



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Pecos District
Roswell Field Office
2909 W. Second
Roswell, New Mexico 88201

In reply refer to:
NM510 (4160)

Certified Mail No 7003 0500 0000 4453 8997

James R. Petty
3806 East Pine Lodge
Roswell, NM 88201

NOTICE OF PROPOSED DECISION EA#NM510-2005-0040

Dear Mr. Petty:

The Roswell Field Office has completed an Environmental Assessment EA#NM-510-2005-0040 for the renewal of a ten year grazing permit/lease for the Allotments #64095. The environmental assessment and the Finding of No Significant Impacts (FONSI) were sent to the permittee/lessee and all recognized interested public for a thirty (30) day comment period. No comments were received.

My proposed decision is to implement the proposed action as described in the Environmental Assessment EA#NM-510-2005-0040 Alternative A, Proposed Action:

The proposed action is to authorize to a ten-year permit to graze cattle and horses on Allotment 64095. Permitted use is for two (2) animal units (AUs), corresponding to 24 animal unit months (AUMs).¹ Total permitted use includes 2 AUs (24 AUMs) for cattle and horses distributed yearlong among the pastures at 100 percent public range. The permit would be offered to Mr. James R. Petty.

Rationale

Resource conditions on the allotment are sufficient and sustainable to support the

¹ For a cattle operation, an animal unit (AU) is defined as one cow with a nursing calf or its equivalent. An animal unit month (AUM) is the amount of forage needed to sustain that cow and calf for one month.

level of use outlined in the ten (10) year grazing permit and the ten (10) year grazing lease.

Right of Protest and Appeal

Any applicant, permittee, lessee or other interested public may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to the Field Office Manager, 2909 West Second, Roswell, NM 88201 within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error.

In accordance with 43 CFR 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

In accordance with 43 CFR 4160.3 (b) upon a timely filing of a protest, after a review of protests received and other information pertinent to the case, the authorized officer shall issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.3 and 4160 .4. The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 and 4.479, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. The appellant must serve a copy of the appeal by certified mail on the Office of the Solicitor, U.S. Department of the Interior, P. O. Box 1042, Santa Fe, NM 87504 and person(s) named [43 CFR 4.421(h)] in the Copies sent to: section of this decision.

The appeal shall clearly and concisely state the reasons why the appellant thinks the final decision is in error, and otherwise complies with the provisions of 43 CFR 4.470.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer and served in accordance with 43 CFR 4.473. If a petition for stay is not granted, the decision will be put into effect following the 30-day appeal period. Appeals can be filed at the following address:

Field Office Manager
Bureau of Land Management
Roswell Field Office
2909 West Second Street
Roswell, NM 88201

Any person named in the decision that receives a copy of a petition for a stay and/or an appeal see 43 CFR 4.472(b) for procedures to follow if you wish to respond.

If you have any questions, feel free to contact me at 505-627-0272.

Sincerely,

/s/Eddie Bateson 8/30/05

Eddie Bateson
Field Office Manager

Copies sent to (by certified mail):

Planning & Environmental Service 7099 3220 0002 6402 2455
Attn: PLAC
P. O. Box 1817
Roswell, NM 88202-1817

NM Department of Game and Fish 7003 0500 0000 4453 8942
Attn: Jan Ward
P. O. Box 25112
Santa Fe, NM 87504

Forest Guardians 7003 0500 0000 4453 8973
Attn: John Horning
312 Montezuma Suite A
Santa Fe, NM 87501

Audubon Society 7003 0500 0000 4453 8980
Attn: David Henderson
P. O. Box 9314
Santa Fe, NM 87504

NM Cattle Growers' Assn 7003 0500 0000 4453 8959
Attn: Caren Cowan
P. O. Box 7514
Albuquerque, NM 87194

Center for Biological Diversity 7003 0500 0000 4453 8966
P. O. Box 710
Tucson, AZ 85702

FINDING OF NO SIGNIFICANT IMPACT/RATIONALE

FINDING OF NO SIGNIFICANT IMPACT: I have reviewed this environmental assessment including the explanation and resolution of any potentially significant environmental impacts. I have determined the **proposed action** would not have significant impacts on the human environment and that preparation of an Environmental Impact Statement (EIS) is not required.

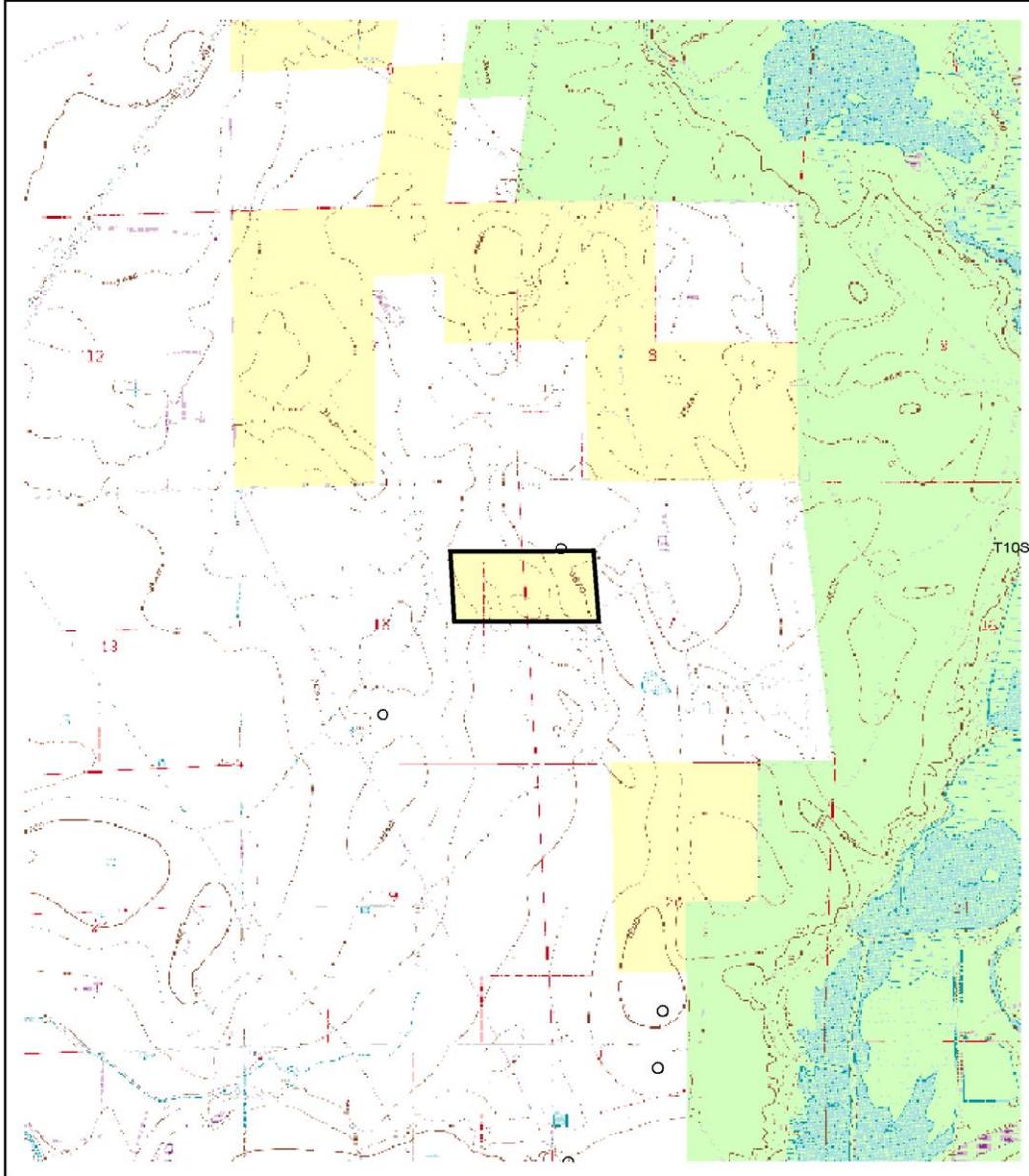
Rationale for Recommendations: The proposed action would not result in any undue or unnecessary environmental degradation. The **proposed action** would be in compliance with the Roswell Resource Management Plan and Record of Decision (October, 1997).

T. R. Kreager,
Assistant Field Manager, Resources

Date



Wonder Lane - 64095



Public FWS Private



○ Water Well

— Allotment Boundary

R25E

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.

Produced by the RFO GIS Specialist on June 7, 2005.

ENVIRONMENTAL ASSESSMENT

For

GRAZING AUTHORIZATION

ALLOTMENT 64095

EA-NM-510-2005-0040

April 2005

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

I. Introduction

When authorizing livestock grazing on public range, the Bureau of Land Management (BLM) has historically relied on a land use plan and environmental impact statement to comply with the National Environmental Policy Act (NEPA). A recent decision by the Interior Board of Land Appeals, however, affirmed that the BLM must conduct a site-specific NEPA analysis before issuing a permit or lease to authorize livestock grazing. This environmental assessment fulfills the NEPA requirement by providing the necessary site-specific analysis of the effects of issuing a new grazing permit/lease on Allotment #64095.

The scope of this document is limited to the effects of issuing a 10-year grazing permit, other future actions such as range improvement projects will be addressed in a project specific environmental assessment. There are no current plans for additional management actions on this allotment.

A. Purpose and Need for the Proposed Action

The purpose of issuing a new grazing permit would be to authorize livestock grazing on public lands on Allotment #64095. The permit would specify the types and levels of use authorized, and the terms and conditions of the authorization pursuant to 43 CFR ' ' 4130.3, 4130.3-1, 4130.3-2 and 4180.1.

B. Conformance with Land Use Planning

The Roswell Resource Management Plan/Environmental Impact Statement (October 1997) has been reviewed to determine if the proposed action conforms with the land use plan's Record of Decision. The proposed action is consistent with the RMP/EIS.

C. Relationships to Statutes, Regulations, or Other Plans

The proposed action is consistent with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1700 et seq.); the Taylor Grazing Act of 1934 (43 U.S.C. 315 et seq.), as amended; the Clean Water Act (33 U.S.C. 1251 et seq.), as amended; the Endangered Species Act (16 U.S.C. 1535 et seq.) as amended; the Federal Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.); Executive Order 11988, Floodplain Management and Executive Order 11990, Protection of Wetlands.

Proposed Action and Alternatives

A. Proposed Action:

The proposed action is to authorize James R. Petty, Wonder Lane Allotment, a grazing permit for BLM grazing allotment #64095. The permit would authorize 2 Animal Units (AUs) yearlong at

100 percent federal range for 24 Animal Unit Months (AUMs). Horses and cattle are the classes of livestock proposed for authorization.

B. No Permit Authorization Alternative:

This alternative would not issue a new grazing permit. There would be no livestock grazing authorized on public land within Allotment #64095. The No Grazing alternative was considered, but not chosen in the Rangeland Reform Environmental Impact Statement (EIS) Record of Decision (ROD) (p. 28). The elimination of grazing in the Roswell Field Office Area was also considered but eliminated by the Roswell RMP/ROD (pp. ROD-2).

III. Affected Environment

A. General Setting

Allotment #64095 is located in Chaves County, approximately 6 miles northeast of Roswell, New Mexico. The allotment consists of 80 acres of public land, and qualifying Base Water on private land.

This allotment lies within the boundaries of the Roswell Grazing District established subsequent to the Taylor Grazing Act (TGA). Grazing authorization on Public Lands inside the Grazing District boundary is governed by Section 3 of the TGA. Livestock numbers for the ranch are controlled under this Section 3 permit, the permittee is billed for the amount of forage available for livestock on federal land. Vegetation monitoring studies are used to determine the allowable number of livestock on the ranch.

The landscape is level grassland with occasional salt cedar trees. More detailed information of the area is discussed under the affected resources section.

The following resources or values are not present or would not be affected: Prime/Unique Farmland, Areas of Critical Environmental Concern, Minority/Low Income Populations, Wild and Scenic Rivers, Hazardous/Solid Wastes, Wetlands/Riparian Zones, Floodplains, and Native American Religious Concerns. Cultural inventory surveys would continue to be required for public actions involving surface disturbing activities.

B. Affected Resources

1. Soils: In general, the soils in the area are Holloman-Gypsum. The soils are very shallow and well drained. The surface layers are loam and fine sandy loam overlying dense layers of soft or cemented layers of gypsum material. This area is covered in The Soil Survey of Chaves County New Mexico, Southern Part, published by the Natural Resource Conservation Service (NRCS). For additional information on soils and the ecological site, please refer to www.nm.nrcs.usda.gov/technical/fotg/section-2/esd/sd-3/R042XC006NM.pdf.

2. Vegetation: This allotment is within the grassland vegetative community as identified in the Roswell Resource Management Plan/Environmental Impact Statement (RMP/EIS). Vegetative communities managed by the Roswell Field Office are identified and explained in the RMP/EIS. Appendix 11 of the draft RMP/EIS describes the Desired Plant Community (DPC) concept and identifies the components of each community. Vegetation is primarily sacaton, gyp dropseed, goldenrod and saltcedar motte in the lowland on the east side of the pasture. Grama grasses are conspicuously absent.

The ecological (range) site on the allotment is Gyp Upland SD-3. Range site descriptions are available for review at the Roswell BLM office or any Natural Resources Conservation Service office.

Noxious Weeds - Noxious and Invasive species: A noxious weed is defined as a plant that causes disease or has other adverse effects on the human environment and is, therefore, detrimental to the public health and to the agriculture and commerce of the United States. Generally, noxious weeds are aggressive, difficult to manage, parasitic, are carriers or hosts of harmful insects or disease, and are either native, new to, or not common in, the United States. In most cases, however, noxious weeds are non-native species.

The list currently includes the following weeds: 1) African rue, 2) black henbane, 3) bull thistle, 4) camelthorn, 5) Canada thistle, 6) dalmatian toadflax, 7) goldenrod, 8) leafy spurge, 9) Malta starthistle, 10) musk thistle, 11) poison hemlock, 12) purple starthistle, 13) Russian knapweed, 14) Scotch thistle, 15) spotted knapweed, 16) teasel, 17) yellow starthistle, 18) yellow toadflax, 19) Russian olive, 20) Tamarix species, 21) Siberian elm.

Of the noxious weeds listed, the ones with known populations in the Roswell Field Office are African rue, non-native *Cirsium* spp. such as bull thistle and Canada thistle, leafy spurge, goldenrod, Malta starthistle, Russian knapweed, Tamarix species and Scotch thistle. Also "problem weeds" of local concern are cocklebur, buffalobur and spiny cocklebur. "Problem weeds" are those weeds which may be native to the area but whose populations are out of balance with other local flora.

Goldenrod is found on the allotment. The spread of the plant is generally done by creeping roots and some seed dispersal. Saltcedar is growing in a dense stand in the east portion of the allotment. A few scattered trees are found outside of this area.

3. Wildlife: Game species occurring within the area include pronghorn antelope, mule deer, mourning dove, and scaled quail. Raptors that utilize the area on a more seasonal basis include the Swainson's, red-tailed, and ferruginous hawks, American kestrel, and great-horned owl. Numerous passerine birds utilize the grassland areas due to the variety of grasses, forbs, and shrubs. The most common include the western meadowlark, mockingbird, horned lark, killdeer, loggerhead shrike, and vesper sparrow.

The warm prairie environment supports a large number of reptile species compared to higher elevations. The more common reptiles include the short-horned lizard, lesser earless lizard, eastern fence lizard, coachwhip, bullsnake, prairie rattlesnake, and western rattlesnake.

A general description of wildlife occupying or potentially utilizing the proposed action area is located in the Affected Environment Section (p. 3-62 to 3-71) of the Draft Roswell RMP/EIS (9/1994).

4. Threatened and Endangered Species: There are no known resident populations of threatened or endangered species on this allotment. A list of federal threatened, endangered, and candidate species reviewed for this EA can be found in Appendix 11 of the Roswell RMP (AP11-2). Of the listed species, avian species such as the bald eagle and peregrine falcon may be observed in the general geographic area during migration or the winter months. There are no known records of these species having occurred on the allotment, and no designated critical habitat areas are within the allotment.

5. Livestock Management: This allotment is in the "C" (Custodial) category due to the small amount of public land present. The allotment consists of one pasture for horses. A livestock water is located on private land. Improvements include a south boundary fence constructed in 1997, and a west boundary fence and a portion of the south boundary fence constructed in 2000. The horses are pulled off of the public lands at first frost (October) until early spring (March) to avoid goldenrod poisoning.

6. Visual Resources: The allotment is located within a Class IV Visual Resource Management area. This means that contrasts may attract attention and be a dominant feature in the landscape in terms of scale. However, the changes should repeat the basic elements of the landscape.

7. Water Quality Drinking/Ground: No perennial surface water is found on the Public Land on this allotment. Fresh water sources are in the Quaternary Alluvium and the San Andres Formation. Depth to fresh water has been found at approximately 180 feet in the Quaternary Alluvium. Depth to fresh water has been found at approximately 4500 feet in the San Andres Formation (New Mexico State Engineer Office data).

8. Air Quality: Air quality in the region is generally good. The allotment is in a Class II area for the Prevention of Significant Deterioration of air quality as defined in the public Clean Air Act. Class II areas allow a moderate amount of air quality degradation.

9. Recreation: Since this allotment has no facility-based recreational activities, only dispersed recreational opportunities occur on these lands. The allotment is adjacent to residential areas off of Pine Lodge Road. Access and recreation is limited by fences and gates delineating property boundaries. Off Highway Vehicle designation for public lands within this allotment are classified as "Limited" to existing roads and trails.

10. Cave/Karst: This allotment is located within a designated area of *High Karst and Cave Potential*. A complete significant cave or karst inventory has not been completed for the public lands located in this grazing allotment. No significant caves or karst features are known to exist within this allotment.

IV. Environmental Impacts

A. Impacts of the Proposed Action

1. Soils: Grazing activities will continue to have some impact to the soil. These impacts may include: removal of standing vegetation and litter; soil compaction along livestock trails or soil compaction may occur if livestock are concentrated during prolonged periods when the soil is wet. These effects can lead to reduced infiltration rates and increased runoff. Reduced vegetative cover and increased runoff can result in higher erosion rates and soil losses, making it more difficult to produce forage and to protect the soil from further erosion. These adverse effects can be greatly reduced by maintaining an adequate vegetative cover on the soil.

Proper utilization levels and grazing distribution patterns are expected to retain sufficient vegetative cover on the allotment as a whole and this would maintain the stability of the soil. Soil compaction and excessive vegetative use would occur at small, localized areas such as drinking locations, along trails and at bedding areas. Positive affects from the proposed action include the speeding up of the nutrient cycling process and chipping of the soil crust by hoof action may stimulate seedling growth and water infiltration.

2. Vegetation: Vegetation would continue to be grazed and trampled by domestic livestock as well as other herbivores. Ecological condition and trend is expected to remain stable and/or improve over the long term with the proposed authorized number of livestock and existing pasture management. Rangeland monitoring data indicates that there is an adequate amount of forage for the multiple resource use objectives.

Noxious Weeds - Grazing should have little or no impact on the goldenrod population found within this allotment. Livestock will generally avoid grazing this plant as it is generally low in palatability. Saltcedar control would be implemented under a separate environmental assessment.

3. Wildlife: Domestic livestock would continue to utilize vegetative resources needed by a variety of wildlife species for life history functions within this allotment. The magnitude of livestock grazing impacts on wildlife is minimal in this area. Numerous residential developments and private land uses have impacted habitat over the years of development of the area. Cover habitat for wildlife would remain the same as the existing situation. Maintenance and operation of existing base water would continue to provide dependable water sources for wildlife, as well as livestock.

4. T&E species: There would be no impact to listed species or habitat as a result of grazing permit renewal.

- 5 Livestock Management: No adverse impacts are anticipated under the proposed action.
6. Visual Resources: The continued grazing of livestock would not affect the form or color of the landscape. The primary appearance of the vegetation within the allotment would remain the same.
7. Water Quality: Direct impacts to surface water quality would be minor, short-term impacts during stormflow. Indirect impacts to water-quality related resources, such as fisheries, would not occur. The proposed action would not have a significant effect on ground water. Livestock would be dispersed over the allotment, and the soil would filter potential contaminants.
8. Air Quality: Dust levels under the proposed action would be slightly higher than under the no grazing alternative due to allotment management activities. The levels would be within the limits allowed in a Class II area for the Prevention of Significant Deterioration of air quality.
9. Recreation: Grazing should have little or no impact on the dispersed recreational opportunities within this allotment.
10. Caves/Karst: No known significant cave or karst features are known to exist on this allotment. There is a high potential that caves do exist in the area. If a significant cave is found, protection measures would be placed into effect.

V. Cumulative Impacts

The grazing authorization to allow two animal units to graze 80 acres of federal land would not add significantly to cumulative impacts on the land or adjacent area. Existing current developments include such as residential areas and various rights-of-way on adjacent private lands. The isolated 80-acre parcel of federal land is not subject to developments at this time, rural atmosphere is maintained by allowing equine grazing.

VI. Residual Impacts

Vegetative monitoring studies have shown that grazing, at the current permitted numbers of animals, is sustainable. If the mitigation measures are enacted, then there would be no residual impacts to the proposed action.

VII. Mitigating Measures

Vegetation monitoring studies would continue to be conducted and the permitted numbers of livestock would be adjusted if necessary. If new information surfaces that livestock grazing is negatively impacting other resources, action would be taken at that time to mitigate those impacts.

VIII. Rangeland Health

The fundamentals of rangeland health are identified in 43 CFR ' ' 4180.1 and pertain to watershed function, ecological process, water quality, and habitat for threatened and endangered (T&E) species and other special status species.

Public Land (Rangeland) Health assessments were completed on the allotment during 2003. Based on the assessments and monitoring data a Determination was made that public land within this livestock grazing allotment is in conformance with the New Mexico Standards for Public Land Health and Guidelines for Livestock Grazing Management. A copy of this assessment can be accessed at www.nm.blm.gov/rfo/index.htm.

Based on the available data and professional judgment, the evaluation by this environmental assessment indicates that the conditions identified in the fundamentals of rangeland health exist on this allotment.

IX. BLM Team Members

John Spain, Joseph Navarro, Rand French, Irene Gonzales-Salas, Jerry Dutchover, Pat Flanary, Mike McGee, Paul Happel, Bill Murry, Howard Parman.

ENVIRONMENTAL ASSESSMENT CHECKLIST

EA Number: NM-510-2005-0040 Preparer: Dan Baggao			Action Type: Grazing Permit Renewal Project Name: Wonder Lane 64095		
Resource / Activity	Not Present	Not Affected	**May Be Affected	Reviewer	Date
Air Quality*			X	/s/ Michael McGee Hydrologist	6/7//05
Floodplains*			X		
Soils/Watershed			X		
Water Quality- Drinking/Ground*			X	/s/ Michael McGee Hydrologist/Geologist	6/7/05
Vegetation			X	/s/ John Spain Rangeland Management Specialist	4/28/05
Livestock Grazing			X		
Invasive, Nonnative Species*			X	Range Mgmt Spec/Nox. Weed Specialist	
Wastes, Hazardous or Solids*				Hazardous Waste Spec.	
Prime/Unique Farmlands*	X			Irene M. Gonzales Realty Specialist	05-03-05
Lands/Realty/ROW		X			
Fluid Minerals				Pet Eng/Geologist/Sur. Prot. Specialist	
Mining Claims	X			/s/ Jerry Dutchover Geologist	06/03/05
Mineral Materials		X			
Threatened or Endangered Species*		X		/s/ Ernest Jaquez Wildlife Biologist	6/27/05
Wetlands/Riparian Zones*		X			
Wildlife Habitat		X			
Native American Religious Concerns*		X		Pat Flanary Archaeologist	6/24/05
Cultural Resources*		X			
Areas of Critical Environmental Concern*	X			/s/ J H Parman	6/14/05
Low Income & Minority Population Concerns		X		Planning & Env. Coordinator	
Wild/Scenic Rivers*	X			Bill Murry Outdoor Recreation Planner/NRS	5/17/05
Wilderness*	X				
Cave/Karst Resources			X		
Outdoor Recreation		X			
Visual Resources			X		
Access/Transportation				Environ. Prot. Spec.	

* "Critical Element" - must be addressed in all NEPA documents. ** "Affected Element" - must be addressed in EA.

