

Decision for DOI-BLM-NM-P010-2010-113:

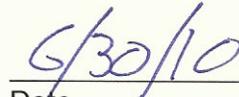
The Proposed Action is in conformance with the Roswell Resource Management Plan, as amended, and Overflow Wetlands Habitat Management Plan NM-06-WHA-T3, Date Approved: September, 29 1992. This plan has been reviewed to determine if the proposed action conforms to the land-use planning terms and conditions required by 43 CFR 1610.5. This action does not conflict with existing Chaves County land-use planning or zoning.

If you wish to protest this decision, you are allowed 15 days from receipt of this notice to do so in person or in writing. The protest shall be filed with the Field Manager, Bureau of Land Management, 2909 West 2nd, Roswell, NM 88201. This protest should specify, clearly and concisely, why you think the proposed action is in error.

In the absence of a protest within the time allowed, the above decision shall constitute my final decision. Should this notice become the final decision, you are allowed an additional 30 days within which to file an appeal for the purpose of a hearing before the Interior Board of Land Appeals, and to petition for stay of the decision pending final determination on the appeal (43 CFR 4.21 and 4.410). The decision will be put into effect following the 30-day appeal period if a notice to appeal is not filed. The appeal and petition for stay should be filed with the Field Manager at the above address. The appeal should specify, clearly and concisely, why you think the decision is in error. The petition for stay should specify how you will be harmed if the stay is not granted.



JH Parman
Acting Assistant Field Manager Resources



Date

**U.S. Department of the Interior
Bureau of Land Management
Pecos District
Roswell Field Office**

**Documentation of Land Use Plan Compliance
and NEPA Adequacy (DNA)
DOI-BLM- NM- P010- 2010- 113 – DNA**

A. Roswell Field Office

Lease/Serial/Case File No.: None

Proposed Action Title/Type:

- Construction and installation of Overflow Wetlands South Fish Barrier Structure

Location of Proposed Action:

- NENE Sec. 20 T.12S., R.26E., Chaves County, New Mexico
- 104°21'25.895"W 33°16'10.564"N

Description of Proposed Action:

The BLM is proposing to remove an existing Replacement of existing wire gabion and rip rap fish barrier structure with a new wire gabion and rip rap fish barrier structure in an ephemeral outflow channel of the BLM Overflow Wetlands. The BLM will construct and install a new fish barrier structure. The purpose and need of this project is for the protection of the Pecos pupfish, *Cyprinodon pecosensis*. Since the release of the sheepshead minnow, *Cyprinodon variegatus*, into the Pecos river, the Pecos pupfish has been under threat. Being congeners, the two species are capable of interspecific reproduction and thus form hybrid offspring. These offspring, referred to as the hybrid swarm, have moved up the Pecos river from Texas into New Mexico. Currently, the swarm is below Carlsbad, but through another bait bucket release or through other means, the hybrid swarm could eventually reach the BLM Overflow Wetlands. The only means of keeping the hybrids or pure Sheepshead minnow from entering the Wetlands is to build a fish weir, or barrier at the outflow point. This project will help in the survival of one of the few remaining pure populations of Pecos pupfish known.

The water flow in the ephemeral stream channel will be diverted approximately 100 feet upstream from the project area prior to the start of the project. The ephemeral outflow stream channel will be dammed off and if water is present in the channel then the water will be diverted through a new excavated water diversion trench (see Attachment 1). The soil material from the excavated diversion trench will be stockpiled to the west side of the diversion trench and the soil material will have a silt fence constructed around it to prevent runoff from the soil dge material from reentering the channel. The construction will begin when the stream channel is dewatered. The dam will be constructed out of heavy gauge plastic overlying wooden 2 by 6's with steel T posts or posts driven into the ground to secure the dam. The design and demensions of the dam are described in Attachment 1. See Attachment 1 for fish barrier dimensions.

Approximately 32 loose cubic yards of 4 inch rip rap will be placed in to gabion structures which will be in the substratum below the high water mark. Approximately 6 loose cubic yards of 4 inch rip rap will be placed into gabion structures which will be located on the channel banks located above the high water mark of the channel. Approximately 3 loose cubic yards of 4 inch rip rap will be placed in the channel which is below the high water mark. The center part of the excavation area will measure 3 feet wide X 6 feet deep X 12 feet long. The upstream wing excavation area will measure 21 feet long by 24 feet wide by 1 foot deep. The downstream wing excavation area will measure 18 feet long X 21 feet wide X 1 foot deep. The gabion will be made of PVC coated galvanized wire. The fish barrier excavation site will be excavated by a backhoe. The excavation area will follow the attached design (See Attachment 1). The dredged or excavated material taken out of the dry stream channel will be placed on the uplands adjacent to the project in the designated storage area. The dredged material will be stockpiled adjacent to the work site upland above the high water mark and will have a silt fence installed around the soil stockpile to prevent runoff from the dredge material from reentering the channel. The only fill material which will be placed into the stream channel will be the wire gabion structure and the 4 inch rip rap. Upon completion of the project the temporary dam will be removed and the temporary diversion channel will be filled back in with soil. The area of disturbance will be reseeded with native grasses and shrubs.

The distance from the fish barrier location to the channel confluence with the Pecos River is approximately 984 feet. The distance from the fish barrier location to the BLM Overflow Wetlands upstream is approximately 7,000 feet. Approximately 800 feet of new access road will be constructed to the east which is located above the high water mark of the ephemeral channel.

Applicant (if any):

B. Land Use Plan (LUP) Conformance

LUP Name: Roswell Resource Management Plan Date Approved: October 1997

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

-Roswell Resource Management Plan, Date Approved: October 1997

-Overflow Wetlands Habitat Management Plan NM-06-WHA-T3, Date Approved: September, 29 1992

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

Other document:

Federal Land Use Policy and Management Act of 1976 (43 U.S.C. 1700 et seq.); The Clean Water Act (33 U.S.C. 1251 et seq), as amended; Endangered Species Act (16

U.S.C. 1535 et seq), as amended; Executive Order 119888, Floodplain Management; Executive Order 11990, Protection of Wetlands; United States Department of the Interior:

- Overflow Wetlands Habitat Management Plan Environmental Assessment No. NM-066-020-078; - Overflow Wetlands Area of Environmental Concern Implementation Environmental Assessment EA-NM-060-2003-168

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes. The current Proposed Action was analyzed in the above mentioned Environmental Assessment (EA). The proposed action is the same action analyzed in the existing NEPA document.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Yes. The existing NEPA documents analyzed the proposed action as well as a reasonable range of alternatives. The EA was reviewed by identified public interests and no conflicts or concerns were identified. The same applies to the current proposed action given current concerns, interests, and resource values.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes. The proposed action is the same as the proposed action as analyzed in the EA. There is no new information or circumstances in regard to this proposed action which would warrant further analysis.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

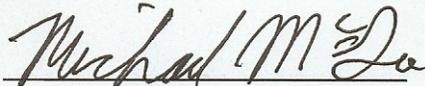
Yes. The direct, indirect and cumulative effects would be the same as stated in the existing NEPA document. The effects would not be changed considering the proposed action is the same as the proposed action as analyzed in the EA, along with no change in management.

E. Persons/Agencies /BLM Staff Consulted:

Tim Frey	BLM Fisheries Biologist
Glen Pugh	Civil Engineer
Rebecca Hill	Archaeologist
Jared Reese	Surface Protection Specialist
Helen Miller	Rangeland Management Specialist
Bill Murry	Outdoor Recreation Planner
Jerry Dutchover	Geologist
John Simitz	Geologist
Tate Salas	Realty Specialist

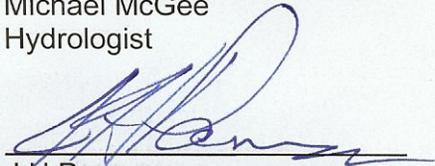
Conclusion:

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA. Including the attached location map.



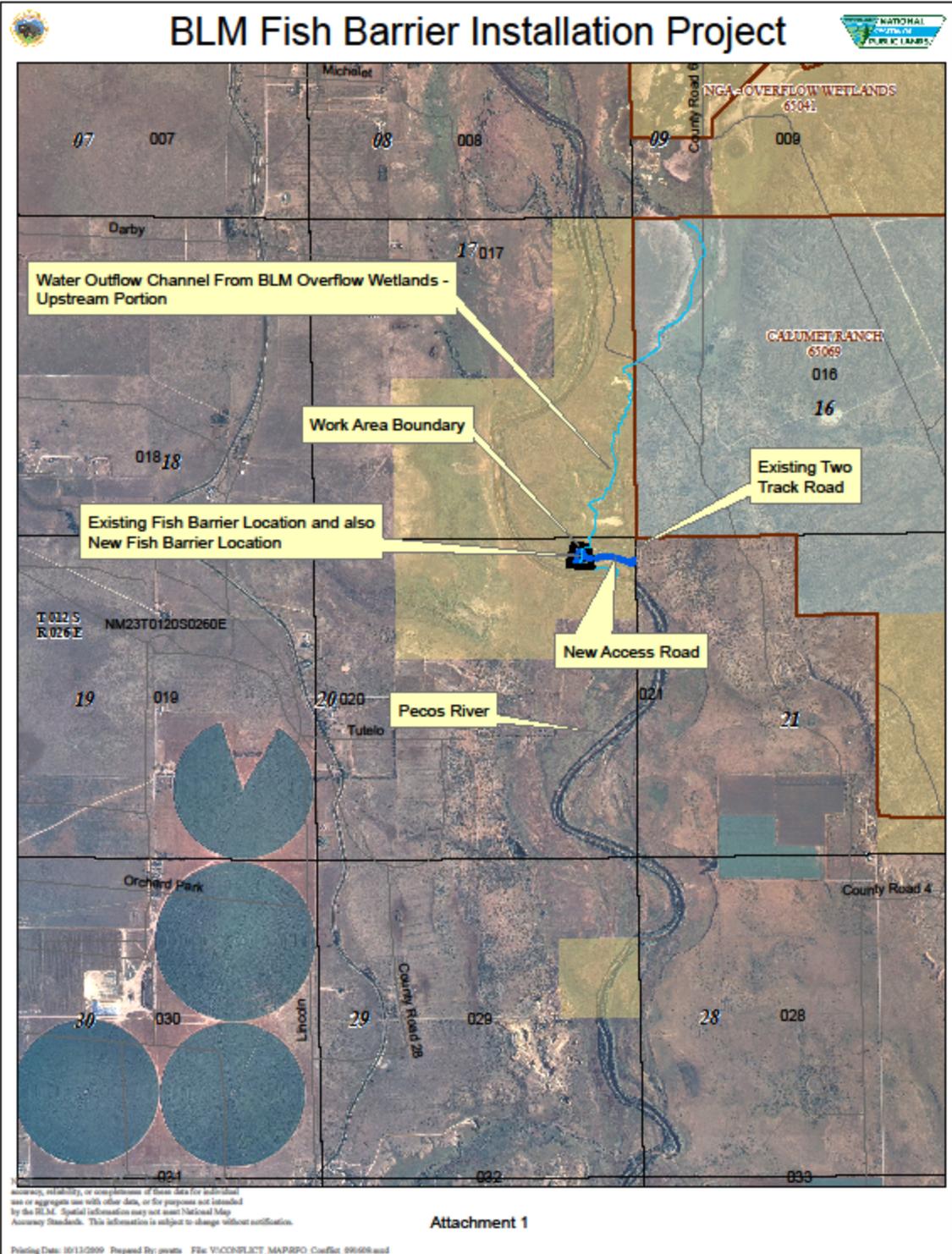
Michael McGee
Hydrologist

6-18-10
Date

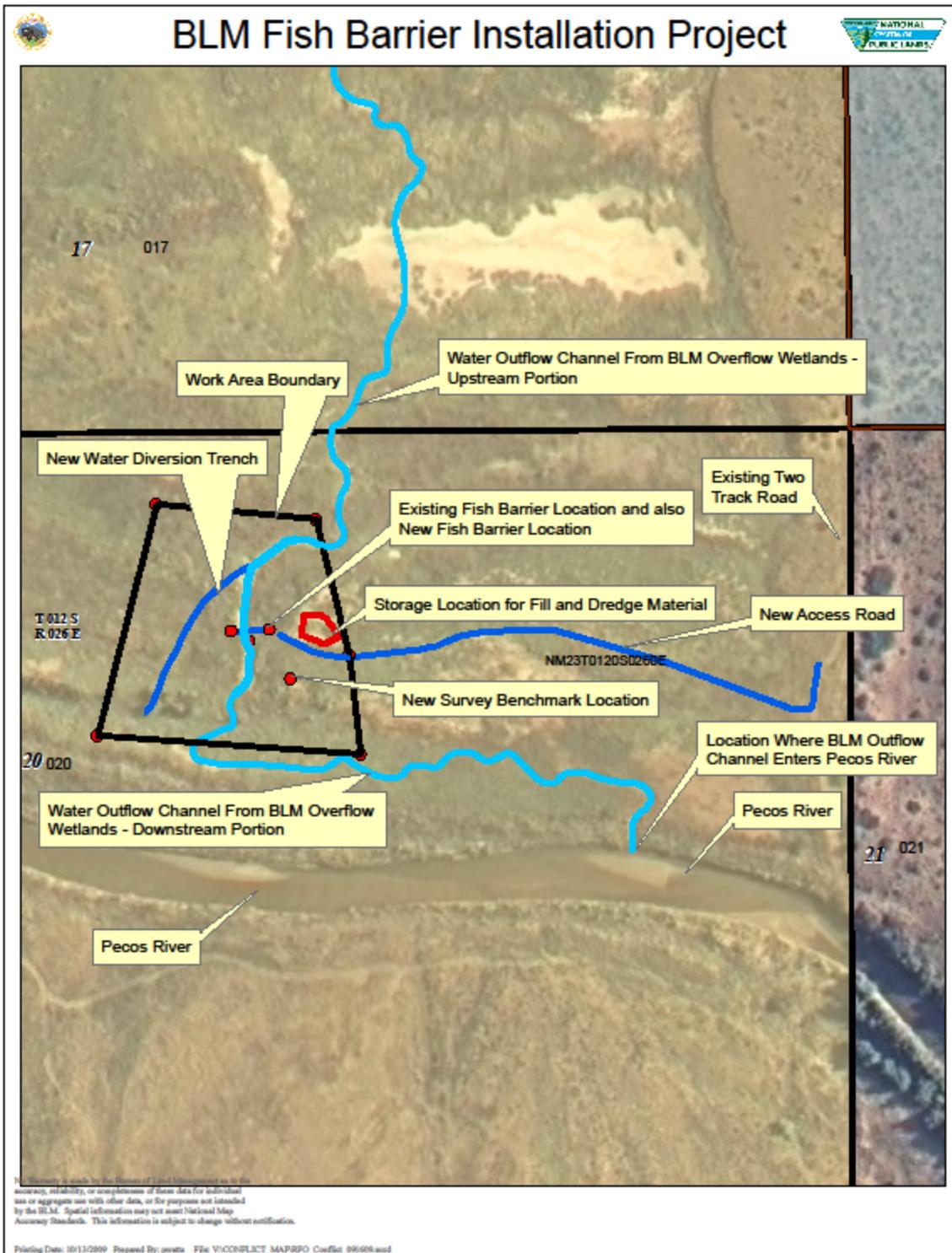


JH Parman
Acting Assistant Field Manager Resources

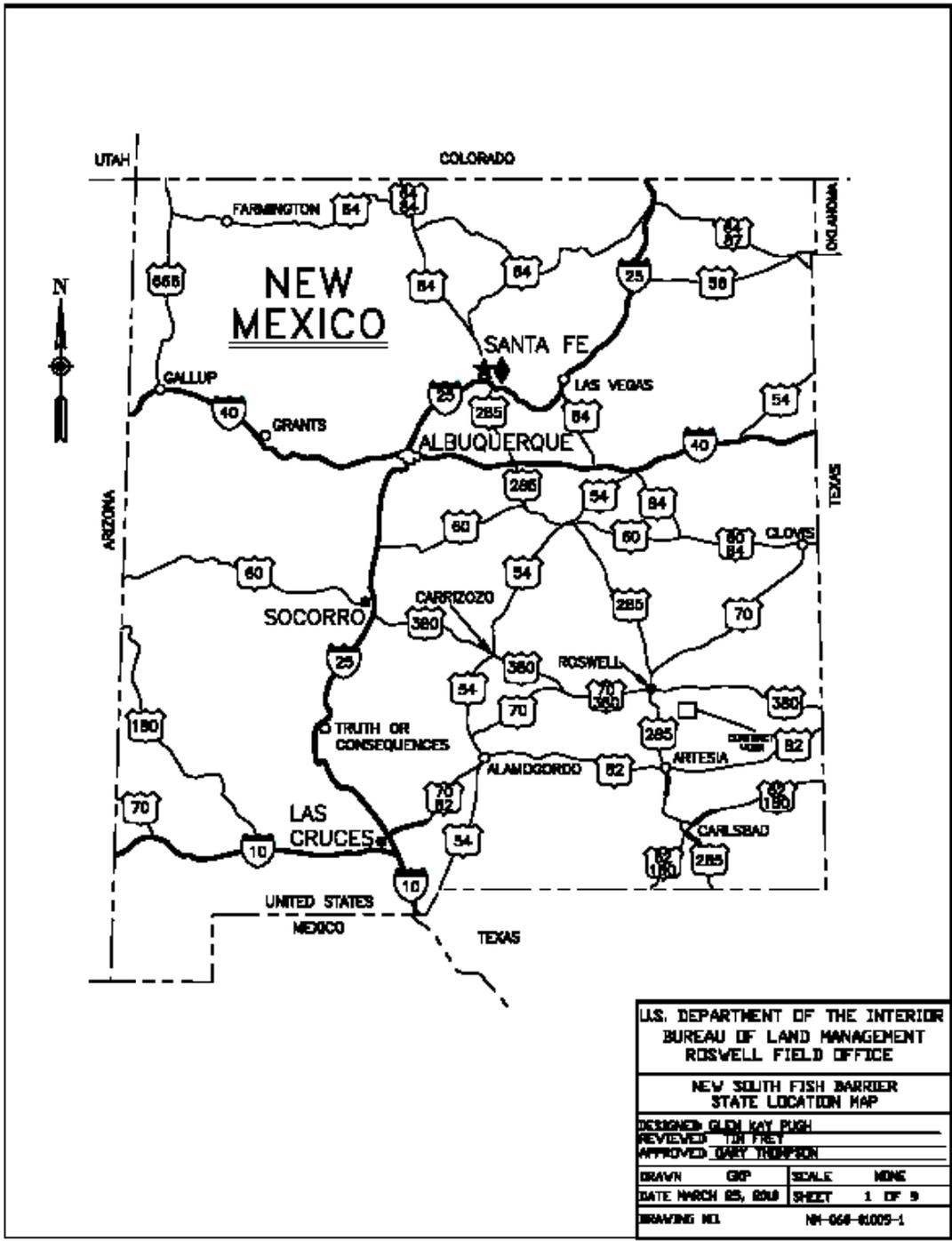
6/29/10
Date



Attachment 1



Attachment 1

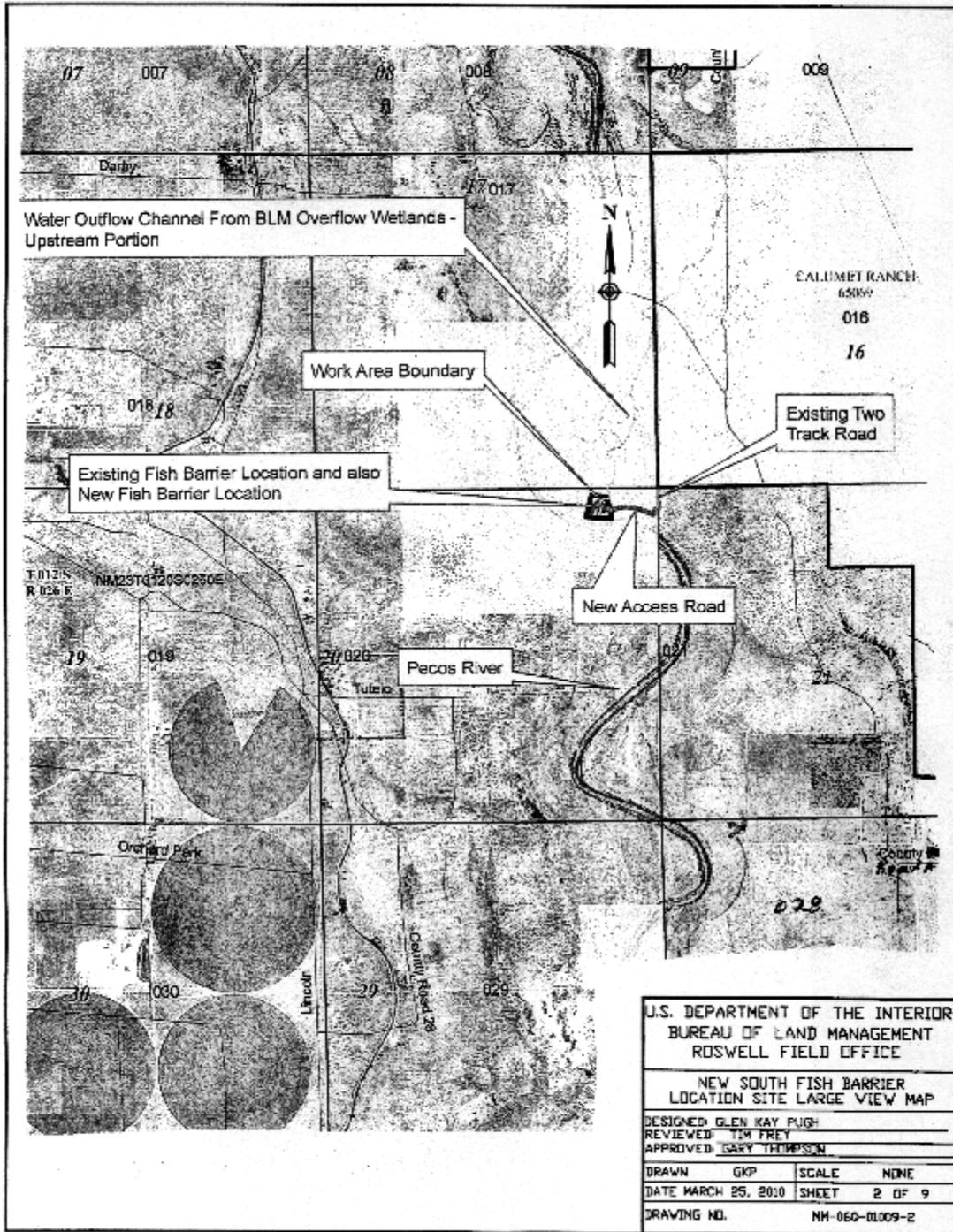


U.S. DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT
 ROSWELL FIELD OFFICE

NEW SOUTH FISH BARRIER
 STATE LOCATION MAP

DESIGNED: GLEN WAY PUGH
 REVIEWED: TIM FREY
 APPROVED: GARY THOMPSON

DRAWN	GWP	SCALE	NONE
DATE	MARCH 25, 2010	SHEET	1 OF 9
DRAWING NO.	NH-064-81009-1		

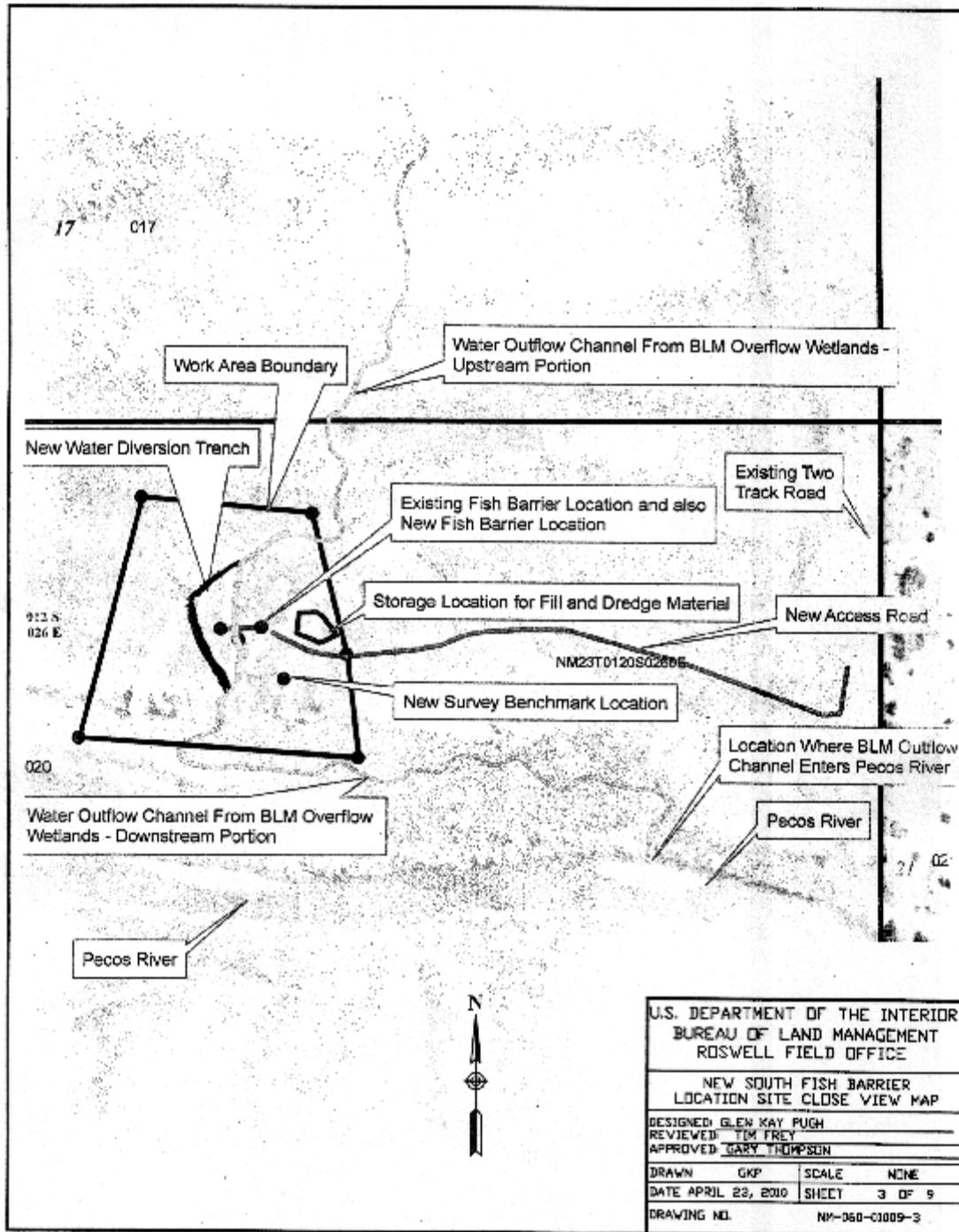


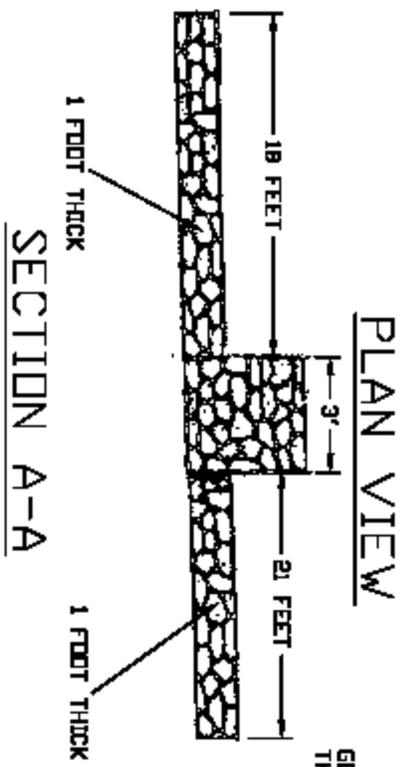
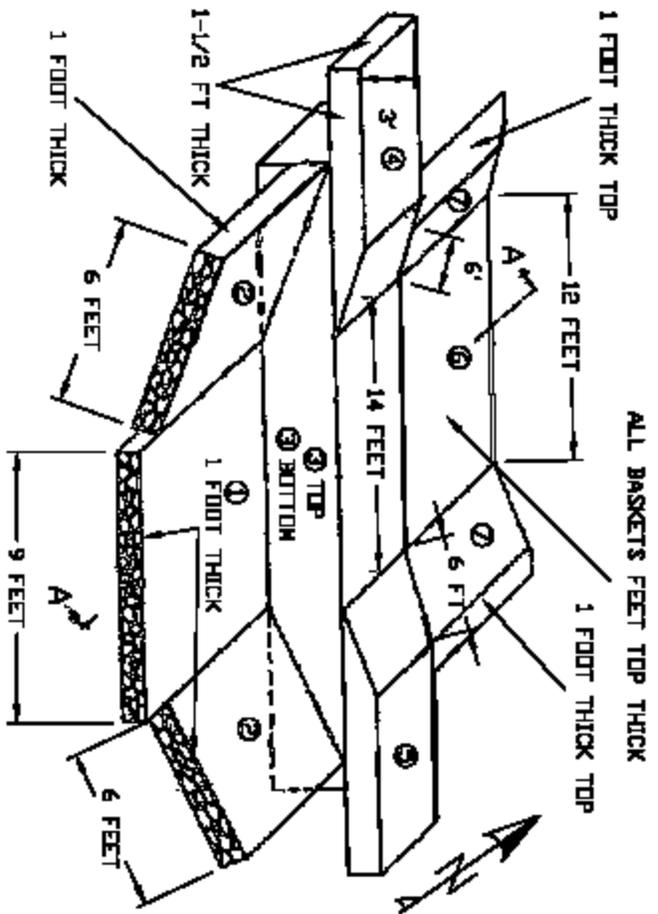
U.S. DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT
 ROSWELL FIELD OFFICE

NEW SOUTH FISH BARRIER
 LOCATION SITE LARGE VIEW MAP

DESIGNED: GLEN KAY PUGH
 REVIEWED: TIM FREY
 APPROVED: GARY THOMPSON

DRAWN	GKP	SCALE	NONE
DATE	MARCH 25, 2010	SHEET	2 OF 9
DRAWING NO.	NH-060-01009-2		





SECTION NUMBER	SIZE OF BASKETS	NUMBER OF BASKETS
1	9 FEET X 3 FEET 1 FEET THICK	7
2	6 FEET X 3 FEET 1 FEET THICK	7
3 TOP	12 FT X 3 FT 1-1/2 FEET THICK	3
3 BOTTOM	12 FEET X 3 FEET 3 FEET THICK	3
4	9 FEET X 3 FEET 1-1/2 FEET THICK	2
5	9 FEET X 3 FEET 1-1/2 FEET THICK	1
6	12 FEET X 3 FEET 1 FEET WIDE	5
7	6 FEET X 3 FEET 1 FEET WIDE	5

NOTE:
NUMBER FOR 2 AND 7 IS FOR EACH SIDE

GENERAL NOTE:

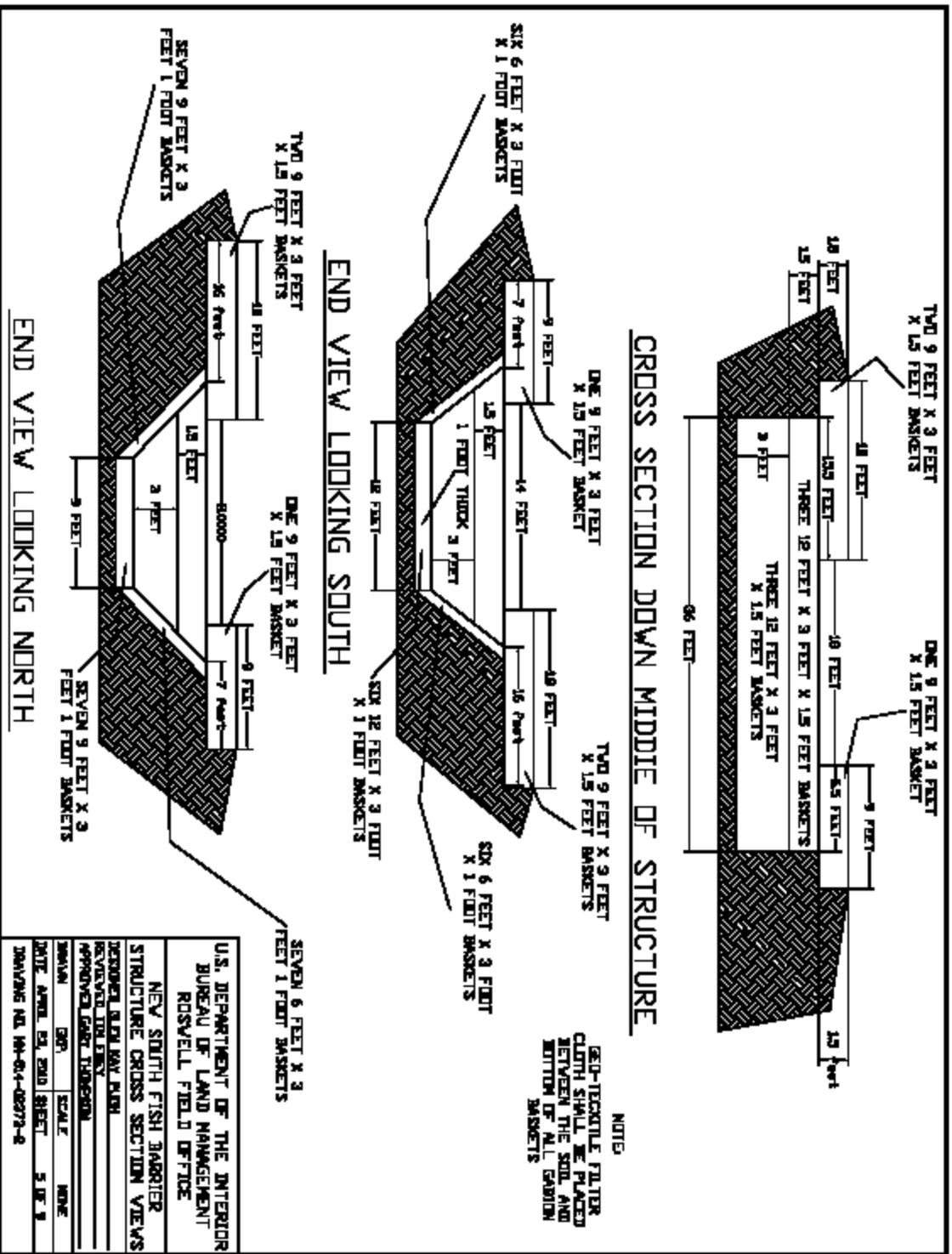
GEO-TEXTILE FILTER CLOTH SHALL BE PLACE BETWEEN THE SOIL AND THE BOTTOM OF ALL GABION BASKETS

U.S. DEPARTMENT OF THE INTERIOR
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ROSWELL FIELD OFFICE

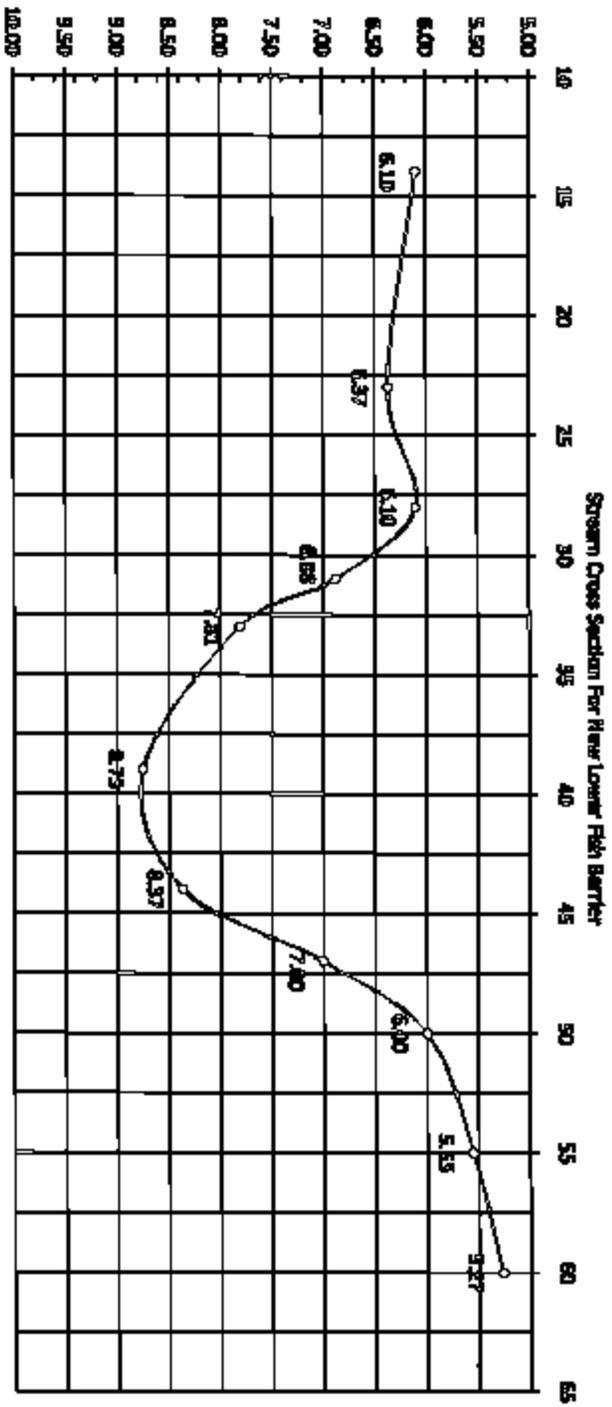
NEW SOUTH FISH BARRIER
PLAN AND SIDE VIEW

DESIGNED: GLEN KAY PUGH
REVIEWED THE FILE:
APPROVED: GARY THOMPSON

DRAWN: GEP SCALE: NONE
DATE APPROV. BY, SOIL: SHEET 4 OF 9
DRAWING NO: NH-060-28373-1



U.S. DEPARTMENT OF THE INTERIOR	
BUREAU OF LAND MANAGEMENT	
ROOSEVELT FIELD OFFICE	
NEW SOUTH FISH BARRIER	
STRUCTURE CROSS SECTION VIEWS	
DESIGNED BY	BOB MAY RUM
REVIEWED FOR	THE BUREAU
APPROVED FOR	CONSTRUCTION
DRAWN BY	ENR
SCALE	NONE
DATE APPROVED FOR	FIELD SHEET 5 OF 8
DRAWING NO. 104-01-00772-0	



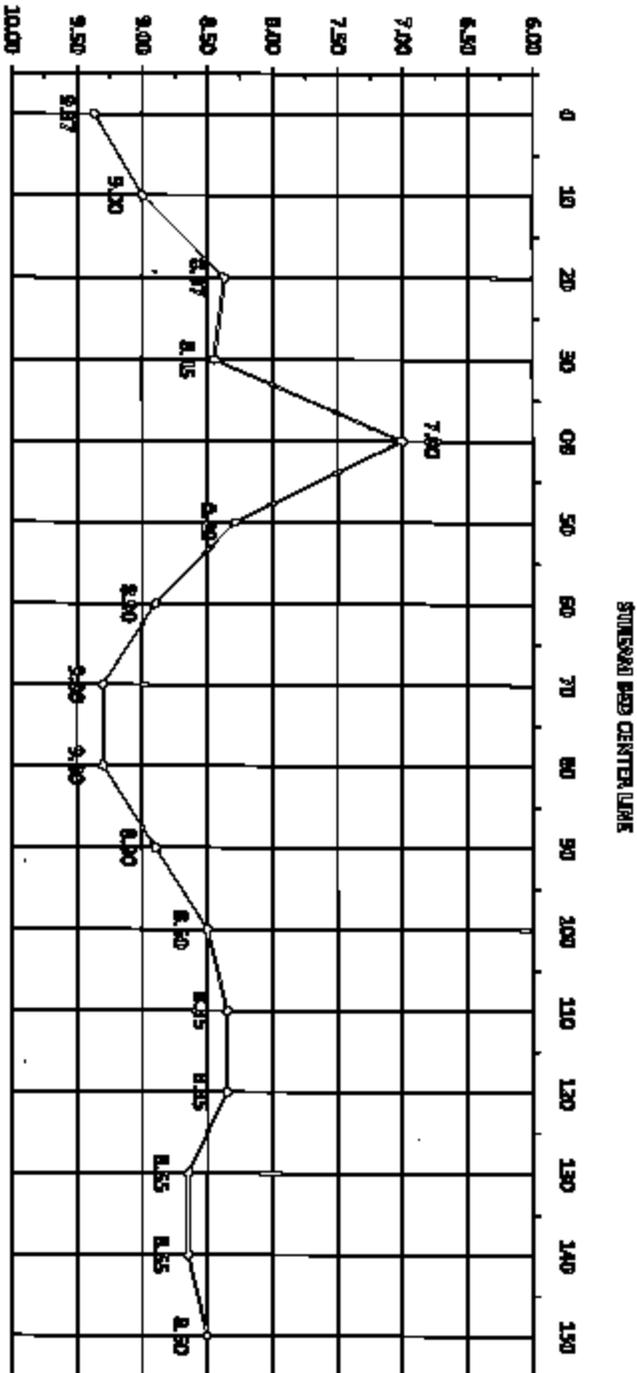
- NOTES
1. THE ELEVATIONS ARE BASED ON AN ASSUMED ELEVATION FOR THE AREA AND A CONTROL POINT STAKE IN THE FIELD.
 2. THE VERTICAL DISTANCES ARE BASED ON A CONTROL POINT STAKE IN THE FIELD.
 3. THE ELEVATIONS AND DISTANCES SHOWN ARE THE CROSS SECTIONS FOR THE CENTERLINE OF THE MAIN FISH BARRIER STRUCTURE GOING WEST TO EAST ACROSS THE STREAM BED AND ARE THE ORIGINAL GROUND ELEVATIONS.

U.S. DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT
 ROSWELL FIELD OFFICE

NEW SOUTH FISH BARRIER
 NEW FISH BARRIER CROSS SECTIONS

DESIGNED: GLEN RAY PUGH
 APPROVED: GARY THOMPSON

DRAWN: GKP SCALE: NONE
 DATE: APRIL 02, 2008 SHEET 7 OF 9
 DRAWING NO.: NW-66-29373-4



- NOTE:
1. THE ELEVATIONS ARE BASED ON AN ASSUMED ELEVATION FOR THE AREA AND A CONTROL POINT STAKED IN THE FIELD.
 2. THE VERTICAL DISTANCES ARE BASED ON A CONTROL POINT STAKED IN THE FIELD.
 3. THE ELEVATIONS AND DISTANCES SHOWN ARE FOR THE CENTERLINE OF THE STREAM BED AT THE LOCATION OF THE FISH BARRIER AND ARE FOR A POINT STAKE IN THE FIELD SOUTH OF THE BARRIER GOING TO A POINT NORTH OF THE BARRIER AND ARE THE ORIGINAL GROUND ELEVATIONS.

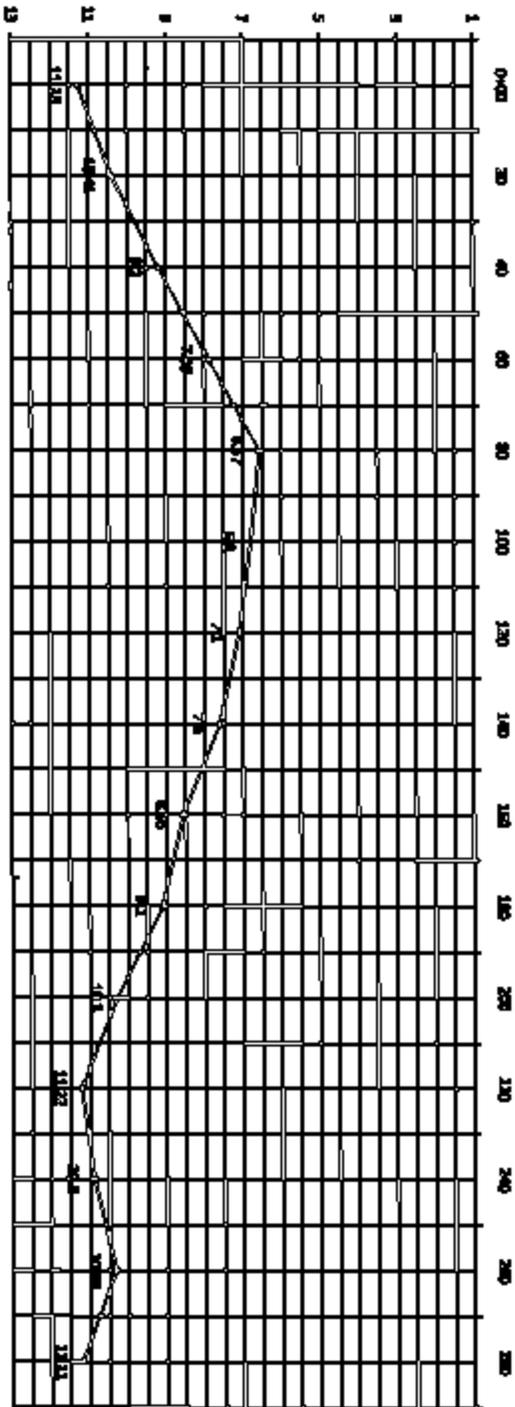
U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ROSVELL FIELD OFFICE

NEW SOUTH FISH BARRIER
STREAM BED CENTER LINE ELEVATIONS

DESIGNED: GLEN RAY PUGH
 REVIEWED: THE FISH
 APPROVED: GARY THOMPSON

DRAWN	GP	SCALE	NONE
DATE	APRIL 09, 2010	SHEET	9 OF 9
DRAWING NO.		NR-065-92973-9	

Diversion Channel Cross Section



NOTES

1. THE ELEVATIONS ARE BASED ON AN ASSUMED ELEVATION FOR THE AREA AND A CONTROL POINT STAKED IN THE FIELD.
2. THE VERTICAL DISTANCES ARE BASED ON A CONTROL POINT STAKED IN THE FIELD.
3. THE ELEVATIONS AND DISTANCES SHOWN ARE FOR THE PROPOSED CENTERLINE OF THE DIVERSION CHANNEL, AND THE WEST SIDE OF THE EXISTING STREAM BED AND IS STAKE IN THE FIELD MARKED FOR NORTH TO SOUTH AND ARE THE ORIGINAL GROUND ELEVATIONS.

U.S. DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT ROSELL FILED OFFICE			
NEW SOUTH FISH BARRIER DIVERSION CHANNEL CROSS SECTIONS			
DESIGNED BY <u>BLN KAY PLEN</u>			
REVIEWED BY <u>TRE FRY</u>			
APPROVED BY <u>GARY THOMPSON</u>			
DRAWN	ERP	SCALE	NONE
DATE	APRIL 29, 2010	SHEET	9 OF 9
DRAWING NO.	M4-060-0272-5		

**BUREAU OF LAND MANAGEMENT
 ROSWELL FIELD OFFICE
 DNA - P010- 2010- 113
 BLM Overflow Wetlands South Fish Barrier Structure**

Resources	Not Present on Site	No Impacts	May Be Impacts	Mitigation Included	BLM Reviewer	Date
Air Quality			X	X	SWA Spec/Hydrologist /s/ Michael McGee	5/15/10
Soil			X	X		
Watershed Hydrology			X	X		
Floodplains			X	X		
Water Quality - Surface			X	X		
Water Quality - Ground			X	X	Geologist/Hydrologist /s/ Michael McGee	5/15/10
Cultural Resources	X				Archaeologist /s/ Rebecca L. Hill 10-R-044A	8Jun2010
Native American Religious Concerns	X					
Paleontology	X					
Areas of Critical Environmental Concern		X			/s/J H Parman Plan & Environ. Coord.	6/18/10
Farmlands, Prime or Unique			X	X	Realty /s/Tate Salas	5/24/2010
Rights-of-Way	X					
Invasive, Non-native Species			X		/a/ Helen C.J. Miller Range Mgmt. Spec.	06/03/2010
Vegetation			X			
Livestock Grazing	X					
Wastes, Hazardous or Solid	x				/s/ Jared Reese Nat. Resource Spec.	06/09/2010
Threatened or Endangered Species	x				Biologist /s/ Tim Frey, Fisheries	6/1/2010
Special Status Species			x	x		
Wildlife		x				
Wetlands/Riparian Zones			x	x		
Wild and Scenic Rivers	X				/s/ Bill Murry Outdoor Rec. Planer	5/26/2010
Wilderness	X					
Recreation		X				
Visual Resources		X				
Cave/Karst		X				
Environmental Justice		x			/s/ Jared Reese Nat. Resource Spec.	06/09/2010
Public Health and Safety		x				
Solid Mineral Resources		X			Geo/SPS /s/ Jerry Dutchover	06/16/10
Fluid Mineral Resources		X			Geologist John S. Simitz	6/17/2010