

Worksheet

Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA)

DNA -NM-060-2003-058

U.S. Department of the Interior
Bureau of Land Management (BLM)

Note: This worksheet is to be completed consistent with the policies stated in the Instruction Memorandum entitled "Documentation of Land Use Plan Conformance and National Environmental Policy Act (NEPA) Adequacy" transmitting this worksheet and the "Guidelines for Using the DNA Worksheet" located at the end of the worksheet. (Note: The signed CONCLUSION at the end of this worksheet is part of an interim step in the BLM's internal analysis process and does not constitute an appealable decision.)

A. **BLM Office:** Roswell Field Office

Case File No. 3006116, Allotment
65051

DNA NM-060-03-058

Proposed Action Title/Type: Reconstruction of water pipeline

Location of Proposed Action: T. 10 S., R. 30 E., Sections 25 & 36, Chaves County NM,
NMPM Section 25 is public land while Section 36 is private.

Description of the Proposed Action: Reconstruction of a pipeline, in excess of 30 years old, which supplies water to livestock and wildlife. Two small water locations would be downsized and designed for wildlife use only, one livestock drinking tub would be replaced at the tubs existing site. Total Pipeline length is estimated at 0.9 miles. Pipeline will be 200 psi. A 10,000 gal storage tank would be set on private land, to ensure reliability of water through the pipeline system.

Applicant (if any): Marley Ranches Inc., Authorization # 3006116, Allotment 65051

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

LUP Name* Roswell FO Resource Management Plan Date Approved October 10, 1997

Other document** Crawford & Julia Culp Pipeline Reconstruction EA NM-066-95-067

Date Approved September 27, 1995

Other document** 65051 Cooperative Management Plan

Date Approved September

18, 1984

*List applicable LUPs (e.g., Resource Management Plans or applicable amendments).

**List applicable activity, project, management, water quality restoration, or program plans.

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

Roswell Resource Management Plan, Appendix 8 #10, Page AP8-2

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

List by name and date all applicable NEPA documents that cover the proposed action.

Crawford & Julia Culp Pipeline Reconstruction EA NM-066-95-067, September 27, 1995

List by name and date other documentation relevant to the proposed action (e.g., source drinking water assessments, biological assessment, biological opinion, watershed assessment, allotment evaluation, rangeland health standard's assessment and determinations, and monitoring the report).

D. NEPA Adequacy Criteria

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

Documentation of answer and explanation:

Yes, the Crawford and Julia Culp Pipeline Reconstruction EA covers a pipeline and associated structures which are in the same plant community, and soil types as the current proposed action. Both pipelines serve all ready established wildlife and livestock water locations, and are being rebuilt to maintain the water reliability to those sites. The current proposed pipeline to be reconstructed is approximately 10 miles east of the Crawford and Julia Culp pipeline.

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

Documentation of answer and explanation:

Yes, the range of alternatives in the Crawford and Julia Culp Pipeline Reconstruction EA addressed the alternatives to either not rebuild the pipeline or to move the pipeline to a new location. Both alternatives were found to have more impact than the proposed action.

3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances (including, for example, riparian proper functioning condition [PFC] reports; rangeland health standards assessments; Unified Watershed Assessment categorizations; inventory and monitoring data; most recent Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?

Documentation of answer and explanation:

Yes, the existing analysis is adequate and the conclusions are adequate in response to all new information. The reconstruction of this pipeline should benefit wildlife species through the re-design of the two small water tubs, to allow for wildlife use only.

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

Documentation of answer and explanation:

Yes, the methodology and analytical approach used in the existing NEPA documents continues to be appropriate for the current proposed action.

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

Documentation of answer and explanation:

Yes, the direct and indirect impacts are substantially unchanged from those in the existing NEPA documents. The plant and wildlife community and the soils types are the same as those in the Crawford and Julia Culp Pipeline Reconstruction EA. This proposed action is also a reconstruction and will also increase the amount of water available for wildlife as analyzed in the Crawford and Julia Culp Pipeline Reconstruction EA.

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

Documentation of answer and explanation:

Yes, it can be concluded without additional analysis or information that the cumulative impacts that would result from the implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document. As this is a reconstruction of an existing pipeline, there should not be any additional cumulative impacts overall, exclusive of the redesign of the two small water sites for wildlife use alone. This design will not increase the amount of water available to wildlife, but will make it more reliable as well as reduce any influence of livestock in the close vicinity of the sites.

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

Documentation of answer and explanation:

Yes, the allottee, the New Mexico Department of Game and Fish, and the Chair for BLM issues, Rio Grande Chapter of the Sierra Club and an interdisciplinary team all reviewed the Crawford and Julia Culp Pipeline Reconstruction EA. Their comments were incorporated in the analysis and in the design of the project. Those same thoughts will be applied to this project also.

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.

<u>Name</u>	<u>Title</u>	<u>Resource Represented</u>
Helen C. J. Miller	Range Management Specialist	Range, Noxious Weeds
Rand French	Wildlife Biologist	Wildlife, Threatened & Endangered Species
Howard Parman Environmental	Planning & Environmental Coordinator	Planning & Coordination

F. Mitigation Measures: List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.

The same mitigations and stipulations for construction and pipeline maintenance will be attached to the Current Proposed action as were attached to the Crawford & Julia Culp Pipeline Reconstruction Project. These stipulations are attached.

CONCLUSION

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

Note: If one or more of the criteria are not met, a conclusion of conformance and/or NEPA adequacy cannot be made and this box cannot be checked

/s/ T.R. Kreager

Signature of the Responsible Official
2/12/03

Date

Environmental Analysis
Crawford & Julia Culp Pipeline Reconstruction and new Construction
NM-066-95-067
Allotments #65053 & 65063
Bureau of Land Management
Roswell Resource Area
Roswell, New Mexico
February 14, 2003

Location:

T. 11 S., R. 30 E., Sections 5, 9, 15, 16, 22, 23, 26, & 35
T. 12 S., R., 30 E., Sections 2, 3, 5, 6, 8, 9, and 10
T. 11 S., R. 31 E., Section 31
T. 12 S., R. 31 E. Sections 6, 7 & 8.
New Mexico Principle 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 re-construction of approximately 15.0 miles of pipeline, 18 troughs and one storage (excluding 0.50 miles of pipeline, and two troughs on private land); the re-establishment of two wildlife guzzlers which would "tee off" of the pipeline and the new construction of 0.5 miles of pipeline. The existing pipelines were originally constructed in 1969 and 1970.

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. As the Pearce Trust Ranch is the result of a combination of two allotments, two initial Allotment management plans were written; the Crawford Culp portion (signed January 17, 1983) and the Malmstrom (signed February 10, 1984). The Julia Culp Allotment Management Plan was signed in June, 1968.

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. Uneven utilization of forage plants results from lack of distribution of 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. Re-establishment of consistent, available water locations will reduce the size of the heavily utilized (and under utilized) areas.

Reliable water developments would lessen the distance livestock have to travel between forage and available water, resulting in better livestock distribution within a pasture. Improved distribution would facilitate more even utilization of the available forage resulting in an increase in quality livestock production.

The re-establishment of the two existing wildlife guzzlers, which have not been operational due to the deteriorated pipeline, would make additional water available for wildlife use alone.

Conformance with Land Use Plans: The proposed activity is addressed as part of the East Chaves Management Framework Plan (1976), the Recreation Management Plan for the Mescalero Sands Recreation Complex (1978), as amended, the East Roswell Grazing Environmental Statement (1979), 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).

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 re-construction of two water pipelines (15.0 miles on public land) to provide adequate water supply and replacement of 18 drinking troughs and one storage tank; and 0.5 miles of new construction of pipeline as well as the re-establishment of two wildlife guzzlers, in order to continue to provide consistent and reliable water distribution across the eastern and southern side of the Pearce Trust Ranch (#65053), and across the western side of the Julia Culp Allotment (#65063) and to reduce livestock pressure against the southeast corner of the Mescalero Sand Dunes South Area fence. The Julia Culp Allotment has one other pipeline (approximately 3.5 miles in length) which is constructed across private and state surface to tie the Julia Culp Pipeline to the base water located in NE1/4 NE1/4 Sec. 34, T. 11 S., R. 31 E.. The Pearce Trust Ranch has six other pipelines (totalling approximately 12 miles) with 12 drinkers on the allotment.

Twelve and one half miles of pipeline on public land will be laid in T. 11 S., R. 30 E., Sections 5, 9, 15, 16, 22, 23, 26, & 35; T. 12 S., R., 30 E., Sections 2, 3, 5, 6, 8, 9, and 10 and will connect to Backus Windmill in Section 2, T. 12 S., R. 30 E.; and three miles will be laid in T. 11 S., R. 31 E., Section 31; and T. 12 S., R. 31 E. Sections 6, 7, & 8, connecting to the well in Section 34. The pipeline is to be trenched into the ground, laid and covered in one pass. The pipeline will be located on public, and private surface and will be constructed under a Cooperative Agreement Range Improvement Permit. Mr. Pearce will be responsible for the construction of the pipeline across private land. (See attached Maps #1 (Pearce Trust #65053) and #2 (Julia Culp #65063).)

Standard measures that will be included in the authorization for this project are:

No blading will occur on public land, unless authorized by the Roswell Resource Area Manager.

Water will be provided yearlong to all drinking tubs located on public land, for wildlife purposes. Wildlife ladders will be installed in all drinkers.

Livestock drinking tubs will not exceed 18" in height.

The holder 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 holder. The holder 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 Carlsbad Canyon (2.5Y C/2 on Munsell Soil Color Chart) to blend with the environment.

The gas pipelines which may be crossed during the re-construction of the pipelines may be affected by the heavy equipment. The water pipeline contractor must coordinate with those companies who hold the oil & gas leases, so that the appropriate personnel can be present when the water pipeline crosses the gas lines, for safety concerns. (See attached Map #3 for locations of Oil and Gas Leases, and Access Road Right-of-Way.)

The holder 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 holder or any person working on the holder's behalf, on public or Federal land shall be immediately reported to the authorized officer. The holder 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 holder 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 holder.

The holder 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 holder 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 re-constructing the pipeline, livestock distribution patterns would remain concentrated at the current locations, which would lead to a decrease in range condition, an increase in erosion and in forage utilization around existing water supply sites. Due to the age of the existing pipelines, the reliability of current water locations would be jeopardized. The proposed re-constructing of the pipeline would again spread reliable water to sites where drinkers are already located, but to which water was not consistent. The placement of the additional 0.5 miles of pipeline would move the drinker currently located in Section 7, T. 12 S., R. 31 E., approximately 0.5 miles to the east, away from the southeast corner of the Mescalero Sands South Area.

2. **Locate Elsewhere - Alternative 2**

This alternative would re-route the entire proposed pipeline or major portions of it. This alternative would add length to the pipeline as well as increasing the amount of surface disturbance. The pipeline as currently located and designed allows for even distribution and utilization by the livestock; to re-route the pipeline would cause a concentration of the livestock use to one side of the ranch 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 East Roswell Grazing Environmental Statement. Only those resources actually impacted by the proposed action will be addressed in this document.

The proposed pipeline, storage and drinkers are to be located on the Pearce Trust Ranch, Allotment #65053 and the Julia Culp Ranch, Allotment #65063. Both of the wildlife guzzlers are on the Julia Culp Ranch. These allotments are located approximately thirty miles east of Roswell, south of Highway 380. The allotments are currently authorized for grazing by cattle. Those portions of the pipeline located within T. 11 S., R. 31 E. Sections 31, T. 12 S., R. 31 E. Section 6 and 7 are within the Mescalero Sands Outstanding Natural Area (ONA).

Both the surface and mineral estates are in public ownership. An inspection of the Master Title Plats revealed the following title information.

Oil and Gas Leases -	Held By	Status
NM 67798	Gilmore Reed	Active
NM 60052	Samedan Oil Corp.	Expired
NM 61354	Samedan Oil Corp.	Expired
NM 17051	Nicor Exploration Co.	Active
NM 42220	Yates, Jo Ann, Northern Mi Expl, Desana Corp, & Petro tech	Expired
NM 70220	Celeste C. Grynberg	Active
NM 89048	Celeste C. Grynberg	Active
NM 55944	Judson, Edward H., Ken William, & William Martin	Expired
NM 70411	Conoco, Inc.	Expired
NM 62920	Weistrop, Harry	Expired

Rights-of-Way-	Type	Held By
NM 70516	Access Road	Samedan Oil Corporation
NM 31173	Access Road	Shoreham Pipeline Co.

The area within T. 11 S., R. 31 E. Sections 31, T. 12 S., R. 31 E. Section 6 and 7 are within the Mescalero Sands Outstanding Natural Area (ONA) are segregated from mineral location and therefore contain no mining claims. There are no mining claims filed with BLM in rest of the area proposed for this project, as of July 6, 1995.

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, and Wilderness will not be affected. As the majority of this project location has been previously disturbed no archaeological clearance is required on the reconstructed portion. A cultural clearance was completed for the 0.5 miles of new construction on September 25, 1995, no artifacts or other cultural sites were found.

Soils: The project area is dominated by the Roswell-Jalmar Complex, with some inclusions of Alama loam and Faskin fine sands. The Roswell-Jalmar complex occurs on deep sand uplands with slopes of 0 - 15%. Runoff is very slow, with a slight erosion hazard from water but has a severe hazard of blowing soil. These soils are deep and well to excessively drained, forming in aeolian and alluvial sediments on uplands with an effective rooting depth is 60 inches or more. Permeability is rapid, available water capacity is 3 to 4 inches in the Roswell soils. Permeability in the Faskin soils is moderate, with a available water capacity of 6.5 to 9.5 inches.

The Alama loam occurs on flood plains and in swales, with slopes of 0 - 3%; these soils are deep and well drained soils, formed in alluvial flood plains. Permeability is moderately slow, and available water capacity is 11 to 12 inches; runoff is medium. The hazard of water erosion is moderate and the hazard of soil blowing is slight. The Faskin fine sand occurs on uplands with slopes of 0 to 1%. Runoff is slow with slight water erosion hazard and severe hazard of blowing soil. This soil is deep and well drained, forming in aeolian and alluvial sediments on uplands. Permeability is moderate and available water capacity is 6.5 to 9.5 inches, with an effective rooting depth of 60 inches or more.

Vegetation: The area predominately fits the Deep Sand CP-2 Range Site description. The vegetation for this site at climax (potential) is 75-80% grasses, 20-25% shrubs and 5% forbs. The approximate composition of the potential vegetative community (by weight) is 20% sand bluestem, 17% shinnery oak, 10% each of little bluestem and side-oats grama, 5% each of yellow indiagrass, Halls panicum, hairy grama, plains bristlegrass, and sand dropseed, 3% yucca, and 10% annual grasses and forbs. Associated species include giant dropseed, giant sandreed, three-awn, sand sagebrush, gueensdelight, sand paspalum, bush muhly, sandbur, fall witchgrass, spike dropseed, mesquite, red lovegrass, black grama and blue grama.

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

Threatened or Endangered Species: The area does not provide habitat for any Threatened or Endangered Species, as defined by the Endangered Species Act of 1973, however, it may be host to "Category 2 species" which are species for which listing may be appropriate, but for which insufficient information is available to support proposals to list. The following are Category 2 Species (or Special Status Species) as of April 21, 1995:

Desert pocket gopher, Geomys bursarius arenarius
Swift fox, Vulpes velox
Ferruginous hawk, Buteo regalis
Loggerhead shrike, Lanius ludovicianus
Western burrowing owl, Athene cunicularia hypugea
Dunes sagebrush lizard, Sceloporus arenicolus
Texas horned lizard, Phrynosoma cornutum

IV. ENVIRONMENTAL IMPACTS

Impacts of the Proposed Action

The impacts from the proposed action will be made during the construction of the pipeline. 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 94 acres of vegetation on public land will be subject to disturbance during the construction of the pipeline, (based on the estimate of 15.5 miles * 50 ft. width). No reduction in AUMs will result. Vegetation will benefit from this project due to the reduced amount of stress caused by foraging animals. This will lower utilizations levels around the current yearlong available water sources. Impacts from the proposed re-construction activity may cause temporary disruption of wildlife activity within the immediate vicinity of the project area. However, there is sufficient wildlife habitat in the surrounding areas that will minimize the impacts to wildlife. Through the type of construction, negative impacts to Special Status Species will not occur. The construction of the additional 0.5 miles of pipeline and placement of the new drinkers in Section 8, T. 12 S., R. 31 E. will serve to draw livestock use to an area one and one-half miles east of the south-eastern portion of the Mescalero Sand Dunes South, and will decrease livestock pressure against that corner of the sand dunes. The construction of the pipeline in this area is considered to be for resource enhancement.

Impacts of the Alternatives

Under the no action alternative the pipeline would not be re-constructed, the wildlife guzzlers would not become operational and the associated impacts of that reconstruction would not occur. Under the no action alternative, the established, but non-functional sites for water needed for livestock and wildlife use would remain lightly utilized, and the areas where water is available will continue to be heavily utilized. Livestock pressure will continue against the south-east portion of the Mescalero Sand Dunes South area, requiring the continued high costs of fence maintenance, in time, money and material.

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. No mitigation measures are for the following:

-A temporary increase in fire hazard from waste material (dry vegetation) left on the ground after construction.

-Short-term decrease in habitat for wildlife species.

Cumulative Impacts: The results of the proposed action will not substantially change the plant and animal communities of the project area as this action is to replace an existing pipeline, however, decreasing the utilization levels near the existing functioning water locations should aid 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 and wildlife would benefit also by the more even distribution of water availability. The construction of the proposed project as proposed will not affect the environment as a whole, but will be site specific in its effect. While as much as 94 acres of vegetation (3 acres on private land) 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

A. 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.

Roy Stovall, Range Improvement Specialist,
Roswell District Office, BLM
Ed Ryan, Chief of Operations,
Roswell District Office, BLM
James Schroeder, Hydrologist,
Roswell District Office, BLM
John Spain, District Rangeland Management Specialist,
Roswell District/Resource Area Office, BLM
Roy F. Pearce, Jr., Allottee of Allotments #65053 and
#65063
Ricky Pearce, Foreman of Allotments #65053 and #65063
Roger Peterson, BLM Issues Chair, Rio Grande Chapter of the Sierra Club

Prepared by:

Helen C.J. Miller, Rangeland Management Specialist

Date

DECISION RECORD

DECISION: It is my decision to authorize the re-construction of the water pipelines and to authorize the construction of 0.5 miles of new pipeline to provide adequate water supply and in order to provide better water distribution across the eastern and southern portions of Pearce Trust Ranch Allotment (#65053) and the western portion of the Julia Culp Ranch (#65063) and to re-establish 2 wildlife guzzlers on the Julia Culp Ranch in conjunction with the pipeline. Total pipe to be installed is 15.5 miles (0.5 miles on private land) of 1.25" 125 psi pipeline and 1.5" 160 psi pipeline. Eighteen drinkers and one storage will be placed on public land to insure water supply and availability of water. Location of the pipelines are as follows: T. 11 S., R. 30 E., Sections 5, 9, 15, 16, 22, 23, 26, & 35; T. 12 S., R., 30 E., Sections 2, 3, 5, 6, 8, 9, and 10; T. 11 S., R. 31 E., Section 31; T. 12 S., R. 31 E. Sections 6, 7 & 8, New Mexico Principle Meridian. (Please refer to the maps in the Environmental Assessment.) Actual construction of the pipelines will be done via the letting of a contract. Pipeline construction is normally accomplished during the summer months, June through September. If funding for this project is not available in FY96, the project will receive high priority for construction in the following year. 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 East Chaves Grazing Environmental Statement (1979) and the Management Framework Plan Amendment/Environmental Impact Statement on Rangeland Management in the Roswell Resource Area (1984).

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/T. R. Kreager

T. R. Kreager, Area Manager

9/27/95

Date

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.

T. R. Kreager, Area Manager

Date

Attachments:

- E. A. Crawford & Julia Culp Pipeline Reconstruction NM-066-95-067
- E. A. Crawford & Julia Culp Pipeline Reconstruction Stipulations
- E. A. Crawford & Julia Culp Pipeline Reconstruction Maps

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. Wildlife ladders will be installed in all drinkers.
3. 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.
4. Livestock drinking tubs will not exceed 18" in height.
5. The holder 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 holder. The holder shall take whatever steps are necessary to ensure that the pipeline route is not used as a roadway.
6. 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.
7. Non-galvanized storage tanks will be painted Carlsbad Canyon (2.5Y C/2 on Munsell Soil Color Chart) to blend with the environment.
8. The gas pipelines which will be crossed during the re-construction of the pipelines may be affected by the heavy equipment. The water pipeline contractor must coordinate with those pipeline companies who hold the rights-of-ways, so that the appropriate personnel can be present when the water pipeline crosses the gas lines, for safety concerns. (See attached Map #3 for locations.)
9. The holder 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.
10. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder or any person working on the holder's behalf, on public or Federal land shall be immediately reported to the authorized officer. The holder 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 holder 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 holder.
11. The holder 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.
12. The holder 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.