

**Summary Minutes**  
**NEW MEXICO RESOURCE ADVISORY COUNCIL**  
**June 8-10, 2004**  
**Las Cruces**

**RAC Members Present:**

Crestina Trujillo Armstrong  
James Bailey  
Philip Don Cantu  
Mickey Chirigos  
John Hand  
Meade Kemrer  
Mark Marley  
Raye Miller  
Robert Moquino  
Anthony Popp  
Don Tripp

**RAC Members Absent:**

Max Cordova  
Michael Eisenfeld  
Gretchen Sammis  
Joe Stell

**Designated Federal Official:**

Linda Rundell

**BLM Staff:**

Bob Alexander, NMSO  
Sam DesGeorges, Taos FO  
Ron Dunton, NMSO  
Rand French, Roswell FO  
Steve Henke, Farmington FO  
Theresa Herrera, NMSO  
Joe Lara, Carlsbad FO  
Armando Lopez, Roswell FO  
Jim McCormick, Las Cruces FO  
Kate Padilla, Socorro FO  
Howard Parman, Roswell FO  
Ed Roberson, Las Cruces FO  
Ed Ryan, Roswell FO  
Paul Sawyer, Roswell FO  
Ed Singleton, Albuquerque FO  
Jim Stovall, Las Cruces FO  
Hans Stuart, NMSO  
Leslie Theiss, Carlsbad FO

**Scribe:**

Karen Meadows

**JUNE 8                      FIELD TRIP**

The Las Cruces Field Office hosted the Field Trip (Attachment 1). RAC members in attendance were Crestina Trujillo-Armstrong, Jim Bailey, Philip Cantu, Mickey Chirigos, John Hand, Meade Kemrer, Mark Marley, Raye Miller, Robert Moquino, Anthony Popp, and Don Tripp. BLM attendees were Linda Rundell, Theresa Herrera, Ed Roberson, Sam Desgeorges, and Ed Singleton.

The Field Trip included Community Pit #1 Rock Quarry, College Ranch/Dona Ana Mountain Land Exchange, urban interface Area, A Mountain, and Organ Mountains/Land Exchange.

**PUBLIC COMMENT PERIOD**

Tony opened the Public Comment Period at 6:08 p.m. Members of the RAC and field managers introduced themselves.

**Sandy Schemnitz, SW Consolidated Sportsmen (SWCS)**

Dr. Schemnitz said SWCS represents 15 different fish and wildlife clubs and has 1,500 members. Its main objective is to maintain and enhance wildlife habitat. He asked the RAC's official position on O&G leasing on Otero Mesa. Tony said the RAC has no official position; and recommended that Dr. Schemnitz talk to individual RAC members.

SWCS is concerned with managing OHVs to decrease habitat destruction and poaching. Public lands need more stringent regulations and enforcement. OHVs should be restricted to designated roads. USFS is considering adopting a regulation that all roads are closed unless designated open. When he visited with BLM Director Kathleen Clarke, she said BLM is instituting that policy in South Dakota. He recommended considering the "closed unless designated open" policy for NM to help solve some problems of habitat destruction on BLM lands. SWCS also strongly endorses land trades, and was particularly pleased with the proposal to trade BLM lands in the Dona Ana Mountains for mineral rights on the College Ranch. They are not happy with the university's plan to close public access to the College Ranch. The trade would help open some excellent areas in the Dona Ana Mountains, hopefully with emphasis on wildlife habitat management.

Dr. Schemnitz was a RAC member in the 1990s. SWCS supports the RAC and hopes it will continue. A lot of good work has been accomplished, but much remains to be done. A program in the wind they're concerned about has good potential for retirement of grazing option buyouts. That might solve some problems with mixed state/federal ownership. Many grazing leases are in good shape and should continue under current owners. Problems with public land users of all kinds arise from not being sure where the boundaries are. That also leads to trespassing on private lands. SWCS wants increased posting on BLM lands and better maps. Hopefully as funds are available, RAC will encourage that effort. He is glad for the new law enforcement ranger in Deming. BLM needs better more-intensive law efforts for those millions of acres.

Dr. Schemnitz said he would like to see RAC and BLM give more support to public recreation uses on McGregor Range, including hunting. BLM needs to become an equal partner and more assertive about public access on McGregor Range. He is pleased with the excellent wildlife staff in this district and statewide, and hopes all vacancies can be filled. He supports adequate funding for wildlife programs. Emphasis should be on management based on research and policy, and not politics. BLM has been successful and continues to gain public access to lands, e.g., Soledad Canyon and Holloman Lake. He estimates that 15% of BLM lands in SWNM are closed to public access, and knows personnel are pursuing that problem, including Linda's efforts to open Cooke's Peak. He hopes there will be more opportunities for public access to public land.

SWCS supports BLM efforts to curtail proliferation of exotic big game and is pleased with enhancement of the desert bighorn sheep. Members are active where RMPs are being amended for Dona Ana, Otero, and Sierra counties so there will be updated wildlife considerations. He hears rumors that Washington powers are considering turnover of agency leadership to private industry. He would like to see career employees maintained in key positions.

Concerning Otero Mesa, he believes the current O&G proposal will cause considerable habitat loss, vegetative devastation and roads that encourage illegal activities. SWCS would like to see Otero Mesa declared a national conservation area. Members support Governor Richardson's proposals. Dr. Schemnitz suggested that BLM minimize open pits. A recent study suggested that fractured rocks that would allow spread of pollutants to contaminate water underlie much of Otero Mesa. There is now about 13 years of water stored in that area, enough for 1 million people, and he hopes that will be protected. Because of present and potential activity on state and private lands, it is even more important that this last large section of Chihuahuan desert grassland be protected on federal land.

Concerning land trades, his organization doesn't mind BLM trading small acreage that's hard to manage, but does not favor trading large areas that would promote urban sprawl. A lot of the problems of concern in the 1990s when he was on the RAC continue to be explored and some progress made. SWCS members consider themselves partners with BLM, and are frequently involved in projects of support for BLM policies and programs. He is pleased to have Linda Rundell back in Santa Fe and continues to expect good things from BLM.

### **Question/Answer/Comment**

- On signing of public lands, how happy is SWCS with land status maps? Those too need updating. Linda said after numerous changes they are being updated on a prioritized list. For popular recreation areas, BLM includes addenda when maps are distributed.
- Contact USGS mapping division in Denver or Albuquerque. Dr. Schemnitz said USFS maps are considered more accurate.
- What makes SWCS think a rancher wants to buy out her own federal grazing allowance? Crestina doesn't make any money from livestock on her ranch. Dr. Schemnitz asked that ranchers explore that opportunity, because there are both benefits and problems.
- RAC developed *Recommendations on OHVs (October 13, 2000)*, and recommended changing open designation. But current RMPs have open designation, so until plans are amended FOs are hamstrung.
- Dr. Schemnitz said recent legislation would have helped but didn't pass, so RAC needs to work with the legislature.
- The Las Cruces mayor said the proposed 4,200 acres traded would be used as a buffer around the airport, therefore less urbanization.
- Tony invited all to take part in the Las Cruces area (including three counties) RMP amendment process this fall.

Tony suggested that remaining questions and comments be held until all speakers finished.

### **Jim Steitz, Southwest Environmental Center (SWEC)**

Mr. Steitz said he had lived in NM for nine months. In Utah State's Natural Resource School he was taught to be optimistic about land use agencies. SWEC's concerns with how BLM came to be where it is now on Otero Mesa O&G development, and how the process was handled, go back to the Clinton administration. In 2000, the environmental community thought the plan included a good opportunity for mitigation, and a good concerted thought process for protection. In January 2004 a lot of that protection seems to have been abandoned, and he is trying to understand why. BLM is a multiple use agency, but why did it do a U-turn on this land use plan? It is very troubling. One standard example is changes made in response to public comment. He showed the *FEIS Volume 2*, where he said there were some 150 public comments. But he can count on two hands those who wanted BLM to reduce protection. Most said please protect more.

We understand that public comment is not a voting process, but BLM needs to take into account that public comment did not bring about the recent changes. There are deep concerns about where the political direction for the process is coming from. We are told that this is a local plan but that is less and less plausible. This obviously reflects the Bush administration. The appearance that Washington drives it is acute. He referred to an article on the front page of the *Albuquerque Journal* a month before Linda Rundell was supposedly issuing a decision. Paper sleights of hand have been pulled in this plan, he said. BLM said it forwarded a biological assessment of whether the plan would adversely affect aplomado falcon to NM Department of Game & Fish. The later version does not state that the NM Department of Game & Fish was able to sign.

Data indicate that the economic benefit of O&G drilling on Otero Mesa would be negligible, therefore we can only think that this is the administration drawing a line in the sand, saying, "We will drill where we want." The Rocky Mountain front has similar kinds of leasing where BLM is pursuing permitting and gas resources are even less than expected on Otero Mesa. These plans are not grounded in reality. This decision is made in a larger context.

SWEC members have written emotional letters to BLM. Petitions for protection were signed by 2,000-3,000 people in the Las Cruces area. BLM's decision is extraordinarily unpopular. BLM is betraying the best interests of NM, even on the supplemental FEIS. The comment period on the 5% plan passes up the fact that there was no public comment when it should have been done in the past. They are not revising the decision, merely gaining further public comment. He has seen no analysis to support the 5% plan; it seems to be pulled out of the air. Can this grassland reclamation actually happen? It is not known. BLM says "trust us, we'll make them do reclamation." We have difficulty because of past experiences taking this on faith.

Jim said, "We plead with BLM to let this one go." We understand that there is demand out there and expectation for multiple use. Let this one go. At least go back to some of the very good ideas in the draft. SWEC would prefer that the entire area be released from O&G leasing. Don't continue with this final EIS to prove that BLM is following national policy. He urged the RAC to attempt to restore integrity to the Otero Mesa process.

### **Sandy Geiger**

Ms. Geiger said she would share a personal note about the process that BLM undertakes in Dona Ana County, i.e., disposal of public lands. She moved here from IL and had never seen an RMP so she studied it and was very impressed with the effort behind it and the consideration that went into protection in Dona Ana County. The fact that we can see the Organ Mountains without homes all over them is due to BLM. She is involved with neighborhood and environmental groups that hope to take part in the RMP amendment.

She has had personal experience with two properties disposed of by BLM. Interface is crucial and at the time those two more-than-300-acre properties were released it was understood that the city and county would take over planning for them. It has been a painful process for all involved. City and county planners and the developer wanted it to go smoothly, but Las Cruces is having growing pains and not equipped to handle land disposal without a preliminary master plan. Unfortunately the existing plans are recent and have not yet been translated into zoning ordinances.

NM is creeping toward a comprehensive plan as law rather than advisory. Heads up for BLM to look carefully at land disposed of to assure that it fits into comprehensive plans. She showed a copy of a map with a 5-mile radius extraterritorial zone around Las Cruces. She said the areas traded are mapped as vacant through 2020 but 175 + homes have been proposed there.

In 1989 on the west mesa a steeply-sloped escarpment south of I-10 was traded, removing access to land to the west. Las Cruces took out a parcel west of that land. She has returned to BLM several times asking that that trade be reconsidered and instead they trade for more developable land elsewhere. She hopes that revision of the RMP can be extended to help county planning and can include trades with private landowners, and some farmland. She is encouraged by recent disposals of large pieces of land that include protecting arroyos from development. She knows that in other BLM jurisdictions, disposal areas are master-planned. It is an advantage to have a single developer, encouraging smart growth. So she wonders if large land disposals get the highest price to help Dona Ana County provide open space and trails, or for BLM to do its work.

### **Anna Underwood**

Ms. Underwood said she has wanted to talk to BLM for quite a while about one area due west of her home in the Robledo Mountains. Permission was given to a sand and cement company to take off the side of a mountain. The Robledos are blue green mountains with vegetation and the area changed dramatically. It looks like the top of a mountain was chopped off. Large noisy trucks travel local roads daily, and there is a huge quarry for extracting stone, within sight of hiking areas. This is the area where dinosaur fossils were found. She mentioned a naturalist's books telling children that that area is one of

the best in the world to see dinosaur bones. This was a treasure and is now gone, she said. Where she lives on Trails End Road, there are 60 households and she hopes that something can be done.

She went to the congressional meeting about Otero Mesa in Carlsbad the day before. She has live in a solar off-the-grid house for 10 years and knows how inexpensively that can be done. Joanna Prukop brought up the topic of renewable resources at the Carlsbad meeting. People will realize that energy isn't an either/or thing. The answer is out there, in alternatives like wind and solar, so we don't need to develop or exploit our last precious places of wilderness. The public will eventually ask what the alternatives are.

### **LaDonna Gammell**

Ms. Gammell said she is new to Las Cruces. She saw a picture of Otero Mesa and went there, and found it a beautiful mystical place. She saw two drill sites with a strange black area different from mud around them where nothing grew, and saw cattle tracks and antelope running. If they drill there, what happens to the land? Does it all become black and nothing but weeds grow? Those black areas were like a piece of hell and she felt sorry for mankind that we are so rapacious. What about the future? Will you take grandchildren to see this black stuff? She has never seen oil wells truly reclaimed, and felt strongly that we should leave Otero Mesa alone.

### **Richard Magee, Dona Ana Archaeological Society, Southwest Environmental Center**

Mr. Magee has lived in southern NM for nine years, and served several terms as president of Dona Ana Archaeological Society. He receives a monthly royalty from Chesapeake Gas Co-op for his family ranch in TX. But his father opposed the drilling and his last months of life were made miserable by the compressors' constant noise. That area was pastoral, devoted to dairy, but roads accessing the well pads now dominate the landscape. County roads have been messed up. Environmental disruption has been dramatic. A lot of us come to NM because it is a historical cultural land. It is special, and one of the places the Dona Ana Archaeological Society takes people is Otero Mesa. Early peoples trod lightly, leaving petroglyphs but little disturbance. People go out to Otero Mesa looking for a peaceful serene experience that he is afraid will be disrupted.

### **Jeremy Garncarz, the Wilderness Society's BLM Action Team**

Mr. Garncarz is based in Denver, working with people in the conservation community to help the public take part in the land-use planning process in the intermountain west. He offered information on what's being done with these processes in other places.

He asked, "What is the role of the RAC in the upcoming RMP process?"

Adaptive management is a term seen more and more, but will we get to a point of defining what that is—with specifics? Socioeconomic analysis was used in the plan. How will that be shaped, and will it involve public participation? What model will be used, e.g., Sonoran Institute? Is there tribal planning? His idea is to engage the public in these processes ASAP and establish communication between public and agencies.

### **Question/Answer/Comment**

- How is the BLM action team funded? It's a branch of the Wilderness Society. He is a paid staffer.
- Raye said the RAC looked at the Otero Mesa Sierra Club plan amendment, and probably caused delay in the process while they considered ways to mediate between interest groups for a compromised plan. In 2001, the mediator hired by the BLM interviewed representatives of all sides and reported that there was such diverse polarization that she did not feel mediation would be effective. So the RAC has made attempts to come to a better plan.

- Two disposals are currently being looked at, one sale and one trade, so we suggest talking to Las Cruces FO, becoming involved in the upcoming plan and getting on the mailing list.
- The community pit and rock quarry was visited on the RAC field trip. It provides necessary materials for the area but does pose issues for reclamation and management. Work with Las Cruces FO.
- The Carlsbad meeting was devoted to the Endangered Species Act, not Otero Mesa or O&G development.
- The black scar around well pads on Otero Mesa is probably where they reseeded, but there has been no rainy season. Check with Las Cruces FO. Those pads are very large, included living quarters, which is no longer necessary so pads now would be smaller.
- Does the company drilling have to prove why they want to drill there? No.
- The person objecting therefore becomes the defendant.
- The time to object is during the planning process.
- There are quite a few leases in effect now on Otero Mesa and those companies have rights to drill. One company drilled two wells in Crow Flats within the last year. They were unsuccessful, have been plugged and will undergo reclamation.
- In the TX example used by Mr. Magee, what was the density of wells, and how far away was the noise bothersome or detectable? It was pretty dense—he guessed 5-6 wells/sq. mile. The most bothersome compressor was about 1/4 mile away from his home, across a county road on someone else's property.
- Tony thanked all that attended and invited them to speak individually with RAC members. He closed the comment period at 7:22 p.m.

## **JUNE 9                      RAC MEETING**

### **CALL TO ORDER, WELCOME, OPENING STATEMENTS (Attachment 2)**

Tony called the meeting to order at 8:05 and welcomed two new RAC members—Philip Don Cantu and Mark Marley. RAC members and BLM staff introduced themselves.

Linda thought the field trip, particularly examples of urban interface, was very helpful. Issues are always difficult, and she asked for insight from members on what was seen and heard on the trip and from the public. In government, she said election years are considered a “silly” time and very contentious. BLM will take shots across the bows, and has to buck up, listen and go on. She mentioned a full-page paid photo advertisement in the *Albuquerque Journal* of a well site in the Loco Hills near Artesia, with inference that this is what will come of Otero Mesa. Leslie investigated and found the site. The picture was taken after 9” of rain breached the berms. She called the operator and asked that it be cleaned up, which it was. The *Albuquerque Journal* was called in an effort to turn the ad into a positive, but did not respond. She has been working since the fall RAC meeting to draft and close some legacy issues, including removing old power lines and closing some roads. Ron Dunton applied \$1,000 seed money and will actively work on sites dating back to the 1920s when reclamation was not a big issue. BLM still has 15,000 old sites, some of which need work. It will take time and BLM is starting with the biggest issues.

There have been quite a few management changes. The Amarillo field manager was promoted and left for Washington. Leslie Theiss will replace him. There are field manager vacancies in Roswell, Carlsbad and Taos that Linda is actively working to fill. BLM budget reflects the nation's large deficit so she expects there will be a 2-10% cut in operational dollars, and that will affect what's accomplished.

- Crestina thought the field trip was an eye opener and very affirmative.
- Bob Moquino said he would talk with people on his reservation about some of the vegetative information received on the field trip.
- The field trip showed how many problems BLM has that have nothing to do with grazing.
- Have concerned groups offered matching funds to solve some of the problems?
- Raye said the reclamation work group sees opportunity to enlist help while industry is focused on the problem. He likes getting people to volunteer better than matching funds.
- The *Albuquerque Journal* ad cost \$5,900 that could have been used for reclamation.
- BLM employees are knowledgeable about the history and geology of the area.
- Jim suggested developing a reclamation showplace and using the same tactic to show people what is often done right. Linda said some media representatives have recently been shown such sites.
- Meade plans to work on the RMP amendment, and issues heard during public comment were useful.
- RAC members were impressed with the mayor's remarks and progressive attitude on the field trip.
- It is important that BLM listen to local people, industries and those affected.
- Tony asked that RAC members comment on the handbook distributed at the national RAC leaders meeting.

#### **APPROVAL OF RAC MINUTES FROM ARTESIA FEBRUARY 2004 (Attachment 3)**

##### Motion

Crestina moved to approve the minutes as distributed. Don seconded. Motion approved.

#### **INTRODUCTION TO RAC PROCESS (Attachment 4)**

##### **Raye Miller, RAC Vice-Chair**

The RAC handbook is intended as an orientation for new members. We need to list what should be included, including state and local sections. Raye first highlighted the memo stating that there will be no new WSAs, and a toolbox for maintaining current WSAs.

This RAC discussed whether to lobby congressional delegates to release or designate WSAs. When Raye and former RAC member Cliff Larsen could not even agree which of the existing WSAs should be designated, they recommended that the RAC not take on WSAs. NV has asked individual counties to review existing WSAs and decide what should be designated or released. Counties have then gone to their congressional delegations, and because it came from the local level, congressional delegates have supported their recommendations. Even if WSAs are not delegated wilderness, BLM can still manage them in a protective way.

New grazing regulations allow for shared title of improvements on leased public land, with a phase-in over a five-year period if changes are greater than 10%. This requires monitoring and assessment of land health and reduces public involvement in day-to-day grazing management, e.g., deciding on rotational pasture without sending out 46 notices. He emphasized the 3Cs. The proposal goes to the offices of management and budget in July, leading to a December 2004 effective date. So ranchers who want to object better act now.

The RAC in past talked about Sustaining Working Landscape, but that concept was not easily understandable and has been shelved.

The appraisal system for land exchanges is complex and Washington wants hands-on. Raye read some items to give the flavor of what BLM is up against. He explained that Linda has to demonstrate that any exchange made is beyond reproach. That doesn't mean RAC shouldn't make strong

recommendations that certain exchanges be made. It can be argued that there is a mosaic of federal/state ownership in NM, with many areas where an exchange is benign. He suggested that BLMNM review the process to see if polices are tight enough to use for exchanges with state lands, with the RAC as a public advisory group to provide a stamp of approval. RAC can consider sending a letter to Director Clarke if state policies seem adequate. Ms. Clarke attended the Phoenix RAC leaders' meeting, and discussion with her included the length of time *Federal Register* notices and RAC appointments take. *Federal Register* notices go through too many checks in Washington before publication. BLMNM would like to be able to establish a year-long meeting schedule and publish one notice.

Tony asked for comment on whether working-group meetings need *Federal Register* notice. Every RAC at the national meeting except NM thought working subgroups were exempt from *Federal Register* notice. In NM a suit was filed when working groups addressing controversial issues convened without *Federal Register* notice.

Linda said Washington is pulling together a task force on this issue, because requiring *Federal Register* notice every time the public is involved in planning could have a killing effect on public participation. GSA FACA regulations are newer than BLM's and sometimes inconsistent. The silly season affects the Washington agenda, so BLMNM has been left to its own devices. Tony pointed out that the RAC made recommendations on the planning process a year ago. Raye said latitude is needed. Notices currently need 60 days to get into the *Federal Register*, and an amended notice takes another 60 days.

Failure to get timely RAC appointments is another problem. Too many people in the Washington office are scrutinizing applicants. Linda said the BLM Director is not in charge of that process—directors over her head want to be involved. The RAC could draft a letter expressing these concerns. A national work group is looking at compliance and protection for archaeological issues while streamlining the process.

There was discussion about a multi-year permit process for annual events, with the caveat that noncompliance would lead to revocation.

In response to Kathleen Clarke's request, Raye suggested that RAC members point out ways that BLM can do anything easier, better, more simply.

Budget 101 was provided for RAC leaders at the national meeting, and Raye explained that budgeting is a continuous cycle of planning this year for the next two years.

The NVRAC came up with OHV guidelines, admitting that it looked at everyone else's and did its own. They spent half a day discussing road definition, as NMRAC did, and their final product looks like a mirror image of NM's. Each RAC seems to have to go through its own process.

Should RAC members exclude themselves from discussion of issues directly related to the group they represent? Consensus was that they should take part in discussion but consider abstaining from vote. "Interested party" is a general term that may not indicate conflict. Tony thought the RAC would never be involved in an issue so specific that it would affect an individual member. The RAC makes policy recommendations, so he's not sure this is important. Raye said he was asked whether his company was intending to lease land on Otero Mesa when he became involved in the working group considering Otero Mesa. Discussion continued.

Members were asked to consider effectiveness of a statewide RAC versus more than one regional RAC. Regional RACs travel less and meet for a shorter time, with less need for field trips. Issues would be more burning. There would be greater opportunity for public participation with 36-45 RAC members. The regional RACs could meet jointly annually. The charter would have to be amended.

Most of the RAC chairs Raye met were serving repeat terms. NMRAC traditionally does not reappoint members, which is appropriate if there continues to be just one RAC. However, continuity provides history and precludes revisiting past efforts.

He asked for feedback on whether RAC should consider instituting regional RACs:



- Staff time was considered.
- A statewide RAC looks at overall policies and there is exchange of ideas over a broader area.
- Many times, statewide issues have local application.
- There is adequate diversity regionally.
- Prime benefit is inclusion of more people.
- Regional RACs can work more closely with FOs, but broader scope may be lost. It de-politicizes the RAC process.

Jim asked for staff feedback regarding grazing guidelines. How would they affect resource protection and flexibility? If monitoring and analysis are based on trends before changes could be made, what does that mean? He thought self-monitoring was involved. Bob said regulations might cover the same subject in a number of locations. There are provisions and authority to take care of emergency situations like insects, drought, fire, and endangered species. But in most cases BLM doesn't know in absolutes what will happen when a change is made. So change is made and then monitored, and decisions are spaced out to respond to what happens. This was done in the 1970s and 1980s, so is not something new. Self-monitoring has never been part of the proposal. Making significant changes without data doesn't hold up well. You may know what the situation is but not why, so monitoring for data over time makes sense.

Does BLM have funding and staff to monitor? Professional management may know what to do without monitoring, and waiting for monitoring doesn't always work. Monitoring dollars are allocated to areas of need. Indicators of rangeland health identify where monitoring is needed; and it doesn't take a number of years to qualify as monitoring.

The public comment period is closed, with final EIS in September, final ruling in October, going into effect in December. Jim said none of the reasons for instituting these changes had to do with problems on the land. They were problems with getting things implemented, and effects on ranchers. That made him skeptical. We have problems on the land, he said, and endangered species in our grasslands, yet that's not recognized.

Further conversation was postponed until the following morning. Raye said he would send a draft based on what he heard to RAC members for comment. Tony asked that a running list be kept.

#### **RANCHER MONITORING (Attachment 5)**

**Ed Roberson, Las Cruces FO Manager**

**Bob Alexander, NMSO**

**Bebo Lee, President, NM Cattlegrowers Association, BLM Permittee**

**Mike Casabonne, NM Public Lands Council, BLM Permittee**

#### **Ed Roberson**

BLMNM explored rancher monitoring a few years ago and with new emphasis recently. The national Public Lands Council office and BLM Washington office signed an MOU on January 30, 2004, to implement cooperative rangeland monitoring between grazing permittees and BLM. Ranchers using public lands are being held to a standard of environmental health for those rangelands by the public and therefore must be empowered to monitor with science-based and practical techniques. It is of interest to the cattle industry to show that it is keeping the land healthy. Things happen over time on a landscape and it's important to track the change. Monitoring is essential for rangeland health. This MOU begins to work with changes on a national basis. The MOU was sent to permittees, and those who wanted to monitor were asked to respond to BLM. But the MOU is not yet in effect in NM and Ed wants guidance from RAC on how to proceed.

### **Bob Alexander**

BLMNM has monitored vegetation and projected grazing capacity on allotments, but even with precise vegetation measurement, they couldn't properly estimate grazing. What was happening on the ground? Roswell and Carlsbad FOs worked with NMSU on an intensive monitoring program that has been very successful. Averaging the pasture was the norm. Those programs continue. NM is known more than any other state for its monitoring, but it was based on grazing, not rangeland health. Roger Peterson and various environmental organizations say averaging is not what they want. They want to see areas that are not grazed as well as areas with different levels of use. Working with ranchers, NMSU and all agencies involved, the Southwest Strategy was developed. A monitoring handbook was developed for all monitoring, and five training sessions have been offered.

Ranchers are concerned that BLM ignores old information. NMSU wants more information rather than less. BLM agrees and is putting historic information in VMAP to be used as needed. Getting better information is important, e.g. different sampling procedures.

### **Bebo Lee**

A number of cattlegrowers have done their own monitoring through the years, e.g., clipping and pictures. When rangeland reform was enacted ranchers saw that as a move away from old ways of monitoring to "progressive science." Some cattlegrowers disagreed and resisted implementation of monitoring. This process is going through but cattlegrowers would like to see changes in its implementation. The Public Lands Council's MOU with BLM is of concern because AZ and NM are different. NM is land-based rather than water-based. NM has a Grazing Advisory Board and would like it involved in the process with the Range Improvement Task Force. They have worked on a possible MOU that is not complete. They are concerned that definition of ecological sites is very subjective, and would like uniform goals set, and a reasonable approach. His organization tried to promote more funding for BLM to monitor and maintain involvement with ranchers in monitoring. Ranchers thought if they monitored in a BLM-approved method data should be entered and defended as if it were BLM's own.

### **Mike Casabonne**

NM Public Land Council has representatives from NM Farm & Livestock Bureau, woolgrowers and others. PLC has a long tradition of supporting scientific data and basing land use on that data, in the best interest of public land users, BLM and the general public. Support for that has led NM to have a good record of data collection and helped prevent conflicts that have occurred in other places. When you have the facts it's easier to make a decision that others can understand. But still BLM is statutorily required to assess and keep track of public land. It seems that's getting harder and harder to do. Some PLC members participated in a Southwest Strategies group, and encourage their members to work with BLM. Some ranchers are cooperating on selecting sites. If BLM requires ranchers to do this, they need to know that will add expenses and be a time-consuming burden. BLM needs to recognize ranchers' contributions. There may be a way of compensation. He would like to see BLM assure that no coercion is involved. Monitoring should not be an issue of permit renewal. This is an agency responsibility. Another difference between AZ and NM is that NM has a long history of good data that we don't want lost. NMSU's participation has been a great resource for ranchers as well as BLM. Section 8 process dictates that during times of difference of opinion, discussion is mediated, and participants usually agree on the outcome.

Data records might include impacts not considered in past, e.g., wildlife, O&G, recreation, OHV use, etc. Take those into account so ranchers are not penalized for uses they have no control over. Ranchers have concerns about management and data collection at watershed level because that encompasses more than one ranch. Decisions affecting the watershed might not need to be addressed on

a single allotment. We all understand these things one-on-one, but they need to be specified in documentation to avoid later conflict. When the *Standards & Guidelines* identify priority watersheds, with interpreting indicators, there is plenty of opportunity for that to be subjective, as opposed to quantifiable figures like vegetation and photos. Be cautious in using results of that process to make management decisions. Before a drastic management decision is made, BLM should have factual objective vegetation monitoring. He would like to take part in whatever agreement are made; and is not opposed to cooperative efforts between ranchers and BLM—to the benefit of all. When the PLC has something to propose, they will bring it to the RAC.

### Question/Answer/Comment

- Has all monitoring in the past been done by BLM? Mike said ranchers have done some. He didn't know whether their results were kept in BLM offices.
- The Soil & Water Conservation Service works cooperatively with ranchers and has turned that data over to BLM. BLM gathers 99% of data. Mike said in his area, data is collected and sites selected in cooperation with ranchers. He doesn't want to see historic data lost, would like for that type of monitoring to be continued, and hopes that data collected in future is creditable.
- A lot of ranchers use rain gauges in different parts of their allotments.
- The handbook describes monitoring in three categories: basic, heavier, and intensive. Techniques for the first 2 levels are available for any rancher to complete. BLMNM has no mandated rancher monitoring. Phase 1 is photo point, so probably no need to review results unless certification is involved.
- The handbook has been available for 2-3 years.
- The *Interpreting Indicators for Rangeland Health Monitor* uses 15-20 attributes that are assessed and scored including soil permeability, kind and extent of erosion, and type of vegetative cover. Scores determine whether sites meet the standards. As Mike mentioned, ranchers' subjective analyses may lead to three different scores on the same site. It is not quantifiably measured. We need quantifiable data, like transects and measures of vegetation, to base decisions on. Decisions are not being made on a subjective level now, but Mike wants to make sure they won't be.
- Linda said decisions would be based on quantitative data. BLM doesn't want to cause undue harm. The RAC would be asked that afternoon to talk about what parameters would facilitate rancher self-assessment monitoring. BLMNM has declining budgets, and over 2,000 grazing allotments with numerous pastures. It is struggling to maintain this level of information, but there's lack of resources nationwide for monitoring.
- Mike said there's a good record of working cooperatively in NM. Recognize that ranchers have budgetary and personnel restraints too. It is impossible to maintain at the level they really want.
- How do the areas not being monitored affect ranchers' operations?
- Mike said all ranchers have cut back because of the drought, and past data generally confirms what the rancher thinks he needs to do anyway. They have long-term data and some ongoing monitoring.
- Jim looked at broad data for eastern counties about drought and cattle numbers reported at the end of the year. The conclusion was that operators reduced cattle numbers by the end of the next year after drought was recognized, which is slow, so some damage might be done. Don't neglect the fact that the condition of animals is a source of data.
- Livestock health is an important indicator that ranchers use. The numbers may indicate a slower change than actual—sometimes based on tax forms.

- Sometimes cattlemen respond to the wrong things. And, numbers are misleading: Raye's mother reports numbers on her allotment at a certain rate whether they're there or not so she doesn't risk losing that potential.
- NMSU doesn't have resources to do monitoring; but assisted with the manual, and might tell ranchers how to set up. A contract agreement would have to be drawn up if they were to monitor.
- Can aerial photos be translated into quantitative data on trends? Yes, it's being used and improving all the time but it costs money.
- Need specific height, composition, etc., to verify photographs, and it would be cheaper to have ranchers take photos.
- The technology is there—satellites have 6" resolution anywhere on the planet but prices haven't come down.
- Small acreage permits surrounded by private land can't be put on longer-term allotments. The *Taylor Grazing Act* says allotments have a 10-year limit. Their management costs more than their value to the public. BLM is looking at improving NEPA assessment.
- Only a small minority of ranchers is trained to monitor, and haven't much time to do this either. Younger generation ranches have educational backgrounds in science, but earlier generations speak a different language.
- Less than 1% of ranchers are monitoring. There is inventorying and there is monitoring. Allotment categories are in place. Watershed assessment is essentially inventorying. Precipitation and stubble height can be easily verified. Long-term trends need another methodology. Half of allotments in this area turn in annual reports on grazing and other measures. Staff visits allotments twice yearly, so there's a lot of information exchange. Jim McCormick said LCFO has a detailed strategy for monitoring that he offered to share with RAC. Jim said according to his own sampling, BLM is light years ahead of USFS in monitoring, and Mike added—also in lack of conflict.
- Interest in monitoring will come. Mike could monitor by degrees. Taking some photos is possible, but to take a week off and do transects would be burdensome. Tell people how it benefits them and ask for voluntary participation rather than requiring.
- Ed Roberson distributed the instruction memo for the MOU. He concluded that we need to continue monitoring and use that information for rangeland health. Together we may have capacity and all will benefit. We need to build on what we already have, and need the right kind and amount of data to make good decisions.

## **DISCUSSION & DEVELOPMENT OF RECOMMENDATIONS FOR A SPECIAL STATUS SPECIES INTERIM PLAN FOR ROSWELL & CARLSBAD FOs DURING PLANNING**

### **Ron Dunton, Deputy State Director (Attachment 6)**

Linda showed two videos about Otero Mesa, Albuquerque news broadcast, and one giving a national perspective. Jim requested that RAC members be given copies of the *Governor's Consistency Review*. Linda said she would also send out the BLM's response.

Linda asked Ron to brief RAC on where they are with stewardship contracting. At a briefing last week in Washington, he was told that it has been cumbersome. Potential contracts go through Denver and out for competitive bid. BLMNM is pushing for trading grazing for AUMs, and for an agreement process rather than competition. We won't get an AUM tradeoff but are getting agreements with state and local governments, tribes and nonprofits—not with individual permittees. Anything else would have to be a competitive government process.

BLMNM has initiated a preplanning process to protect the sand dune lizard, lesser prairie chicken, and black-tailed prairie dog during the Carlsbad/Roswell RMP amendment process. It will be

done in-house with Roswell and Carlsbad staff. There will be strong state office oversight. Howard has laid out an aggressive time frame, with a minimum of two years planning and a July 06 Record of Decision. Meanwhile there is significant multiple use that could impact preservation of these species, so the FO is developing interim guidelines to preserve options. He asked the RAC to keep in mind that interim guidelines are designed to be conservative in nature, more conservative than long-range plans. One of the stickiest issues is a large block of split-estate lands in chicken habitat that is about half mineral-leased.

Howard Parman is Roswell FO NEPA planner and team leader for the interim protection plan—an EIS-level document for the lizard and chicken. The change is needed because BLM broadly manages the species in accordance with the time they were written, which is not necessarily appropriate now. The amendment will focus on management of habitat in the planning area for both species. Some say the schedule is wildly optimistic. It begins October 1, 2004, and finishes in October 2006. A copy of the preparatory plan was distributed. Steps: notice of intent to plan in the *Federal Register*—the scoping period, which is the public’s opportunity to see what’s being considered and comment, and economic profile workshops. At the end of the public scoping period, BLM issues a report, and then a draft RMP amendment with an EIS. BLM will work with the public to develop and identify the best alternatives. Then the draft will be available to the public, followed by a nine-day comment period, hopefully with comments as specific as possible. Comments will be analyzed and responded to, changes made, and the proposed RMP amendment published. Finally, there is a 30-day protest period that coincides with the *Governor's Consistency Review*. Ultimately, the BLM State Director signs. Interim management is not the preferred alternative.

### **Rand French**

The Natural Resource Conservation Service, NM Land Office and all concerned were involved in the proposed interim plan. He asked for help fine-tuning and for new ideas from the RAC. Things can’t continue as they have been. An overlap of habitat for both species may make some areas more complex. Lizard range overall is smaller than chicken range. This is the only federal land within the 5-state region with these two species. BLM foresees monitoring livestock grazing and other uses, and vegetation so it can slowly make management changes during the 2-year RMP amendment process.

For mineral leasing and O&G development during that time frame BLM put forth a proposal that he showed on maps. The area is divided into three sections. Management level 1 is occupied habitat. It is proposed that there will be no new leasing, and existing leased land requires a plan of development (POD) to specify how operators perceive developing the rest of a lease. BLM will work with O&G companies to minimize road density, power lines, etc., allowing access but minimizing impact. Level 2 is suitable habitat with sightings next to occupied habitat, and is to be leased with no surface occupancy. Level 3 is suitable habitat, or has scattered isolated populations. It may not be habitat now, but is area that the species move through. That land will be leased with PODs. Remaining portions not designated 1, 2 or 3, will be leased under current management.

He showed a map of sand dune lizard historical range and where it overlaps with chicken habitat. On existing leases current stipulations apply. BLM will try to avoid activity within 200 meters of occupied or adjacent potentially occupied areas.

### **Question/Answer/Comment**

- Level 4 will be evaluated case-by-case. It is proposed that there be no leasing for scattered sparse populations of birds north of the main range.
- The FO hopes to add to, modify, and adjust the proposal with recommendations from RAC breakout groups later that day, and from stakeholders. To clarify, there will be some level 1 areas within level 4 and that is where no-lease is proposed.

- This is all public information. Some 8 1/2 x 11 maps can be distributed. BLM came up with this proposal, but decisions have not yet been made. Rand asked the RAC to help them think through this interim plan. A stakeholders' group is working on a long-term plan.
- When first considered, the planning area was larger. They have narrowed the scope to cover essential habitat. The interim guidelines have no firm calendar. Staff will see what input comes from RAC and others, sooner rather than later.
- Jim Bailey showed on the map an area that he has analyzed. The average number of full square miles of unleased federal lands is 4 sections per township.
- Mark is in the Prairie Chicken Working Group, and thought this plan pulled the rug out from under the process. Time and effort went into working group consensus over 1 1/2 years, and it takes the wind out of the working group's sails to see BLM make a new plan. This plan threatens the process and casts a bad light on the way things are being done.
- Rand says that group will be complete before this interim plan is implemented.
- Let it get complete. Don't push it.
- Linda said the original concept was for the stakeholders' group to take a year to make recommendations. It's now been 16 months. BLM needs closure. She sent a letter to stakeholders asking that their work be completed by October. She hopes they can come up with a plan that can be incorporated as an alternative in the amendment process.
- This seems to be a done deal as presented. It takes time to hash out these issues. This looks like a competitive plan. The group should have been told that this was going to happen.
- Whatever the working group comes up with still has to be open to public comment.
- The ACEC nomination affects this and will be considered in the planning process. The area meets the criteria, and that will be analyzed as one alternative.

## **BREAKOUT SESSIONS**

Two breakout groups met. Steve Henke led discussion on special-status species, and Ed Roberson led discussion on *Standards & Guidelines*. The *Standards & Guidelines* group put together a vision for rancher monitoring, with action steps and principals that Bob Alexander will synthesize and bring back to the RAC. Bebo & Mike will get copies to distribute to their organizations—to discuss and bring back to Linda as a proposal. Ron Dunton will review and distribute notes from the Special-Status Species discussion.

Subcommittee meeting times and places were announced.

The meeting recessed for the day at 5 p.m.

## **JUNE 10 RAC MEETING**

Tony called the meeting to order at 8:02 a.m.

## **FEEDBACK ON NATIONAL RAC MEETING ISSUES (Attachment 4)**

### **Raye Miller, Vice Chair**

The purpose of the recent national RAC leaders' meeting was to talk about things BLM could do better. Timely RAC appointments are an issue. Raye will draft a recommendation that the Washington office respond within 60 days for new appointments, and within 30 days for unexpired terms. No response within that time would be considered default approval. It will be sent to NMSO for distribution to RAC members for comment.

Land exchange has undergone a 3-year review process. NM has a huge mosaic of intermingled lands and numerous viable land exchanges. The RAC needs to request that BLM give authority for

NM's state director to act on exchanges with the NM Land Office and give, if required, a timely seal of approval. Length of time taken inhibits effectiveness of this tool, especially in cases of endangered species protection.

National RAC leaders considered the concept of issuing permits to organizations for multiple-year events. Raye was asked to let other RACs know that those permits fall under special recreation and can be approved at the state level for multiple years.

John said stewardship program projects have to go to the undersecretary for approval. Why can't that be done at the state or even the district level? Ed Singleton said BLM has relationships with numerous public entities that could then contract out. But Linda said this program has such a high level of sensitivity that it is being micro-managed. It's good for RACs to be sounding boards for initiatives like this. They could address the overall problem of initiatives bogging down because they are not managed on local levels—for system change.

Jim Bailey would like for BLM to proactively fund issues like wildlife habitat management, re-vegetation, reclamation and legacy. Wildlife biologists are run ragged. Wildlife initiatives, like stewardship, need funding and streamlining.

Linda recommended that copies of Raye's letter be sent to the congressional delegation because many of these issues are broad reaching.

Jim suggests going to staff for recommendations, specifically on lack of communication and difficult timing. BLM annually asks those on its mailing list to confirm that they want to stay on the list. Many email lists have a link for unsubscribing, so maintaining public lists online would save money, paper, printing, etc.

Increased requirements and reduction in budget reduces capability for what can be accomplished in the field. Generally BLM is behind industry with electronic production data. The bureau requires paper reports, and operators in NM have gone electronic, so paper copies need to be created. Ask the bureau to accept electronic reports, 01 and 02 for example.

How are other RACs using working groups and dealing with *Federal Register* notice? RAC regulations from 1995 precede FACA regulations—request looking at them and making them consistent.

Recommend that BLM achieve conflict resolution between users, pre-site and closure meetings among all interested parties. Continue to look at conflict between O&G and ranchers that extends beyond NM. BLM needs to do a better job on involving all concerned in reclamation. NM is the only state requiring that ranchers are involved in the process.

The public wants BLM mindful of impacts on adjacent private land and not so heavy-handed. The access program is an ideal example. We are concerned with how private property access affects public lands, but there's as much or more impact of federal activities and business on private land. Be mindful and minimize impact on other lands. Rules and regulations on grading, for example, affect private property. Looking at maps doesn't indicate how people on that land are impacted.

If BLM needs to be on the land monitoring, inspecting O&G sites. We may need to reassess priorities for processes like EA. If BLM is not monitoring livestock producers, how are they going to make decisions and adjustments? Refocus on the ground.

That applies to cultural resources too. It's a combination of needing more resources and prioritizing differently. Can range specialists and archaeologists spend more time in the field? The BLM workforce's average age is 48. It isn't as pleasant for that cohort to be out in the field, and they will retire at the same time, taking away institutional history. A change in the mid-90s reduced capability by removing district staff that budgeted and met requirements. Now local staff has to do that instead of being in the field. The bureau is considering putting back some district administration. It was suggested that the RAC comment on that in their letter of recommendations.

Raye will get a draft written and forwarded to Tony and Ron, and with their buy-off it will be forwarded to RAC with a suggested date for response.

## **WEED-FREE ISSUES: FORAGE, SALT CEDAR LEGISLATION, HAY Frannie Miller, Noxious Weed Coordinator, USDA**

Frannie said the objective of her discussion was to let the RAC know where NM stands in its noxious weeds approach so members can make recommendations on where we need to go, especially with the different types of activities that bring in noxious weeds. She began with four slides showing serious infestations of invasive species. Spotted knapweed reduces forage. Russian knapweed is even more difficult to control. Yellow star thistle has spines that tear up hikers, riders and grazing animals. Giant salvinia doubles in three days.

NM's program has to be based on prevention, because cost of removal is so high. She showed comparative costs of removal and loss of production, with a scale of how it would rise if left untreated. People addressing this problem in NM have discovered great variation in how different levels of government address treatment.

BLM has pulled different groups together, and provided training and some funding. There are annual noxious weed summits. Weed management areas have been established, but weeds cross boundaries, so drawing lines isn't helpful. National and regional nonprofits and volunteers are crucial to this effort. She showed a map of cooperative weed management areas. The Taos area program is strictly non-chemical. They give welcome packets to newcomers with information and native seeds. The southern pueblos are working together to address weeds. Funding heavily relies on grants, county funds, and farm and ranch improvement funds. She showed a national map. US Fish & Wildlife Federation is a primary funder, trying to increase base funding and help organizations, governments and tribes be aware of the problem and take steps. Organizations are working together to map inventories of weed infestations, including university geography departments that get student help entering data.

The means of spread are broad, and organizations have to develop methods to deal with these invasive species. The Rio Grande spreads seed. We see growth along roads and highways. Efforts are now based on providing assistance for those who are taking steps to deal with weeds in local areas.

### **Question/Answer/Comment**

- We have cooperative agreements, e.g., Roswell FO, but no areas have been established yet. Human resources are needed, especially champions.
- In some areas people are doing a good job, but some are losing ground. We have to treat what we can, but need to do a better job of prevention. We need a brush management policy. Depending on the weed, leafy spurge for example, even doing a good job, it would take 30 years to get to treat it as it comes up.
- Put more requirements in road building for weed prevention, e.g., weed-free mulch, restricted kinds of seed for revegetation.

### **Certification Program**

- In some states BLM and USFS require weed-free hay for public land users.
- The crop inspection agency is interested in being the certification institute.
- Fannie is leery about having economics determine certification. CO's program is self-supporting.
- Theoretical cost for a 100-acre field is \$472.
- There is an attempt by NAWMA for standardized regional certification.

### **Regulatory Aspects**

- NM would have to do a statewide EIS. USFS would simply do a closure order. BLM has been working on this for four years and run into several complications—stopping at the statewide EIS.



- Drought is one of the natural disasters for which supplemental feeding of livestock on public lands is allowed, and currently certified hay is not required.
- Frannie thinks the biggest source of invasion is from recreationists.

### Myths

- This is a federal government plan to regulate hay production.
- Only certified hay may be sold commercially in CO. That's why they ship their weedy hay to NM.

### Responses

- The value of certified hay is connected to enforcement. If not enforced, it's cheaper for growers to sell weedy hay.
- It is harder to track recreational spread of seeds.

Salt cedar is the biggest weed issue in NM, with 11.2 million acres controlled in the past three years. The Pearce/Domenici bills are in committee. The Team Tamarisk Initiative is meeting to address the entire region. A Department of the Interior initiative allocates funds. Under House Bill 2 numerous organizations are working on salt cedar, attempting to tie resources together and use plans already formulated. We need county, state and federal funding. The proposed Craig Bill is hopeful. Some think this is the next "endangered species."

### Question/Answer/Comment

- There is resistance to money spent on salt cedar removal without quantitative proof of water saving.
- There is a monitoring group that plans to include about half of funding for evapotranspiration towers.
- Frannie thinks all research should be done under Pearce/Domenici funding with NM funding kept for management/planning. Water was not included in what should be monitored. There are studies that don't show benefit from salt cedar removal. How much water saved is variable. In closed situations uncomplicated by controlled water flow and other interference, like Spring Lakes, salt cedar removal shows water saving.
- During drought there will be less water salvaged because there's less in the system.
- Although BLM and USFS have regulations about not feeding for maintenance on public lands, livestock can be fed on private land adjacent to public land.
- Should the RAC advocate for weed-free policy on public lands?
- BLMNM and USFS stipulate that permitted outfitters use weed-free hay on public lands, but individuals, or those accessing from private land, are not covered.
- Are we progressing? In the late 1980s it was discovered that Arsenal had a 97-98% rate of control for salt cedar. If aggregate water use is 4 acres water/1 acre salt cedar, it justifies cost of control: \$200-\$2,500/per acre depending on depth of manifestation.
- There's some progress on other species. Alamogordo has significantly reduced African rue along highways but has done a terrible job on Baltic starthistle because that wasn't a focus.
- How do we reduce the opportunity for these species to come in? This is one component of range management, with the inclusion of a recreation specialist. But fire, drought and any other management issue gets bumped ahead of weeds. BLM needs dedicated staff for weed management or it never gets addressed. And NM has so much open space for invasive species.
- Disturbance is not necessary for invasions. Pristine areas, even wilderness, have been taken over because these species are so hardy.

- Most BLM staff has passed the commercial applicator's test. Training and certification is readily available. The problem is funding and setting this priority.
- Could those out in the field for other reasons not treat what they find?
- There is capacity to treat what they find.
- BLM is using its own resources and coordinating with the public. This is collateral duty for everybody. Roswell provides herbicides for certified permittees—extending BLM capabilities.
- NM is lacking in commercial applicators. US Department of Agriculture is helping train.
- BLM needs to aggressively build awareness and encourage voluntary compliance.
- The RAC might support BLM in establishing a weed-free forage policy.
- UT provides for ranchers to have a weed plan in lieu of a weed-free plan, but it's difficult to enforce.
- Salt cedar removal is affected by grants that provide more for restoration than management. Along the Pecos River there is more natural regeneration than was expected. Everyone underestimated the natural return.
- There was an attempt by the Washington BLM office to get language in grazing regulations on weed-free forage, but it was not included. There are concerns, e.g., turn-in and turnout of livestock where there is summer-graze or winter-graze only.
- Reasonable provisions for weed-free forage will help. But make it workable for ranchers in a drought that already have a low profit margin.
- Awareness is the biggest part. Have hikers and campers brush their dogs and wash their sleeping bags and cars.

#### **ACCESS ISSUES (Attachment 7)**

Tony referred to the draft based on the 2002 Las Cruces proposal, essentially unchanged, as a basis for discussion. State-level coordination and prioritization would help but weren't included. Also not included though implied in the *Roads & Trails Recommendations*—sometimes too much access is the problem.

LCFO is the lead contact on access to Cooke's Peak. Time, expense and emotions are involved, so LCFO has tried to focus on 1-2 problem areas at a time. Cooke's Peak has long-standing access issues between a rancher and the sport community. BLM could build a trail or a road around the rancher's locked gate. A public meeting was convened in early fall in Deming to hear public sentiment on how to resolve the issue, so BLM could do an EA and make a decision. The rancher is not interested in opening the gate. NM Land Office has been asked to survey to determine where a new road might go. Large acreage is involved. Litigation is difficult because the gate is on private land, not a county road. Routing around the gate is cheaper and potentially simpler. A blocked gate on a county road in the Peloncillo Mountains would be a better litigation option. It's best to focus and get something resolved.

#### **Question/Answer/Comment**

- What efforts are made to accommodate private landowners needing access across public land? Right-of-way is almost automatic.
- Be aware of private owners' property rights when trying to force access across private land. Going around is a much better way. Typically ranchers have reasons, probably negative experiences that brought about that response, so it's best to resolve negative impacts where possible.
- A group of individuals are using this area as a private hunting reserve. Solve this as quickly as possible.

- You go through miles of public land on the road to this place and BLM could close gates, but has worked with these owners for years without using a heavy hand. This is the only remaining alternative.
- The re-route, on state and BLM land, would be about one mile long, connecting with an old road. BLM will request right-of-way from NM Land Office, which is supportive of this effort.
- This gives access to the boundary of a WSA which will be patrolled by volunteers. There are plans for a site steward. There is concern about protecting vegetation, wildlife and cultural resources.
- An unusual stand of trees on the north side of Cooke's peak is a long way from this site.
- The FO could provide a presentation about this at the next RAC meeting.
- Tony asked RAC members' reactions to this proposal, with recommendations for changes on a policy to give the state director that would be instituted as procedure for access problems.
- It's hard to develop a plan when individual situations are so different.
- Local FOs can prioritize and apply individual circumstances, and take a proactive stance with newcomers on responsibilities and rights.
- Angel Mayes is giving presentations on public lands at realty meetings.
- NM realtor certification does not include awareness of public lands.
- Most locked gates are due to hunting. Tony will talk to NM Department of Game & Fish about cutting out hunting in that area.
- It is important to look at each case differently, but it might be good to look at best and worst cases and test the statutes.
- Linda said when there is an alternative like bypass, she would rather use the alternative than take a rancher to court. BLM tries to be a good neighbor.
- Determining what is a public road is based on a hierarchy starting with county maintenance. Each case would have to be investigated.
- The issues are very emotional.
- Difference between closure and restricted use. In a new Catron County subdivision, landowners are asking for restricted use—meaning landowners decide who crosses. Socorro FO is working with the county to resolve that.
- A NM Department of Game & Fish officer lives south of Achenbach Canyon, and the public is crossing his private land to reach public land, knocking down his "private" signs. BLM will put up official signs saying, "You are now leaving public land."
- This is an ever-increasing problem—a good CCS/CCI project.
- Send a letter asking Washington for additional staff and funding, using the example that it is costly to do even a one-mile alternative route. Land exchange is a good resolution.
- We could work with the county to move some roads. It's a double-edged sword. Ranchers might rather have someone driving through their front yard than out on the land where they don't know what they're doing.
- Local and out-of-state hunters want these access problems fixed.
- On some blocked lands with locked gates, BLM permittees give BLM access, but not the public.
- Theresa will send Tony's draft to members for comment.

## **FIELD OFFICE ISSUES (Attachment 8)**

### **Las Cruces FO**

Alamogordo and Holloman AFB communities are growing, and they want to protect airspace. There are border issues, and LCFO meets with Border Patrol monthly. A second ranger is located in Deming. CA, AZ and TX increased closures mean NM is hit hard by drug traffic and undocumented aliens. LCFO is concerned with public and staff safety.

The Otero Mesa plan comment period is open. Public radio is getting word out. BLM wants all comments, but written are preferred because of the explosion of email or fax spamming to shut down the system. They're working on ROD and implementation strategy, and have been promised by several organizations that they'll see them in court.

Joanna Wald was kind enough to call FFO and warn them about a flood of email coming in so they were able to accept it. LCFO is working with US Fish & Wildlife on a strategy for the Cochilla Chiricahua leopard frog. An acequia group traditionally removes dirt near Turner Ranch to facilitate water flow. LCFO may send hand crews in because of concern for the safety of that species. Those frogs get a virus, and the FO is trying to determine exactly how so it can be prevented.

### **Taos FO**

There are challenges related to growth. Access changes as new roads and subdivisions are built, with numerous new rights-of-way. Outside Santa Fe a family that's been there for generations wants access to its land surrounded by public land. Neighbors are very interested in what that will mean to them. The unknowns of future development hamper analysis.

Dumping on public lands is rampant. The number of annual cleanups is in the teens. BLM is trying to show it cares, cleaning areas ASAP, but it's difficult to keep up. A Solid Waste Task Force is working with cities, counties and BLM. Waste disposal has to be cheap and facilities easy to use or people will dump on public land.

Fencing rights-of-way are associated with trash and potential access issues. Some unfenced areas, like the mesa SW of Santa Fe, are being used for illegal drugs, underage drinking, automatic weapons, etc. A decision was made on environmental impacts of the power line project. Long-term diversion of the water supply continues, with the city and county going back and forth on the Buckman conversion.

### **Socorro FO**

A Montana rancher who wants a land exchange contacted Socorro FO. Exchanges between states are new for Socorro FO. They are working on a new RMP. The Fence Lake coal mine is not going to happen, so there's no controversy. Adding additional lands to WSAs was thought to be a potential controversy, but new instructions say there won't be additional acreage.

The FO is very actively involved with increasing use of OHVs on public and private land. A specialist is working on an OHV plan. The FO is getting help identifying and monitoring boundaries and will probably roll those actions into the RMP. The draft RMP is due in October, with an open house in August to let the public know what's in the plan and how alternatives were developed—leading to more substantive comments in October.

Former RAC member Robin Tierney recognized Socorro FO's problems recruiting a range specialist, and suggested that students working on a masters thesis work with BLM. The FO now has a Highland University student whose thesis is on rangelands who will be hired in a permanent position. It is very important for BLM to recruit young, bright students.

Socorro FO is sponsoring Ft. Craig's 150<sup>th</sup> anniversary celebration November 2-7, with presentation of papers and living history that will be on SFO's web page. The RAC was invited to participate.

### **Carlsbad FO**

CFO is working toward a solution to keep prairie chickens off the Endangered Species List. There was a congressional hearing in Carlsbad talking about the Endangered Species Act, with the consensus that it needs modification.

Reclamation and compliance are also top issues. Problems have brought about good results. They are cleaning up areas. There is a Reclamation Subcommittee focusing on areas including chicken habitat, e.g., getting power poles removed so predators can't swoop down on chickens.

There has been scrutiny on wells drilled close to homes and public areas since the explosion. One proposed well site was moved across the highway. Operators are interested in being good neighbors, and are having an open house to meet concerned public.

### **Question/Answer/Comment**

- BLM put up poles in the past for kangaroo rats' protection.

### **Albuquerque FO**

New Tent Rocks road and parking are complete. The last prescribed burn— about 2,200 acres near Grants—was done. Projects are on track for mechanical thinning. BLM can't sell wood taken from a conservation area, so the FO is arranging for tribes, veterans, seniors, and active National Guard to use thinned wood. Chipping remains and is used as mulch.

The Santo Domingo land exchange was approved. They finished in December, acquiring a large parcel near Placitas in exchange for pueblo historical lands—part of the long-term Ball Ranch exchange.

A small rock quarry near Portales that provides materials used broadly in the region caused controversy. The FO opened the public review process, and the proposed area was cut in half. The main Rio Puerco area is deeply affected by drought.

The city and county of Santa Fe are planning to pump water out of the Rio Grande instead of using more water from their deep wells.

### **Farmington FO**

There is a lawsuit against the FFO RMP. BLM is working with attorneys, and will file a request for change of venue from DC to NM, anticipating success in NM. They want to debate issues here. A very successful lease of a 1,200-acre tract was sold with a series of stipulations including seasonal closure for protection of bald eagles. This set a parcel record for BLM; and \$30 million of federal oil royalties will result.

FFO is processing 800 applications for permission to drill this year. The FO continues to work with a collaborative group. One project is a series of educational videos pointing out concerns from different perspectives, operating from the premise that O&G operators want to do a good job. Videos on reclamation and hazards to livestock will be distributed to all operators in the San Juan Basin and their subcontractors. The working group hopes that raising awareness will diminish conflict. Videos feature locals with heartfelt messages.

The FFO continues consultation with the Navajo Tribe on treatment of traditional cultural properties, consulting with tribal council houses and individuals. It's a lengthy process. A draft protocol agreement was presented to the Navajo Nation. They are meeting with BLM next week, and waiting for guidance from BLM's Washington office because this has national application.

The draft protocol agreement is available. Meade wants a copy. The San Juan Basin has about 20,000 active wells with an additional 10,000 foreseen.

## **Roswell FO**

RFO hired a fire management officer. Fire closures in the Stanton/Lincoln area establish the same restrictions as USFS lands, with no smoking outside vehicles and no campfires. Finishing touches are being made on upgrades for the Valley of Fires Campground, which will reopen soon.

Rehabilitation of wells west of the river is meant to provide more water for wildlife. One has a submersible pump run by generator. Another is 40-60' in depth equipped with a windmill. Storage has disintegrated, so tanks will be placed there. Salt cedar will be cleaned out of the dirt tank overflow. Those wells are primarily used by wildlife—birds and antelope. A fish barrier was being compromised by water level changes, and is being refurbished.

The proposed National Guard shooting range was dropped. RFO is working with Carlsbad FO on reclamation and endangered species.

## **NEXT RAC MEETING**

The next RAC meeting will be held in Santa Fe September 13-15, with a field trip Monday afternoon and public comment Monday evening. Potential topics and value and length of field trips were discussed. Breakout groups were considered valuable for both RAC and BLM staff.

## **Topics**

- Weed-free law
- Angel Mayes' presentation on access problems
- Vote on proposal Tony drafted
- Breakout session
  - Reclamation in SENM
- Election of officers
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## **Field Trip**

- Dead pinon treatment
- Access to problem areas

Linda, Raye and Ron will propose additional field trip venues and agenda items and contact RAC members for comment. Tony asked new members to consider what subcommittee they might like to join. The meeting adjourned at 1 p.m.