

FINDING OF NO SIGNIFICANT IMPACT/ DECISION RECORD  
Calumet Ranch Highway 409 Fence Construction  
DOI-BLM-NM-P010-2011-59-EA

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 a 4 strand fence (3 barbed, 1 smooth) to maintain proper land management; to protect livestock and vehicles from collision on highway 409, and to minimize illegal trash dumping along the Pecos River drainage on the Calumet Ranch allotment #65069. 2.77 miles of the project located on BLM lands would be completely funded by the BLM, and the 1.25 miles of the project located on the private would be completely funded by the allottee.

Location of the fence is as follows: Township 12 South, Range 26 East, Sections 15, 22, 27, and 34

Chaves County  
New Mexico Principal Meridian

(Please refer to the map in the Environmental Assessment.)

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 sections 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:

Conejo Cattle Company  
PO Box 280  
Dexter, New Mexico 88230

New Mexico Department of Game & Fish  
1912 West Second  
Roswell, New Mexico 88201

Pursuant to the provisions of 43 CFR 4.21, 4.470 and 4160.4 you are allowed 30 days from the receipt of this Final Decision in which to file an appeal to the Field Office Manager and to those listed above for the purpose of a hearing before an Administrative Law Judge. Your appeal must state clearly and concisely in writing the reason(s) why you think the final decision is in error.

To receive consideration for staying the implementation of this decision, you must specify how you would be harmed if the stay were not granted. 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

In addition to filing at this address, those listed above must also be served copies of the appeal (43 CFR 4.470(a)).

/s/ J. Howard Parman

\_\_\_\_\_  
J. Howard Parman, Assistant Field Manager, Resources

4/20/2011\_\_\_\_\_  
/Date

**BUREAU OF LAND MANAGEMENT, ROSWELL FIELD OFFICE**  
 Calumet Ranch Fence Installation EA DOI-BLM-NM-P010-2011-59

<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			X	X	Hydrologist /s/ Michael McGee	3/9/2011
Soil			X	X		
Watershed Hydrology			X	X		
Floodplains	X					
Water Quality - Surface			X	X		
Water Quality - Ground			X	X	Hydrologist /s/ Michael McGee	3/9/2011
Cultural Resources	X				/s/ Justin W. Peters Archaeologist	4 JAN 2011
Native American Religious Concerns	X					
Paleontology	X					
Areas of Critical Environmental Concern	X				/s/ Phil Watts For Plan & Env Coord	Jan 25, 2011
Farmlands, Prime or Unique	X				/s/Tate Salas Realty Specialist	12/23/2010
Rights-of-Way	X					
Invasive, Non-native Species		X			/s/ Shane Trautner Range Management Specialist	3/15/2011
Vegetation			X	X		
Livestock Grazing			X	X		
Wastes, Hazardous or Solid	X				/s/ Jared Reese Nat. Resource Spec.	01/12/11
Threatened or Endangered Species	X				/s/ D Baggao	12/22/10
Special Status Species	X					
Wildlife			X	X		
Wetlands/Riparian Zones	X					
Wild and Scenic Rivers	X				/s/ Bill Murry Outdoor Rec Planner	3/24/2011
Wilderness	X					
Recreation		X				
Visual Resources			X	X	/s/ Michael J. Bilbo Cave Specialist	4/16/2011
Cave/Karst			X	X		
Environmental Justice		X			/s/ Jared Reese Nat. Resource Spec.	01/12/11
Public Health and Safety		X				
Solid Mineral Resources		X			/s/ Jerry Dutchover	01/06/11
Fluid Mineral Resources		X			/s/ John S. Simitz Gelologist	12/ 23/2010

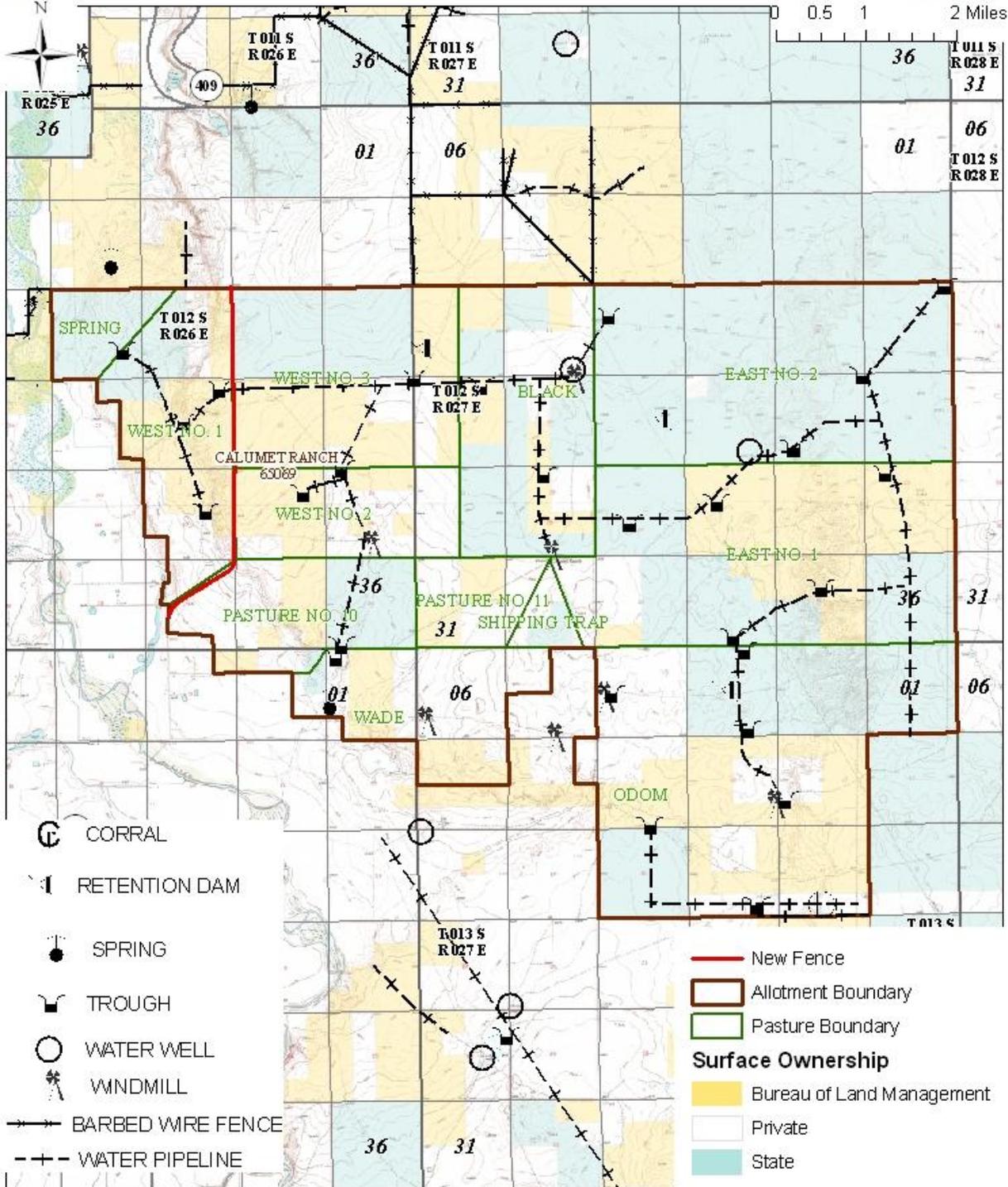
Environmental Analysis: Calumet Ranch Fence Construction  
DOI-BLM-NM-P010-2011-59-EA  
Allotment #65069  
Bureau of Land Management, Roswell Field Office  
Roswell, New Mexico  
May, 2010

Location: New Construction, Chaves County, New Mexico Principal Meridian  
Township 12 South, Range 26 East, Sections 15, 22, 27, 34

December 22, 2010



# Calumet Ranch Fence Construction



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 purposes not intended by the BLM. Spatial information may not meet National Map Accuracy Standards. This information is subject to change without notification.

## **I. INTRODUCTION**

### **Need For the Proposed Action**

The need for the proposed action is to provide fencing with the construction of 4-strand fence (3 barbed wire, 1 bottom smooth wire) across public and private land to protect livestock and vehicles from collision, and to reduce illegal trash dumping to the west of Highway 409 in the Pecos River drainage. The entire length of new fence line on public land is approximately 2.77 miles. Approximately an additional 1.25 miles of fence would be constructed on private land.

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. No allotment management plan is currently on file for this allotment with the Bureau of Land Management; but an allotment management plan is currently being authored. Range fencing and water developments facilitate the handling of and caring for livestock. The location of fence developments on rangeland is important in controlling the movement, distribution, and concentrations of livestock.

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

**Relationship to Statues, Regulations, or Other Plans:** The construction of fences 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 Statues, Regulations or Plans:**

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

Federal Cave Resource protection Act of 1988

## **II. PROPOSED ACTION AND ALTERNATIVE**

### **A. Proposed Action**

The proposed action is the construction of a four strand fence; (3 barbed wire, bottom wire smooth); to be built in two segments. The entire segment would serve to fence out Highway 409, by being constructed on the west side of the Highway, to prevent cattle concentrating on the highway and to prevent illegal trash dumping in the West No. 1 pasture. 2.77 miles of the project located on BLM lands would be completely funded by the BLM, and the 1.25 miles of the project located on the private would be completely funded by the allottee.

The fences would be constructed using the standard construction methods. No other fences are currently planned on the ranch. The location of the proposed fence is Township 12 South, Range 26 East, Section 15, 22, 27, 34, Chaves County, New Mexico Principal Meridian

The new fences would be located on public and private surface and would be constructed under a Cooperative Range Improvement Agreement. The allottee would be responsible for the material and construction for 1.25 miles located on private surface, the BLM would be responsible for the material and construction for 2.77 miles located on public surface, and the allottee would be responsible for maintenance of the entire fence (see attached map). Standard measures that would be included in the authorization for this project are:

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

Fences shall be flagged to warn big game of the new structures. White topped fence posts may be used along with flagging.

Fence post spacing shall be up to 16 feet.

BLM reserves the right to alter any fence on federal land should it be necessary for wildlife purposes.

Wire spacing would be at 16", 6", 8" and 12" measuring from the ground up.

The fence shall be built at least 77 feet from the existing fence on the east side of the Highway.

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

Gates or cattle guards would be installed on existing roads to ensure public access.

Brush would be cleared by hand with hand tools.

The Operator shall not place any locks on any of the gates on the new fence.

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 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 would 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 would 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 would protect the stability and purpose of this improvement.

## **Alternatives**

### **1. No Action - Alternative 1**

This alternative would leave the existing configurations as is. By not constructing the fence livestock and vehicles would be in danger of collision, and a much higher concentration of illegal trash dumping in pasture West No. 1 would continue. Construction of the fence would allow the allottee to protect livestock and people from injury or death, and decrease easy access to the west of the highway.

## **III. AFFECTED ENVIRONMENT**

### **A. 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 would be addressed in this document.

The proposed fence is to be located on the Calumet Ranch, Allotment #65069. The Calumet Ranch Allotment is located approximately fourteen miles south east of Roswell, lying south of US Highway 380 and west of highway 2. Highway 409 runs through the allotment. The environmental assessment for authorization of grazing and issuance of a long term permit was completed and the Decision Record was issued for EA # NM-060-02-0100 on March 6th, 2003. The permit authorized 438 Animal units yearlong at 34% Federal range for 1787 Animal Unit Months.

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

The critical elements of ACEC's, Prime or Unique Farmlands, Floodplains, Cultural resources, 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 would not be affected. A cultural resource inventory survey was completed in September, 2010.

### **Affected Resources and Environmental Consequences.**

#### **Air Quality**

BLM is required to comply with the Clean Air Act, as amended, and State Implementation Plans. The proposed area has not been identified as a non-attainment area. Additionally, throughout most of the year the air quality throughout Lincoln County is very good and is considered clean. Air quality would be temporarily impacted only during the dry spring months, windstorms and blowing dust can become a problem throughout the area.

The area of the proposed action is considered a Class II air quality area. A Class II area allows moderate amounts air quality degradation. The primary sources of air pollution are dust from blowing wind on disturbed or exposed soil and exhaust emissions from motorized equipment.

### **Environmental Consequences**

Air quality would temporary be directly impacted with pollution from exhaust emissions, chemical odors, and dust that would be caused by the motorized equipment used to construct the project. Dust dissemination would discontinue upon completion of the construction phases of the project. Air pollution from the motorized equipment would discontinue at the completion of the project. The winds that frequent the southeastern part of New Mexico generally disperse the odors and emissions. The impacts to air quality would be greatly reduced as the construction of the project is completed. Other factors that currently affect air quality in the area include dust from livestock herding activities, dust from recreational use, 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 dust concentrations in construction areas. The use of standard construction dust mitigation procedures would help control emissions.

### **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, Southern Part (USDA Soil Conservation Service 1980. The soil map units represented in the project area are:

*Holloman-Gypsum Land Complex, 0 to 3 percent slopes (Hp)* Runoff of the Holloman unit soil is medium and the hazard of water erosion is moderate and the hazard of soil blowing is severe.

*Holloman-Gypsum Land Complex, 3 to 5 percent slopes (HrC)* The gently sloping Holloman soils are in depressions. The undulating Gypsum land is on small very low knolls. Runoff of the Holloman unit soil is medium and the hazard of water erosion and soil blowing are moderate. For the Gypsum land runoff is rapid, the hazard of water erosion is moderate, and the hazard of soil blowing is severe.

*Reeves Holloman Association, 0 to 5 percent slopes (Rl)* Runoff is medium and the hazard of water erosion and soil blowing are moderate.

### **Environmental Consequences**

The construction of the project would physically disturb topsoil during the placement of the posts and gates. Direct impacts resulting from the construction of the project include removal of vegetation along the fence line, exposure of the soil, compaction by livestock trailing along the new fence, 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.

### **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.

## **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, timing and type of activity. Factors that currently cause short-lived alterations to the hydrologic regime include livestock grazing management, recreational use activities, groundwater pumping and also oil and gas developments such as well pads, permanent and temporary roads, pipelines and power lines.

## **Environmental Consequences**

### **Watershed - Hydrology**

Construction and surface disturbance activities from construction of the project can result in long and short-term alterations to hydrologic regime. Peak and low flow of perennial streams, ephemeral, and intermittent rivers and streams would be directly affected by an increase in impervious surfaces resulting from construction of this pipeline. Potential hydrologic effects to peak flow is reduced infiltration where surface flows can move more quickly to perennial or ephemeral rivers and streams, causing peak flow to occur earlier and be larger. Increased magnitude and volume of peak flow can cause bank erosion, channel widening, downward incision, and disconnection from the floodplain.

Potential hydrologic effects to low flow is reduced surface storage and groundwater recharge, resulting in reduced baseflow to perennial, ephemeral, and intermittent rivers and streams. Direct impacts would be that hydrologic processes may be altered where perennial, ephemeral, and intermittent river and stream systems respond by changing physical parameters, such as channel configuration. These changes may in turn impact chemical parameters and ultimately the aquatic ecosystem.

Long-term direct and indirect impacts to watershed and hydrology would continue for the life of the project and would decrease once natural re-vegetation of the project has taken place. The disturbed area should naturally re-vegetate within two growing seasons or less with adequate precipitation.

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

**Surface:** Surface water within the area is affected by geology, precipitation and water erosion. Factors that currently affect surface water resources include livestock grazing management, 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 public land in this area.

**Ground:** 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 ranges from 80 to 150 feet in the area (New Mexico Office of the State Engineer data).

## **Environmental Consequences**

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

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. Potential direct impacts that would occur due to construction of the project include increased surface water runoff and off-site sedimentation brought about by soil disturbance and increased salt loading and water quality impairment of surface waters. The magnitude of these impacts to water resources would depend on the proximity of the

disturbance to the drainage channel, slope aspect and gradient, degree and area of soil disturbance, soil character, duration and time within which construction activity would occur, and the timely implementation and success or failure of mitigation measures.

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

## **Vegetation**

The proposed project areas predominately fit the Loamy SD-3 Range Site description and to a lesser extent the Gyp Upland SD-3 range site description. The vegetation for the Loamy SD-3 range sites at climax (potential) includes grasses such as tobosa (*Pleuraphis mutica*), burrograss (*Scleropogon brevifolius*), black grama (*Bouteloua eriopoda*), blue grama (*Bouteloua gracilis*), sideoats grama (*Bouteloua curtipendula*), bush muhly (*Muhlenbergia porteri*), plains bristlegrass (*Setaria Vulpiseta*), Arizona cottontop (*Digitaria californica*), threeawn spp. (*Aristida* spp.), and sand dropseed (*Sporobolus cryptandrus*). The shrub component contains fourwing saltbush (*Atriplex canescens*), ephedra (*Ephedra*), winterfat (*Krascheninnikovia lanata*), and broom snakeweed (*Gutierrezia sarothrae*). Annual and perennial forbs fluctuate from year to year dependant on temperature and rainfall, but the forbs present at potential include globemallow (*Sphaeralcea* spp.), croton (*Croton heterocarpus*), verbena (*Verbena stricta*), and threadleaf groundsel (*Roldana*).

## **Environmental Consequences**

Vegetation disturbance would be localized to the immediate area of the project. A small amount of vegetation would be destroyed where the posts and gates are set alongside this route. The disturbed area should naturally re-vegetate within two growing seasons or less with adequate precipitation.

## **Invasive, Non-Native 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 noxious weeds present in the area of the disturbance include goldenrod (*Solidago Canadensis*) and Saltcedar (*Tamarix* spp.).

Infestations of noxious weeds can have a disastrous impact on biodiversity and natural ecosystems. Further, noxious weeds can negatively affect livestock and dairy producers by increasing their 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 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.

## **Environmental Consequences**

There is an opportunity for noxious weeds to become established within the proposed fence line route.

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**

The proposed route for the fence is contained in an area which is considered to be Class IV Visual Resource Class Area. Class IV provides for management activities which require major modification to the existing character of the landscape. The level of change in these areas can be high.

### **Environmental Consequences**

There would be a short-term change in the color and texture along this fence line route.

### **Mitigation**

The area of disturbance should naturally re-vegetate within two growing seasons lessening the evidence of the fence line.

### **Recreation**

Dispersed recreational opportunities exist within this area but access to public land is not limited. Dispersed recreational activities may include hunting, caving, sightseeing, bird watching, primitive camping, mountain biking, horseback riding 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.

### **Environmental Consequences**

This project would have little or no affect 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.

### **Cave/Karst**

This allotment is located within a designated area of High Karst or Cave Potential. There are numerous deep sinkholes in the allotment area, the classic examples being those at Bottomless Lakes State Park. Catastrophic collapses of surface, overlying developing sinkholes in the allotment area, are known to have occurred in recent times. A complete inventory of significant cave or karst features has not been completed for public land located in this grazing allotment. If at a later date, more significant caves or karst features are found on public land within this allotment, caves or features may be fenced to exclude livestock grazing and off-highway vehicle use. A separate environmental analysis would be prepared to construct such an enclosure fence.

### **Environmental Consequences**

While the proposed action is located in an area of high potential karst, no surface cave/or karst features were observed in the immediate vicinity of the proposed action and thus no impacts are anticipated.

### **Wildlife**

A portion of this allotment is within the Overflow Wetlands Area of Critical Environmental Concern (ACEC). The allotment provides a variety of habitat types for terrestrial and aquatic wildlife species. The diversity and

abundance of wildlife species in the area is due to the presence of open water, the drainage interconnecting upland habitats to the Pecos floodplain, a mixture of grassland habitat and mixed desert shrub vegetation, and riparian vegetation found within the floodplain of the river. Common mammal species using the area include mule deer, pronghorn antelope, coyote, gray fox, bobcat, striped skunk, porcupine, racoon, badger, jackrabbit, cottontail, white-footed mouse, deer mouse, grasshopper mouse and woodrat. A small black-tailed prairie dog town has expanded from private lands to the west onto the ACEC.

Numerous avian species use the Pecos River during spring and fall migration, including migratory birds (e.g., ducks, geese, cranes, waterbirds) and nongame migratory birds. Common bird species are mourning dove, mockingbird, white-crowned sparrow, black-throated sparrow, western meadowlark, Crissal thrasher, western kingbird, northern flicker, common nighthawk and roadrunner. Raptors include northern harrier, Swainson's hawk, and American kestrel. A variety of herptiles also occur in the area. Species include the yellow mud turtle, box turtle, eastern fence lizard, side-blotched lizard, horned lizard, whiptail, hognose snake, coachwhip, gopher snake, rattlesnake, and spadefoot toad.

### **Environmental Consequences**

There would be short-term disruptions to wildlife during the installation phase. No additional mitigating measures would be needed if the standard operating procedures and design features are adhered to.

### **Threatened and Endangered Species**

There are no known threatened or endangered species of plant or animals within the proposed project area on Allotment 63046. 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.

### **Environmental Consequences: N/A**

### **Livestock Grazing**

Calumet Ranch allotment #65069 is operated as cow/calf ranch on a year-long basis. They are currently authorized to graze 437 cattle and 1 horse at 34% public land for 1787 Animal Unit Months. Livestock are rotated through pastures which provide some grazing deferment during each year.

### **Environmental Consequences**

Beneficial impacts to livestock would occur due to a reduction in injury or death from livestock concentrating on the highway. No changes in livestock numbers would occur.

### **Mineral and Oil and Gas development**

There are existing leases/permits for mineral materials and oil and gas throughout this area.

### **Environmental Consequences**

No impacts are anticipated with the mineral developments in 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 area.

## **Environmental Consequences**

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 the start of construction.

## **Cultural**

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. A cultural resource inventory shall be conducted of the area of effect for the proposed project prior to any ground disturbing activities.

A cultural resource inventory was conducted for the area of effect (10-R-76A), no Historic Properties were identified. No cultural resources would be affected. To date, the areas to be affected by the current project have not been identified by interested tribes as being of tribal concern.

## **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 actions 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 time” (40 CFR 1508.7).

Analysis of cumulative impacts is driven by major resource issues. The action considered in this environmental assessment (EA) is the installation of a fence line on allotment #63046.

Roads, fences, stock trails and water well development have occurred in the past and may contribute to the cumulative impacts of the area. This is in addition to oil and gas field development in the area. The proposed action would not contribute significantly to the cumulative impacts to the area.

## **C. DESCRIPTION OF MITIGATION MEASURES AND RESIDUAL IMPACTS:**

### **Mitigation Incorporated into the Proposed Action**

A linear area of disturbance from the fence line would remain on the landscape. This feature would not stand out significantly on the landscape due to the fact that it would be installed along an existing major gas line and natural re-vegetation along the fence would occur. The results of the proposed action would not substantially change the plant and animal communities of the project area.

## **IV. 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.

Conejo Cattle Company, Allottee of Allotment #65069  
Russell Fox, Support Services  
Dan Wolf, Support Services  
Adam Ortega, Rangeland Management Specialist  
Kyle Arnold, Rangeland Management Specialist  
Helen Miller, Rangeland Management Specialist  
Dan Baggao, Wildlife Biologist  
Randy Howard, Wildlife Biologist  
Michael McGee, Hydrologist  
Tate Salas, Realty Specialist  
John Simitz, Petroleum Engineer  
Howard Parman, Planning and Environmental Coordinator  
Bill Murry, Outdoor Recreation Planner  
Mike Bilbo, Cave Specialist  
Jared Reese, Natural Resource Specialist  
Rebecca L. Hill, Archaeologist  
Justin Peters, Archaeologist

**Prepared by:**

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Shane Trautner, Rangeland Management Specialist

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Date

## **STIPULATIONS**

1. No blading will occur on public land, unless authorized by the Authorized Officer.
2. Fences shall be flagged to warn big game of the new structures. White topped fence posts may be used along with flagging.
3. Fence post spacing shall be up to 16 feet.
4. Wire spacing will be at 16", 6", 8" and 12" measuring from the ground up.
5. The fence will be built at least 77 feet from the existing fence on the east side of the highway.
6. BLM reserves the right to alter any fence on Federal land should it be necessary for wildlife purposes.
7. No road is authorized as a part of this project for construction or maintenance.
8. Gates or cattle guards will be installed on existing roads to ensure public access.
9. Brush will be cleared by hand with hand tools.
10. 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 land under this authorization.
11. 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.
12. 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.
13. 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.
14. 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.

15. The Operator shall not lock any gates on the new fence during and after construction.

16. The Operator will avoid building facilities in cave entrances or in karst features such as sinkholes. To protect livestock, exclosures can be built around steep and or deep sinkholes.

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