

## DECISION RECORD

Pierce Place Pipeline Construction, DOI-BLM-NM-P010-2013-424

DECISION: It is my decision to authorize the construction of the water pipeline to provide adequate water supply and to provide better water distribution on Allotment #64007, Pierce Place. Total pipe to be installed is 2.94 miles of pipeline, 1 storage and 2 drinkers will be placed on public land to insure water supply and availability of water. An additional 3 existing drinkers will be replaced.

Location of the pipeline is as follows:

T. 5, R., 21 E., Sections 25, 34 & 35; T. 5 S., R. 22 E., Section 31; T. 6 S., R. 22 E., Sections 4, 9 & 10; T. 6 S., R. 23 E., Section 7

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

Actual construction of the pipeline will be done by contract. 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 Management Framework Plan Amendment/Environmental Impact Statement on Rangeland Management in the Roswell Resource Area (1984), and the Roswell Resource Area Resource Management Plan (Draft, 1994), and the Roswell Resource Area Resource Management Plan (Final, 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.

In the absence of a protest, this proposed decision will become the final decision without further notice. Any person who is adversely affected by a 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/ Jerry Dutchover  
Jerry Dutchover,  
Assistant Field Manager, Resources

06/10/2013  
Date

**FINDING OF NO SIGNIFICANT IMPACT**  
**DOI-BLM-NM-P010-2013-424**  
**PIERCE PLACE PIPELINE**

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.

/s/ Jerry Dutchover  
Jerry Dutchover, Assistant Field Manager, Resources

06/10/2013 .  
Date

**Environmental Analysis  
Pierce Place Pipeline Construction  
NM-510-2013-424  
Allotment #64007  
Bureau of Land Management  
Roswell Field Office  
Roswell, New Mexico  
April, 2013**

Location:

Pierce Place Pipeline:  
T. 5, R., 21 E., Sections 25, 34 & 35  
T. 5 S., R. 22 E., Section 31  
T. 6 S., R. 22 E., Sections 4, 9 & 10  
T. 6 S., R. 23 E., Section 7

Chaves County  
New Mexico Principal Meridian



## I. INTRODUCTION

### Need For the Proposed Action

The need for the proposed action is to provide permanent water for livestock and wildlife with the construction of a pipeline containing approximately 2.94 miles of pipeline, with 2 new tubs and 1 storage tank and replace 3 existing drinking tubs on Allotment 64007, Pierce Place.

Existing fences, water developments, and other range improvements needed to implement grazing systems or other management plans were incorporated or new ones were designed during specific management plan development. Other range improvements may be addressed as the need becomes apparent on allotments without documented allotment management plans. An Allotment Management Plan is currently on file for this allotment with the Bureau of Land Management).

Range fencing and 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 developments would lessen the distance wildlife and livestock have to travel between forage and available water. Cattle will graze areas around water again and again, rather than travel long distances to better forage. This results in heavy utilization of forage near water and under utilizes forage at long distances from water. Establishment of consistent, available water locations will reduce the size of the heavily utilized areas.

Conformance with Land Use Plans: The proposed activity is addressed as part of the Management Framework Plan Amendment/Environmental Impact Statement on Rangeland Management in the Roswell Resource Area (1984) and the Roswell Resource Area Resource Management Plan (Draft, 1994), the Roswell Resource Area Resource Management Plan (Final, 1997).

Relationship to Statutes, Regulations, or Other Plans: The construction of pipelines 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 construction of a water pipeline (2.94 miles on public land) to provide adequate water supply and placement and 2 new drinking tubs with 1 storage; in order to provide consistent and reliable water distribution. Construction of the water pipeline will help to implement grazing rotation systems within a single pasture and reduce concentrated trailing between two existing water locations over easily eroded soils. Three other tubs will be replaced.

The Pierce Place Pipeline, proposed for the Pierce Place Allotment will provide water for the western sections in the Creek Pasture in the allotment and make water reliable for the East Pasture. Trench digging, laying the line and covering it will be done under standard construction methods, utilizing standard trenching methods on the Pierce Place Pipeline. The pipeline will be constructed in Township 5, Range, 21 E., Sections 25, 34 & 35; T. 5 S., R. 22 E., Section 31; T. 6 S., R. 22 E., Sections 4, 9 & 10 and T. 6 S., R. 23 E., Section 7; the project will consist of 2.94 miles of line and 2 new tubs with one storage on public land. The pipeline will follow existing road (Chickweed) and an improved two-track road. Three existing tubs will also be replaced at their current locations. The pipeline will be constructed under contract

The pipeline will be located on public surface and will be constructed under a Cooperative Range Improvement Agreement. (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 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.

Livestock drinking tubs will not exceed 18" in height.

The co-operator 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 co-operator 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.

Non-galvanized storage tanks will be painted flat grey or grey-green to blend with the environment.

The co-operator 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.

Any cultural 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.

If paleontological resources (large, conspicuous or of significant scientific value) are discovered during surface disturbing activities or construction of the project, the find will be reported to the Authorized Officer immediately. Surface disturbing activities and construction operations will be suspended within 250 feet of said find. An evaluation of the paleontological discovery will be made by a BLM approved professional paleontologist within five (5) working days, weather permitting, to determine the appropriate action(s) to prevent the potential loss of any significant paleontological values. Operations within 250 feet of such a discovery will not be resumed until written authorization to proceed is issued by the Authorized Officer. The applicant will bear the cost of any required paleontological appraisals, surface collection of fossils, or salvage of any large conspicuous fossils of significant scientific interest discovered during the operation.

Any cave or karst feature, such as a deep sinkhole, discovered by the co-operator/contractor or any person working on the co-operator's/contracts behalf, on public or Federal land shall be immediately reported to the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine the appropriate action(s). Any decision as to the proper mitigation measures will be made by the Authorized Officer after consulting with the co-operator/contractor.

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.

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.

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.

## B. Alternatives

### 1. No Action - Alternative 1

This alternative would leave the water supply as is. By not constructing the pipeline, livestock distribution patterns would remain concentrated at the existing locations, and the current situation would remain either at status quo or would decline.

### 2. Locate Elsewhere - Alternative 2

This alternative would re-route the entire proposed pipelines or major portions of them. The alternatives would:

- a. add length to the pipeline as well as increasing 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. To re-route the pipeline would cause a concentration of the livestock use to one side of the pasture or the other.

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 Area Resource Management Plan, 1997. Only those resources actually impacted by the proposed action will be addressed in this document. The proposed pipeline, storage and drinker are to be located on the Pierce Place allotment, #64007. The Pierce Place allotment is located approximately twenty six miles north of Roswell, west of US Highway 285. The allotment is currently authorized for grazing by cattle, with only enough horses to work stock. The major regional industries are ranching, and 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, Solid Mineral Resources, Low Income/Minority Populations and Wilderness will not be affected.

A cultural clearance was completed for the Pierce Place Pipeline on 09/17/2012, no artifacts or other cultural sites were found.

### Soils:

The Soil Conservation Service, now the Natural Resource Conservation Service (NRCS), has surveyed the soils in Chaves County. Complete soil information is available in the Soil Survey of Chaves County, New Mexico, Northern Part (USDA Soil Conservation Service 1980) and online at <http://websoilsurvey.nrcs.usda.gov/app/>. The soil map units represented in the project area are:

Alama-Poquita association, 0 to 3 percent slopes (ACA) Permeability of the Alama soil is moderately slow. Runoff of the unit soil is medium and the hazard of water erosion is moderate and the hazard of soil blowing is high. Permeability of the Poquita soil is moderate. Runoff of the unit soil is medium and the hazard of water erosion is moderate and the hazard of soil blowing is high.

Deama-Darvey-Rock outcrop association, 1 to 5 percent slopes (DDC) Permeability of the Deama soil is moderate. Runoff of the soil is medium and the hazard of water erosion is moderate and the hazard of soil blowing is slight. Permeability of the Darvey soil is moderate. Runoff of the soil is medium and the hazard of water erosion is moderate and the hazard of soil blowing is high.

Deama-Rock outcrop-Threadgill complex, 0 to 30 percent slopes (DRD) Permeability of the Deama soil is moderate. Runoff of the soil is medium and the hazard of water erosion is moderate and the hazard of soil blowing is slight. Permeability of the Threadgill soil is moderately slow. Runoff of the soil is medium and the hazard of water erosion is moderate and the hazard of soil blowing is high.

Ector very cobbly loam, 3 to 15 percent slopes (EaC) Permeability of the unit soil is moderate. Runoff of the unit soil is rapid and the hazard of water erosion is high and the hazard of soil blowing is slight.

Ector very cobbly loam, 3 to 15 percent slopes (EbC) Permeability of the unit soil is moderate. Runoff of the unit soil is rapid and the hazard of water erosion is high and the hazard of soil blowing is slight.

**Vegetation:** The Pierce Place pipeline area predominately fits the Limestone Hills CP-3, the Very Shallow CP-4 and the Gyp Uplands CP-2 Range Site descriptions. The vegetation for this site at climax (potential) are grasses such as black grama, sideoats grama, blue grama and sand dropseed. The shrub component includes javelinabush, catclaw mimosa and Mormon tea, while forbs such as Leatherweed croton, senna and globemallow occur. Overall, this area falls on the edge of the Grassland community, the Mixed Desert Shrub community and the Pinon Juniper Community.

**Non-Native and Invasive Species:** There are no known noxious or invasive species populations within the boundaries of the proposed project area. 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 host 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 (*Peganum harmala*), 2) black henbane (*Hyoscyamus niger*), 3) bull thistle (*Cirsium vulgare*), 4) camelthorn (*Alhagi pseudalhagi*) 5) Canada thistle (*Cirsium arvense*), 6) Damatian toadflax (*Linaria genistifolia* spp. *Dalmatica*), 7) goldenrod (*Solidago canadensis*), 8) leafy spurge (*Euphorbia esula*), 9) Malta starthistle (*Centaurea melitensis*), 10) musk thistle (*Carduus nutans*), 11) poison hemlock (*Conium maculatum*), 12) purple starthistle (*Centaurea calcitrapa*), 13) Russian knapweed (*Centaurea repens*), 14) Scotch thistle (*Onopordum acanthium*), 15) spotted knapweed (*Centaurea maculosa*), 16) teasel (*Dipsacus fullonum*), 17) yellow starthistle (*Centaurea solstitialis*), 18) yellow toadflax (*Linaria vulgaris*), 19) Russian olive (*Elaeagnus angustifolia*), 20) saltcedar (*Tamarix spp.*), 21) Siberian elm (*Ulmus pumila*).

Of the noxious weeds listed, the ones with known populations in the Roswell Field Office are African rue, Non-native thistle (*Cirsium* spp.) such as bull thistle and Canada thistle, leafy spurge, poison hemlock, teasel, musk thistle, goldenrod, Malta starthistle, Russian knapweed, tamarix species, Siberian elm, Russian olive and Scotch thistle. Also “problem weeds” of local concern are cocklebur (*Xanthium* spp.) buffalobur (*Curcubita foetidissima*), and spiny cocklebur (*Xanthium spinosum*). “Problem weeds are those weeds which may be native to the area but whose populations are out of balance with other local flora.

Infestations of noxious weeds can have a disastrous impact on biodiversity and natural ecosystems. Furthermore, noxious weeds can negatively affect livestock and dairy producers by increasing their feed and animal health care costs. Increased costs due to operators are eventually borne by consumers. Noxious weed also affect recreational uses, and reduce realty values of both directly influenced and adjacent properties. Recent federal legislation has been enacted requiring state and county agencies to implement noxious weed control programs using funds 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 Resource Management**

The setting presents a winter gray color pattern and in warm months, with foliage, a gray to gray-green color pattern. Wide-area landscape tends to be horizontal in line and flat in form, with a smooth texture. The allotments are in a Class IV area for visual resources management. The proposed actions are located within a designated VRM Class IV area. 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**

Dispersed recreational opportunities exist within this area. Dispersed recreational activities may include hunting, sightseeing, bird watching, primitive camping, mountain biking, horseback riding, caving and hiking. Off Highway Vehicle designation for public land within this area is classified as "Limited" to existing roads and trails. Recreation activities would not be adversely affected by the proposed action.

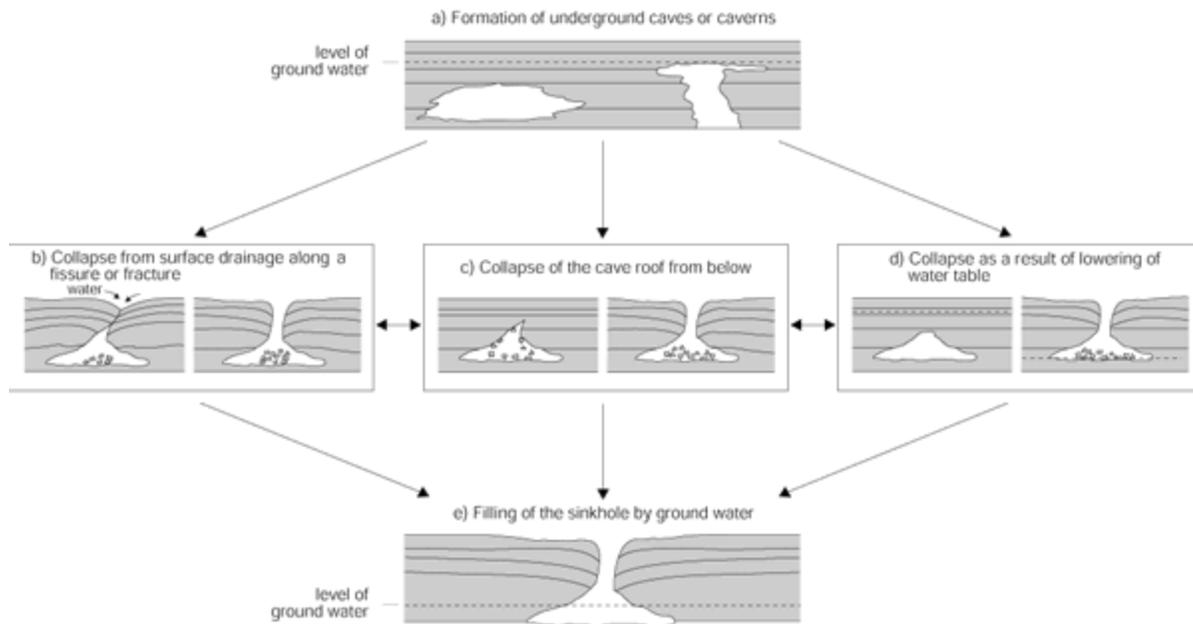
## **Caves & Karst**

### **Affected Environment**

This allotment is located within a designated area of High Karst or Cave Potential. A 95% inventory of significant cave or karst features has been completed for public land located in this grazing allotment, and caves and sinkholes have been documented in this area. At least four significant caves are found in this allotment:

Little Saddle Cave  
Road Mover Cave  
JMM Cave  
High Road Cave

There are also several associated notable sinkholes. Karst features are derived from dissolved limestone and gypsum from which caves and sinkholes can form, under the definition of caves in the Federal Cave Resource Protection Act of 1988.



*Sinkhole Development* ([http://geoinfo.nmt.edu/tour/state/bottomless\\_lakes/home.html](http://geoinfo.nmt.edu/tour/state/bottomless_lakes/home.html))

**Watershed- Hydrology:** 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, time and type of activity. Factors that currently cause short-lived alternation to the hydrologic regime include livestock grazing management, recreational use activities, ground water pumping and oil and gas development which includes well pads, permanent and temporary roads, pipeline and powerlines.

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

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

*Surface Water:* Surface water within the area is affected by geology, precipitation and water erosion. Factors that currently affect surface water resources include livestock grazing, recreational use and brush control treatments. Ephemeral surface water within the area may be located in tributaries, playas, alkali lakes and stock tanks. No perennial surface water is found on the public land within this project area.

*Groundwater:* : Groundwater within this area is affected by geology and precipitation. Factors that currently affect groundwater resources in this area include livestock grazing management, groundwater pumping and possible impacts from brush control treatments. The approximate depth to groundwater in the area is 610 feet (New Mexico Office of the State Engineer data).

**Wildlife:** The project areas provide habitat for desert mule deer, pronghorn antelope, scaled quail, mourning dove, raptor species, and various non-game species. Resident bats are primarily Townsend's Western Big-eared Bat, Small-footed Bat and Cave Myotis.

### ***White Nose Syndrome & Identified Hibernacula***

Many Roswell Field Office caves are identified or potential hibernation sites and are optimum sites for White Nose Syndrome (WNS) establishment. Any karst area north of Roswell is subject to this situation. Some of the proposed action segments are about 200 miles southwest of a confirmed WNS location near Guymon, Oklahoma. White Nose Syndrome was first documented on hibernating bats at Howe caverns in 2006 in New York and by 2013 it had moved over 2,000 miles across twenty eastern and southern states, and five Canadian provinces, and had killed well over 10 million bats. By spring of 2010, White Nose Syndrome (WNS) had been found near Guymon, Oklahoma on cave myotis (*Myotis velifer incautus*), the first evidence of it infecting a western bat species. Infection is definitely bat-to-bat and humans are suspected of transporting the spores (<http://whitenosesyndrome.org/>)

**Threatened or Endangered Species:** No known threatened or endangered species are found in the project area.

**Special Status Species:** No known special status species are found in the project area.

**Wetland/Riparian Areas:** According to the USFWS National Wetland Inventory, no designated wetland/riparian areas are located in the immediate project area. Low lying ephemeral areas can be found near the project area, but due to prolonged drought conditions these areas remain inert.

**Mineral and Oil & Gas Development:** There is an extensive development of oil and gas production within this allotment. Oil & gas leases are currently held by Scythian Ltd. within the project area.

**Land, Realty and Rights-of-Way:** Rights-of-Way for pipelines, power lines, communication sites and access routes are permitted within the Roswell Field Office.

**Cultural Resources:** The project falls within the Southeastern New Mexico Archaeological Region. This region contains the following cultural/temporal periods: Paleoindian (ca. 12,000-8,000 B.C.), Archaic (ca. 8000 B.C. –A.D. 950), Ceramic (ca. A.D. 600-1540) Protohistoric and Spanish Colonial (ca. A.D. 1400-1821), and Mexican and American Historical (ca. A.D. 1822 to early 20th century). Sites representing any or all of these periods are known to occur within the region. A more complete discussion can be found in *Living on the Land: 11,000 Years of Human Adaptation in Southeastern New Mexico An Overview of Cultural Resources in the Roswell District*, Bureau of Land Management published in 1989 by the U.S. Department of the Interior, Bureau of Land Management.

**Native American Religious Concerns:** To date, the area to be affected by the current project has not been identified by interested tribes as being of tribal concern.

## **Paleontology:**

The BLM manages paleontological resources for their scientific, educational, and recreational values in compliance with the Paleontological Resources Preservation Act (PRPA) of 2009.

The PRPA affirms the authority for many of the policies the Federal land managing agencies already have in place for the management of paleontological resources such as issuing permits for collecting paleontological resources, curation of paleontological resources, and confidentiality of locality data. The statute provides authority for the protection of paleontological resources on Federal lands including criminal and civil penalties for fossil theft and vandalism.

The BLM classifies geologic formations to indicate the likelihood of significant fossil occurrence (usually vertebrate fossils of scientific interest) according to the Potential Fossil Yield Classification (PFYC) System for Paleontological Resources on Public Lands (IM 2008-011). These classifications, Classes 1 to 5, determine the procedures to be followed prior to granting a paleontological clearance to proceed with a project.

All paleontological resource stipulations will be followed as indicated in the attached COAs. These stipulations may include, but are not limited to, altering the location or scope of the project, permanent fencing or other physical, temporary barriers, monitoring of earth disturbing construction, project area reduction or specific construction avoidance zones, and fossil recovery. If the assessment of proposed action indicates a reasonable expectation of adverse impacts to significant paleontological resources, a field survey will be necessary to properly document and recover any fossil material and associated data. Upon review, a determination for final project clearance and stipulations shall be issued by the BLM RFO.

## **Public Health and Safety**

The project will not be detrimental to the public health. The co-operator/contractor will insure that all phases of the project operations are conducted in a workman like manner. Precautionary procedures and/or measures will be strictly adhered to in order provide a safe and sound working environment.

## **IV. ENVIRONMENTAL IMPACTS**

### **Impacts of the Proposed Action**

The impacts from the proposed action will be made during the construction of the pipeline.

**Air Quality:** Air quality would be temporarily directly impacted with pollution from exhaust emissions, chemical odors and dust that would be caused by the motorized equipment used to construct and install the project. Other factors that affect air quality in the area include dust from livestock herding activities, dust from recreational use, dust from oil and gas development activities and dust from use of roads for vehicular traffic. There would be some impact to air

resources in the short term resulting from construction activities. The construction activities would cause temporary increase in the project area.

### **Mitigation**

The use of standard construction dust mitigation procedures would help reduce dust levels during the project development.

**Livestock:** No increase in AUMs will result. Grazing systems dependent on existing available waters will benefit by the additional flexibility provided by the more reliable location.

**Soils:** The construction of the project will physically disturb topsoil and would expose the substratum soil, mixing o horizons, compaction, loss of top soil productivity and susceptibility to wind and water erosion. Wind erosion would be expected to be a minor contributor to soil erosion with the possible exception of dust from vehicle traffic. These impacts could result in increased indirect impacts such as runoff, erosion and off-site sedimentation. These impacts would be mitigated as the disturbed area should naturally re-vegetate within two growing seasons or less with adequate precipitation, resulting in cessation of project related erosion or runoff.

## **Mitigation**

The disturbed area should naturally re-vegetate within two growing seasons or less with adequate precipitation, resulting in cessation of project related erosion or runoff.

**Vegetation:** Short term negative impacts would include: vegetation disturbance will be localized to the immediate area of the project. Vegetation will be destroyed where the trench runs, but the disturbed area will naturally re-vegetate within two growing seasons with adequate precipitation. Approximately 18 acres of vegetation on public land will be subject to disturbance during the construction of the pipeline, (based on the estimate of 2.94 miles \* 50 ft. width). Positive long term impacts would include: vegetation will benefit from this project due to the reduced stress caused by foraging animals. This will lower utilization levels around the current yearlong available water sources.

**Non-Native and Invasive Species:** There is an opportunity for noxious weeds to become established within the proposed pipeline route. Noxious weeds could be introduced by the equipment used for construction. Monitoring the area after installation would be conducted to ensure that weeds do not become established. If new weed populations are discovered, they would be aggressively treated.

**Visual Resources:** Visual impacts by the pipeline as proposed will be kept at a minimum by designing the lay of the pipeline along topographic lines as much as possible. Other visual impacts will be minimized as long as the standards are adhered to. Mitigation measures were addressed in the affected environment.

The basic landscape elements of form, line color and texture would not change within the allotments under any management alternative. Potential impacts to visual resources would be analyzed and mitigated as allotment management activities are proposed in the future. Range facilities such as windmills and fences tend to be a translucent grey in color and blend favorably with grey and grey-green settings. To blend favorably with the setting tanks would be low profile, not exceeding 8 feet high, and painted a flat grey or grey-green color. Other translucent colors, such as juniper green and brown can be used, as long as they blend with the setting.

**Recreation:** This project would have little or no effect on recreational opportunities within this area. Large blocks of public land would allow recreationists to use public land and avoid the immediate vicinity within this area thus minimizing environmental impacts.

**Caves & Karst:** Livestock grazing could be affected by the presence of karst features if livestock become entrapped in deep sinkholes. This could be prevented by creating exclosures around identified karst features that pose a hazard to livestock. In the event that range improvement projects are proposed, the presence of karst features would be further analyzed in related environmental assessments. Mitigation measures were addressed in the affected environment.

Livestock grazing could be affected by the presence of karst features if livestock became entrapped in deep sinkholes, which has occurred with sheep grazing on karst land north of

Roswell. This could be prevented by creating exclosures around identified karst features that pose a hazard to livestock. In the event that range improvement projects are proposed, the presence of karst features would be further analyzed in related environmental assessments.

\*A separate Environmental Analysis would be prepared to construct an exclosure fence.

\*In the event that range improvement projects are proposed, the presence of karst features would be further analyzed in related environmental assessments.

\*If at a later date, more significant caves or karst features are found on public land within the allotment, that cave or feature may be fenced to exclude livestock grazing and Off Highway Vehicle Use.

\*Any cave or karst feature, such as a deep sinkhole, discovered by the co-operator/contractor or any person working on the co-operator's/contractor behalf, on BLM-managed public land shall be immediately reported to the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate action(s). Any decision as to the further mitigation measures will be made by the Authorized Officer after consulting with the co-operator/contractor.

**Watershed-Hydrology:** Long term direct and indirect impacts to watershed and hydrology would continue for the life of the project and would decrease once natural re-vegetation of the project has taken place. Short term direct and indirect impacts to the watershed and hydrology from pipelines that are not buried with material would occur and would likely decrease in time due to natural re-vegetation. The pipeline is to be buried and the area should naturally re-vegetate within two growing seasons, given adequate precipitation.

### **Mitigation**

The disturbed area should naturally re-vegetate within two growing seasons or less with adequate precipitation, resulting in cessation of project related erosion or runoff.

### **Water Quality: Surface and Groundwater**

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.

## **Mitigation**

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

**Wildlife:** Impacts from the proposed construction activity may cause temporary disruption of wildlife activity within the immediate vicinity of the project area during construction. There is sufficient wildlife habitat in the surrounding areas that will minimize the impacts to wildlife. Water would be made available yearlong for wildlife. A wildlife escape ramp will be installed in the troughs. Trough height will not exceed 18". No additional mitigation measures would be needed if the standard operating procedures and design features are adhered to.

Pursuant to Federal Register notices, all known Roswell Field Office hibernacula are temporarily closed to public entry from January 25, 2011 to no later than January 25, 2015 to monitor for the presence of White Nose Syndrome and prevent its spread if it arrives. Any proposed entry whatsoever of these caves must be formally proposed to the Pecos District Cave management Team, and full-scale decontamination procedures must be followed ([http://static.whitenosesyndrome.org/sites/default/files/resource/national\\_wns\\_revise\\_final\\_6.25.12.pdf](http://static.whitenosesyndrome.org/sites/default/files/resource/national_wns_revise_final_6.25.12.pdf))

**Mineral and Oil and Gas Development:** There are known oil/gas pipelines in the area of the proposed project, however, prior to construction of the pipeline the operator will be required to contact the New Mexico One Call system to verify, have marked and avoid damage to any existing pipelines.

**Land, Realty and Rights-of-Way:** To avoid unforeseen impacts to the oil and gas industry and to allow for safety, all oil and gas operators and right-of-way holders would be contacted prior to the start of the construction.

## **Cultural Resources**

A cultural resource inventory was conducted for the area of effect (12-R-038A; 12-R-041A), no Historic Properties were identified. No cultural resources will be affected.

## **Native American Religious Concerns**

A review of existing information indicates the proposed action is outside any known Traditional Cultural Property.

## **Paleontology**

### **Direct and Indirect Impacts**

The Potential Fossil Yield Classification (PFYC) data indicate the Proposed Action is within an area designated as Class II. The Proposed Action would not affect any known scientifically significant paleontological resources, however, surface disturbing activities and increased human access could produce unexpected discoveries and potential paleontological resource damage. Direct impacts could include damage or destruction during construction, with subsequent loss of information. Indirect impacts would include fossil damage or destruction by erosion due to surface disturbance.

### **Mitigation:**

If previously undocumented paleontological sites are encountered during surface disturbing activities, the project proponent will immediately stop all surface disturbing activities in the immediate vicinity of the discovery. The proponent will then immediately notify the paleontological monitor (if required) or the BLM RFO paleontology resource staff. It is necessary to protect fossil material and their geological context upon discovered during surface disturbing activities. The BLM RFO paleontology resource staff would then evaluate the site. Should the discovery be evaluated as significant, it will be protected in place until mitigation measures can be developed and implemented according to guidelines set by the BLM. Mitigation measures such as data and fossil recovery may be required by the BLM to prevent impacts to newly identified paleontological resources.

### **Public Health and Safety**

Construction operations and other activities will be conducted in a safe workman like manner. No impacts are anticipated to occur.

### **Impacts of the Alternatives**

Under the no action alternative the pipelines would not be constructed, and the associated impacts of that construction would not occur. Under the no action alternative, the established sites for water needed for livestock and wildlife use would continue to be heavily utilized.

### **Mitigation Measures and Residual Impacts**

Mitigating Measures: No additional mitigating measures will be needed if the standard operating procedures and design features previously discussed are adhered to.

Residual Impacts: Implementation of the proposed action or of the alternative of a different location would have the same potential for unavoidable temporary adverse environmental impacts.

Cumulative Impacts: A cumulative impact is defined as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future action regardless of what agency (Federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of term” (40 CFR 1508.7). Analysis of cumulative impacts is driven by major resource issues. The action considered in the environmental assessment (EA) is the installation of a water pipeline on allotment 64007. Roads, fences, stock trails, water well and oil and gas development have occurred in the past and may contribute to the cumulative impacts of the area.

The proposed action would not contribute significantly to the cumulative impacts of the area. The results of the proposed action will not substantially change the plant and animal communities of the project area, however, decreasing the utilization levels near the existing water locations should aide in attaining increased plant vigor.

The proposed action will result in beneficial effects to the soil and animal life. Beneficial effects to the soil resource would appear in reduced soil compaction in areas of little slope or reduced sediment movement in areas of slopes of 15% or greater. Livestock would benefit also by the more even distribution of water availability. Wildlife, such as bird species, would benefit by having additional water sources.

The construction of the project as proposed would not affect the environment as a whole, but would be site specific in their effect. While as much as 18 acres of vegetation will be initially affected, this can be mitigated by allowing the site to naturally re-vegetate with receipt of normal precipitation. Therefore, the cumulative impact will not be significant when compared to existing disturbances created by heavy utilization of forage near existing water locations.

## **V. PERSONS OR AGENCIES CONSULTED**

The following are people who have been consulted for their comments in regards to the proposed action in addition to the resource area specialists. The comments and suggestions expressed during the consultation have been incorporated into this EA.

Russell Fox, Range Improvement Specialist, Pecos District Office, BLM  
Dan Wolf, Engineering Technician, Pecos District Office, BLM  
Michael McGee, Hydrologist, Roswell Field Office, BLM  
Kyle Arnold, Rangeland Management Specialist, Roswell Field Office  
Suzanne Cox, Allottee of Allotment #64007, Pierce Place  
Mike Bilbo, Cave and VRM Specialist, Roswell Field Office, BLM

Prepared by:

/s/ Helen C.J. Miller  
Helen C.J. Miller, Rangeland Management Specialist

05/29/2013 .  
Date

## STIPULATIONS

1. No blading will occur on public land, unless authorized by the authorized officer.
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. Non-galvanized storage tanks will be painted flat gray or gray-green to blend with the environment.
7. 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.
8. Any cultural 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.
9. If paleontological resources (large, conspicuous or of significant scientific value) are discovered during surface disturbing activities or construction of the project, the find will be reported to the Authorized Officer immediately. Surface disturbing activities and construction operations will be suspended within 250 feet of said find. An evaluation of the paleontological discovery will be made by a BLM approved professional paleontologist within five (5) working days, weather permitting, to determine the appropriate action(s) to prevent the potential loss of any significant paleontological values. Operations within 250 feet of such a discovery will not be resumed until written authorization to proceed is issued by the Authorized Officer. The applicant will bear the cost of any required paleontological appraisals, surface collection of fossils, or

salvage of any large conspicuous fossils of significant scientific interest discovered during the operation.

10. 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.

11. 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.

12. 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.

13. Any cave or karst feature, such as a deep sinkhole, discovered by the co-operator/contractor or any person working on the co-operator's/contractor behalf, on BLM-managed public land shall be immediately reported to the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate action(s). Any decision as to the further mitigation measures will be made by the Authorized Officer after consulting with the co-operator/contractor.

14. Due to the threat of White Nose Syndrome and in compliance with current cave closures, entry of any cave is not allowed without prior approval by the Roswell Field Manager.

**Bureau of Land Management, Roswell Field Office  
Environmental Assessment Checklist, DOI-BLM-NM-P010-2013-424 EA**

<b>Resources</b>	<b>Not Present on Site</b>	<b>No Impacts</b>	<b>May Be Impacts</b>	<b>Mitigation Included</b>	<b>BLM Reviewer</b>	<b>Date</b>
Air Quality			<b>X</b>	<b>X</b>	/s/ Michael McGee SWA Spec/Hydro.	4/15/2013
Soils			<b>X</b>	<b>X</b>		
Watershed Hydrology			<b>X</b>	<b>X</b>		
Floodplains	<b>X</b>					
Water Quality - Surface			<b>X</b>	<b>X</b>		
Water Quality - Ground			<b>X</b>	<b>X</b>	/s/ Michael McGee Geologist/Hydrologist	4/15/2013
Cultural Resources	<b>X</b>				/s/ Laura Hronec	5/21/2013
Native American Religious Concerns	<b>X</b>				Archaeological Technician	
Paleontology		<b>X</b>			/s/ Al Collar Geologist	4/8/2013
Areas of Critical Environmental Concern	<b>X</b>				/s/Glen Garnand Plan & Env. Coord.	4/22/2013
Farmlands, Prime or Unique	<b>X</b>				/s/ Vanessa Bussell Realty	5/7/2013
Rights-of-Way			<b>X</b>	<b>X</b>		
Invasive, Non-native Species			<b>X</b>	<b>X</b>	/s/ Helen Miller Range Mgmt. Spec.	05/14/2013
Vegetation			<b>X</b>	<b>X</b>		
Livestock Grazing			<b>X</b>	<b>X</b>		
Wastes, Hazardous or Solid	<b>X</b>				/s/ Al Collar Geologist.	4/8/2013
Threatened or Endangered Species	<b>X</b>				/s/ D Baggao Wildlife Biologist	4/11/2013
Special Status Species	<b>X</b>					
Wildlife			<b>X</b>	<b>X</b>		
Wetlands/Riparian Zones	<b>X</b>					
Wild and Scenic Rivers	<b>X</b>				/s/ Michael J. Bilbo, Recreation, VRM & Cave Specialist	4/5/2013
Wilderness	<b>X</b>					
Recreation		<b>X</b>				
Visual Resources			<b>X</b>	<b>X</b>		
Cave/Karst						
Environmental Justice		<b>X</b>			/s/ Al Collar Geologist	4/8/2013
Public Health and Safety		<b>X</b>				
Solid Mineral Resources	<b>X</b>				/s/ Al Collar Geologist	4/8/2013
Fluid Mineral Resources		<b>X</b>			/s/ John S. Simitz Geologist	Apr. 5, 2013