

DECISION RECORD AND
FINDING OF NO SIGNIFICANT IMPACT
EA-NM-510-2007-039
NM-114145

Recommendation: I recommend that the proposed action submitted by the NMDOT for the use of a mineral material pit for US-285 construction be approved as mitigated for one year, subject to the terms and conditions as described in 43 CFR 3600, and the attached standard conditions of approval for surface disturbing activities for mineral material sites in the BLM Roswell Field Office. This action will affect the following federal land:

New Mexico Principal Meridian

T. 02 S., R. 11 E., N.M.P.M.
Section 13, NE $\frac{1}{4}$ NE $\frac{1}{4}$
T. 02 S., R. 12 E., N.M.P.M.
Section 18, NW $\frac{1}{4}$ NW $\frac{1}{4}$

The authority for this action is the Material Act of 1947, as amended, and the regulations contained in 43 CFR 3600 group.

Rationale for recommendation: The proposed action would not result in any undue or unnecessary environmental degradation. Portions of the subject land and adjacent land have been used for similar purposes and all present and potential uses and users have been considered.

Prepared by:

/s/ Jerry Dutchover
Jerry Dutchover, Geologist

02/06/07
Date

I Concur:

/s/ Irene M. Gonzales
Irene Gonzales
Realty Specialist\Environmental Coord

02/06/07
Date

Decision: The recommendation and rationale are adopted as my decision.

Finding of No Significant Impact: Based on the analysis of potential environmental impacts contained in the attached environmental assessment, I have determined that impacts are not expected to be significant and an environmental impact statement is not required.

Compliance and Monitoring: The construction phase of this proposed action and subsequent operational phases will be monitored as per regulation.

/s/ Larry D. Bray
Larry D. Bray,
Assistant Field Manager
Lands and Minerals

02/08/07
Date

BUREAU OF LAND MANAGEMENT
ROSWELL RESOURCE AREA
ROSWELL, NM 88201

ENVIRONMENTAL ASSESSMENT
EA# NM-510-2007-039
NM-114145

Applicant: New Mexico Department of Transportation
District Two
P.O. Box 1457, Roswell, NM 88202-1457

Location: T. 02 S., R. 11 E., N.M.P.M.
Section 13, NE $\frac{1}{4}$ NE $\frac{1}{4}$
T. 02 S., R. 12 E., N.M.P.M.
Section 18, NW $\frac{1}{4}$ NW $\frac{1}{4}$

Preparer: Jerry Dutchover December 13, 2006

I. INTRODUCTION

A. Need for the Proposed Action

On December 07, the New Mexico Department of Transportation (NMDOT) submitted a Free Use Application and Permit for a mineral material pit in which sand and gravel would be excavated. The proposed action is needed for highway construction on US Highway 54 south of Duran in Torrance County, New Mexico.

B. Conformance with Land Use Plan

The Roswell Resource Area Resource Management Plan (RMP) was approved in October, 1997. The proposed action is in accordance with this plan and is consistent with Bureau policy and guidance.

C. Relationship to Statutes, Regulations, or Other Plans

The proposed action does not conflict with any known State or local planning or zoning ordinance. The authority for this action is the Materials Act of 1947, as amended, and the regulations contained in 43 CFR 3600 group.

II. DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

A. Background

This proposed action is to take place within an area that has historically been utilized for mineral material operations. This site is on split estate land (private surface federal minerals). This site has been previously used as a material site by the surface owners and the Lincoln County Road Department as a source of road surfacing material. This proposed action is to mine additional material from this same pit and expand to the west.

The NMDOT proposes to use material obtained from this proposed pit site to perform highway construction on US Highway 54, from MP 175 to MP 189 south of Duran in Torrance County, New Mexico. This pit has been requested for re-use due to the scarcity of specification quality materials along the US Highway 54.

B. Proposed Action

The NMDOT is proposing to remove 400,000 tons of sand & gravel from this proposed site. The material will be hauled approximately 18 miles to a hot mix plant which is located near the job site on private land. The hot mix plant will be not be located at the gravel pit site. The hauled material will then be used as an aggregate which will be used in the production of base course and hot bituminous pavement. The materials will be used on the US Highway 285 resurfacing project.

The mineral material which will be mined is predominately granite, andesite and gabbro. The extraction of materials from the pit will be accomplished by the use of motor graders, dozers, rubber tired front end loaders, end dumps and dump trucks. The material will be screened, crushed, sized and stockpiled on site as described in the attached mining plan. These stockpiles will then be hauled to the hot mix plant northeast of Corona. The mining plan as submitted by the contractor (Exhibit A) will be incorporated into this document and is considered to be a part of the proposed action.

Topsoil, to a depth of up to six inches will be removed and conserved in stockpiles prior to any mining operations or surface disturbance. An estimated 30 acres will be disturbed by this proposed action.

The contractor performing this crushing operation will be the WWC, Inc. This contractor does have a surface owner agreement in place. The depth of the mined area of this pit will be ten to fifteen feet deep in places. Should this site prove to be favorable for future mineral materials development, it could expand to 60 acres in size

A Lincoln County road (A019) currently passes to the North of the proposed pit site and the applicant will not require any additional roads across BLM surface. Water wagons will be used on haul roads for dust control. Water necessary for operations on this site will be trucked and piped in from a private source.

Upon completion of operations in this pit, the disturbed area will be reshaped, recontoured and as described in the attached mining plan. The surface owner is not requiring reclamation of this pit. This pit will continue to be utilized by the Lincoln County Road Department and the surface owner.

The proposed pit will operate in accordance with the standard mineral material site stipulations and special stipulations (Exhibit B).

The location of the proposed action is in northern Lincoln County, New Mexico. The legal land description is:

T. 02 S., R. 11 E., N.M.P.M.
Section 13, NE $\frac{1}{4}$ NE $\frac{1}{4}$
T. 02 S., R. 12 E., N.M.P.M.
Section 18, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

C. Alternatives

1. No Action

Under this alternative the application would be rejected and would result in no additional surface disturbance of private surface federal minerals. The applicant would be forced to seek a different means of acquiring the necessary material.

2. Relocate the Mineral Material Pits

This alternative would involve relocating the proposed pit to another location. The extraction process would be the same as described for the proposed action. There are no alternate locations which would have significantly less impacts or any clear advantages over the proposed action. Therefore the alternative of relocating the material pit is not analyzed further.

III. AFFECTED ENVIRONMENT

General Setting

The proposed pit is located approximately nine and a half miles southwest of Corona. From that point, travel west on County Road #A019, for about three and ½ miles to proposed pit site.

Historical and present use of land within the area has been limited to livestock grazing, mineral material pits and wildlife habitat.

An inspection of the Master Title Plats and other BLM records revealed the following information on lands within the subject area:

- No existing current Oil and Gas leases.
- No existing Right-of-ways.
- The proposed action involves private surface and federal minerals. No mining claims are located on the subject land.

Affected Resources

The following critical elements have been evaluated and are either not present or are not affected by the proposed action or the alternatives in this EA:

Archaeology (07-R-012-A)
Areas of Critical Environmental Concern (ACECs)
Farm Lands (Prime and Unique)
Native American Religious Concerns
Threatened or Endangered (T&E) Species (plants & animal)
Wastes, Hazardous and/or Solid
Wetlands and Riparian Zones
Wild and Scenic Rivers
Wilderness

The impact of the proposed action and alternatives to minority or low-income populations or communities has been considered and no significant impact is anticipated.

Floodplains, soil, vegetation, air quality, and wildlife will be affected by the proposed action..

A. Water Quality – Surface/Ground

The proposed site is approximately ½ mile east of the South canyon drainage. Surface water within the area is affected by geology, precipitation, and water erosion. Factors that currently affect surface water resources include livestock grazing management, oil and gas development, recreational use and brush control treatments. No perennial surface water is found on public land in the area. Ephemeral surface water within the area may be located in tributaries, playas, alkali lakes and stock tanks.

Groundwater within the area is affected by geology and precipitation. Factors that can affect groundwater resources in the area include livestock grazing management, oil and gas

development, groundwater pumping, and possible impacts from brush control treatments. Most of the groundwater in the area is used for industrial, rural, domestic and livestock purposes.

The depth to water in a nearby groundwater well in Section 11 of T.2S., R.11E., is 400 feet in the area in the unconfined San Andres Formation (New Mexico Office of the State Engineer data).

B. Watershed – Hydrology

The watershed and hydrology in the area is affected by land and water use practices. The degree to which hydrologic processes are affected by land and water use depends on location, extent, timing and type of activity. Factors that currently cause short-lived alterations to the hydrologic regime in this area include livestock grazing management, recreational use activities, groundwater pumping, oil and gas developments such as well pads, permanent and temporary roads, pipelines and powerlines.

C. Soil

The soil is characterized as being within the Pajara-Witt association which was formed in alluvium derived from mixed sources. Typically, the surface layer is brown cobbly loam about 4 inches thick, with a subsoil of cobbly sandy clay about 10 inches thick. The substratum is an extremely cobbly loam. Slope is 2 to 15%. Runoff is rapid, the hazard of water erosion is high, and the hazard of soil blowing is slight.

D. Vegetation Piñon/Juniper Grassland Community

This lease is within the Piñon/Juniper grassland vegetative community as identified in the Roswell Resource Management Plan/Environmental Impact Statement (RMP/EIS). Appendix 11 of the Draft RMP/EIS describes the Desired Plant Community (DPC) concept and identifies the components of each community. The distinguishing feature for the piñon/juniper grassland community is that grass species typically comprises 30-40% or more of the potential plant community. Short-grass, mid-grass, and tall-grass species may be found within this community. The community also includes shrub and half-shrub, tree and forb species comprising 20-35, 30-40 and 3-15 % of this vegetative community respectively. The percentages of grasses, forbs, and shrubs actually found at a particular location will vary with recent weather factors and past resource uses.

The Ecological Site Description for this proposal is CP-3 Gravelly and Loamy (Pecos-Canadian Plains & Valleys).

E. Wildlife

Wildlife species utilizing this habitat include mule deer, pronghorn, coyote, jackrabbit, red-tail hawk, cottontail rabbit, several varieties of rattlesnake and other small mammals, birds and reptiles.

F. VRM/Recreation/Karst

The proposed action is in a class IV Visual Resource Management area (VRM). The objective of Class IV is to: "Provide for management activities which require major modification of the existing landscape character...Every attempt, however, should be made to reduce or eliminate activity impacts through careful location, minimal disturbance, and repeating the basic landscape elements."

Recreation:

The proposed area is on private surface, No public land is involved.

Karst

The area is in medium karst potential on private surface federal minerals

G. Air Quality

The air quality in the area is generally very good. The air quality does not exceed State or Federal air quality standards and is classified as a Class II area.

H. Range/Livestock Grazing

The proposed project is located within a Section 15 BLM grazing allotment #63087 Errasmousepe Inc. leased to Rio Grande Alameda LTD., 703 Osuna Rd. Suite 6 Albuquerque, NM 87113. The current lease is for 96 AUM's or 8 cattle to graze yearlong at 100% public land. Total acreage of public land on this allotment is 560.

I. Cultural Resources

The cultural resource survey (07-R-012-A) on this proposed pit area, revealed no cultural resources within the 30 acres that were surveyed.

J. Invasive, Non-native Species.

There are no known populations of invasive or noxious weed species on the proposed access road and well pad.

Infestations of noxious weeds can have a disastrous impact on biodiversity and natural ecosystems. Noxious weeds affect native plant species by out-competing native vegetation for light, water and soil nutrients. Noxious weeds cause estimated losses to producers \$2 to \$3 billion annually. These losses are attributed to: (1) Decreased quality of agricultural products due to high levels of competition from noxious weeds; (2) decreased quantity of agricultural products due to noxious weed infestations; and (3) costs to control and/or prevent the noxious weeds.

Further, noxious weeds can negatively affect livestock and dairy producers by making forage either unpalatable or toxic to livestock, thus decreasing livestock productivity and potentially increasing producers' feed and animal health care costs. Increased costs to operators are eventually borne by consumers.

Noxious weeds also affect recreational uses, and reduce realty values of both the directly influenced and adjacent properties.

Recent federal legislation has been enacted requiring state and county agencies to implement noxious weed control programs. Monies would be made available for these activities from the federal government, generated from the federal tax base. Therefore, all citizens and taxpayers of the United States are directly affected when noxious weed control prevention is not exercised.

IV. Environmental Impacts

Impacts of the Proposed Action.

A. Water Quality: Surface and Groundwater

Direct and Indirect Impacts

Surface disturbance from the construction of the project can result in degradation of surface water quality and groundwater quality from non-point source pollution, increased soil losses, and increased gully erosion.

Potential direct impacts that would occur due to construction of the project include increased surface water runoff and off-site sedimentation brought about by soil disturbance and increased salt loading and water quality impairment of surface waters. The magnitude of these impacts to water resources would depend on the proximity of the disturbance to the drainage channel, slope aspect and gradient, degree and area of soil disturbance, soil character, duration and time within which construction activity would occur, and the timely implementation and success or failure of mitigation measures.

Direct impacts would likely be greatest shortly after the start of construction activities and would likely decrease in time due to natural stabilization, and reclamation efforts. Construction activities would occur over a relatively short period; therefore, the majority of the disturbance would be intense but short lived. Direct impacts to surface water quality would be minor, short-term impacts which may occur during storm flow events. Indirect impacts to water-quality related resources, such as fisheries, would not occur.

Authorization of the proposed projects would require full compliance with BLM directives and stipulations that relate to surface and groundwater protection.

B. Watershed – Hydrology

Construction and surface disturbance activities from the construction of the project can result in long term and short term alterations to the hydrologic regime. Peak and low flow of perennial streams, ephemeral, and intermittent rivers and streams would be directly affected by an increase in impervious surfaces resulting from the construction of the well pad and road. The potential hydrologic effects to peak flow is reduced infiltration where surface flows can move more quickly to perennial or ephemeral rivers and streams, causing peak flow to occur earlier and to be larger. Increased magnitude and volume of peak flow can cause bank erosion, channel widening, downward incision, and disconnection from the floodplain. The potential hydrologic effects to low flow is reduced surface storage and groundwater recharge, resulting in reduced baseflow to perennial, ephemeral, and intermittent rivers and streams. The direct impact would be that hydrologic processes may be altered where the perennial, ephemeral, and intermittent river and stream system responds by changing physical parameters, such as channel configuration. These changes may in turn impact chemical parameters and ultimately the aquatic ecosystem.

Long-term direct and indirect impacts to the watershed and hydrology would continue for the life of the project and would decrease once reclamation of the project has taken place. Short term direct and indirect impacts to the watershed and hydrology from access roads that are not surfaced with material would occur and would likely decrease in time due to reclamation efforts.

C. Soil

Impacts from the proposed action are relatively short-term in nature. Temporary disruption of soil will occur primarily during mining operation activities. Removal of vegetation will take place. Some

soil loss will occur from wind erosion, as a natural result from the stripping of vegetation and exposing of soil during mining operation activities. A negligible amount of soil loss is unavoidable and is a natural result of this type of operation.

D. Vegetation

This area will temporarily no longer be available as forage for livestock and wildlife use and will also reduce soil cover. At a maximum, an estimated 30 acres of vegetation will be depleted during the life of this project.

The proposed action may contribute to the establishment or spread of noxious weeds. However this concern should be adequately mitigated by the standard mineral material site stipulations (Exhibit B).

E. Wildlife

Impacts from the proposed mining operation may cause temporary disruption of wildlife activity within the immediate vicinity of the project area. Any dens or nests within this area will be destroyed. The associated surface disturbance and loss of vegetation will temporarily reduce food and cover. However, the present wildlife populations are abundant and there is sufficient wildlife habitat in the surrounding areas that will minimize the impacts to wildlife.

F. VRM/Recreation

The proposed site is located within a Class IV Resource Management Area. There will be a distinct change in color and texture due to the removal of vegetation. The level of change to the characteristic landscape should be moderate under this class. The setting presents a winter gray setting and in warm months, with foliage, a gray to gray-green color pattern. Sites were located in such a manner as to minimize the visual viewshed of the casual observer. The existing waste material and overburden will be pushed back into the pit area which will then be reshaped, recontoured and revegetated in attempts to repeat the basic elements found in the predominant natural features of the characteristic landscape.

Recreation will not be affected by this proposed activity.

The area is private surface and federal minerals. There is no public access to this land.

Karst: The area is in a medium karst potential. Because the land is private surface no public activity such as caving would take place on this parcel.

G. Air Quality

Dust and particulate matter caused by the extraction and hauling of materials will be the primary source of air pollution. However, this will be a short term impact occurring during use periods. Exhaust from construction equipment and vehicles within the pit site will have a negligible affect on air quality. Winds which cause rapid dispersal of pollutants will minimize impacts to air quality.

H. Range/Vegetation

The removal of vegetation from the proposed pit site will result in the loss of grazing on this site. However this will only be a temporary impact due to the fact that this site will be reseeded and reclaimed upon completion of mining operations which may in turn result in the increased revegetation of more desirable species of grasses.

I. Cultural Resources

No cultural sites were found on this proposed pit site.

J. Noxious/Invasive Weeds

The construction of an access road and gravel pit disturbance may unintentionally contribute to the establishment and spread of noxious weeds. Noxious weed seed could be carried to and from the project areas by construction equipment, the drilling rig and transport vehicles. The main mechanism for seed dispersion on the road and well pad is by equipment and vehicles that were previously used and or driven across or through noxious weed infested areas. The potential for the dissemination of invasive and noxious weed seed may be elevated by the use of construction equipment typically contracted out to companies that may be from other geographic areas in the region. Washing and decontaminating the equipment prior to transporting onto and exiting the construction areas would minimize this impact.

Impacts by noxious weeds will be minimized due to requirements for the company to eradicate the weeds upon discovery. Multiple applications may be required to effectively control the identified populations. In the event, noxious/invasive weeds are discovered as a result of well and/or access road construction, mitigation measures will be taken to eradicate any species found.

Impacts of the Alternatives.

1. No Action

The "No Action" alternative denies the application. This alternative will result in no environmental impacts; however, there will be adverse economic impacts to the applicant. There have been no significant or unmitigatable impacts identified which would warrant selection of this alternative.

Mitigating Measures

Impacts to the environment would be adequately mitigated by the standard mining stipulations (Exhibits A).

Residual Impacts

After mining operations have been completed and if reclamation is performed the landform will remain altered. The pit will form a depression which may provide seasonal drinking water for both livestock and wildlife. Increased diversity of vegetation resulting from revegetating as proposed, will possibly increase wildlife use within the area over the long term. Increased siltation downstream will occur due to this disturbance but will be minimized by the construction of silt fences and berms along all impacted drainages.

Other surface disturbance within the project area is limited to mineral material pits, and livestock grazing. Greater surface disturbance could occur due to the continuous need for construction material in this area. Permanent surface disturbance exists in areas that have access roads leading into areas previously used for mineral material pits. The construction of roads will remain a visual disturbance until they are no longer used and abandoned. Less forage will be available to livestock and wildlife with an increase of industrial construction.

The direct effects of the proposed action include soil and vegetation disruption and further fragmentation of wildlife habitat. Where soil is overturned and soil horizons are mixed, the soil will remain deconsolidated and mixed. Indirect effects include the possibility of poor revegetation, resulting in soil erosion. Materials disposed of from this site would obviously be an irreversible irretrievable loss of the mineral resource but would provide an economic benefit to the community. While the effects of

this individual proposed action will likely be minimal, a slight possibility exists for negative cumulative impacts to any or all of the affected resources by the combination of past, present and expected future land uses.

V. Consultation and Coordination

The comments and suggestions expressed during the consultation have been incorporated into this EA.

NM-114145
Exhibit A

MINERAL MATERIAL SITE STIPULATIONS

CONDITIONS OF APPROVAL
For Surface Disturbing Activities

General Conditions of Approval

1. The holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public land under this authorization.
2. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, *et. seq.*) with regard to any toxic substances that are used, generated by or stored on the project site or on facilities authorized. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, *etc.*) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.
3. The holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, *et. seq.* or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et. seq.*) on this project (unless the release or threatened release is wholly unrelated to the holder's activity on the project). This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
4. If, during any phase of the construction, operation, maintenance, or termination of the authorization, any oil or other pollutant should be discharged, impacting Federal land, the control and total removal, disposal, and cleaning up of such oil or other pollutant, wherever found, shall be the responsibility of the holder, regardless of fault. Upon failure of the holder to control, dispose of, or clean up such discharge on or affecting Federal land, or to repair all damages to Federal land resulting therefrom, the Authorized Officer may take such measures as deemed necessary to control and cleanup the discharge and restore the area, including, where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of the holder. Such action by the Authorized Officer shall not relieve the holder of any liability or responsibility.
5. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on the holder's behalf, on public or Federal land shall be immediately reported to the Authorized Officer. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder shall be responsible for the cost of evaluation and any decision as to the proper mitigation measures will be made by the Authorized Officer after consulting with the holder.
6. The holder is hereby obligated to comply with procedures established in the Native American Graves Protection and Repatriation Act (NAGPRA) to protect such cultural items as human remains, associated funerary objects, sacred objects, and objects of cultural patrimony discovered inadvertently during the course of project implementation. In the event that any of the cultural items listed above are discovered during the course of project work, the proponent shall immediately halt the disturbance and contact the BLM within 24 hours for instructions. The proponent or initiator of any project shall be held responsible for protecting, evaluating, reporting, excavating, treating, and disposing of these cultural items according to the procedures established by the BLM in consultation with Indian Tribes."
7. The holder shall be responsible for weed control on disturbed areas within the limits of the site. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods.
8. The holder shall be responsible for maintaining the site in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
9. All design, material, and construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.

10. The holder shall conduct all activities associated with the construction, operation, and termination of the material pit within the authorized limits.
11. The holder shall minimize disturbance to existing fences and other improvements on public land. The holder is required to promptly repair impacted improvements to at least their former state. The holder shall contact the owner of any improvements prior to disturbing them. When necessary to pass through a fence line, the fence shall be braced on both sides of the passageway prior to cutting of the fence. No permanent gates shall be allowed unless approved by the Authorized Officer.
12. The holder shall be responsible for the actions and operations of any third party users associated with this authorization. All such use shall be subject to the applicable terms, conditions, and stipulations of this authorization.
13. Any roads proposed as part of this authorization shall be constructed and maintained in accordance with the BLM standards prescribed for a roads and the New Mexico Roads Policy.
14. The holder shall seed all surface disturbed by construction activities. Seeding shall be done according to the attached seeding requirements (Exhibit C), using the attached seed mixture.
15. Suitable topsoil material removed in conjunction with clearing and stripping shall be conserved in stockpiles (within the material site). Topsoil shall be stripped to an average depth of seven inches.
16. Excess excavated, unsuitable, or slide material shall be disposed of as directed by the authorized officer.
17. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment.
18. Existing roads and trails on public land that is blocked as the result of the material pit activities shall be rerouted or rebuilt as directed by the authorized officer.
19. The holder shall recontour the disturbed area and obliterate all earthwork by removing embankments, backfilling excavations, and grading to reestablish the approximate original contour of the land as determined by the authorized officer.
20. Extreme care and caution should be given to the existence of underground cables and pipelines in any locality to be excavated. Any existing structures are not to be disturbed or made inoperative or damaged in any way by excavation operations within a material site.
21. The existing waste material and overburden will be pushed back into the pit area which will then be reshaped and recontoured in attempts to repeat the basic elements found in the predominant natural features of the characteristic landscape. The holder shall uniformly spread topsoil over all unoccupied disturbed areas. Spreading shall not be done when the ground or topsoil is frozen or wet.
22. In the event that any large voids, caves, sinkholes or karst are encountered during mining operations, all work will immediately cease and the BLM will be notified. A decision on how to proceed will be reached within 24 hours of notification.
23. The BLM will monitor construction on this material pit site. Notify the Roswell BLM Office, at least three working days prior to commencing excavation at (505) 627-0236.

24. Special stipulations:

- B. Any surplus mineral material stockpiles will be disposed of at the BLM officers discretion.

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Roswell Field Office
2909 West Second St.
Roswell, New Mexico 88202-1857

IN REPLY REFER TO:

3600
NM-103215

New Mexico State Highway and Transportation Department
Attention: Gary Shubert, District Engineer
P.O. Box 1457
Roswell, New Mexico 88202-1457

Re: Mineral Materials Free Use Application and Permit
NW¼, Sec. 12, T. 08 S., R. 23 E., NMPM



Gentlemen:

This office has completed review of your free use application and permit and attached documents for the use of mineral materials from a pit located in the NW¼, Sec. 12, T. 8 S., R. 23 E., NMPM. Enclosed is an approved permit and attached stipulations for your records. Please review all stipulations at this time. Please note the expiration date of this permit is December 31, 2008.

In accordance with this approval, production values are required to be submitted on a monthly basis to this office.

If you have any questions or if we can be of further assistance to you please contact Jerry Dutchover at (505) 627-0272.

Sincerely,

Larry D. Bray, Assistant Field Manager
Lands and Minerals

Enclosures

cc: NMDOT – Ismael Dominguez
NMDOT – Dave Dawson