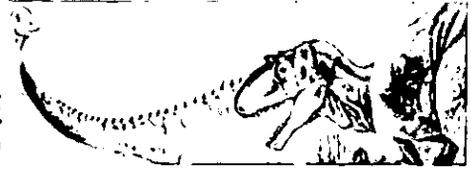
- 1) The last existing building from the original Shalam Colony village—a fragile, historical, two-storey brick building, built circa 1888;
- 2) Paleozoic trackways fossils and its Monument area;
- 3) Populated residential neighborhoods in the greater Shalam Colony area.

We ask and trust that the BLM not resort to blasting, but still continue reclamation of the quarry.

Respectfully,



LesLee Alexander  
Museum Founder & Director



## **Collections & Research Department**

Edward Seum, Project Lead  
BLM Las Cruces District Office  
1800 Marquess Street  
Las Cruces, NM 88005

Dear Mr. Seum:

I have reviewed the document "Reclamation of Community Pit 1 NMNM-110639" prepared by your team at the Las Cruces District Office.

I conclude that the document is an inadequate plan for the reclamation of the Community Pit and that it needs extensive revision. This is because:

- the document does not present viable alternative proposed actions
- no plan to mitigate the impacts of reclamation on the paleontological resources in the Community Pit is presented
- inadequate attention is also paid to mitigating the surface water and visual impacts during reclamation of the Pit.

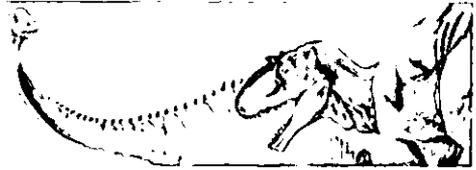
A more detailed explanation of my conclusions is as follows, organized under the framework of the three "alternative" proposed actions of the plan and a final commentary on some other shortcomings in the plan:

### **Alternative A**

The text for Alternative A ("reclaim site to approximate original contour") offers no explanation of how approximate original contour would be restored. Most significantly, it does not address the fact that millions of pounds of rock were removed from the Community Pit during its ~ 40 years of operation. How can approximate original contour be restored without hauling in a tremendous amount of rock? Where will that rock come from? Given that nothing is said about that, I can only conclude that those who wrote the plan believe approximate original contour can be achieved without bringing rock (other than immediately available spoil from the mining) into the pit from elsewhere. However, without such additional rock, I don't see how approximate original contour can be restored. Therefore, alternative A is not a viable alternative, and advancing it as the recommended alternative (page 17) cannot be supported.

If the original contour were re-established, how could an "exposed section of the profiled strata, sufficient for some degree of interpretation and analysis and/or public

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## ***Collections & Research Department***

page 2

inspection” (page 2) be achieved? The stratigraphic section exposed at the Community Pit is at least 250 ft thick, and a profile sufficient for study and inspection would, at minimum, have to be tens of feet wide. This would be a considerable “chasm” in the original contour, and it could not be part of a reclamation plan to restore approximate original contour. Indeed, a similar suggestion is given under alternative B, which is where the idea of an exposed profile in the reclaimed pit belongs.

The third paragraph under 3.1 should thus be under alternative B. Also, note that this third paragraph begins with “under either alternative,” which lacks an antecedent; is it referring to alternatives A and B?

### **Alternative B**

For reasons stated above and below, this seems to be the only viable alternative of the three presented. This alternative does provide specific information on how it may be achieved. However, it lacks an adequate plan to mitigate impacts on the paleontology in the pit.

Thus, note that the last paragraph on page 3 acknowledges that scientifically significant fossils are present in the quarry. Yet, nothing is said in the report of how to mitigate the impacts of reclamation on these fossils other than page 11, which states that fossil-collecting-permit holders will “probably try to increase their efforts to recover any noteworthy fossils once they know that the site will be reclaimed.” So, this is the mitigation plan for paleontology---expect existing permit holders to collect the important fossils?

Alternative B is the only viable alternative in the current plan. I believe that variants of alternative B--that specify different degrees of the pit being recontoured, and different areas of the pit being left open for study/public inspection---are the way in which to create viable alternatives in a revised plan.

### **Alternative C**

As stated in Section 2.2 (page 1), the “site is hazardous in nature due to the leftover highwalls, which are not stable, and the pits, which tend to retain water....” Therefore, how can Alternative C (“no action”) be a viable alternative? Can BLM really leave such a dangerous site next to an urban area un-reclaimed? I don’t think so, so this is not a viable alternative.



## ***Collections & Research Department***

page 3

### **Other shortcomings**

**Watershed:** Much of the waste rock from the Community Pit was pushed into the arroyo north of the pit, covering known fossil tracksites and partly filling the arroyo, having major impacts on its drainage and the nature of material being weathered along its lower reaches. Why isn't this arroyo discussed under affected environment? It is also not discussed in Section 4.1 under "water quality." There needs to be an evaluation of how the partial filling of that arroyo has affected the watershed in the area, so that proper mitigation of those impacts can become part of the reclamation plan.

**Visual impacts:** Page 11 accurately describes the Community Pit as a "visual blight." The Community Pit sits between an expanding suburban Las Cruces, a National Monument and proposed Federal wilderness. The aesthetic of its appearance thus is a major concern, particularly the scar it forms on the skyline view of the Robledo Mountains from the valley to the east. Clearly, restoring approximate original contour is the easiest way to minimize those impacts. But, given that restoring approximate original contour is not a viable alternative as proposed, there needs to be consideration of how alternatives like B presented here will mitigate the visual impacts of the Community Pit.

Page 7 states that "the trackway layer had been mined," but, in fact, there are multiple trackway layers in the Community Pit.

The document is inconsistent in its naming of the new national monument: it is either the "Paleozoic Trackways National Monument" (page 2) or the "Prehistoric Trackways National Monument" (page 7). The latter name is the correct name.

Section 7, "mitigation measures," makes no mention of paleontology.

If section 4.8 correctly relates the Mimbres RMP, then alternatives B and C are not viable.

In conclusion, I find the reclamation plan as written an inadequate document that does not present viable reclamation alternatives and that pays inadequate attention to mitigation of the impacts reclamation will have on the paleontological, surface water and visual resources.

## ***Collections & Research Department***

page 4

What needs to be done is:

- assess and evaluate the paleontological resources in the Community Pit and develop a plan to mitigate the impacts of reclamation on those resources
- assess the impacts the Community Pit has had on the local watershed, especially the arroyo north of the Pit, and determine what really needs to be done to mitigate those impacts
- evaluate the visual impacts of the pit and develop a viable plan that will mitigate those impacts to the extent possible
- present a plan with viable alternatives that incorporate the need for mitigation of those impacts just listed.

I believe completion of these tasks will produce an adequate reclamation plan with alternatives that can be evaluated and acted on. I thus urge BLM to revise the plan accordingly.

Sincerely,



Spencer G. Lucas, Ph.D.  
Curator of Paleontology

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2009 DEC 31 PM 1:06  
LAS CRUCES, NM 88005

December 29, 2009  
804 Canterbury Arc  
Las Cruces, NM 88005

Edward Seum, Project Lead  
BLM Las Cruces District Office  
1800 Marquess Street  
Las Cruces, New Mexico 88005

Dear Mr. Seum:

I am responding to your request for comments dated December 10, 2009 on the Environmental Assessment (DOI-BLM-NM-030-2009-0042-EA) for the reclamation of Community Pit No. 1.

Having reviewed dozens of environmental assessments during my thirty-year career with the National Park Service, I found this EA deficient in its lack of attention to the obvious relationship between the Paleozoic record in the quarry and the Paleozoic record in the immediately adjacent Congressionally-designated Prehistoric Trackways National Monument. The quarry is not only "adjacent" to the national monument, but is surrounded by it on three sides. Thus, the scientific value of the paleontological material remaining within the quarry is obviously related to the same material being preserved in the national monument and deserves more than passing mention in the EA. To that end, I recommend that your office develop a fourth alternative that envisions the reclamation of the quarry as an exercise in preserving and protecting as much of the quarry's paleontological record as possible.

Such an alternative would serve two purposes: it would evaluate the development of the quarry for visitor facilities such as parking and an interpretive center, and it would demonstrate a commitment on the part of BLM to preserve the only place in the Robledos where the proto-jellyfish has been found. A clear acknowledgment of the national, even international, significance of the resources BLM is required to protect would place a fourth alternative squarely in the reality of reclaiming the quarry in the context of the proximate national monument. A scholarly assessment of the quarry's scientific resources, which is absent from the current EA, would be a major part of the suggested alternative.

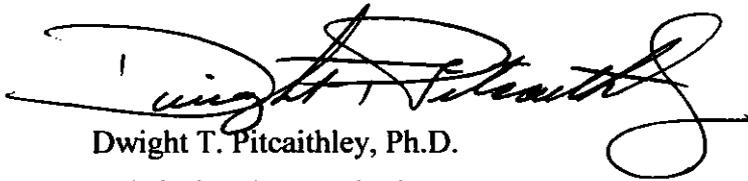
A fourth alternative would also allow for the expansion of the "Paleontology" sections in four (Affected Environment) and five (Environmental Effects). As written, both of these parts of the EA are remarkably and noticeably inadequate in presenting a realistic portrait of the paleontological relationship between the quarry and the national monument. They imply that no scientific relationship exists, that only small "pockets of tracks and fossil plants" were discovered at the quarry, and that the trackway layer had been completely mined prior to the closing of the quarry. In addition, they emphasize the public collection of these resources over the need to preserve as much of the remaining fossil record as possible. As mentioned above, neither of these sections mention, or even allude to, the significant discovery of the proto-jellyfish in the quarry.

Finally, I suggest that the introduction to the EA include a paragraph about the creation of the Prehistoric Trackways National Monument, its scientific significance, and its proximity to the Community Pit No. 1. In the process of recasting this EA, you should also correct the typographical errors on pages two and three where the EA incorrectly identifies the national monument as the Paleozoic Trackways National Monument.

In sum, I am not suggesting that the quarry not be reclaimed, only that it be reclaimed in a manner that respects the existence of the paleontological record it embraces. A revised EA that fairly reflects the relationship between the quarry and the national monument would provide the public a much better framework for evaluating the several alternatives.

Thank you for allowing me the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Dwight T. Pitcaithley". The signature is fluid and cursive, with a large initial "D" and a long, sweeping tail.

Dwight T. Pitcaithley, Ph.D.

Chief Historian (Retired)

National Park Service



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January 9, 2010

2010 JAN -8 AM 8: 52

LAS CRUCES, NM 88005

Edward Seum, Project Lead  
BLM Las Cruces District Office  
1800 Marquess Street  
Las Cruces, New Mexico 88005

Environmental Assessment DOI-BLM-NM-030-2009-0042-EA  
for Reclamation of Community Pit No. 1

In light of the added potential for protecting and sharing the fossil legacy for which the Prehistoric Trackways National Monument was established, the Paleozoic Trackways Foundation supports reclamation of the Community Pit.

The Prehistoric Trackways National Monument surrounds the pit on roughly three sides. As a possible future addition to the National Monument or even simply as a prominent feature bordering the National Monument, we feel reclamation is critically important. However, we do have some concern regarding the draft environmental assessment, and we strongly recommend that BLM avoid blasting and find some other way of accomplishing the desired results.

The Prehistoric Trackways National Monument adjoins the Community Pit, in fact the Community Pit is notched out of the National Monument and contains important sites such as those where the proto-jellyfish have been discovered. To date these unique fossils have not been discovered anywhere else.

As the legislation establishing the Monument refers to studying data outside the Monument to inform management and also refers to future acquisition of lands to add to the monument, we believe the Community Pit qualifies on both counts for special treatment. If blasting is determined to be absolutely necessary, we ask that careful attention be given to the impact on the paleontological resources located in the pit as well as to the impact outside the pit. Toward that end we request that the proposed BLM Plan of Action be reviewed prior to any blasting by both an accredited paleontologist and an accredited geologist, both of whom would have visited the site. This would be to ensure that valuable Paleozoic Trackways or fossilized remains are neither damaged nor compromised now and that they would not be damaged prior to future exploration, study, or uncovering.

The Paleozoic Trackways Foundation applauds the BLM decision to move forward with reclamation of Community Pit No. 1 and requests that the pit's unique location and value in relation to the Prehistoric Trackways National Monument be given special consideration as plans are made.

Respectfully,

Greg Smith  
President, Paleozoic Trackways Foundation

...Dedicated to the preservation of the Robledo Mountain Fossil Footprints



Greg Smith  
<gszeu@aol.com>  
01/08/2010 01:13 PM

To: Edward\_Seum@blm.gov  
cc: Tim\_Sanders@blm.gov  
bcc:  
Subject: Community Pit Comments

Mr. Seum,

Thank you for the opportunity to share thoughts regarding the EA for the Community Pit No. 1. I dropped off a copy of the attached this morning at your front desk. The document is from the Paleozoic Trackways Foundation of which I am currently the president.

If you have any questions, you may reply to this e-mail or call me at 202-5654.

Best wishes with this,  
Greg



PTF Response to BLM Community Pit EA - Word.doc

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2010 JAN -8 PM 1:38

LAS CRUCES, NM 88005

Ms. Ila Ann McCoy  
2808 Chante Court  
Las Cruces, NM 88011

January 7, 2010

Mr. Edward Seum, Project Lead  
Bureau of Land Management  
Las Cruces District Office  
1800 Marquess Street  
Las Cruces, New Mexico 88005

Dear Mr. Seum,

Thank you for the opportunity to express my comments and concerns about the Environmental Assessment concerning the Bureau of Land Management (BLM) Reclamation of Community Pit No. 1 (better known to the citizenry as 'the quarry'). Following are my concerns and suggestions.

Relative to the descriptions of proposed actions and alternatives, I have grave concerns regarding the exposed, and as yet unexposed, fossil bearing strata around and within the quarry body. Alternative A includes drilling and blasting. These types of operations would be extremely harmful to any fossil footprints, and perhaps even to the newly created Prehistoric Trackways National Monument itself which partially surrounds the quarry body. Alternative C allows for no protection whatsoever of the valuable prehistoric findings contained therein.

As you may know, preservation and further study of these most important fossil finds is imperative. The Paleozoic trackways discovered in and around the National Monument are world class examples of the Permian period plants and animals that existed prior to even the dinosaurs. The discoveries here in our Robledo mountains are unique in the world and have been acclaimed so by numerous scientists from around the world. The destruction of any more of these than have already been destroyed is to deny a part of our heritage which we will never have again. No mention is made in your document of the many latest findings of prehistoric life, including prehistoric jellyfish, discovered directly in the quarry area.

Of the three outlined alternatives, Alternative B seems logical, provided extreme care is taken to preserve this most precious resource of prehistoric archives. However, a fourth Alternative D could be established to better accommodate the National Monument and allow for possible rejoining with it. This could also allow for visitor parking and perhaps future open air presentations, as well as the all-important preservation effort.

Please reconsider your alternatives in keeping with directives given to the BLM by the United States Congress, through the Department of the Interior, to preserve and protect this most historic area.

Respectfully submitted,



Ila Ann McCoy

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2010 JAN 11 PM 2:38

LAS CRUCES, NM 88005

1010 Bison Trail  
Las Cruces, NM 88001

January 5, 2010

Mr. Edward Seum  
Project Lead  
BLM Las Cruces District Office  
1800 Marquess Street  
Las Cruces, NM 88005

Dear Mr. Seum,

I have had the opportunity to read the draft Environmental Assessment for Reclamation of Community Pit No. 1 in the Robledo Mountains.

As a party greatly interested in the paleontological fossil remains in this area I have some comments I'd like to express.

From the scientific perspective:

Last April I was in Albuquerque reporting on state museums for our radio program, Explore! New Mexico. One of the stories my co-host and I were developing was on the Museum of Natural History. We arrived on the day and luckily within minutes before a tour of the fossil preparation and storage area commenced. I have to say, taking that tour added a wealth of information to our story.

What was of significant importance to me was listening to Dr. Justin Spielman, collections manager and paleontologist specializing in Paleozoic life forms. He told us the story about the Paleozoic trackways from the Robledo Mountains. Animals large and small roamed a beach at low tide, leaving their footprints. In some areas, animals left their prints on dry soil and, as they moved across the beach, left other prints in mud. The appearance of animal prints in dry soil is different than in mud and scientists in North America and Europe have used prints to classify these ancient life forms. When the trackways were uncovered near Las Cruces, there was a "minor" revolution in the science of the Paleozoic. It became apparent the same animal made tracks in both dry and wet soil and, as a result, scientists were able to reduce the number of suspected individual species by more than a hundred. To say the least, the potential for scientific research and interpretation should be a high priority in reclamation of this pit. Dr. Jerry McDonald, who first identified the fossils more than 20 years ago, continues to uncover new and interesting specimens, including a jumble of fossilized trees that have helped scientists identify species never before considered in that time period and precursors to today's jellyfish. Who knows what other discoveries await the skilled hands and inquisitive minds of scientists?

From an education perspective:

In our ever increasing urbanized society, having places where our children can experience firsthand the paleontology, archeology, anthropology, geology, history and

culture of our area are essential. I know we have preserved some 5,000 acres in the Paleozoic Trackways National Monument, but we need to set aside other land essential for seeing and understanding the story the rocks tell. It just makes sense of have areas where children can learn other than from the electronic devices that seem to permeate education these days.

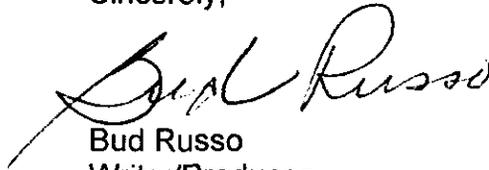
From an economic perspective:

Recently I attended the Wilderness Economics: Creating Jobs from Our Protected Lands seminar. The emphasis at this day-long event was on protecting the wild and scenic assets of Doña Ana County and how we can use these assets to promote not only tourism but also an improved quality of life, especially for companies looking to expand into New Mexico in support of Spaceport America. We listened to Jennifer Hobson, deputy cabinet secretary in the New Mexico Department of Tourism, speak about her ecotourism initiative and what she and her colleagues expect this new aspect of tourism to mean to the economy of our state. It doesn't take much imagination to see the contributions to the community's wealth and its tax base by preserving areas of interest to visitors and residents alike.

For these reasons, I would heartily endorse Alternative B in your Environmental Assessment. I would also recommend revising the language in Paragraph 3.2 from "containing a variety of Permian age fossil imprints" to read "containing a variety of unique Permian age fossilized animal tracks." I feel "tracks" is a stronger and more communicative word than imprints and I've inserted "unique" because, according to Dr. Speilman, the Paleozoic trackways are found nowhere else in the world. They are indeed unique to southern New Mexico.

Thank you for your time and consideration.

Sincerely,



Bud Russo  
Writer/Producer  
Explore! New Mexico

Member:

Foundation for Las Cruces Museums  
Paleozoic Trackways Foundation  
New Mexico Wilderness Alliance  
Las Cruces Press Women (Yeah, they allow men)  
National Federation of Press Women



Office: 1430 W. Amador Ave. • Las Cruces, New Mexico 88005  
Mailing Address: P.O. Box 646, Doña Ana, New Mexico 88032  
Office 524-7329, 647-4329 • Cell (575) 649-1510 • Fax (575) 523-5286  
larry@underwoodengineering.com

RECEIVED  
LAS CRUCES DISTRICT OFFICE  
2010 JAN 11 PM 5:18  
LAS CRUCES, NM 88005

Edward Seum  
Bureau of Land Management  
District Office  
1800 Marquess St.  
Las Cruces, NM 88005

January 10, 2010

Dear Mr. Seum,

This letter is in response to the proposed BLM reclamation project of the quarry area and the surrounding Congressionally designated area for the proposed Prehistoric Trackways National Monument.

We are thankful that BLM is undertaking to reclaim the area that has no doubt been altered considerably by years of mining. We are also grateful that finally our Senate has seen fit to put this area aside in a protective category and preserve the two-hundred-eighty-million year old fossils and petrified wood for the nation's people and scientists from all areas of the world.

The reclamation project as outlined we feel would be improved if more geological study would be done in the quarry area itself before any reclamation was initiated.

In spite of the years of mining, apparently some fossils (such as the proto-jellyfish) remain in the quarry area and should not be covered over with grass, or perhaps a parking lot, or any other plan, without several scholars in the field giving their opinions.

We thank you for opening the reclamation plan to public comment.

Yours very truly,

Judith Anna Underwood  
SolarFlower Farm

A handwritten signature in cursive script that reads 'Larry Underwood'.  
Larry O. Underwood  
Underwood Engineering

RECEIVED  
LAS CRUCES DISTRICT OFFICE  
2010 JAN -6 PM 1:13

January 4, 2010  
4901 Chagar  
Las Cruces, NM 88007

Edward Seum, Project Lead LAS CRUCES, NM 88005  
BLM Las Cruces District Office  
1800 Marquess Street  
Las Cruces, NM 88005

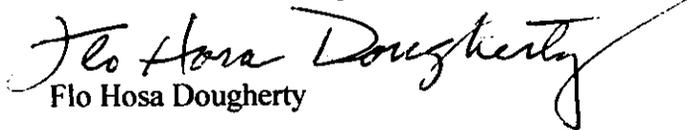
Dear Mr. Seum,

Re: Requested comments on the Environmental Assessment (DOI-BLM-NM-030-0042-EA) for the reclamation of Community Pit No. 1.

Granted, you have received many specific comments from experts in related scientific fields to this item. Like others, mine is based on preservation for several reasons. One, and primarily, the Paleozoic area located nearby deserves a hard look at the possibility of erasing the border between that and the quarry combining the two as part and parcel to The National Monument.

But personally, and so important to me, is that I am truly moved by certain locales beyond the view itself. I am a professional "plein air" painter who not only attempts to capture the picturesque but also the significance of the site. The canvas works better with a motive to compliment the image. In looking at my paintings people often remark, "There seems to be a story behind that work." And indeed it can be related. Their second reaction is, "How do I get there?"

The area in the Robledos that I speak of feeds the hunger, satisfies the taste and quells the appetite for the satisfaction of many different folks. My plea is to incorporate this area into a total development with the National Monument.

  
Flo Hosa Dougherty

Edward Seim, Project Lead  
BLM Las Cruces District Office  
1800 Marquess Street  
Las Cruces, New Mexico 88005

RECEIVED  
LAS CRUCES DISTRICT OFFICE  
2009 DEC 28 PM 2: 28  
LAS CRUCES, NM 88005

Reply to case 1792(L0310)

This is a response to your letter of December 10, 2009 with regard to RECLAMATION OF COMMUNITY PIT 1 NMNM-110639.

Upon reviewing the document it is my desire that the proposed action in Alternative B: Reclaim Site to Less Than Approximate Original Contour Alternative. The primary logic for this alternative is based on the fact that by simply removing the 65 foot dense limestone cap and transporting it into the large pit area to the east, the site will be similar to the original contour of the area where the said pit is now located. Upon removal of the limestone cap the visual effect will return to almost exactly the original contour of the original site due to the fact that the ridge line just west of the PIT AREA is very similar to the peak which has been mined and is being reclaimed. This process alone will return the skyline to a very close resemblance to the original prior to mining in the area.

Once the process of removing the limestone cap is completed there is still a High Wall problem due to the fact that the mining operation left a great deal of unstable rubble covering previous High Wall areas. The current rubble is at approximately 1.5 to 1.0 grade which is very dangerous and unstable. Moving that rubble into the PIT AREA to cover the limestone cap rubble will be necessary. I will comment later on a suggested process for efficiently moving the material with minimal environmental impact and minimal expense.

With regard to the "poor engineering" referred to in the first paragraph of section 3.2, I would think it prudent to strike that statement from future publications. It may well be true, however it does reflect poorly on the BLM and the contractors and citizens who have used the PIT in the past. Obviously the current condition of the PIT was allowed under someone's watch and surely that was BLM. Let's just fix it and not offend any contractors who might sue the government for character assassination. If a law suit is filed it always results in TAXATION WITH REPRESENTATION, INCLUDING COST OF LITIGATION, RESULTING IN POCKET BOOK IRRITATION for we few self-employed tax payers.

Erosion control and grading of the site should occur, however the cost of this process should be kept as low as possible while making the area as functional as possible both for the various creatures in the area and the use of the general public. The balance of this letter will simply be suggestions for efficient reclamation of the site.

· 1) Limestone Cap Area (LCA) - The area on top of the main peak is sloping to the south-east with a small secondary peak on the south-east end. Due to the unstable formations below the limestone, it might be prudent to do the blasting from the center NW to center SE in a strip about 100 feet wide the full length of the mountain top. With economy in mind, please consider the fact that gravity is a very efficient transporter of overburden rock which, in this situation could be safely and efficiently dozed or dumped off the east side of the mountain just north of the small peak on the south end of the mountain. The "chute" area from that point falls directly into the large original pit area on the east side of the mountain. I understand that OSHA regulations will need to be met in this process. The chute will need to be prepared by dozing off the terraces below to make a narrow slot for the material to follow as it rolls down the slope. In order for this process to work efficiently, it is prudent to blast the rock cap into large boulders, then load them into large strip mining trucks, which when dumped allow the material to free fall quickly, gaining momentum to roll to the bottom of the slope. Dozing of the rock away from the bottom of the chute would be necessary but should be cheaper and less polluting than driving large trucks up and down the long route from the summit to the bottom of the pit. Some dust would be disturbed by the sliding rock, but it will be far less than the dust created by the haul road. The material in the trucks can be sprayed with water prior to dumping down the chute if necessary.

The hard limestone material should be low in dust production compared to the yellow and red powdery soil residue that covers all of the haul road areas and the pit area below. Additionally, the amount of compaction will be reduced with less travel by rubber-tired vehicles. Once the center area of the summit is cleared, additional blasting can focus the material into the cleared stable center area allowing safe transport of the material near the outer high walls. Another benefit of this process will be reduction in noise and visual pollution during the process because the bulk of the activity will occur in the bowl created in the summit by the earlier removal of the center section.

2) Sandstone -Siltstone-Shale (SSS) - Once RCM is completed access to various layers of SSS will be available. Due to the high commercial value of much of the material it would be prudent to make it available for building purposes. With adequate planning it should be possible to join government with the business community to reduce cost, create jobs and reduce pollution. Removal of the useful rock by giving it to various contractors and truckers who are willing to transport the material off site (of course with a Hold Harmless Clause to protect the government from liability) for future use will help some businesses continue to operate, reduce future quarrying, provide needed building material, and reduce pollution by using the already disturbed material. In SECTION 4.3 Vegetation (ENVIRONMENTAL ASSESSMENT NM-030-2009-0042) the final paragraph states "There are no invasive or noxious weeds known to occur on the proposed project site". Therefore it is highly unlikely that a few

more-months of trucking activity will introduce problem vegetation. A great deal of savings can occur with dropping the requirement to power wash all vehicles until the final stages of surface material leveling and stabilization. As the various layers are removed terracing from west to east should be left unreclaimed from a vegetation standpoint providing exposure of all of the various layers below the LCR level for scientific study and public viewing. This exposure would be facing west and therefore not visible when viewing the mountain range from the Mesilla Valley. The east face could be then restored with a large area set aside for National Monument Visitor Center buildings and parking areas. If designed properly this concept could enhance the site while reducing the necessity of exposing areas of the National Monument to disturbance. Trails thru the Monument area could be designed to allow visitors to see the actual significant sites while indexing to the terraced exposure at the Visitor Center area.

3) Water Quality / Air Quality (WQAQ) - In SECTION 4.11 Water Quality (ENVIRONMENTAL ASSESSMENT NM-030-2009-0042) the three drainage areas are detailed. The small drainage in the middle of the pit should remain blocked with a controlled outlet valve installed to allow all sediment from the pit to be captured and only clean water to be passed on into the arroyo and river below. The drainage from the west to south around the site should be kept open with the exception of the small channel due west of the summit (LCA). That channel should also have a catch basin with controlled release valve into the arroyo below. This is the area that is just west and lower in elevation from the west facing terraces to be left exposed for future study. Careful removal of debris from the south and southwest exposures of the (LCA) would allow the main arroyo to function naturally. This arroyo is also used as a roadway to access the mountain range west of the pit. Due to the hard rock bottom of this arroyo, it has survived quite well during the years of vehicular traffic. The largest arroyo which comes from the northwest and circles to the east of the pit has been seriously degraded by the mining operation, primarily by overburden being dozed over the original west bank into the channel area. The original soil and contour of this arroyo is still for the most part existing below the overburden material as the access road historically followed the ridge which formed the southwest bank of the drainage to the northeast of the pit. This overburden can be put to excellent and efficient use by transporting it down the arroyo bottom. The material will make a great base course for an improved access road from the intersection of Rocky Acres Trail and River Heights Trail to the pit area. My suggestion is that this be engineered and built before the balance of the project starts. With the improved access road to the construction site a great deal of cost and environmental impact can be prevented. Designing the road to have minimal impact on natural water flow from the arroyos is critical to successful rehabilitation of the area. For minimum visual and environmental impact on the area the road should follow the drainage which runs south of the pit, climbing the south face of the arroyo arriving at the area of the concrete water tanks. Then, in

the future, a bridge across the arroyo to the Visitor Center would be the only portion of the road visible from the Mesilla Valley. During the reclamation process all transportation should follow the road that entered the pit during operating years. Once reclamation is completed, the portion of road heading north around the pit should be closed and reclaimed. This particular channel drains a substantial amount of real estate to the north and northwest of the pit area and will not be able to tamed with a controlled release valve system short of the installation of a major flood control dam. With careful removal of the waste material in the channel the arroyo should function quite well without further modification. As much overburden material as possible should be removed from the arroyo banks and returned to the pit area while hopefully not disturbing the integrity of the original arroyo banks and channels.

In conclusion, I wish to thank all involved this endeavor and consider it a privilege to be able to comment and participate in the process.

Sincerely,

*Dec 28, 2009*

Garland L. Turner  
4102 Rocky Acres Trail  
Las Cruces, New Mexico 88007  
575-526-6185 / 575-649-4206 (cell)



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Las Cruces District Office  
1800 Marquess Street  
Las Cruces, New Mexico 88005  
www.blm.gov/nm



In Reply Refer To:

1792 (L0310)

DEC 10 2009

Dear Interested Party,

Enclosed for your review is the Environmental Assessment (EA) concerning the Bureau of Land Management's (BLM's) Reclamation of Community Pit No. 1. BLM Community Pit No. 1 is located northwest of the City of Las Cruces, in Dona Ana County, New Mexico. The EA addresses reclamation operations for the BLM building stone quarry.

The BLM Las Cruces District Office is accepting comments on the EA through January 11, 2010. Written comments should be addressed to:

Edward Seum, Project Lead  
BLM Las Cruces District Office  
1800 Marquess Street  
Las Cruces, New Mexico 88005

After consideration of the public's written comments, the BLM will determine if there is a need to revise the EA. These comments and changes to the document will be summarized in the Decision Record.

Thank you for your continued interest and participation in the planning process. If you have any questions, please contact Edward Seum at (505) 525-4313.

Sincerely,

Tim L. Sanders  
Assistant District Manager  
Division of Multi-Resources

We think Alternative B would be the best plan.

Dolly & Fred Burkhardt

RECEIVED  
LAS CRUCES DISTRICT OFFICE

December 29, 2009

2009 DEC 31 PM 1:06

804 Canterbury Arc

LAS CRUCES, NM 88005

Las Cruces, NM 88005

Edward Seum, Project Lead  
BLM Las Cruces District Office  
1800 Marquess Street  
Las Cruces, New Mexico 88005

Dear Mr. Seum:

I am responding to your request for comments dated December 10, 2009 on the Environmental Assessment for the reclamation of Community Pit No. 1.

In my opinion, neither of your alternatives gives proper attention to the Paleozoic resources found in the pit. Since it is surrounded by the Prehistoric Trackways National Monument, I think the Environmental Assessment should have assessed the effect of the reclamation on the remaining fossils and trackways found within the pit. It seems that the EA is especially negligent in not even mentioning that the Community Pit No. 1 is the only place in the Robledos where the proto-jellyfish has been found.

Alternative B is certainly preferable to Alternative A, but neither includes an assessment of the scientific importance of the remaining "diagnostic strata containing a variety of Permian age fossil imprints." Given the proximity of the national monument, it seems to me that before BLM does anything to reclaim the community pit, it should produce an EA that includes a scientific evaluation of those fossil imprints.

I hope you will amend this EA with a proper assessment of the paleontological imprints before making any decision regarding the reclamation of the pit. I look forward to reviewing a revised EA.

Sincerely,



Sabetta Pitcaithley

RECEIVED  
LAS CRUCES DISTRICT OFFICE  
2009 DEC 31 PM 1:06  
LAS CRUCES, NM 88005

December 30, 2009  
804 Canterbury Arc  
Las Cruces, NM 88005

Edward Seum, Project Lead  
BLM Las Cruces District Office  
1800 Marquess Street  
Las Cruces, New Mexico 88005

Dear Mr. Seum:

I am responding to your request for comments dated December 10, 2009 on the Environmental Assessment (DOI-BLM-NM-030-2009-0042-EA) for the reclamation of Community Pit No. 1.

While I appreciate the need to provide for public safety at the quarry pit, I believe this Environmental Assessment has minimized the importance of the fossil imprints within the quarry to the point of being completely irrelevant. Since the United States Congress has determined that the fossil imprint immediately adjacent to the quarry is of national, and possibly international, significance, the EA's cursory treatment of the Paleozoic remains within the quarry is quite surprising. Given the proximity of the quarry to the national monument, it seems appropriate for the BLM to assess the scientific significance of the "Permian age fossil imprints" before it begins "drilling and blasting" which may destroy valuable evidence from that period. Until the BLM produces an EA that adequately addresses the significance of the quarry's fossil imprints, it has not lived up to its obligations under the Federal Land Policy and Management Act of 1976.

I look forward to reviewing a revised Environmental Assessment for the Community Pit No. 1.

Sincerely,



Catherine C. Pitcaithley

**3286 View Drive  
Las Cruces, NM 88011  
January 4, 2010**

RECEIVED  
LAS CRUCES DISTRICT OFFICE  
2010 JAN -7 PM 4: 33  
LAS CRUCES, NM 88005

**To:  
Mr. Edward Seum, Director  
Community Pit No. 1 Reclamation Project  
Bureau of Land Management  
1800 Marquess St.  
Las Cruces, NM 88005**

**Dear Mr. Seum,**

**I am a concerned citizen and long time resident of Las Cruces. I have been a supporter of protecting the special ancient tracks in the Robledo Mountains for many years.**

**Please keep me on your list to be informed about this project.**

**Briefly: I support all efforts to protect and research the important scientific finds in the Community Pit. I do not support blasting. I believe another way needs to be found to reclaim the Community Pit.**

**Yours truly,  
*Jackie Clark***

**Jackie Clark**

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LAS CRUCES DISTRICT OFFICE

2010 JAN -7 PM 4: 33

LAS CRUCES, NM 88005

Jeffrey Smith  
Box 788  
Dona Ana, NM88032  
January 7, 2010

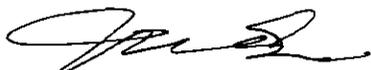
Mr. Edward Seum, Community Pit No. 1 Reclamation Director  
Bureau of Land Management, Las Cruces Office  
1800 Marquess Street  
Las Cruces, NM 88005j

Dear Mr. Seum,

I am a property owner near the "Community Pit No. 1" which BLM plans to reclaim as per the recent Environmental Assessment mailed to me.

I have several concerns which do not seem to be addressed in the EA. I believe there needs to be stronger wording to protect the scientific "finds" which are still abundant in the Community Pit area. I would like to see the reclamation be more compatible with the National Monument as it develops. What about water issues...wells, storm water etc. and how that affects residents in the area?

All in all, it seems like another option needs to be developed.



Jeffrey Smith

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LAS CRUCES DISTRICT OFFICE

2010 JAN -8 PM 1:38

LAS CRUCES, NM 88005

January 7, 2010  
2808 Chante Ct.  
Las Cruces, NM 88011

Edward Seum, Project Lead  
BLM Las Cruces District Office  
1800 Marquess Street  
Las Cruces, New Mexico 88005

Dear Mr. Seum:

I would like to make a comment on the Environmental Assessment for the reclamation of Community Pit No. 1 .

If blasting is the only option then it should be kept to an absolute minimum with consideration given to public safety and to protecting any remaining tracks and fossil still remaining in the area.

Careful reclamation could provide parking space and the possible location for a future visitor center. Since it is surrounded on three sides by the Prehistoric Trackways National Monument, might it at some point be joined with the monument?

Thank you for hearing my comment.

Sincerely,



Donald R. McCoy

January 10, 2010

Mr. Edward Seum  
Project Lead  
BLM Las Cruces District Office  
1800 Marquess Street  
Las Cruces, New Mexico 88005

Dear Mr. Seum,

This letter concerns the Environmental Assessment for Reclamation of the Community Pit # 1 and the BLM request for comments.

I fully support the inclusion of Community Pit#1 within the borders of the new Prehistoric Trackways National Monument. Previously discovered trackways and fossilized remains of prehistoric creatures within the pit area show that it is an extremely valuable source for further discoveries and should be set aside and preserved for future research and scientific study.

Sincerely yours,

A handwritten signature in black ink that reads "Neil Mathis". The signature is written in a cursive style and is followed by a long horizontal line that extends to the right.

Robert Neil Mathis

4855 River Heights Dr.  
Las Cruces, NM 88007  
Phone 575-525-3294

RECEIVED  
LAS CRUCES DISTRICT OFFICE  
2010 JAN 11 PM 2:49  
LAS CRUCES, NM 88005

January 8, 2010  
5950 Shalem Colony Trail  
Las Cruces, NM 88007

BLM Las Cruces District Office  
1800 Marquess Street  
Las Cruces, New Mexico 88005

Dear BLM:

I am sending a comment on the Environmental Assessment for the reclamation of the quarry west of Shalem Colony, Community Pit No. 1.

My concern is that of blasting, which I was very active in preventing in the past, and feel that the same reasoning stands today, and the fact that the reclamation could impact on the fossil fields that are there and in the surrounding area.

I would propose simply rounding off and smoothing dangerous edges, planting appropriate vegetation and turning the flat space into a parking and public area for the Trackways Monument.

Thank you for your consideration of these ideas.

Sincerely,



Tom Deuley,  
A close neighbor to the Pit.

Ms. LesLee Alexander  
5950 Shalem Colony Trail  
Las Cruces, NM 88007

RECEIVED  
LAS CRUCES DISTRICT OFFICE  
2010 JAN 11 PM 2:34  
LAS CRUCES, NM 88005

Thursday, Jan. 7, 2010

BLM Las Cruces District Office  
1800 Marquess Street  
Las Cruces, New Mexico 88005

Dear BLM Officials:

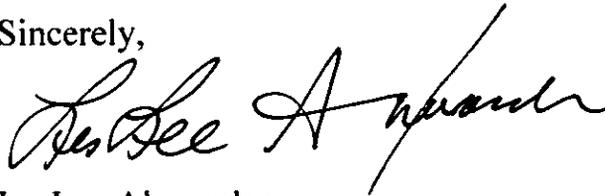
RE: Public Comment on reclamation of the quarry, Community Pit No.1

From my recent reading, I understand that, even for reclamation of the quarry, blasting is still being proposed.

I would strongly urge that the BLM NOT do any blasting, even in this case, as it may still harmfully impact on both the neighborhood, the Paleozoic Trackway Fossils Monument, and the fossils themselves.

Please reconsider on this matter.

Sincerely,



LesLee Alexander  
Nearby resident

Marlene Mayfield  
800 Raleigh Road  
Las Cruces, New Mexico 88005

January 8, 2010

Edward Seum, Project Lead  
BLM Las Cruces District Office  
1800 Marquess Street  
Las Cruces, New Mexico 88005

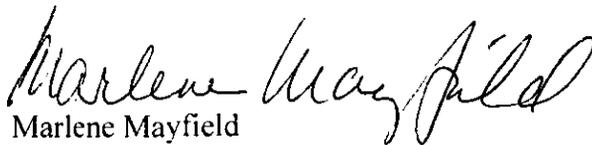
Dear Mr. Seum,

As a Board Member of the Paleozoic Trackways Foundation (PTF), focused on protecting and preserving the Prehistoric Trackways National Monument, I would like to offer the following comments on the December 10, 2009, Environmental Assessment (DOI-BLM-NM-030-2009-0042-EA) for the Reclamation of Community Pit No. 1.

I agree that reclamation of the pit is necessary for public safety, to correct erosion damage and to improve the form and lines of this eyesore.

However, I strongly believe that a complete scientific and scholarly evaluation and assessment of the quarry's paleontological resources be completed prior to taking actions on Alternatives A or B.

Sincerely,

  
Marlene Mayfield

PIETER BERSCH  
13184 144 185  
RADIUM SPRINGS NM  
88007

ATTN BRUNED SEUM

RE: COMMUNIT PIT#1 RECLAMATION

PLEASE -

EA

1. NO BLASTING-
2. PROTECT TRACKS ETC.
3. NEW ALTERNATIVE
4. PUT my NAME & ADDRESS ON  
your CONTACT LIST.

RECEIVED  
LAS CRUCES DISTRICT OFFICE

2010 JAN 11 PM 3:04

LAS CRUCES, NM 88005

Peter Bersch