

FINDING OF NO SIGNIFICANT IMPACT/DECISION RECORD

Buck Springs Pipeline Construction, EA NM-510-2006-0041

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

DECISION: It is my decision to authorize the construction of the water pipeline to provide adequate water supply on Allotment #64004, Buck Springs. Total pipe to be installed is 4.0 miles of pipeline that will be placed on public land to insure water supply and availability of water.

Location of the pipeline is as follows:

T. 4 S., R. 22 E., Sections 29 & 30
T. 5 S., R. 22 E. Sections 4, 5, 7 & 8,
Chaves County, New Mexico
New Mexico Principle Meridian.

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

Actual construction of the southern portion of the pipeline will be done by the Bureau of Land Management, via a contract.. Material and construction of the northern portion of the pipeline will be done by the allottee. Pipeline construction is normally accomplished during the summer months, June through September. The surface protection procedures set forth in the proposed action have been incorporated into the Environmental Assessment. Any comments made to this proposed action were considered and addressed.

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

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

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/ Eddie Bateson

Field Manager, Resources

04/16/2008

Date

ENVIRONMENTAL ASSESSMENT CHECKLIST

EA Number: NM-060-2006-0041 Serial No.: Allotment 64004 Preparer: H. Miller			Action Type: Range Improvement Construction Project Name: Buck Springs Pipelines		
Resource / Activity	Not Present	Not Affected	**May Be Affected	Reviewer	Date
Air Quality*			✓	/s/ Michael McGee Hydrologist	02/3/08
Floodplains*	✓				
Soils/Watershed			✓		
Water Quality- Drinking/Ground*			✓	/s/ Michael McGee Hydrologist/Geologist***	02/2/08
Vegetation			✓	/s/ Joseph M. Navarro Rangeland Management Spec	11/23/07
Livestock Grazing			✓		
Invasive, Nonnative Species*			✓	/s/ Joseph M. Navarro Range Mgmt Spec/Nox. Weed Spec	11/23/07
Wastes, Hazardous or Solids*		✓		/s/ Al Collar Hazardous Waste Spec.	4/8/2008
Prime/Unique Farmlands*	X			/s/ Judy Yslas Realty Specialist	01/08/08
Lands/Realty/ROW					
Fluid Minerals		X		/s/ John S. Simitz Petroleum geologist	12/11/07
Mining Claims		✓		/s/ Jerry Dutchover Geologist	01/10/08
Mineral Materials		✓			
Threatened or Endangered Species*	X			/s/ D Baggao Wildlife Biologist	1/9/08
Wetlands/Riparian Zones*	X				
Wildlife Habitat			X		
Native American Religious Concerns*		X		Pat Flanary Archaeologist	11/21/07
Cultural Resources*	X				
Areas of Critical Environmental Concern*	X			/s/J H Parman Planning & Env. Coordinator	11/6/07
Low Income & Minority Population Concerns		X			
Wild/Scenic Rivers*	X			/s/ Paul Happel Outdoor Recreation Planner/NRS	10/31/07
Wilderness*	X				
Cave/Karst Resources			X		
Outdoor Recreation			X		
Visual Resources			X		
Access/Transportation		X		Environmental. Prot. Spec. Richard Hill	4/8/08

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

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

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

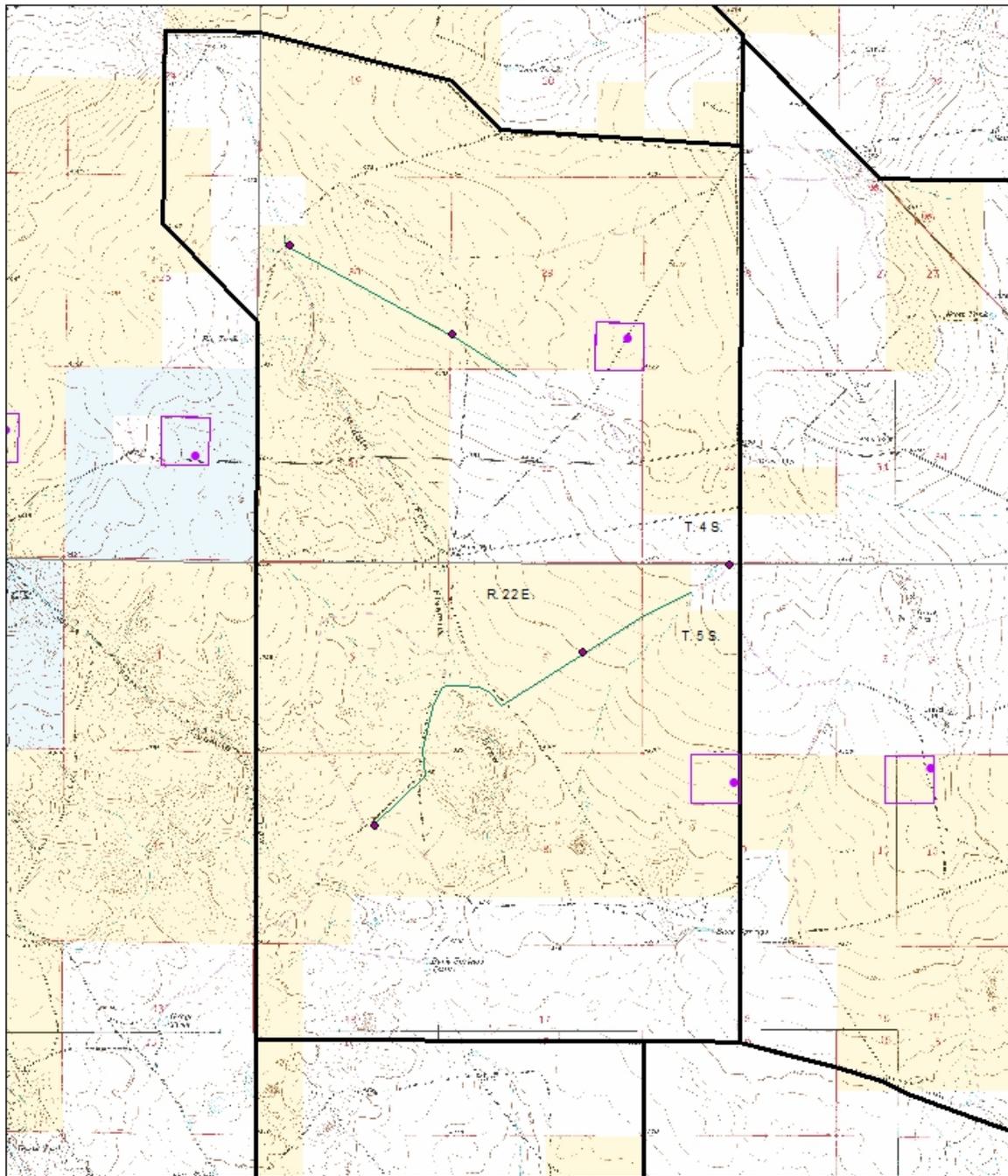
Environmental Analysis
Buck Springs Pipelines Construction
NM-510-2006-0041
Allotment #64004
Bureau of Land Management
Roswell Field Office
Roswell, New Mexico
November 28, 2005

Location:
T. 4 S., R. 22 E., Sections 29 & 30
T. 5 S., R. 22 E. Sections 4, 5, 7 & 8,
Chaves County, New Mexico

New Mexico Principal Meridian



Roswell Field Office 64004 - Buck Springs Pipelines



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. Original data was compiled from various sources. Spatial information may not meet National Map Accuracy Standards. This information may be updated without notification.

I. INTRODUCTION

Need For the Proposed Action

The need for the proposed action is to provide permanent water for livestock and wildlife within the Buck Springs Pastures of Allotment 64004. The new length of pipeline would establish a total of four new water locations, ensuring the reliability of water for use by wildlife and livestock. The pipelines would be located in Township 4 South, Range 22 East, Section 29 & 30, and in T. 5 S., R. 22 E., Sections 4, 5 and 7.

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

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

Relationship to Statues, 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 Statues, Regulations or Plans are:

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

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 buried water pipeline (approximately 4.0 miles of 1 1/4", 125 psi pipeline on public land) within the two pastures in order to provide consistent and reliable water distribution.

The pipeline would be installed using the standard BLM construction methods.

The location of the proposed pipeline is in, T. 4 S., R. 22 E., Sections 29 & 30; T. 5 S., R. 22 E. Sections 4, 5, 7 & 8, Chaves County, New Mexico, New Mexico Principal Meridian.

The pipeline would be located on public surface and would be constructed under a Cooperative Range Improvement Agreement. The Bureau of Land Management would be responsible for supplying and installing the pipeline on public land, via a contract for the southern portion of the pipeline. The allottee will supply the materials and construct the northern portion. (See attached Map)

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

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

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

Livestock drinking troughs would not exceed 18" in height.

The 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.

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 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 water supply as is. By not constructing the pipeline, the water supply to the west side of the pasture would remain unreliable, as the existing well is weak. Construction of the pipeline to the west side of the pasture would allow the allottee to move livestock from one side of the pasture to the other, reducing constant impact on the east side of the pasture.

2. Locate Elsewhere - Alternative 2

This alternative would re-route the entire proposed pipeline or major portions of it. 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.

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

III. AFFECTED ENVIRONMENT

General Setting

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

The proposed pipeline is to be located on the Buck Springs Ranch Allotment #64004. The Buck Springs allotment is located approximately 40 miles north of Roswell, lying 3 miles west of Highway 285.

The major regional industries are ranching, and recreation, 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, Low Income/Minority Populations and Wilderness will not be affected. A cultural clearance was completed for the pipeline on October 12, 2006 - no artifacts or other cultural sites were found.

Soils: The project area for the Buck Springs Pipelines includes the Hollomex-moist Milner-Reeves, moist loams, moderately undulating; Deama-Darvey – Rock Outcrop, moderately undulating; and the Alama-Poquita association, nearly level soils. The Alama-Poquita association is found on alluvial side slopes with slopes of 0 to 3 percent. Elevations are from 3,900 to 4,500 feet. The Alama –Poquita association soil is deep and well drained and is formed on calcareous alluvium. Permeability of the soil is moderately slow to moderate. Available water capacity is very high with effective rooting depth is 60 inches or more. Runoff is medium, and the hazard of water erosion is moderate. The hazard of soil blowing is high.

The Hollomex, moist-Milner-Reeves, moist loams, moderately undulating soils is found at 3,900 to 4,500 feet with slopes of 0 to 8 percent. The Hollomex soils is on knolls and ridges, the Milner soil is in depressional areas and on alluvial side slopes, and the Reeves soil is in depressional areas. These soils are deep and well drained and are formed in calcareous, gypsiferous alluvium and residuum. Permeability is moderate, available water capacity is very low to moderate. Effective rooting depth is 60 inches or more. Runoff is medium, the hazard of water erosion is moderate. The hazard of soil blowing is high.

The Deama-Darvey-Rock outcrop association, moderately undulating is found on ridges, knolls and alluvial side slopes on plateaus. Slopes are from 1 to 15 percent with elevations of 4,400 to 5,000 feet. The Deama soil is shallow and well drained. It formed in residuum derived dominantly from limestone, Available water capacity is very low. Effective rooting depth is 7 to 20 inches. Runoff is medium and the hazard of water erosion is moderate. The hazard of soil blowing is slight. The Darvey soil is deep and well drained. It formed in calcareous alluvium derived dominantly from limestone. Permeability of the Darvey soil is moderate. Available water capacity is very high. Effective rooting depth is 60 inches or more. Runoff is medium and the hazard of water erosion is moderate. The hazard of soil blowing is high. Rock outcrop is exposed areas of unweathered limestone. It supports little if any vegetation. Surface runoff is rapid.

More information on the soils may be found in the Soil Survey of Chaves County, NM., Northern Part (SCS 1980).

Vegetation: The pipeline area predominately fits the Loamy CP-2 and the Shallow Limestone CP-3 Range Site descriptions. The vegetation for these sites at climax (potential) are mainly grasses such as blue grama (*Bouteloua gracilis*), sideoats (*B. curtipendula*), galleta (*Hilaria jamesii*) with some dropseeds (*Sporobolus spp*). The shrub component includes winter fat (*Ceratoides lanata*), Apache plume (*Fallugia paradoxa*) with Juniper and pinon at higher elevations, while forbs such as buckwheat (*Erigonum spp*), globemallow (*Sphaeralcea spp.*) and groundsel (*Senecio spp.*) occur.

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

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

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

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

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

Visual Resource Management (VRM):

The proposed route for the pipeline is contained in a designated Class III and IV Visual Resource Management Area. A portion of the allotment is located in a Class III Visual Management Area. The Class III rating means that contrasts to the basic elements caused by a management activity may be evident and begin to attract attention in the landscape. The changes, however should remain subordinate to the existing landscape. In addition the area is also a Class IV VRM area. The Class IV rating 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. The level of change to the characteristic landscape can be high. These management activities may dominate the view and be the major focus of viewer attention. However, every attempt would be made to minimize their impact of these activities through careful location, minimal disturbance, and repeating the basic elements of line form and color.

Environmental impacts:

Visual resources will be managed to meet the Visual Resource Management (VRM) , III IV). All proposed management activities will be evaluated with regard to visual resource management and those projects that are compatible with the character of the natural landscape will be encouraged. No management actions should be proposed that would degrade visual quality to the extent that a change in any VRM class will result. Above ground water tanks and troughs shall be painted an olive green or a dark green color to make them less noticeable within the Class III and IV VRM area. The colors also cuts down of the potential vandalism to the facilities.

Cave/Karst: This project is located within the *High Karst (cave) Potential Area*. A complete significant cave or karst inventory has been completed for this pipeline and no karst features were found within the pipeline route.

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

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

Wildlife: The project area provide habitat for desert mule deer, pronghorn antelope, scaled quail, mourning dove, raptor species, and various non-game species.

Threatened or Endangered Species: There is no known threatened or endangered plant or animal species on Allotment 64004. 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.

Oil and Gas: As of April 9, 2007, there are existing oil or gas leases in the proposed project area. McKay Oil Corporation has a well, the Pronghorn Fed in T. 4 S., R. 22 E. Section 30 NE $\frac{1}{4}$ NE $\frac{1}{4}$ under lease number NMNM32335. McKay also holds lease number NMNM32335A for T. 4 S., R. 22 E., Section 29 SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$

IV. ENVIRONMENTAL IMPACTS

Impacts of the Proposed Action

The impacts from the proposed action would be made during the construction of the pipeline. Short-term negative impacts would include: vegetation disturbance would be localized to the immediate area of the project. Vegetation would be destroyed where the trench runs, but the disturbed area would naturally re-vegetate within two growing seasons with adequate precipitation. Approximately 24.3 acres of vegetation would be subject to disturbance during the construction of the pipeline, (based on the estimate of 4 miles * 50 ft. width). Positive long-term impacts would include: vegetation would benefit from this project due to the reduced amount of stress caused by foraging animals. This would lower utilization levels around the current yearlong available water sources

Impacts from the proposed construction activity may cause temporary disruption of wildlife activity within the immediate vicinity of the project area during construction. Consistent and reliable water on the west side of the pasture would allow additional sources of water for wildlife

use. There is sufficient wildlife habitat in the surrounding areas that would minimize the impacts to wildlife during construction. As water would become either additionally available or more reliable, wildlife could potentially benefit

No change in livestock animal unit months would result.

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

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

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

Impacts by noxious weeds would be minimized due to requirements for the company to eradicate the weeds upon discovery. Multiple applications may be required to effectively control the identified populations.

Impacts of the Alternatives

Under the No Action alternative the pipeline would not be constructed and the associated impacts of construction would not occur.

Mitigation Measures and Residual Impacts

Mitigating Measures:

Above ground stock tanks and troughs shall be painted Olive Green or a dark green color to blend into the environment and cause a lessened visual intrusion to the area

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: The results of the proposed action would 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 would 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. Livestock would benefit also by the more consistent water availability. Wildlife, such as bird species, also would benefit by having consistent and reliable water sources. The construction of the project as

proposed would not affect the environment as a whole, but would be site specific in its effect. While as much as 24.3 acres of vegetation would be initially affected, this can be mitigated by allowing the site to naturally re-vegetate with receipt of normal precipitation. Therefore, the cumulative impact would 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.

Darr Angel, allottee of Allotment #64004

Prepared by:

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

04/15/2008
Date

STIPULATIONS

1. No blading will occur on public land, unless authorized by the Roswell Resource Area Manager.
2. Water will be provided yearlong to all drinking tubs located on public land, for wildlife purposes, when livestock are not in the pasture. Wildlife escape ladders will be installed in all drinkers.
3. Livestock drinking tubs will not exceed 18" in height.
4. The co-operator/contractor shall not use the pipeline route as a road for purposes other than routine maintenance as determined necessary by the Authorized Officer in consultation with the co-operator/contractor. The co-operator/contractor shall take whatever steps are necessary to ensure that the pipeline route is not used as a roadway.
5. Vegetation, soil, and rocks left as a result of construction or maintenance activity shall be randomly scattered over the project area and shall not be left in rows, piles, or berms, unless otherwise approved by the Authorized Officer. A berm shall be left over the ditch line to allow for settling back to grade.
6. The co-operator/contractor shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this authorization.
7. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the co-operator/contractor or any person working on the co-operator/contractor's behalf, on public or Federal land shall be immediately reported to the authorized officer. The co-operator/contractor shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The co-operator/contractor shall be responsible for the cost of evaluation and any decision as to the proper mitigation measures will be made by the Authorized Officer after consulting with the co-operator/contractor.
8. The co-operator/contractor is hereby obligated to comply with procedures established in the Native American Grave Protection and Repatriation Act (NAGPRA) to protect such cultural items as human remains, associated funerary objects, sacred objects, and objects of cultural patrimony discovered inadvertently during the course of the implementation. In the event that any of the cultural items listed above are discovered during the course of project work, the proponent shall immediately halt the disturbance and contact the BLM within 24 hours for instructions. The proponent or initiator of any project shall be held responsible for protecting, evaluating, reporting, excavating, treating, and disposing of these cultural items according to the procedures established by the BLM in consultation with Indian Tribes.

9. The co-operator/contractor shall be responsible for maintaining the site in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
10. The approval of the Permit/Agreement does not convey the right to prevent other lawful uses from occurring. The applicant/cooperator understands that other lawful users with proper authorizations.