

**BUREAU OF LAND MANAGEMENT
 ROSWELL FIELD OFFICE
 DOI-BLM-NM-P010-2009-96-DNA
 Water Pipeline Installation**

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	4/1/09
Soil			X	X		
Watershed Hydrology			X	X		
Floodplains	X					
Water Quality - Surface			X	X		
Water Quality - Ground			X	X	Geologist/Hydrologist /s/ Michael McGee	4/1/09
Cultural Resources	X				Archaeologist /s/Rebecca L. Hill 09-R-069A	1May2009
Native American Religious Concerns	X					
Paleontology	X					
Areas of Critical Environmental Concern	X				/s/J H Parman Plan & Environ. Coord.	3/31/09
Farmlands, Prime or Unique	x				Realty /s/ Tate Salas	4/1/09
Rights-of-Way	x	x				
Invasive, Non-native Species			X	X	Range Mgmt. Spec. /s/ Kyle Arnold	3/31/09
Vegetation			X	X		
Livestock Grazing			X	X		
Wastes, Hazardous or Solid					Nat. Resource Spec.	Not applicable
Threatened or Endangered Species	X				Biologist /s/ Randy Howard	4/06/09
Special Status Species	X					
Wildlife			X			
Wetlands/Riparian Zones		X			Outdoor Rec. Planer /s/ Bill Murry	4/9/09
Wild and Scenic Rivers	x					
Wilderness	x					
Recreation		x				
Visual Resources		x				
Cave/Karst		x				
Environmental Justice					Nat. Resource Spec.	Not applicable
Public Health and Safety						
Solid Mineral Resources		X			Geo/SPS /s/ Jerry Dutchover	04/01/09
Fluid Mineral Resources		X			Geologist /s/ John S. Simitz	4/1/09

Worksheet
Documentation of Land Use Plan Compliance
and NEPA Adequacy (DNA)
DOI-BLM-NM-P010-2009-96-DNA
Existing EA: NM-060-2004-0122 (attached)
U.S. Department of the Interior
Bureau of Land Management

A. BLM Office: Roswell

Proposed Action Title/Type: Proposed pipeline in Will Johnson Pasture for better distribution of water for livestock and wildlife on allotment # 64029.

Location of Proposed Action: Chaves County : T. 08 S, R. 21 E, Sect. 3 NENE. NMPM. T 07S, R21 E, Sect. 34 SWNE, NWNE, Sect. 27 SESE. NMPM.

Description of Proposed Action: The proposed action is the construction/installation of a buried water pipeline (approximately 1.5 miles all on public land of 1 ¼" pvc, 200 psi) in Will Johnson Pasture in order to provide consistent and reliable water distribution.

Total length of the pipeline is approximately 1.5 miles long on public land beginning on the east section line of NW/4 NW/4 in section 3 and ending on the SE/4 SE/4 in section 27, ending with a drinker. The proposed pipeline would be purchased, constructed, installed and maintained by the allottee on allotment #64029.

Applicant: Sandra C. Moorhead

B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans

LUP Name: Roswell RMP

Date Approved: October 1997

C. Identify the applicable NEPA document(s) and other related documents that cover the proposed action.

Document: Environmental Assessment: **NM-060-2004-0122**. Date Approved: **August 13, 2004.**

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?

Yes. The proposed pipeline is essentially the same action as approved in **NM-060-2004-0122**. The previous NEPA analyzed a pipeline; this amendment is for an additional 1.5 miles of pipeline on public land.

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

Yes. Current environmental concerns, interests, resource values and circumstances remain the same as when the above reference EA was prepared.

3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances? Can you reasonably conclude that all new information and circumstances are insignificant with regard to analysis on the proposed action?

No new information or circumstances have arisen with respect to livestock management in this area. The BLM has approved all existing pipelines. The proposed action would add 1.5 miles of pipeline on public land. The existing analysis and conclusions are adequate since both proposals were and are for pipelines.

4. Does the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

Yes. The proposed action is similar with the above referenced EA. The methodology and analytical approach is appropriate for the current proposed action.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document sufficiently analyze site-specific impacts related to the current proposed action?

Yes. The above referenced EA addressed a proposed action for a pipeline located in essentially the same or similar environmental area. The direct effects of the proposed action include soil and vegetative disruption and further fragmentation of wildlife and are adequately discussed in the existing NEPA document and are unchanged.

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from the implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?

Yes, the proposed pipeline is located in an area where livestock management is on-going. The proposed pipeline is essential to management of livestock. This proposed pipeline would not add substantially to cumulative impacts as addressed in the existing NEPA document.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes. During development of the Roswell RMP various publics and agencies through various public meetings held participated in the development of standard stipulation and conditions of approval for actions associated with livestock management. It is through the public and agencies meetings held that the existing standard stipulations and conditions of approval were developed

E. Interdisciplinary Analysis: Refer to Multi Review input from Interdisciplinary team.

F. Mitigation Measure: Requirement of the Standard Stipulations for pipelines as required by the approved Roswell RMP.

Prepared by:

/s/ Joseph M. Navarro 3/30/09

Rangeland Management Specialist Date Archaeologist Date

Howard Parman
NEPA- Planning & Environmental Coordinator Date

Conclusion

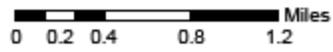
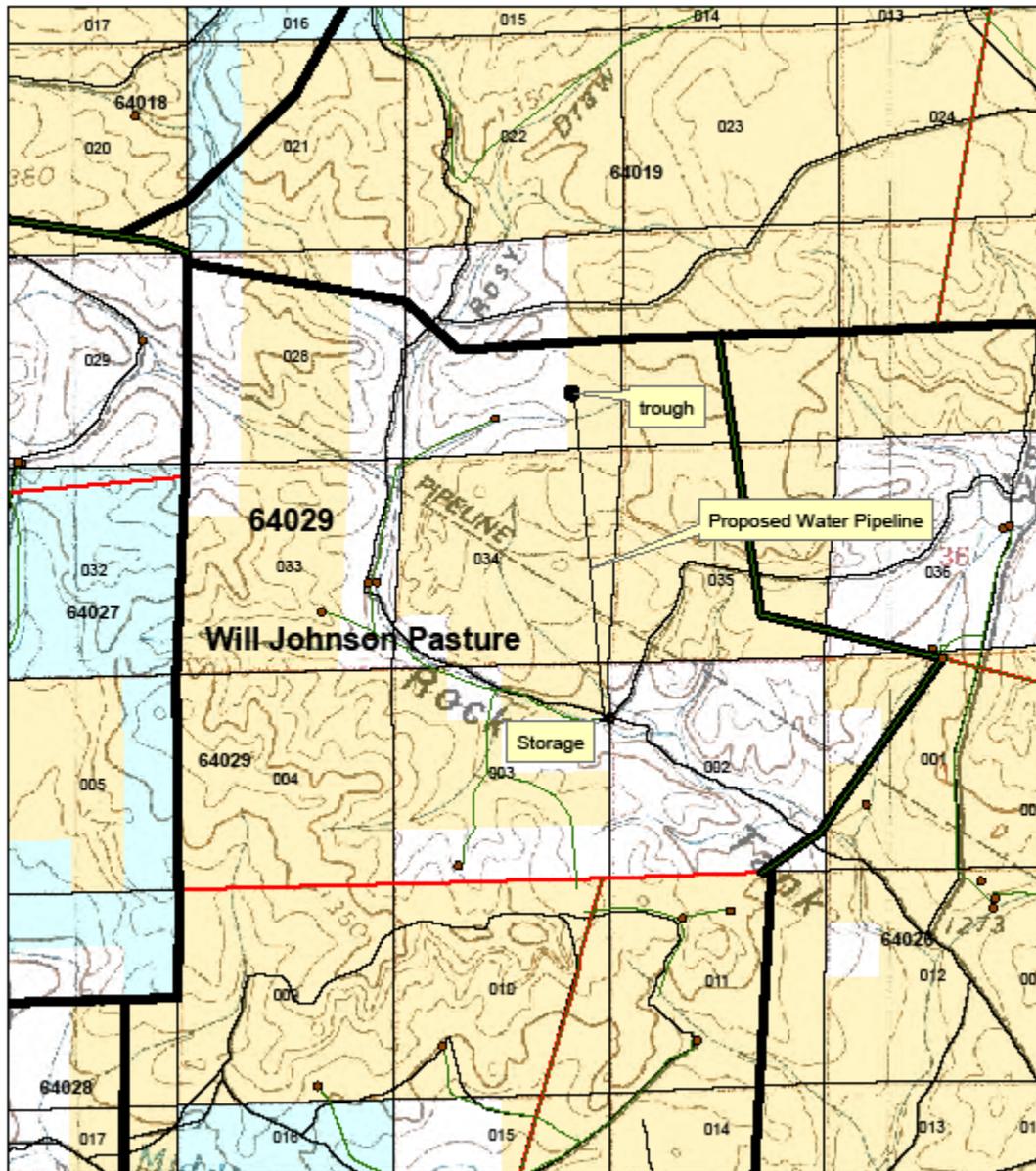
Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the existing NEPA documentation fully covers the proposed action. This constitutes BLM's compliance with the requirement of NEPA.

[If one or more of the criteria are not met, a conclusion of conformance and/or NEPA adequacy cannot be made.]

Brad Pendley, Assistant Field Manager-Resources Date



Proposed Water Pipeline #64029 Will Johnson Tank



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data, or for the purposes not intended by BLM. Spatial information may not meet National Map Accuracy Standards. This information may be updated without notification.

ENVIRONMENTAL ASSESSMENT CHECKLIST

EA Number: NM-060-2004-122 Serial No.: Allotment 64029 Preparer: Joseph M. Navarro			Action Type: Pipeline and Trough Installation Project Name: Moorhead Pipeline		
Resource / Activity	Not Present	Not Affected	***May Be Affected	Reviewer	Date
Air Quality*			√	/s/ <i>Michael McGee</i> Hydrologist	8/2/04
Floodplains*			√		
Soil/Watershed			√		
Water Quality-Drinking/Ground*		√		/s/ <i>Michael McGee</i> Hydrologist/Geologist***	8/2/04
Vegetation			√	/s/ John A. Spain Rangeland Management Spec	8/2/04
Livestock Grazing			√		
Invasive, Nonnative Species*			x	/s/ <i>HC Miller</i> Range Mgmt Spec/Nox. Weed Spec	8/9/04
Wastes, Hazardous or Solids*	x			/s/ <i>T.R. Kreager</i> Hazardous Waste Spec.	8/13/04
Prime/Unique Farmlands*	x	√		/s/ <i>Judy Yslas</i>	8/3/04
Lands/Realty/ROW	√			Realty Specialist	
Fluid Minerals		√		/s/ <i>John Simitz</i> Pet Eng/Geologist/Sur. Prot. Spec.	8/13/04
Mining Claims	√			/s/ <i>Jerry Dutchover</i>	8/2/04
Mineral Materials		√		Geologist	
Threatened or Endangered Species*	√			/s/ Rand French Wildlife Biologist	8/3/04
Wetlands/Riparian Zones*		√			
Wildlife Habitat			√		
Native American Religious Concerns*		√		/s/ <i>Pat Flanary</i> Archaeologist	8/2/04
Cultural Resources*	√				
Areas of Critical Environmental Concern*		√		/s/ <i>JH Parman</i>	8/3/04
Low Income & Minority Population Concerns		√		Planning & Env. Coordinator	
Wild/Scenic Rivers*	√			/s/ <i>Paul Happel</i> Outdoor Recreation Planner/NRS	8/3/04
Wilderness*	√				
Cave/Karst Resources			√		
Outdoor Recreation			√		
Visual Resources		√			

Access/Transportation		√		/s/ <i>R. Hill</i> Env. Prot. Spec.	8/9/04
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* "Critical Element" - must be addressed in all NEPA documents.

** "Affected Element" - must be addressed in the attached Environmental Assessment.

*** "Hydrologist/Geologist" – Hydrologist will be the primary lead for “Water Quality-Drinking/Ground” with Resource projects such as fire, fuels, and grazing EA’s etc... The Petroleum Geologist will be the primary lead for “Water Quality Drinking/Ground” with Minerals or oil and gas projects such as Application For Permit To Drill and Sundry Notices etc...

Environmental Assessment

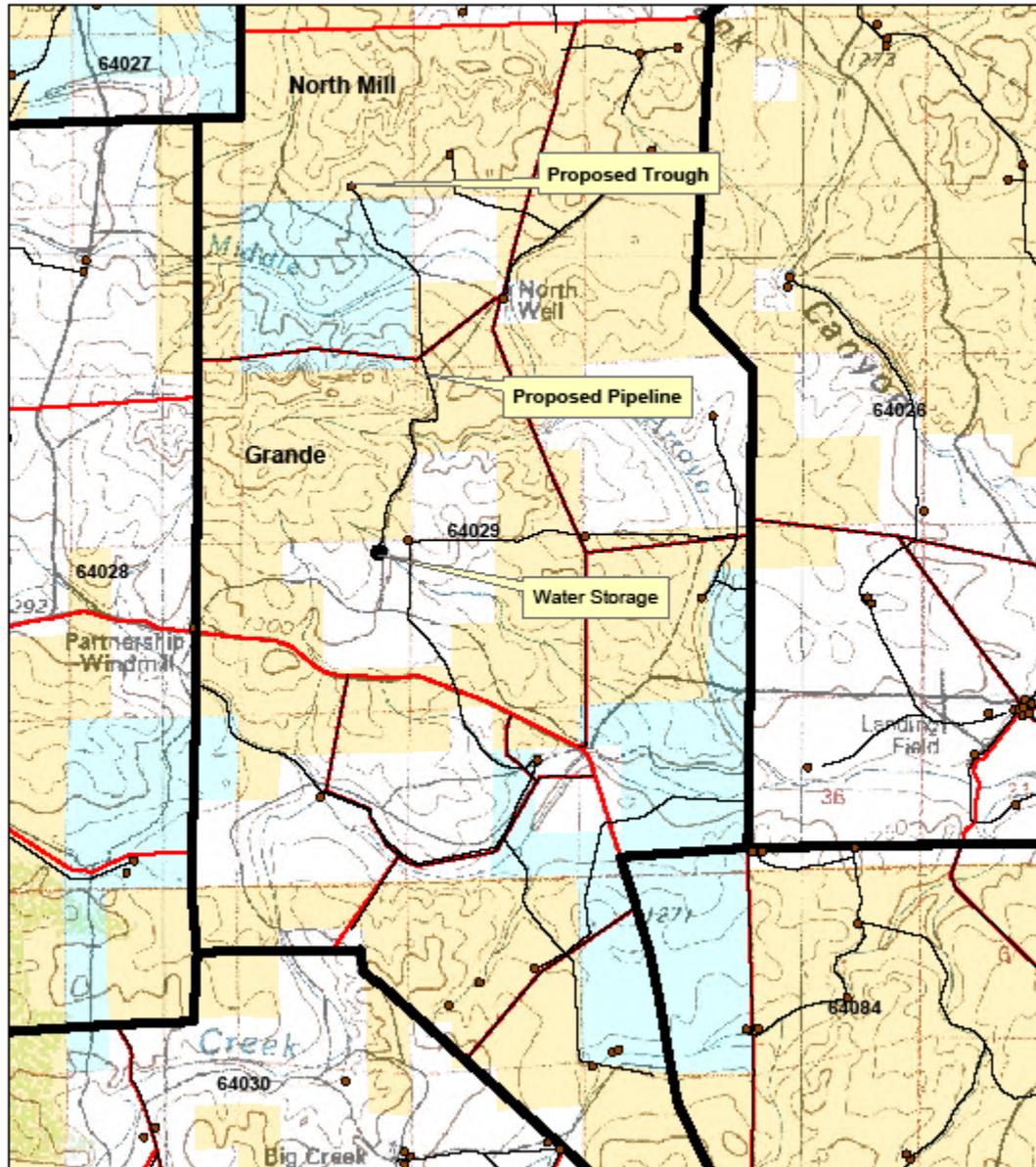
Moorhead Cattle Co., Water Pipeline and Trough Installation
NM-060-2004-122
Allotment #64029
Bureau of Land Management
Roswell Field Office
Roswell, New Mexico
July 30, 2004

Location:

T. 8 S., R. 21 E.
Section 22 NW 1/4
Section 15 SW 1/4
Section 16 E1/2
Section 9 SW1/4
Chaves County
New Mexico Principal Meridian



Proposed Water Pipeline #64029 Moorhead Pipeline



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I. **INTRODUCTION**

Need For the Proposed Action

The need for the proposed action is to provide permanent water for livestock and wildlife within Highway and White Bluff Pastures of Allotment 64029. The new length of pipeline would supply water to one new trough on public land originating at a new storage on private land to make water more reliable at this location. The allottee will be responsible for all installation and construction of the project.

Water developments facilitate the handling of and caring for livestock. The location of water developments on rangeland is important in controlling the movement, distribution, and concentrations of livestock. Reliable water supply would lessen the distance wildlife and livestock need to travel between forage and available water

Conformance with Land Use Plans: The proposed activity is addressed as part of the Roswell Resource Management Plan (October, 1997).

Relationship to Statutes, Regulations, or Other Plans: The construction of pipelines and water developments as range improvements, either under Cooperative Agreement or Range Improvement Application is addressed under the 43 Code of Federal Regulations, Parts 4100, Grazing Administration, Exclusive of Alaska., Subpart 4120.3

Other Statutes, Regulations or Plans are:

The Taylor Grazing Act of 1934, as amended (43 U.S.C. 315 (a)-(r))

The Federal Land Policy and Management Act of 1976, as amended (Pub. L. 94-579, 43 U.S.C. 1702 et seq), Sections 302 (a) & (b), Section 502 (a) & (c)

The Public Rangelands Improvement Act of 1978, as amended (Pub. L. 95-514, 43 U.S.C. 1901 et seq),

The National Environmental Policy Act of 1969, as amended (Pub. L., 91-190, 42 U.S.C. 4321-4347) Sec. 101

II. **PROPOSED ACTION AND ALTERNATIVES**

A. Proposed Action

The proposed action is the installation of a buried water pipeline (approximately 1.75 miles of 1 ¼", 200 psi pipeline on public land) and installation of one drinking trough within the pasture in order to provide consistent and reliable water distribution

The pipeline system and trough will be installed using the standard BLM construction methods.

No other pipelines are currently planned on the ranch. The location of the proposed water development is T. 8 S., R. 21 E., Sections 9, 15, 16, & 22. Chaves County, New Mexico Principal Meridian.

The pipeline and trough will be located on public surface and would be constructed under a Cooperative Range Improvement Agreement. The allottee would be responsible for supplying and installing the one trough on public land. (See attached Map).

Standard measures that will be included in the authorization for these projects are:

No blading will occur on public land, unless authorized by the Authorized Officer.

Water would be provided yearlong to all drinking troughs located on public land for wildlife purposes, when livestock are not in the pasture. Wildlife escape ladders would be installed in all drinkers.

Livestock drinking troughs would not exceed 18" in height.

The cooperator shall not use the pipeline route as a road for purposes other than routine maintenance as determined necessary by the Authorized Officer in consultation with the co-operator. The cooperator shall take whatever steps are necessary to ensure that the pipeline route is not used as a roadway.

Vegetation, soil, and rocks left as a result of construction or maintenance activity shall be randomly scattered over the project area and shall not be left in rows, piles, or berms, unless otherwise approved by the Authorized Officer. A berm shall be left over the ditch line to allow for settling back to grade.

No road is authorized as a part of this project for construction or maintenance.

Brush will be cleared by hand with hand tools.

The cooperator 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.

Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the co-operator/contractor or any person working on the co-operator's/contractor behalf, on public or Federal land shall be immediately reported to the authorized officer. The co-operator/contractor 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 co-operator/contractor 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 co-operator/contractor.

The cooperator/contractor is hereby obligated to comply with procedures established in the Native American Grave 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 the 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.

The cooperator/contractor 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.

The approval of the Permit/Agreement does not convey the right to prevent other lawful uses from occurring. The applicant/cooperator understands that other lawful users with proper authorizations may pass over, under, or through the range improvement authorized by the Permit/Agreement. Appropriate stipulations by the BLM to other users will protect the stability and purpose of this improvement.

2. Alternatives

1. **No Action - Alternative 1**

This alternative would leave the water supply as is. By not constructing the pipeline, the water supply to the north side of the pasture would remain unreliable, only available after rain events. Construction of the pipeline and establishment of the trough on the north side of the pasture would allow the allottee to move livestock from one side of the pasture to the other, reducing constant impact to the other sides of the pasture.

2. **Locate Elsewhere - Alternative 2**

This alternative would re-route the entire proposed water development or portions of it. The alternatives would: a. add length to the pipeline as well as increase the amount of surface disturbance; b. would cause more impact to the affected resources on the alternate route or c. would not be economical to install, maintain or use.

This alternative will not be given further consideration in this report; fewer environmental impacts would result from the action as proposed.

III. AFFECTED ENVIRONMENT

General Setting

The affected environment of the area is generally discussed in the Roswell Resource Management Plan (Oct. 1997). Only those resources actually impacted by the proposed action will be addressed in this document.

The proposed water development is to be located on the Moorhead Ranch, Allotment 64029.. The Moorhead Ranch allotment is located approximately seventeen miles north and west of Roswell, lying on the north and south side of Pine Lodge Road.

The major regional industries are ranching and recreation with some oil and gas development, as well as seasonal hunting.

Affected Resources

The critical elements of ACEC's, Air Quality, Prime or Unique Farmlands, Floodplains, Native American Religious Concerns, Hazardous or Solid Wastes, Water Quality, Wetland and Riparian Zones, Wild and Scenic Rivers, Threatened/Endangered Species, Low Income/Minority Populations and Wilderness will not be affected. A cultural clearance was completed for the pipeline, trough and storage on June 22, 2004, no artifacts or other cultural sites were found.

Soil: The project area for the Moorhead Pipeline Water Development includes the EaC-Ector very cobbly loam, 3 to 15% slopes. This shallow, well drained soil is on uplands in the western part of the survey area. It formed in residuum derived dominantly from limestone. Permeability is moderate with an effective rooting depth of 7 to 20 inches or more. Available water capacity is very low, runoff is rapid and the hazard of water erosion is high./ The hazard of soil blowing is slight.

Vegetation: The pipeline area predominately fits the Very Shallow CP-4 Ecological Site Description. The vegetation for these sites at climax (potential) includes grasses such as black grama (*Bouteloua eriopoda*), sideoats (*Bouteloua curtipendula*), blue grama (*Bouteloua gracilis*), hairy grama (*Bouteloua hirsuta*), wolftail (*Lycurus phleoides*), dropseed (*Sporobolus* spp.), some tridens (*Tridens* spp.) and tobosa (*Pleuraphis mutica*) on the bottomlands. The shrub component includes catclaw mimosa (*Acacia mimosa*), yucca (*Yucca* spp.), sacahuista (*Nolina microcarpa*), and sotol (*Dasyilirion wheeleri*). Forbs occurring are buckwheat (*Eriogonum wrightii*), and prickleleaf dogweed (*Dyssodia acerosa*).

Invasive, Non-Native Species: There are currently no known non-native, invasive species in the immediate area of the proposed fence construction area.

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 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.

Visual: The proposed route for the pipeline is contained in a designated Class IV Visual Resource Class area. The objective of this class is to provide for management activities which require major modifications of the existing character of the landscape. The level of change to the characteristic landscape can be high. These management activities may dominate the view and be the major focus of viewer attention. However, every attempt would be made to minimize their impact of these activities through careful location, minimal disturbance, and repeating the basic elements of line form and color.

Cave/Karst: No significant caves or karst features have been identified within this area.

Recreation: Recreational pursuits are considered to be either facility-based or dispersed. The Roswell Field Office Area offers opportunities in both categories. Dispersed recreation occurs throughout the approximately 1.5 million surface acres of public land in the Resource Area. Recreational activities in the proposed action area is dispersed; the allotment has no facility-based recreational activities. Recreational activities are primarily hunting, caving and off highway vehicle use. Hunting is the most popular outdoor sport on public land in southeast New Mexico. Hunting for big game, waterfowl, and upland birds is estimated to provide in excess of 267,122 visitor hours each year.

Legal and physical access to public land located in this allotment are through state land and county maintained roads. Off highway vehicle designation for public land within this allotment are classified as "Limited" to existing roads and trails. The majority of public land in this allotment can be accessed by foot (hiking, or walking) and vehicle travel.

Wildlife: The project areas provide habitat for desert mule deer (*Odocoileus hemionus*), pronghorn (*Antilocapra americana*), bobwhite (*Colinus virginianus*), scaled quail (*Callipepla squamata*), mourning dove (*Zenaida macroura*), raptor species, and various non-game species.

Threatened or Endangered Species: There are no known threatened or endangered species of plant or animals on Allotment 64029. A list of federal threatened, endangered and candidate species reviewed for this EA can be found in Appendix 11 of the Roswell Approved RMP (AP11-2). There are no designated critical habitat areas within this allotment.

IV. ENVIRONMENTAL IMPACTS

Impacts of the Proposed Action

The impacts from the proposed action would be made during the construction of the pipeline. Short-term negative impacts would include: vegetation disturbance would be localized to the immediate area of the project. Vegetation would be destroyed where the trench runs, but the disturbed area would naturally re-vegetate within two growing seasons with adequate precipitation. Approximately 17.3 acres of vegetation would be subject to disturbance during the construction of the pipeline, (based on the estimate of 3 miles * 50 ft. width). Positive long-term impacts would include: vegetation would benefit from this project due to the reduced amount of stress caused by foraging animals. This would lower utilization levels around the current yearlong available water sources.

Impacts from the proposed construction activity may cause temporary disruption of wildlife activity within the immediate vicinity of the project area during construction. Development of a water location on the north side of the pasture would allow additional sources of water for wildlife use at the trough. There is sufficient wildlife habitat in the surrounding area that would minimize the impacts to wildlife. As water would become either additionally available or more reliable, wildlife could potentially benefit.

No change in AUMs would result.

Soil disturbance would be localized to the immediate area of the project.

Visual impacts by the pipeline as proposed would be kept at a minimum by designing the lay of the pipeline along topographic lines as much as possible. Other visual impacts would be minimized as long as the standards are adhered to.

The construction of the pipeline 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 and transport vehicles. The main mechanism for seed dispersion on the roads 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.

STIPULATIONS

1. No blading will occur on public land, unless authorized by the Roswell Field Office Manager.
2. Water will be provided yearlong to all drinking tubs located on public land, for wildlife purposes, when livestock are not in the pasture. Wildlife escape ladders will be installed in all drinkers.
3. Livestock drinking tubs will not exceed 18" in height.
4. The co-operator/contractor shall not use the pipeline route as a road for purposes other than routine maintenance as determined necessary by the Authorized Officer in consultation with the co-operator/contractor. The co-operator/contractor shall take whatever steps are necessary to ensure that the pipeline route is not used as a roadway.
5. Vegetation, soil, and rocks left as a result of construction or maintenance activity shall be randomly scattered over the project area and shall not be left in rows, piles, or berms, unless otherwise approved by the Authorized Officer. A berm shall be left over the ditch line to allow for settling back to grade.
6. The co-operator/contractor shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this authorization.
7. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the co-operator/contractor or any person working on the co-operator/contractor's behalf, on public or Federal land shall be immediately reported to the authorized officer. The co-operator/contractor 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 co-operator/contractor 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 co-operator/contractor.
8. The co-operator/contractor is hereby obligated to comply with procedures established in the Native American Grave 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 the 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.

9. The co-operator/contractor 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.

10. The approval of the Permit/Agreement does not convey the right to prevent other lawful uses from occurring. The applicant/cooperator understands that other lawful users with proper authorizations.

FINDING OF NO SIGNIFICANT IMPACT/ DECISION RECORD

Moorhead Pipeline, Water Development & Construction, EA NM-060-2004-122

FINDING OF NO SIGNIFICANT IMPACT: Based on the analysis of potential environmental impacts contained in the attached environmental assessment, I have determined the proposed action is not expected to have significant impacts on the environment and that preparation of an Environmental Impact Statement is not warranted.

DECISION: It is my decision to authorize the construction of the 1.75 miles of water pipeline, and placement of 1 trough that will be placed on public land to provide adequate water supply on allotment #64029, Moorhead Cattle Co. Total pipe to be installed is 1.75 miles of pipeline that will be placed on public land to insure water supply and availability of water.

Location of the pipeline is as follows:

Moorhead Pipeline T. 8 S., R. 21 E., Sec. 9, 15, .16 & 22.

All in Chaves County, New Mexico, New Mexico Principle Meridian. (Please refer to the map in the Environmental Assessment.)

Actual construction of the pipeline will be done by the allottee. The allottee will also supply the materials for the pipeline and trough. Pipeline construction is normally accomplished during the summer months, June through September. The surface protection procedures set forth in the proposed action have been incorporated into the Environmental Assessment. Any comments made to this proposed action were considered and addressed.

Rationale for Recommendations: The decision to authorize the proposed action does not result in any undue or unnecessary environmental degradation. The action is consistent with planned actions presented in the Roswell Resource Management Plan, Oct, 1997.

In accordance with 43 Code of Federal Regulations, Part 4100, Sec 4160.2, any applicant, permittee, lessee or other affected interests may protest this proposed decision in person or in writing to the authorized officer, within 15 days after receipt of this decision. Please be specific in your points of protest.

The protection procedures for the proposed action are included in the Cooperative Agreement and are attached as stipulations. Any additional mitigation measures identified for the proposed action in the environmental impacts section of the attached environmental assessment have been formulated into stipulation. This decision incorporated by reference the attached stipulations.

In addition to the addressee, this decision has been provided to:

Sandra C. Moorhead
26 Water tree Court
The Woodlands, TX 77380

New Mexico Department of Game & Fish
c/o Roy Hayes
1912 W. Second Street
Roswell, NM 88201

Andrew Sandoval
NM Department of Game and Fish
141 E. Devargas Street
Santa Fe, NM 87501

Alexa Sandoval
SE Area Operations, NMDGF
P.O. Box 397
La Luz, NM 88347

John Horning
Forest Guardians
312 Montezuma Ave #A
Santa Fe, NM 87501-2627

In the absence of a protest, this proposed decision will become the final decision without further notice. Any person who is adversely affected by the final decision of the authorized officer may file a written appeal to the Final Decision for the purpose of a hearing before an administrative law judge under 43 CFR 4.470. A period of 30 days after the decision becomes final is provided in which to file an appeal and a petition for stay of the decision in this office (43 CFR '4160.3 [c] and '4160.4).

/s/ T.R. Kreager 8/13/04
T. R. Kreager, Assistant Field Office Manager, Resources Date
