

Summary Minutes
NEW MEXICO RESOURCE ADVISORY COUNCIL
February 25-27, 2004
Artesia

RAC Members Present:

Crestina Trujillo Armstrong
Max Cordova
James Bailey
John Hand
Meade Kemrer
Raye Miller
Robert Moquino
Anthony Popp
Joe Stell
Don Tripp

RAC Members Absent:

Mickey Chirigos
Michael Eisenfeld
Gretchen Sammis

Designated Federal Official:

Linda Rundell

Chairperson:

Wayne Price

BLM Staff:

Bill Condit, NMSO
Greg Costinas, Taos FO
Ron Dunton, NMSO
Stephen Fosberg, NMSO
Steve Henke, Farmington FO
Theresa Herrera, NMSO
Pat Hester, Albuquerque FO
Ron Huntsinger, Taos FO
Jan Hurley, Las Cruces FO
Joe Lara, Carlsbad, FO
Jim McCormick, Las Cruces FO
Kate Padilla, Socorro FO
Tom Phillips, Las Cruces FO
Ed Roberson, Roswell FO
Ed Singleton, Albuquerque FO
Hans Stuart, NMSO
Leslie Theiss, Carlsbad FO

Scribe:

Karen Meadows

FEBRUARY 25 FIELD TRIP (Attachment 1)

Due to a serious winter storm throughout much of the state, the field trip was canceled.

PUBLIC COMMENT PERIOD

Tony opened the Public Comment Period at 6:15. Members of the RAC introduced themselves.

Mike Casabonne, NM Public Lands Council, Hope

Mr. Casabonne said he appreciated the RAC's presence in Artesia. He had not prepared to speak, but said he is interested in proposed grazing regulations and that his organization, along with livestock organizations, would have a substantive recommendation. Some of the proposed regulations will be beneficial to the livestock industry, but there are enemies of the proposals. He hopes the livestock industry will be better able to work with BLM in the future. He thinks things can still be done better than what has been proposed, because these regulations don't allow total ownership by permittees. Although they propose cooperative agreement ownership, when government still owns a share, it is hard for ranchers to use improvements as collateral.

Linda asked whether the Section 4 Permit took a change in regulations or had been decided in policy during the previous administration. He said it was changed by regulation as part of Rangeland ...94—that BLM wouldn't recognize further ownership on improvements. The proposed regulations do provide further ownership of improvements. Theoretically, if a permittee invested 100% he would own 100%, but that is still considered a cooperative agreement, and makes a difference to financial institutions. When permits are transferred, the value of the improvement is transferred. On most water-

based public lands, ranches are intermingled public/private and are considered one unit. Therefore they can't be separated when bought or sold. All is done as a unit and improvements are an important part of the ranch's value. Ownership can affect ranchers' ability to finance, and their economic liability. Judge Zimmer said it was up to the Secretary of the Interior's discretion, and Mike thinks it is still possible for the Interior Department to change regulations.

Drought has impacted everything about public lands, especially livestock. Most ranchers have reduced the number of cattle they're running. They are affected by Endangered Species Act conflicts and would like BLM help with that.

Jim Bailey asked him to describe endangered species conflicts. He said the primary conflict is over lesser prairie chicken habitat on the east side of the state. That issue will be trouble if it continues as it's going. Aplomado falcon is potentially problematic, as well as anything where habitat would be set aside.

Lewis Derrick, NM Cattlegrowers Association Federal Lands Committee & Conflict Resolution Committee, Eddy County Land Use Committee, Artesia

Mr. Derrick met with Jim and others to work out resolutions for stakeholders. He is looking for incentives to address loss of livestock, and has met with O&G representatives. Nothing has surfaced at this point. Any conservation plan needs incentives or we might as well forget it.

The way it's going, 98% of the ranchers in the area think the drought will break them. He looked at Farm Service Agency drought assistance, but said ranchers get punished by reduced use of their ranches. Cattlegrowers are working on language that is more helpful to livestock operators for the millions of dollars that have been set aside for livestock drought assistance. Those funds might be more possible than a special appropriation. He thinks we're missing some things, maybe an offshore drilling arrangement. But there's not a whole lot of push to get something done. Drought funds are being used to buy up property but not for incentives.

NM Cattlegrowers committees have made progress in some areas and meetings continue. We ought to work on the Otero Mesa deal to resolve conflicts. Maybe we could get ranking representatives down in this part of the state and have some resolution. Conflicts include not keeping up roads, and moving caliche off one location to another—then they're in conflict with counties. There are a lot of cattlegrowers scattered through the area, and in some places 15-20 operators go through an area but nobody claims a cattleguard so it isn't maintained. He would like to get those O&G operators to sign agreements, and maybe form a pool of all in that area—with a special contact for ranchers. Shortcuts to locations make more roads. OCD and the state are included in discussions of these conflicting issues.

Don asked how many operators cause problems. Depends on the problem. Cattleguards seem to affect most. Some O&G operators are working on stopping shortcuts. He sees improvements. The state said operators have to contact ranchers, and BLM met with them to see if there was any conflict before putting blades on the ground, to resolve problems before they start. He and others have been contacted several times and that has solved some conflicts.

Leslie said CFO is looking at getting industry and rancher representatives involved at the beginning of the process to problem-solve and work together. She would welcome RAC help with that.

Linda said the northwest NM model is working and is helping others set up such a thing.

Lewis said while we're looking at how individual operations and ranchers are affected by the Endangered Species Act, if the county loses tax base over this, it will get involved. There has to be some way that county and state are not losing that tax base.

Jim said some counties tax livestock as property. How do counties benefit from O&G development? The revenue goes to Washington and back to the state and trickles down, for example, to schools.

Debora said NM counties have a direct county tax based on the value of the product so it's a big boost. Crestina said all counties in NM tax livestock.

Tony closed the Public Comment Period at 7 p.m.

FEBRUARY 26

RAC MEETING

CALL TO ORDER, OPENING STATEMENTS & CHECK-IN FROM RAC MEMBERS

Tony called the meeting to order at 8:15 a.m. RAC members introduced themselves. Tony introduced Wayne Price and State Representative Tim Jennings, and asked Tim to speak. Tim said he represents the Duncan and Penasco Fire Departments. He's Duncan Fire Chief, and appreciates grants they've received that help them meet their capabilities. He said there are ways to drill in an ecologically sound matter on Otero Mesa. We have to look at income to the area, particularly Chaparral school district. And operators will drill across the line in TX if not here.

He said NM is a poor state and often government jobs provide the best pay, as well as health insurance. He was meeting that morning with CFO to go over a new line for a fire tower—400-500 feet higher to enhance communication capabilities. Concerning ranching in a drought, BLM needs to look at what they allow a rancher to do. His ranch is 2/3 deeded and 1/3 federal and yet BLM controls how many animals he has there. He pays for the grass but is totally controlled as to what he can do with it. Because of the drought, mountain lions and coyotes have put him out of the sheep business. The only thing left is to put cows out there, even though they aren't good for his ranch or the watershed. He could put in a game ranch or run half the cattle, but he needs BLM cooperation.

Ranchers, not BLM, water, feed and provide minerals for deer. The ratio of bucks to does makes them welfare animals. He's looking at survival. Wells are 750 feet deep and drilling, pipe and rods are expensive. His ranch doesn't generate enough money to support operating costs and three employees. If BLM forces him to run cows there it isn't to anyone's good. He can't afford to keep feeding the coyotes and mountain lions. We need to look at demonstration plots where access is controlled, to figure out how people can make a living on the land. It now costs about \$30,000 a mile plus materials to build a 7.5-foot game fence. So regulations deny the opportunity to have a game ranch. Damaged areas along the river get worse with cows than with sheep, but that's the only choice he has. He would talk with the RAC or any BLM people about other means of income.

Linda acknowledged Raye, who had offered to host the RAC meeting in the MarBob offices. But it came to her attention that some people were critical that RAC would meet in an O&G facility. She said the RAC talked at its last meeting about unitization on Otero Mesa, and formed a working group under the Energy Subcommittee. They received notice of intent to sue from Earth Justice, which would have postponed the working group's first three meetings, so they decided it was in the best interest of taxpayers to wait. Ed Roberson will be the new Las Cruces FO Director, and will continue with the plan. She asked those who planned the field trip to describe what would have been visited.

Joe Lara of CFO said he and Raye looked at Bear Grass Draw, sand dune lizard and lesser prairie chicken habitat, and well sites—including a drilling rig site—to show what BLM considers in an inspection. Raye added that the oil locations near Bear Grass Draw had a disposal well where water is being disposed at 9,000 feet. He planned a short course on how to assure that there's integrity in that process. Next they planned to visit a central tank location to let O&G folks speak about how facilities are set up and maintained. He wanted to address concerns about BLM's inspection process. Jim Amos directs the inspection program and would have been available to answer questions. Raye said it is a challenge to help the public understand what is being planned for drilling on Otero Mesa. He distributed an article from the *Albuquerque Journal* about NM receiving the 2nd largest return of federal O&G royalties—\$319 million. (Attachment 2)

Linda mentioned that BLM and IRS are the only two federal agencies that actually make money. Jim said he'd like to see an area that's recently been restored. Raye said there are prairie chicken and lizard habitats on active sites with a recently closed drilling pit. Things can be done to enhance reclamation, and there are some site-specific things that industry may buy into. On one site a company has agreed to move caliche because of lizard habitat. It's an evolving process.

Linda said RAC nominations are open to fill two vacancies. Wayne Bingham declined, and his alternate is being vetted in the Washington office. There were three applications for the other vacancy, one of whom is under consideration by the governor's office. The BLM Director is coming to NM the first week in April, and will spend 4-5 days in southern NM looking at local issues and meeting with user groups. In May, the BLM leadership team meets in Santa Fe, so the director will return and spend time in northern NM.

Max asked what percentage of wells in the Artesia area were not in compliance. He is concerned that groups get the wrong information out and the public gets the wrong perception. In forestry, a third-party verification process was formed to address that.

Raye said BLM demands that the proper work be done down the hole, and there has been more emphasis in the last few years on "idle" not-producing wells—which may become problematic orphaned wells later. Generally, the longer things sit without attention, the more problems arise. BLM inspections identify violations and write them up, e.g., lack of site security diagram filed with CFO. That doesn't mean there's an environmental problem. So if someone asks how many violations have been filed against O&G companies, question whether those violations are endangering anything. Some of the work done on production capability determines proper reporting and payment to government, yet is less visible in write-ups.

Linda said Leslie is dealing with a rancher complaint where BLM verified that there are numerous issues on his allotment. The FO is getting the rancher and operator together to talk about it. Often the operator doesn't know that contractors are doing damage. Those situations lead to assumptions that BLM is not doing its job and that it's impossible to have O&G operations that are environmentally appropriate.

Max said public comments at the Farmington RAC meeting were indicative of his belief that issues are blown out of proportion. Linda said even if every operator on Tweeti Blancett's ranch was doing everything perfectly, O&G operations would still be an annoyance, bring dust, and affect wildlife and cattle. So it is problematic.

Question/Answer/Comment

- Sometimes media has shown old photos of past wells and asked "What if this happens on Otero Mesa?"
- BLM continues to get the O&G industry and ranchers together to work out conflicts.
- It's critical to have OCD very involved with any meeting.
- Southern NM is different from Farmington.
- On private land, the only watchdog is OCD. On federal land, who calls the shots? The O&G person applies to BLM but that application is sent to OCD for review. Either may want changes. OCD on federal lands primarily focuses on down-hole issues. On private land, there is usually a surface agreement between landowner and company. On state land and grazing permits, O&G companies apply to OCD. The State Land Office does not generally do a site visit on an active O&G lease. First line of defense for a rancher using state land therefore, would be OCD.

Agenda (Attachment 3)

Tony added as first order of business an Otero Mesa update.

Motion

Crestina moved and Don seconded to approve the agenda with the addition. Motion approved.

November 2003 Minutes (Attachment 4)

Motion

Jim moved and Crestina seconded to approve minutes of November 2003 as presented. Motion approved.

Tony asked the RAC to recommend new members. He hopes to have the process speeded up and new members approved so that a quorum is present at meetings and business can be decided. Number of alternates depends on number of applicants.

OTERO MESA UPDATE

Tom Phillips, Las Cruces FO

Tom said BLM's Washington office received less than 30 protests, and was still in the 60-day governor's consistency review—ending March 8. LCFO will work on resolution of protests for the next couple of months—then a record of decision can be made after clarifying misunderstandings and evaluating new issues. He emphasized that this is information gathering, not a vote.

Linda said BLM would respectfully consider the governor's comments and implement or utilize whatever they can. BLM will not reopen the planning process. NMBLM received more than 2,000 comments, but not all fit the guidelines. They have to be substantive comments from organizations that have participated at some point in the planning process. As of February 25, there were about 12 valid protests, including three from the state—which submitted comments throughout the process.

Question/Answer/Comment

- Will this be business as usual, or is water contamination, road width, etc. restricted? BLM is minimizing disturbance on roads and pads with unitization—based on one operator who works with BLM on a plan of development for surface disturbance of no more than 5%.
- Raye said this is certainly not business as usual, and that Governor Richardson's recommendations might cause more disturbance than BLM plans. However, Meade thought the Governor's recommendations might help state land restrictions.
- What if there was a well about half a mile from a fence and the operator left the gate open and livestock could escape? If that was federal land it would be a compliance issue and the rancher should go to BLM.
- When operators lose a well they're out of there, but ranchers will be there for generations to come. Water may become as valuable as oil and gas, and we want to be sure it's protected. Is there any guarantee that water quality and quantity will not be affected? Ed Roberson said BLM works to assure water protection. They look at zones producing fresh water and do everything possible to minimize impact, and are taking extra precautions with Otero Mesa plans.
- Raye said some operators drill with air. It's a lower-cost option, and has several benefits.

- The 5% stipulation was applied to Otero Mesa overall. Jim said he disagrees that this is tough for the industry. At 32 acres per section, with 8 wells per section over a large area, it would be easy to double that to 16 wells and stay within the 5% stipulation. This is a stalking horse.
- Linda said BLM's plan covers a little more than 2 million acres with about 140 wells that may be developed. Analysis foresees a maximum of 84 wells that would be profitable. This would not be a Permian-basin-type development. BLM staff thinks it has developed a responsible plan and no one knows whether there will be claimable resources. It is a wildcat area, but BLM has done a good job developing an environmental plan. Linda said she told Governor Richardson that they might need to agree to disagree.
- Tony pointed out the map of Otero Mesa in packets and on the wall.

FO ACCESS ISSUES (Attachment 5)

Las Cruces FO

Jan Hurley said LCFO has about 20 access issues. Urban interface, recreation, hunting and changing ownership are problems. There's conflict between traditional and new attitudes and uses. Cooke's Peak, north of Deming in Luna County on the Hiatt allotment, has access issues. She said LCFO had to determine whether the gate that a permittee locked blocked access to public land. LCFO gave the permittee 10 days to review public comment and provide his position in writing. Then BLM will look at alternatives for collaborating and resolving this issue.

Tony said he would work with LCFO during subcommittee time to get more information.

Carlsbad FO

Leslie said there are ongoing issues with too much access by hunters, and emerging issues with off-road use.

Socorro FO

Kate pointed out areas she had highlighted on a map in RAC members' packets. There is a lot of development on private land surrounded by public land. Problems include new roads that provide access for cattle to wander. The Catron County Commission passed a resolution to close a county road previously open and officially designated. As development continues, BLM will face further legal implications. Reserve has a new museum and is planning improvements to attract tourists. Socorro County issues include wildlife migration and endangered species. The City of Socorro is growing and developing, which means people will want more recreation access. Access is the biggest issue in their RMP Amendment, so they will have public involvement and possibly public help in identifying alternatives.

John asked whether amending subdivision regulations would help. Kate said that is critical. The FO is working closely with Socorro County and hopes proposed developers will consult with the FO. John said the county has asked BLM to include them, and they need to ask the county to include BLM. A taskforce that includes the county commission, state foresters, Soil & Water Conservation District (S&WCD) and BLM has met twice. Kate pointed out a CO₂ deposit with helium byproduct near Springerville in Catron County. Wind and solar have the highest energy potential.

Albuquerque FO

Ed Singleton said the Majors Ranch and John Hand got both county commissions and Acoma Pueblo involved to reopen the contested road. It is still a problem that long-term ranchers sell and new owners don't understand traditional usage so lock the gates.

Roswell FO

Ed Roberson said there are the same kinds of issues in Roswell, though growth is not such a big factor. The FO is working case-by-case, and submitted updated information for the state map of access issues.

Farmington FO

FFO access to Thomas Canyon Special Use Area is through private land. The area is used for fuel wood gathering and mule deer hunting. FFO is working with the estate on a land exchange, but the heirs don't all agree. There is some danger of blockage if that tract changes hands.

Question/Answer/Comment

- Mining claims in the Cerrillos Hills have been resolved. The real issue is too-much access.
- Tony reiterated the need to come up with a RAC policy.
- Some larger parcels have been put into conservation easements. Do they develop their own access? Does BLM have to work through them? Linda said it depends on the reason an easement was set up. Some are meant to keep farmland from being converted to subdivisions. This is being discussed as a possible solution for sand dune lizard and prairie chicken territory.
- Lewis Derrick said his organization hasn't gotten as far as proposals for conservation easements. They can be detrimental to ranching operations, but some ranchers might look at a 10-year rather than longer-term deal. If an agreement is written right it can be done.
- Crestina has a conservation easement with the Taos Land Trust on her ranch. The wording was changed numerous times until it reflected what she wanted. A lot depends on whom you work with. She donated the easement forever so development would be stopped. Wildlife and agriculture are addressed specifically.
- Kate said Socorro FO is looking at land tenure adjustments, disposal, acquisition and easements, and what staff positions need to be added—like realty specialist—to address these problems.

FIELD OFFICE UPDATES ON NOXIOUS WEEDS PROGRAM

Ed Roberson, Roswell FO (Attachment 6)

Helen Miller is RFO weed coordinator. Salt cedar and Russian olive are problems. Ed hopes for new national legislation. Projects are underway to address Russian knapweed, several thistles and African rue. When an area is cited, the FO takes a GPS readout and loads it into the system to show exactly what is infested. They have an interagency cooperative agreement to treat those areas. African rue is believed to have come from TX on O&G trucks. Livestock won't eat it unless there's nothing else. When they do consume it they spread it. BLM aggressively treats in fall with Arsenal, and then monitors. Russian knapweed came through the 380 corridor east of the Pecos River and up Border Hill on the west side of Chaves County. Working with NM Highway Department they've applied tebuthiuron and believe most of it is eradicated. They're working case-by-case on thistles in high country, but still see a lot of it. The FO has gotten volunteers to hand-dig it out, and have many cooperative agreements. Salt cedar and Russian olive are being aggressively treated mechanically. Staff has been ingenious, e.g., they got a pipeline company to pull out some where they were working. They go to state meetings of S&WCDs, showing them how to use the mechanical process as support for aerial treatments. Concerning mesquite infestation, the FO asked seismic workers to spray or provide funds to spray in an area where they were working. In 2002, the FO inventoried about 687 miles of noxious weeds—1,040 acres. They hand out booklets to permittees, and if they are certified, provide herbicide for them.

Question/Answer/Comment

- Is there a program for reseeding after removal of salt cedar? There's been no reseeding along the river, because they think the seed is there and will sprout after the drought. Concern along the Pecos is that spray has taken out more than salt cedar. Carlsbad S&WCD is working with a rancher who lost grasses and shrub species. The FO is working case-by-case. This will be an issue all along the corridor.
- After reseeding 1,000 acres along the border, kochia came back first, which they didn't seed. Now some of the seed used is appearing.
- Washing pipeline trucks is done but not broadly required or regulated. NM is behind neighboring states in laws concerning weeds in hay or on trucks.
- LCFO approval of drilling at Crow Flats required that equipment brought in be cleaned.
- RFO has twenty years of monitoring data and tracking composition at study sites that is used in making decisions.

Steve Henke, FFO

Steve said FFO's Eddy Williams is a godsend to the weed program in NM. His focus is developing a cooperative agreement to address noxious weeds that calls for inventory, monitoring, education and treatment. He formed a rapid response team with the Cooperative Extension Service. When infestation is discovered, there is a cooperative agreement to treat, tied to 13 road management units in the San Juan Basin. O&G leaders in road management also address weeds on right of way. Particular challenges are thistle, Russian knapweed and leafy spurge. There is a program to treat and remove Russian olive and salt cedar in riparian areas and replace them with willow and cottonwood.

Question/Answer/Comment

- Is Siberian elm a problem? There's a plan in place outside Tularosa to remove a large number of Siberian elms.

Jan Gamby, Las Cruces FO (Attachment 7)

Jan identified major problems with primary target species: African rue, Russian knapweed, Malta starthistle, yellow starthistle, camel thorn, salt cedar and Siberian elm. Numerous secondary species are important to partners. The primary strategy is developing partnerships for prevention, detection, education—tours, schools, calendar, newspaper articles, inventory, planning (including three counties), employing integrated weed management control, coordination, monitoring, evaluating, supporting research and technological transfer. The FFO has created a coordinated weed management area, and is developing cooperative agreements and encouraging local leadership to take active roles.

The 2003 budget includes a total of \$87,000 for weed treatment. Accomplishments include 1,500 acres sprayed, 1,600 evaluated (for past treatment practices and sites), and 16,000 acres inventoried. She outlined 2004 objectives in all six counties in the FO management area, and addressed limitations. The FO is seeking alternative funds, distributing staff workload, and building partnerships. The challenge is to keep collaborative efforts moving forward.

Question/Answer/Comment

- The main herbicide used is tebuthiuron and the primary target is creosote bush. NMSU is testing new chemicals and combining old ones, and has recommended mixes, rates, and how and when to treat each species. The FO lends equipment and provides chemicals to licensed permittees.

- How is the general public being educated? The calendar is good but lacks close-ups. There are booklets and videos. Dr. Richard Lee was a key player, holding short courses and conferences. Frannie Miller, lead for NM, holds workshops in communities. There is a statewide multi-agency team. Newspaper inserts have been the broadest help. PBS has programs but is not reaching a large audience. Children are being taught.
- This educational role was traditionally addressed by counties and agricultural organizations.
- One-third of the work is done on non-federal land. Is BLM stepping into a vacuum? State and local agencies receive funding applied 90% to private lands. BLM has been a catalyst and leader in cooperative agreements to address the problem.
- In noxious weed control and in fire fighting, all agencies realize this needs to be a cooperative effort.
- Joe said the Legislature passed a statute on noxious weeds that might be a way to approach problems in some areas.
- Nothing is done about weeds in hay. The highway department spreads hay along roadways to stop weeds and then the weeds in the hay grow where it was spread.
- Ed Singleton recommended advocating for a NM weed-free hay policy. Most Western states have weed regulations.

Leslie Theiss, Carlsbad FO (Attachment 8)

She introduced Ray Keller, staff coordinator for the noxious weeds program. He said the FO has numerous partnerships, and showed a map of treatments done in 2003. The FO has spray equipment and chemicals they give to county and state road departments, S&WCDs and other licensed entities. He attends an annual meeting to discuss the prior year's treatment and plans for the coming year. The FO has an MOA with state, federal and Lea County agencies. The FO treated 1,900 acres in 2003. BLM and S&WCDs developed an EA for treatment of salt cedar along the Pecos River and its tributaries, which was the foundation for 19 miles and 1,150 acres of salt cedar treated with Arsenal. They have pulled out roots along one side of the river and treated roots on the other side, with approximately the same results. However, the cost is quite different—\$450/acre for removal by hand vs. \$200-250/acre for mechanical removal. The FO is monitoring pH, selenium, water quality and volume, and vegetation to assess results at study points from the border to Ft. Sumner dam. In Lea County, there are no licensed applicators and county policy is not to use herbicides. Lea County scrapes and Ray follows behind and sprays. There is cooperation with seismic companies to wash trucks coming and going. He said they wouldn't have accomplished anything without their cooperators.

Question/Answer/Comment

- Water viability is not being checked specifically, but they have not noticed any fish kill—24c labeling allows them to go to the water's edge.
- The FO and cooperators have chopped, chained and burned in numerous ways. That was helpful because some areas looked good at the time but vegetation returned, while others didn't seem so successful at the time and have remained clear.
- On the Black River and the lower Pecos there are some endangered species. Biologists found species north of Artesia. On the Black River the FO is doing individual plant extraction, not chemical treatment. NMG&F is aware, and its officers are out with BLM when they work on riparian areas, as are archaeologists.
- Endangered species personnel, however, may not be aware.
- Give the noxious weed handbook to other agencies.

- O&G companies were applying soil sterilant to keep weeds down. Applying those every year may mean that eventual reclamation/revegetation would be impossible. Raye said his company made an internal policy to stop applying sterilant. There may be more weeds, but if something is identified, his company will address that. He asked for recommendations. Ray said apply Roundup yearly.
- CFO is using 1% Arsenal. Fall treatments are better than spring. Roundup causes cattle to abort.

Ron Huntsinger, Taos FO

White top, knapweed and henbane are the primary infestations, associated with transportation routes, mostly from CO hay. He reiterated that the RAC could help by getting a state statute in place to address weed-infested hay. On BLM land people need to use weed-free hay or straw for events, and trucks are washed. The FO doesn't treat with chemicals. They grub invasive species in waterways, have agreements with Taos and Colfax counties and would like to work with Rio Arriba and Santa Fe counties, but this is not a priority for them. The FO is initiating extensive procedures on salt cedar on the Rio Grande, primarily grubbing, starting at the upstream limit. Noxious weeds are not pervasive.

Kate Padilla, Socorro FO (Attachment 9)

Socorro FO has an integrated management plan for controlling invasive/noxious weeds. They inventory, educate, treat, reclaim and monitor. Socorro too could not achieve what's needed without partnerships. Main partners who have signed an MOU are City of Socorro, Socorro County Commission, S&WCDs, NM Highway Department, NM State Land Office, Cooperative Extension Service and US Fish & Wildlife Service. Most weeds occur along the Rio Grande corridor. Salt cedar is most abundant. Also of concern are Russian knapweed, perennial pepperweed, yellow toadflax, whitetop and camelthorn. In 2003, about 54,000 acres were treated at a cost of \$1.6 million.

Ed Singleton, Albuquerque FO (Attachment 10)

AFO is in fairly good shape, with about 1,000 acres treated yearly and 20,000 inventoried. Ed recently visited with BLM weed specialists, and said they think the West is losing 2,000 acres/day to noxious weeds, down from 3,000 acres 8-10 years ago. Weeds are a nightmare in the Pacific Northwest. Many are imported from the Middle East and accustomed to dry conditions like we have in NM. His fear is that infestations of those weeds here would explode. Oregon counties are barely holding the line at \$1 million per year. Biologic control is part of the answer, but very costly. In 1996, experts thought a fully funded actively aggressive weed program across the West would cost about \$15 million per year. BLM is providing \$9 million this year. Leafy spurge has a 20-foot taproot and cannot be removed once established. Ranches in western Oregon have been sold for 10 cents on the dollar because leafy spurge made them useless as agricultural land. Ed reiterated that he would like for the RAC to take a role in changing regulations to address this.

REHABILITATION OF OLDER OIL & GAS WELL SITES

Bill Condit, Special Assistant to the NMBLM Director (Attachment 11)

Bill was assigned to pull together the disparate interests of traditional users of public land. On the field trip at the Farmington RAC meeting he stood on a Burlington well site that was done very nicely on Tweetie Blancett's land and she said, "If they all looked like this, we wouldn't be here today." That gave him the idea to look at "legacy" issues. To BLM, legacy impact relates to O&G activities potentially adversely affecting wildlife that BLM has no regulations to address. They are legacies of a time when no one regulated the industry.

He is working now to identify such issues and write up ways to address them. An orphaned well is one that is not producing and does not have a viable operator. Part of OCD's work is to plug those wells. BLM now requires operators to have a bond, but orphaned wells had no bond, or had an

insufficient bond. While the legacy program isn't about plugging abandoned or orphaned wells, it would collaborate with OCD on addressing them. Senator Domenici's bill would appropriate about \$25 million for that purpose.

Bill hopes the RAC will help him pull together an advisory team to build consensus on the magnitude of the problem and to come up with funding ideas. He distributed maps of the two NM basins of O&G interest with black dots representing well bores. San Juan Basin has 20,000 wells in existence with 9,900 more planned for the next decade. The NM section of the Permian Basin has about that number as well. He is using the tools at his disposal to merge geographic information with an estimate of what lands meet the legacy definition.

Congress in the late 1990s considered an idea called Eco-Royalty Relief that came out of the Green River (Wyoming) Basin Advisory Committee under Secretary Babbitt. Foreseeing a huge increase in natural gas exploration in CO/WYO, Secretary Babbitt asked the Committee for recommendations on how to arrange permitting. Eco-Royalty Relief would allow a credit against future royalties for production in an amount equal to the cost borne by producers for a) preparing Environmental Impact Statements and their associated studies and inventories; and b) performing voluntary habitat enhancement or other on-the-ground improvements over and above standard operating requirements from BLM, such as monitoring possible effects associated with gas development.

Lessees would put money up and be paid back later. The legal conclusion was that the Secretary of the Interior did not have authority to give eco-credit, so they were told to go to their legislators. Senator Domenici accepted that language in section 325 of his energy bill that should be voted upon by end of March.

Bill wants the RAC to get excited about the idea and perhaps write a letter promoting this potential solution for legacy issues. Eco-credit may even be more pertinent for dealing with lesser prairie chicken and sand dune lizard habitat. However, Senator Domenici said that because of storing consequences, it would cost Treasury revenue (\$160-\$300 million for 5 years) so its inception was postponed until 2009. The philosophy could be put in motion administratively, although that is not considered ideal.

Another mechanism would be to raise current fees. The president's '05 budget includes that approach. Bill encouraged RAC discussion on whether they'd like to pull together groups representing the northern and southern basins associated with O&G development.

Tony said this is probably an appropriate topic for the RAC to participate in, perhaps starting with a subgroup. He would like to see a report on the possibilities.

Bill said he does not want to interfere with Steve Henke's voluntary agreements with operators. That's a forward-looking thing. This effort would find funding for old impacts.

Question/Answer/Comment

- We don't know yet how many of the dots on his maps are legacy wells. He's working on that. There will be legal applications for where to draw the line.
- Realize that some folks don't like eco-credit because they think it's re-budgeting administratively. The mineral-processing fee would probably bring more resistance than higher rental fees on new leases.
- Jim didn't want to make decisions without seeing bill language. If this is on the Senate floor by end of March, does Bill want RAC response in one month? No, if passed it will go to the House.
- This might work best by testing on something small, e.g., prairie chicken or lizard habitat.
- Committees will consider this and Tony will talk with Linda about RAC involvement.
- Max said it's best to fix a leaky faucet with a new washer while we get experience and find better ways to deal with this. It's hard to fix a big problem.

- We know it's going to be fixed in little bites. RAC could help FOs prioritize potential small projects to approach in innovative ways. Determination of projects would lie in the hands of the state director.
- This plan would impact cultural management. Bill introduced archaeologist Don Peterson.

OIL & GAS CULTURAL MANAGEMENT IN THE CARLSBAD AREA

Jim Lara, Carlsbad FO

CFO is testing a new approach to cultural management using 3-D real-time seismics as:

- A method of exploration for O&G potential
- A method to target future oil and gas drilling
- A method to identify cultural sites

Jim showed an example of a traditional 3-D seismic process, including land survey, archaeological survey, data collections and reclamation, which is very time-intensive. Other problems are:

- Loss of flags and stakes
- Rushed preparation of final report
- Difficult scheduling

In real time, functions and actions occur simultaneously. That brings good news and bad news.

Good news

- No re-survey to replace lost flagging
- Better crew scheduling
- Better quality final reports

Bad news

- More initial pressure on contract archaeologists
- More pressure on BLM archaeologists
- Review of final report is backlogged

So BLM can adopt the real-time option or:

- Return to the traditional method
- Accept longer review times for preliminaries
- Ensure adequate "headstarts"
- Increase staffing
- Survey lower-site-density/sensitive areas only

When CFO started this new process, survey, archaeological and seismic companies all had to be right on the money, so communication and continuity were enhanced and all involved are happy about that. Some things need to be worked out but he hopes this process will be successful. The front end works great. Management is aware that steps must be taken to assure that it doesn't result in mounds of paperwork.

Question/Answer/Comment

- The 3-D seismic approach looks for O&G formations from shallow to deep. It produces a map with information in layers, in length, width and depth. The archaeological part shows the resource on the

surface that could be damaged by development, and looks at soil types that indicate where cultural resources might be buried. BLM knows where cultural sites are, and if the area is small, they can reroute O&G activities.

- The backlog continues. Reports can be massive, and some of them take 2 1/2 years to get to ARMS.

PREFERRED UPSTREAM MANAGEMENT PRACTICES (PUMP) III PROJECT

Tim Seaman, Archaeological Records Management Systems (ARMS) Program Manager

Eric Ingbar, Gnomon, Inc.

PUMP is a cultural resource GIS database focused on O&G fields. This project examined two questions:

- Can we learn more from cultural resources in O&G development?
- Can the management process be more adaptive?

Specific measures are being created, and the Loco Hills study area (6,000+ cultural resource inventories in 8 quadrangles) will be the first test case for measures. Using automated data they will “replay” inventories through time and examine alternative inventory strategies, working with experts to identify gaps in past information and examine ways they might have been or might be filled.

The NM study areas represent different stages of development:

- Loco Hills (mature in-filled field)
- Azotea (developing and starting to in-fill)
- Otero Mesa (proposed)

Project tasks

- Data development for GIS approach
- Geomorphology and site visibility
- Predictive modeling of site density
- Inventory simulations
- Management recommendations

Desired outcomes

- Full GIS and data systems
- Implement “learn more” strategies
- May involve trade-off in investigation strategies and staging
- Develop field tools—manuals, etc.
- Utilize geomorphology buried site models, erosion field indicators and field assessment tools they will develop
- Involve appropriate parties in the whole process
- Focus on knowledge, not just information

The project is on schedule, with one technical report on Loco Hills completed. Tim listed major project participants and collaborators.

Data development

- The PUMP database is larger than most state databases, with 23,000 surveys and 9,000 sites
- Lessons learned

- case-by-case survey is very inefficient
- case-by-case survey produces a difficult data set
- case-by-case management process itself may have adverse long-term impact on resources, and at best is temporary avoidance in an in-fill situation

They showed slides indicating site density—useful for forecasting, and likened them to weather service forecasting. Before, they only collected data, but now can make predictive models. The issue is how to use data and models to make better decisions. The project should be complete by end of 2004.

Question/Answer/Comment

- Tim thought all sites on BLM land had been identified and surveyed.
- Eric added that leased units in production are essentially fully inventoried.
- They are building a statewide data set but it's slow going with survey data. All archaeological inventories of the southwest corner will be entered into the ARMS system by end of year. BLM is an ARMS system user. Eric showed a bar chart indicating total surveys done by year. Quite a bit of land was re-surveyed
- Density of archaeological sites will affect bidding. It ties in to geomorphological work. We're at the stage where it makes more sense to sample different sites and see what they reveal.
- We can model and predict and define areas but when do we make the decision that we don't survey because we know what's there? Not under current legislation.
- CFO hopes to hammer out agreements to provide a legal basis to do things differently.
- Similar studies and management approaches have been done in Nevada where there are large areas with no inventory required or with relaxed inventory. That initial 3-D seismic grid is a terrific area sample. We can figure out strategies for any piece of ground.

**GEOMORPHOLOGICAL LOCO HILLS STUDY
& APPLICATION TO CULTURAL RESOURCES INTEGRITY ASSESSMENT**

Stephen Fosberg, NMBLM State Archaeologist (Attachment 12)

NMBLM has numerous cooperative agreements for working with cultural resources, including one with NM Historic Preservation Division and geologist Dr. Stephen A. Hall, who helped determine cultural sites in sand dunes. Project objectives included identifying areas that contained or had potential to contain archaeological sites; and developing a model for evaluating occurrence and integrity of sites elsewhere. Stephen distributed Dr. Hall's reports on the Mescalero Sands, also posted on the NMBLM website.

Principal findings:

- The sand sheets are based on a foundation that's derived from eroded soils of weathered permian and triassic bedrock. Above that are two prehistoric sand units accumulated during discrete periods.
- Coppice dunes are relatively thin, less than a meter.
- Dr. Hall was able to directly date sand grains in the dunes, which had never been done before. He could then assign ages with confidence, bracket units and determine which might have cultural resources.

Stephen distributed a page from Hall's guidebook showing composite stratigraphy with dates. Early archaic people are underrepresented in the study area so either they avoided that area or their sites were obliterated. The Mescalero Sands were stable from 500-5,000 years ago, so most sites relate to that time bracket. Most have been disturbed. Artifacts in the field today are the result of erosion. They

lose their original context and heavier objects are left behind. Coppice dunes protect some sites. The process of creation of those dunes is historic in age, probably only the last 100 years. Processes are well underway for destruction of the dunes within the next 100 years, which gives urgency to studying them now. Dr. Hall's guidebook provided standard terminology, tips and categories of descriptors, so observers could use the same language. He compared the depositional sequences with other sites in the Tularosa Basin.

Dr. Hall taught his findings to BLM contract archaeologists in Carlsbad in order to gain uniform descriptions. Most of the two-day seminar occurred in the field. Interesting pieces of the puzzle are falling into place. People have been trying to get regional research design underway for some time. Once defined, BLM will be able to sample sites, answer questions and extract information that tells how to make decisions based on what's known, instead of having to survey every site. The archaeology of southwest NM is very dynamic.

Question/Answer/Comment

- Clovis man and extinct species existed 11,500 years ago. How does that tie in?
- Most of the sites here are much more recent.
- In the early 1950s there was a mound of broken pottery near Bassett Lake about 20 miles out of Deming. Several years ago Joe returned and the area was covered with mesquite and sand, so it's not hard to see how fast things change.
- That's partly why there have been so many surveys. Because this area is extremely changeable, reliability of surveys is questionable.
- Dr. Hall found some deposits from pleistocene area springs that would have attracted creatures from the time mentioned above.
- Will these hills be gone in 100 years, or rearranged? Dr. Hall projects they'll be gone. The sand builds to a point where it can't maintain its slope and collapses, plus being blown downwind.

UNITIZATION OF FLUID MINERAL LEASES (Attachment 13)

Ed Roberson, BLM Roswell Field Manager

Armando Lopez, BLM Roswell Petroleum Engineer

What is a unit, how does it work and how would we use the concept on Otero Mesa? Why do we need agreements? In the 1800s, the country was developing and the law of the land was the "rule of capture." You drilled a well and whatever came out was yours, no matter where the lease lines were. People drilled next to fee areas in a race against competitive operators. Results were rapid depletion of reservoir pressure, loss of ultimate recovery and environmental disaster. In the mid-1930s courts got involved and the Correlative Rights Doctrine was adopted. It dealt with the opportunity to receive a fair and equitable share of the source of supply, not a guarantee. Most state conservation regulations include pooling, unitization, spacing or proration.

Agreements are tools used to support the Correlative Rights Doctrine. Unit agreements provide environmental, O&G and lease benefits. Operation of multiple leases as a single lease under a single operator will be used on Otero Mesa and extended nationwide.

Unitization means that fewer well pads and roads are necessary; there is less surface disturbance; and waste is reduced—with higher ultimate recovery. Operators determine where there is better geologic possibility. They are the entrepreneurs. But BLM says drilling has to be done on a unit basis.

Lease benefits of unitization

- Leases can be extended without actual production on the lease.
- Currently, leases get a 2-year extension upon unit termination—BLM wants to avoid this regulation.

- Federal leases are exempt from the statewide acreage limitation of 246,080 acres.

BLM is responsible for administering unit agreements, monitoring and termination. The approval process extends from designation to final approval. Normally operators come up with a likely geologic area that they want to form into a unit. In the new process, BLM will determine unit outlines that are not based on geology.

Question/Answer/Comment

- Lewis Derrick asked how unitization affects an operator drilling in different zones from shallow to deep. Operators drill first for discovery. Once found, they set up participating areas. Currently, two competitive operators would drill a certain formation exclusively until it was no longer economically feasible—so one did not deplete that zone to the detriment of the other.
- BLM wants to have units and terms of units in place before leasing so potential lessees know whether they want to lease under those circumstances. Unit operating agreements set costs, how operators will participate, and how conflict will be resolved.
- NM Oil Conservation Division has statutes. Does BLM have authority to unitize, or will they have to go through OCD? They don't go to OCD on exploratory units, but do for secondary drilling.
- Kate said the State of NM controls spacing for the CO₂ wells, but in AZ operators are drilling on private lands and draining the reservoir. That is an issue that was raised during the scoping process.
- How will private and state lands be involved? They will fall within the boundaries of whatever units BLM sets, but only federal minerals will be managed by BLM. They will invite, but cannot force, NM and private landowners to join. Hopefully there will be benefit to joining so they will choose to.
- Unless private landowners join the agreement, BLM will have no control over use on private land. BLM cannot change existing leases, but will offer opportunity to join. There are several active leases within the grasslands.
- Why would they want to unitize? They might see benefit, e.g., if their remaining term is short. Non-committed acreage does not receive any benefits of the unit.
- The NM State Land Office uses unitization.

For final approval, BLM must show that all parties within a unit area have been invited to join the unit. For effective unit control, staff hopes to have 85% of acreage within a unit area committed to the unit agreement. Federal lands have not been unitized under this concept in the past. NM has statutory authority for unitizing, but Armando thought that was only for secondary activities. If a wildcat well is drilled, OCD does not approve that well on federal land. BLM considers such a well exploratory throughout its life even though it is producing.

Key Concepts in Drilling to Discovery

- Must commence drilling obligation well(s) to the target formation within six months of the approved effective date.
- Failure to drill the initial obligation well will invalidate the unit.
- Drilling over the expiration date of any committed lease is the same as drilling over the expiration date for all leases committed to a unit.

Three Possible Well Outcomes

- Unit paying well
- Unit non-paying well
- Dry hole

For a unit paying well, all leases committed to the unit agreement are HBP; further drilling requirements are now handled under the Plan of Development (not required to drill six months after previous well completed); and a unit participating area will be formed. BLM plans orderly development and non-competitive drilling for Otero Mesa. If the whole lease participates, all will benefit from the first production. They have to decide how a non-paying well will be dealt with, and plug dry ones very well. BLM will probably require that operators file an annual Plan of Development.

Question/Answer/Comment

- What if there is groundwater contamination? Does BLM have plans to address problems beyond the drilling stage? Once contamination is detected, the problem well would be tracked down and fixed. But is there a contingency plan and resources to address contamination?
- If we lease with good intentions, there are state, federal and operating practices to follow.
- OCD has statutory authority for protection of ground water, so OCD should be in the loop. BLM is already working hand-in-hand with OCD. Raye concurred from his perspective. Staff geologists for both agencies talk almost daily and also talk with the NM Water Engineer. Linda said BLM looks forward to an OCD contingency plan.
- The operator would pay expenses for something being fixed.
- Are there provisions for dissolving a unit? Operators who drill dry holes can request that a lease be terminated. That will have to be reconsidered for leases on Otero Mesa.
- In a normal exploratory unit operators can drill as many wells as they want, but there will be no more than 5% disturbance in a unit on Otero Mesa. Armando thinks units should be formed for 10-12 year leases regardless what happens, and longer if a well continues producing. The 5% applies only to protected grasslands.
- Jim thinks BLM should project potential scenarios of what might happen with operators that want to expand units. Operators can lease another unit if they have reached the 5% limit, but it is not yet known how many units there will be on Otero Mesa. Raye thought these questions were very valuable for raising difficult issues.

Subcommittees announced time and place of meetings. The RAC meeting recessed for the day.

February 27 RAC MEETING

Tony called the meeting to order at 8:15 a.m.

BLM DIVISION OF RESOURCES EMERGING ISSUES

Ron Dunton, BLM Deputy State Director, Division of Resources

Ron is working on resource issues for the present and future, including habitat for the lesser prairie chicken, black-tailed prairie dog and sand dune lizard. An area along the Pecos River includes the habitat of those creatures and incorporates both Roswell and Carlsbad FOs. They expect to lay out a pre-plan next month and finalize it by the next RAC meeting. Other issues include grazing, OHV use and O&G development. Linda said she hopes that a working group set to launch next fiscal year will

have recommendations. Howard Parman is lead for that project. Some areas within the prairie chicken habitat have not and will not be leased. Others outside the core area that have potential habitat might be leased with stipulations, as part of a variety of possibilities for protection. The goal is to be flexible while preserving options. There is significant O&G activity—28,000 wells.

Jim said of the 77 townships where the most prairie chickens reside not a lot of area is left unleased—only about 4.5 full sections per township. About 39% of the land inside prairie chicken habitat has unleased state or federal mineral rights.

Ron introduced Taos FO fisheries biologist Greg Costinas. Greg spoke about a CO/NM conservation agreement meant to protect the genetic integrity of the Rio Grande cutthroat trout, that has multiagency state and federal collaborators including BLM, USFS, Jicarilla Apache Tribe, US Park Service, and US Fish & Wildlife Service. Greg showed a map that came out of their agreement.

Seven strategies were outlined:

1. Population inventory
2. Population maintenance
3. Population expansion
4. Protect sustaining habitats and restore degraded habitat
5. Conservation education and interpretation
6. Database sharing
7. Planning/coordination

There is good cutthroat habitat throughout northern NM. BLM is working with schools, communities and individuals on restoration efforts. There is no common database, and biologists have been doing different things. There are a lot of cutthroat in high streams of the Sangres, Jemez, Brazos and the Tierra Amarilla grant, with one population near Truth or Consequences and one NE of Alamogordo. BLM oversees two cutthroat areas—Ojo Caliente waterfall and the Santa Cruz River in the Santa Fe National Forest. Individuals, organizations and agencies with legal authority are taking part.

Benefits to NMBLM

- Avoid federal listing
- Develop cooperative framework for aquatic habitat management
- Reduce expenditures
- Active participation with little risk

Seven Springs Hatchery is successfully breeding cutthroat from eggs collected in the wild. Greg didn't think there was whirling disease there, and NM Game & Fish tests for that. The cooperative framework is working well. CO and NM together are focusing efforts to reduce expenditures. BLM doesn't have a large cutthroat population, so there's little risk in taking part.

Question/Answer/Comment

- The habitat west of Truth or Consequences is in the Black Range.
- The BLM habitat NE of Alamogordo is along the Animas, with the Turner Ranch backing it.
- NMG&F collects genetic information every year from different streams.

Ron turned to the Healthy Forest and Watershed Plan. The first planning meeting with 40+ federal, state, county, local government, tribal, conservation, industry, and academia representatives took place the day before in Albuquerque. There was general consensus on guiding principles for the plan and desired future conditions. A series of meetings is planned through April 28, followed by eight public meetings in Albuquerque, Silver City, Capitan, Santa Fe, Taos, Roswell, Las Cruces and Farmington. They will put together a plan to give the governor, senators Bingaman and Domenici and members of the NM Legislature. By the next RAC meeting Ron will have a report.

Question/Answer/Comment

- Washington has not appropriated funds, but authorized \$790 million—so we don't know if any money will come down from HFI. Some changes streamline parts of the judicial review process, and that is significant especially for USFS.
- There are provisions for state agencies and private forestry to receive funds through USFS.
- Joe Stell said S&WCDs would play a large part in this. Their representative did not attend the Albuquerque meeting, but two are on the committee. Joe thinks that is the most direct pipeline to federal money on the ground, so it's important to keep them involved.
- Chris Blazer said he's going to a meeting at Mescalero after word that the last sawmill in that area is shutting down. There is no infrastructure to deal with forest products, and no one is selling timber on a large scale.

NMSO hired a new biologist whose job is to get projects done on the ground. A first initiative is to establish contacts and develop partnerships with sportsmen's organizations. He has been asked to attend wildlife summits where he can get reacquainted with one of BLM's main constituents. The emphasis is to put habitat management projects back on the ground in the context of large-scale initiatives.

Question/Answer/Comment

- Tony has been involved with such partnerships out of LCFO, and Ron thought that office was already lined up to work with the new biologist. FO staffs have had planning and rangeland health deadlines that kept them behind their desks, and are very pleased about getting into the field.
- Tony said when you start these projects, set up procedures so everything doesn't fall apart when the point person leaves or is unavailable. Assign an intern assistant to make sure things keep going.
- A shortcoming is that these kinds of projects are rarely evaluated. Jim recommended planning for measurement before and after.
- Ron said land treatment projects, which they want to shoot for, are monitored. BLM does what it can with what it has.
- Monitoring is limited by changes in weather patterns, what happens when the ranch next door sells, etc. BLM needs control and replication.
- After a few years of wildlife treatments in Catron County, NM Game & Fish did a count on that unit and found that they were overly successful—1,200 elk.
- In future, BLM would like to treat large blocks of land with similar characteristics, encompassing water and vegetation. They discuss plans with permittees, county commissioners, wildlife groups, NM Game & Fish. But BLM's job is to manage habitat, not control wildlife numbers.
- What about restoring fish habitat along the lower Pecos? There's a salt cedar removal and restoration plan, but salt cedar removal is a new science so no one is sure of long-term results. BLM hasn't broadly addressed fish habitat, but Greg is working with agencies on that.

- The lower Pecos runs through several high-salt formations and it needs more water. The temperature is lower than normal, so the Pecos is susceptible to red algae that kills fish.
- Maintenance following restoration is important. Sometimes thinning stimulates more tree growth. Establish management plans for maintenance. Ron says BLM is looking at getting lands classified to determine when and how thinning done. We have to work at it a little bit at a time over years.
- Tony said BLM and USFS have not had success coordinating with NMG&F over time. He would like to see greater coordination to address the overall picture. Ron said that is a goal but there are institutional barriers.

Ron continued. In-house monitoring activities assure that rules are obeyed and operators are doing what's needed. As Otero Mesa develops, BLM is looking at different ways to monitor. Jim McCormick is developing monitoring procedures centered on Otero Mesa but applicable to other areas. Otero is undeveloped significant rangeland, and BLM would like to establish significant monitoring prior to development. It is important to incorporate the 4Cs, so they are moving slowly, monitoring health of the plan and working together with rangeland specialists. Ron will present information to the Range Improvement Task Force, and others are at the table to provide good science in developing monitoring plans. BLM did develop a subsurface hydrologic survey, working with landowners and universities. They have to be careful about where to go and how to put it in place. Each FO has funds to implement improvements on the ground. Biologists make sure there are wildlife objectives. BLM hasn't weighed in and demonstrated to groups what's been accomplished. They tend toward monitoring special status species, while struggling with how to look at broader species.

UPDATE ON OTHER STATES' RACs

Crestina Trujillo Armstrong

Montana and southwest CO RACs are working on energy development issues, wind power for one. CO is working on a management plan. Everyone is working on noxious weeds. Northwest CO and northeast, northwest and central CA are discussing new grazing regulations. OHV use concerns UT, OR and WA RACs. Sage grouse habitat is threatened in OR/WA. Crestina has offered the NM RAC's OHV document twice and no one has responded. RAC chairs/presidents meet in May, tentatively in AZ, and the NM RAC will be represented.

UPDATE ON WSAs

Ron Dunton

Ron said there's not a lot that BLM can do about WSAs in NM. Legislation is pending on the Ojito WSA near Albuquerque. He is talking to stakeholders to find out whether there's potential to go forward either with determinations as wilderness or redesignation that allows lessening of restriction with continued protection. He is looking for areas that might have consensus among all concerned, and is in the consultation phase, finding out whether someone would take a recommendation for action to federal legislators. Discussion followed. Although in 1992 many of the WSAs were determined by Congress not to be appropriate for wilderness designation, NMBLM manages all WSAs under non-impairment—meaning they cannot do anything that would impair Congress's ability to declare it wilderness. The key to action is that local people be involved. Tony said the current RAC has considered taking action on WSAs twice and determined that the RAC would not have a significant effect.

RANGE SUBCOMMITTEE REPORT

John Hand

John would like for BLM or the RAC to send a letter to the NM Department of Agriculture asking that it make NM a weed-free area, as are surrounding states. Instead, all the trash from other states is coming into NM and spreading noxious weeds. This needs to be addressed.

Question/Answer/Comment

- Tony said the BLM Washington office last year asked the RAC's opinion on dealing with noxious weeds, resulting in the FOs' update to the RAC the day before. He thinks that plans and programs in place are adequate given funds available.
- Recommendations should come from NMSU—or at least with its support.
- Has there been a noxious weed bill proposed in the Legislature over the years? No, but there have been funding requests that didn't get past the Appropriations Committee. The Agriculture and Natural Resource Committee is cognizant. Joe thought such a bill would require guidance from NMSU, and funding availability. To this point there's not much support for it. Counties can start weed control districts and apply mill levy funding.
- How do other states enforce weed control?
- It seems futile to fund control of weeds when new ones keep coming in.
- Ron will gather information on how other states fund and enforce weed control.
- Joe said there used to be truck check stations. A law could be added against bringing contaminated hay into the state. The Highway & Transportation Department could stop hay trucks, sample and analyze, and send tickets. AZ stops trucks at the border entry for fruits, vegetables and hay. This takes FTEs. There are just so many dollars and every Legislature struggles over how to use them.
- Keys are having a law and becoming a cooperating Western state. Checking would only be for a certificate. Fields are certified.
- Lewis Derrick suggested getting a representative from NM Farm Bureau before even having a discussion, to know how proposed legislation would affect the agricultural industry.
- Figure out who's against it and consider, e.g., exempting the dairy industry but covering shipments of non-certified hay.
- Hay is an \$800 million industry for NM.
- The RAC agreed for representatives to provide an information session at the next meeting on ways of addressing noxious weed control. They were asked to include information about the TB quarantine, mad cow disease, and what the NM Farm Bureau is doing.
- Socorro is setting up an agreement with the Alamo Navajo Band to train contractors and mark trees to be thinned. They talked to NM Tech about contract training, but have to find funding. The goal is for the program to be self-sustaining. It's a good concept but will take time to accomplish. There needs to be a market for the wood. One premise is that contracts would be available at a lower price because they could use the wood. Good potential.
- Could permittees cut standing dead pinon? John has places on his leased land where dead trees near fences could fall and take down the fence. Taos FO did a resource area environmental assessment on cutting dead pinon for a nominal fee. FOs are talking about expanding that to the rest of the state. The issue always is archaeological clearance. People now come in for permits, so staff can explain where and how to cut.

ENERGY SUBCOMMITTEE REPORT

Raye Miller

The Energy Subcommittee considered several issues and determined that its focus should be Otero Mesa. Subcommittee members will await BLM's comments on what role to take.

REFLECTION ON FIRST DAY'S INFORMATION

- Tony will put together materials on access and give a report at the next RAC meeting.
- Don distributed geological maps of NM and books on water issues along the Pecos River.
- BLM needs a more concerted effort to inform people about the public comment period. Wednesday nights were still considered a good time. Raye suggested that when no public shows the RAC be prepared to begin RAC meeting presentations. Theresa will check with BLM's Washington office to find out whether that is possible, and whether it's okay for the RAC to adjourn at 7 if the meeting is scheduled till 8.
- The Utah RAC meets for one day and allows one hour in the morning and one in the afternoon for public comment.

Next meeting

- June 8-10 in Las Cruces
- Weed-free strategies
- Healthy Forest Watershed Plan report
- Prairie Chicken Group report
- Field trip reflecting topics
- Presentation by Carlsbad and Roswell FOs on power poles abandoned in deconditioned O&G fields
- Otero Mesa update
- NMDA and NM Farm Bureau representatives—Ron
- Visit from former Governor Carruthers, now NMSU Dean of College of Business Administration and Economics

The meeting adjourned at 10:35 a.m.