

Summary Minutes
NEW MEXICO RESOURCE ADVISORY COUNCIL
December 5-7, 2006
Albuquerque

RAC Members Present:

Gerald Chacon
Betty Haagenstad
Rachel Jankowitz
Cliff Larsen
Mark Marley
Thora Padilla
Bob Ricklefs
Lynda Sanchez
William Sapien
Lynne Sebastian
Joanne Spivack, Chair
John Thompson

RAC Members Absent:

Bill Chavez
Matt Ferguson
Bruce Gantner

Designated Federal Official:

Linda Rundell

Honorary Chairperson:

Sally Rodgers

BLM Staff:

Eddie Bateson, Roswell FO
Doug Burger, Pecos District
Sam DesGeorges, Taos FO
Thomas Gow, Rio Puerco FO
Steve Henke, Farmington District
Tony Herrell, NMSO
Theresa Herrerra, NMSO
William Merhege, NMSO
John Merino, Socorro FO
Ed Roberson, Las Cruces District
Ed Singleton, Albuquerque District
Jim Stovall, Carlsbad FO
Hans Stuart, NMSO

Scribe:

Karen Meadows

DECEMBER 5, 2006

NEW MEMBER ORIENTATION

FIELD TRIP

The Albuquerque District Office, Rio Puerco Field Office, hosted the Field Trip to Peterson Quarry and the Museum of New Mexico Natural History.

PUBLIC COMMENT PERIOD

Joanne opened the Public Comment Period at 6:07 p.m. She welcomed visitors and introduced Linda Rundell.

Herbert Stoltenberg, Stanley NM

Mr. Stoltenberg said he wanted to bring to the attention of the assembly a very serious matter involving BLM. He said the San Pedro Mountains are and have been mined. In June 2005, Linda Rundell imposed a moratorium on his application to quarry limestone. He asked Linda under what authority she imposed that moratorium. He did not think she could answer that. There was no answer from Washington or anyone else.

He said he worked diligently with Ed Singleton and others to complete an environmental assessment (EA). The moratorium suspended the quarry and took that matter away from BLM to the Taos Field Office (FO). He asked Ed questions about how that was handled, and said he was told that

the quarry application had been suspended. He was told that it would not be acted upon until finalization of the Taos Resource Management Plan (RMP)—in his view a clear moratorium.

The language of press releases indicated that the quarry application would be rolled into the RMP. But that is not what has happened. He was told at a July 29th scoping meeting in Santa Fe that it would not even be considered until the Taos RMP was finalized. San Pedro has a storehouse of valuable minerals, including 95% pure silica. Beyond that, new neighbors have put tremendous pressure on BLM to do this. Now they are pressuring the Taos office and going beyond Linda to amend the RMP to prohibit mining. He is very concerned that will happen at the end.

He was first told that the RMP would be finalized in 2007; now hears 2009 or later, so the moratorium will last. He is concerned as a citizen about the future of mining on the mountain owned by the people of the US, not the surrounding neighborhood. He was very concerned they would prevail and the RMP would prohibit mining. He asked RAC members to take note and to take action to remedy the situation.

Question/Answer/Comment

- Have you started the permitting process with Santa Fe County?
- Mr. Stoltenberg said they did not need a county permit because the neighborhood association enacted a local committee plan that says that mining of any kind is prohibited under the US Supreme Court.
- Cliff did not think that was true.
- Mr. Stoltenberg said a letter was given to La Farge (former owner). It is for mining saleable materials, not covered by the 1872 Mining Act but under a placer claim.
- The law required BLM to exercise discretion, and Mr. Stoltenberg believes it is not doing that, with no background on how the EA was developed, or consultation with people there. He said Sam DesGeorges mentioned three reasons why the EA was inadequate, all three false.

Eddie Mayzy, San Pedro Rock, San Pedro NM

Mr. Mayzy said there are a whole lot of issues about the RMP. Mr. Stoltenberg was issued a permit, built a road, drilled, spent all the money he had, and then somebody issued an email saying he could not proceed. He went by the book, did the EA 12 times, and they issued a statement in the newspaper that the RMP would be finished in 2007. Now he's told it's maybe fall of 2009. They started this 10 years ago with all the permits by the book, and don't get any real answers other than that it's a socioeconomic issue. He has the whole community behind him except maybe six or seven radicals. There's a big need [for building materials] in the East Mountains. To develop, the materials will have to come from nearby. He can service builders from a hidden box canyon 4-5 miles down the road. With a signed contract and work done, he went by all the rules.

The permit was issued 2 ½ years ago. They were told to stop in June 2005 by email. There's a road there, trees cleared. It's drilled and proven, but they haven't removed any materials. It's a piece of property with product very much needed for concrete and asphalt, and huge development in the East Mountains. They bought out claims of anyone around them with any issues. The closest neighbor is over two mountains north to Golden—as the crow flies 1¾ miles. He has a right to mine that piece of property. Socioeconomic has no meaning up there. There are just a few professional protestors. They were told that if they could get the homeowners association with them it wouldn't be a problem. So they held community events, helped neighbors, had a hearing and convinced Santa Fe County that they were good neighbors. He wants to know why that RMP was stepped up to 2009. He should be able to do what they proposed to do. "I'll go to federal court," he finished. "I can't wait till 2009."

Question/Answer/Comment

- Betty explained that when BLM gives a date it's approximate because issues come up they have to deal with. It's not on purpose.
- Why can't my application be processed in the RMP in place right now?
- It may be against the law for BLM to make a radical change. The RAC will ask questions and hopefully have some answers.

Ed Judkins, Carlsbad NM (Attachment 1)

Mr. Judkins has some BLM lands on his ranch on the same escarpment as Carlsbad Caverns. He thinks they will not see a large amount of oil development until 2025 because of the moratorium on drilling near Carlsbad Caverns. His ranch is surrounded by gas wells descending about 2,100' through the Capitan aquifer at 1,100'—the largest relatively untapped water in NM. TX laid a line from El Paso almost to the border, asking for the last 20 years to expand to use the aquifer. NM has said no. We need water and have a partial solution with produced water.

Literally thousands of acre-feet of water in NM are routinely treated as hazardous material. He hopes to set up produced water treatment areas on and surrounding his ranch beginning in January 2008, in connection with three oil companies, two national laboratories, federal and state agencies, ranchers and others. They met with BLM and are looking for BLM help.

Question/Answer/Comment

- Joanne said the RAC would be very interested in his progress.
- What volume of water do they plan to treat, by what method, and with what waste products?
- The engineers from Sandia and Los Alamos say there are three options: standard reverse osmosis; using waste heat; and separators at individual wells. Mr. Judkins is not sure yet what they will use. Onsite application might include wildlife habitat improvement, stock watering, irrigation, or fish farming. Water treated at the wellhead would be taken offsite via pipeline to the Pecos River to contribute to the interstate contract. It's small scale, six wells across 10 years with a target of 5% replacement costs. They want to be wildly successful at this level. He imagines BLM setting up production units for ranchers to reclaim water at the site on split-estate lands. They would like BLM technical assistance, and will keep the RAC in the loop. Information is available at www.unum-nfp.org.
- The reverse osmosis procedure takes energy input. He said the waste heat produced at gas wells could run a line of generators. Solar is available onsite through a government energy development project. Pre-treatment will need high-level technical assistance.

No one else requested to speak. The public comment period was closed at 6:54 p.m.

DECEMBER 6, 2006 RAC MEETING

CALL TO ORDER & WELCOME

Joanne called the meeting to order at 8:11 a.m.

APPROVAL OF AUGUST RAC MEETING MINUTES

Motion

Betty moved and Lynda seconded to approve the August minutes. At that time there was no quorum, so the motion was not approved.

OPENING STATEMENTS

Linda said BLM recently lost its Deputy Director for Minerals. While the opening is advertised, Tony Herrell from Carlsbad will be acting. There have been tight budgets in the last few years as a result of the growing federal deficit, and Linda expects that to continue. Currently BLM is funded on a continuing resolution, since the budget has not been appropriated for this year. That authorizes BLM NM to spend money at the same level as last year, without a cost of living increase. She heard that there's a 50/50 chance BLM will remain on a continuing resolution for the entire year. She anticipates debate in the new Congress, which may not want to deal with this budget while dealing with the president's budget.

All five of the NM delegation are returning to Congress. BLMNM works well with all of them and doesn't anticipate changes in direction. The agency and federal government will see a lot more congressional oversight than in the past six years, resulting in more hearings and investigations—all time consuming at best.

Joanne said the Public Comment Period offers good exposure on what can happen when people come before the RAC to present their sides of stories, which may not be accurate. Emotions get high. She asked Linda for suggestions on how the RAC might react to contentious issues. Members discussed the RAC role.

- The comment period provides the opportunity to listen and share thoughts. The RAC's role is to ask clarifying questions and bring issues into discussion, or make a recommendation if members think BLM should take action.
- RAC members could check on speakers' concerns and respond, whether or not there is consensus.
- The RAC needs to let the public know they aren't a rubber-stamp group. There are always disagreements. They need to clarify and respond so the public has confidence in BLM.
- The RAC shouldn't adjudicate on things going on around the state. It's useful to understand the RMP process. The RAC process includes consensus. They could send a letter thanking Mr. Stoltenberg for appearing and airing his concerns. Any action should be taken up with BLM staff.
- The RAC could ask BLM if things were done properly. Even if they individually disagree with the decision, they could respond that action was properly taken.
- Linda and Sam DesGeorges provided further information on issues raised.
- Sam said the San Pedro project is an important example for new RAC members of the changing face of the West. What's important is that the National Environmental Policy Act (NEPA) process works. NEPA serves as a tool of disclosure of what someone wants to do, giving decision makers a process for collecting data. The San Pedros are changing, so the issue of highest and best use for that landscape has changed. Decisions have to be made in much broader context. BLM is engaged in the Environmental Impact Statement (EIS) process, moving forward with public comment on what should happen on that landscape over the next 20+ years.
- If we encourage public input, it's incumbent upon us to respond. Decisions about outcomes are up to BLM, but the RAC can assure people that they understand their concerns, examine whether processes were appropriately followed, and if not, encourage BLM to take a hard look.

Sally said she looks forward to a new round of RAC meetings with new people, continuing to learn and provide information. Mark Lane and Gerald Chacon were moving forward in organizational stages with a NM Range School, working on whom to include, and bringing in people from other states. The NM Wildlife Society plans to hold a session during its annual meeting in February. The Gran Quivira Coalition is holding what it calls a range school in January, focused on profitability. She explained that RAC members were interested in issues like interaction of grazing and wildlife, so the

RAC had a presentation from the CO Range School in 2005. Gerald, Sally, John and past RAC members formed a working group on that issue.

Betty said Gerald hoped to form a range school for better understanding between local people and agencies, incorporating innovative ideas for addressing elk and other grazing issues. Sally asked that information on range schools be provided for new members. Minutes of previous meetings are on the BLMNM website. The NM Game Commission's public meeting in Ruidoso the following week would include a presentation/discussion about elk/grazing.

Joanne reported on progress of the illegal dumping working group. Other agencies joined in. That topic was on the agenda for later in the meeting. They got something rolling that took life beyond the RAC. Betty was aware of a consortium forming. She had heard nothing and felt frustrated. Occasionally listservs were shared among RAC members. They could use that mechanism more. This issue is important to a lot of people. These working groups are RAC members' best tools.

NEW MEXICO WATER LAW 101

Craig Roepke, Deputy Director, State of New Mexico Interstate Stream Commission

Craig said the water resource manager is not a lawyer, and often bumps heads with attorneys. Issues are difficult and complex.

He listed NM Water Rights, concentrated on:

- prior appropriation doctrine
- non-state water rights
- environmental mandates
- the courts
- water administration
- cooperative/collaborative management

Prior appropriation is the law. The quantity of water rights is established by the amount put to beneficial use. Unfortunately, beneficial use is not strictly defined. Is consumptive use beneficial use? That is not resolved easily. There are also federal miscellaneous uses. The first beneficial use is based on senior right. The 1907 territorial and pre-territorial water rights were not strictly administered by the state engineer.

Holders of non-state water rights include tribes, US Park Service, US Forest Service (USFS) and the military. All are predicated by the original primary purposes, e.g., USFS is charged to provide a renewable source of lumber and clean streams and water. So, implicitly, water is reserved to meet those primary uses. Treaty rights, e.g., the Guadalupe-Hidalgo that settled the Spanish American War, include the pueblos, and those treaty lands do not necessarily have federal surface rights.

Environmental mandates

- Endangered Species Act
- National Environmental Policy Act (NEPA)
- Clean Water Act
- Fish and Wildlife Coordination Act
- Many other state and federal laws

Environmental questions

- There's a whole new set of water demands
 - How does environmental demand overlay current appropriation?
 - Do federal laws = senior priority?

- Do these constitute unfunded/unwatered mandates?
- How is water permitted or obtained? Who pays?

The environment has growing appeal. The economy is thriving. However, human needs and demands will dominate. Politics will trump the courts, e.g., water already paid for and contracted could not be taken away to meet the Endangered Species Act.

The best environmental protection is:

- Balanced with demand
- Based on best data and science
- Sustainable in the long term

Water in the courts:

- Dueling experts
- Unschooled judiciary bound by inappropriate legal dictums
- Intolerable timelines
- Key issues unresolved
- Non-adjudications

Water is not widgets. It involves beliefs and passions. The courts try to render decisions that answer any question they can answer; but key critical issues are left for future court cases.

He showed a map of AZ and NM with red dots showing 15-25 year population projections. This is one of the fastest growing regions in the US. In Deming, for example, you can't get a contractor started for one year. Partly it's growth of the Border Patrol. Retirees consistently settle in NM. Central AZ announced its goal at a recent conference to grow to 15.6 million residents, and said lack of water would not be an impediment. How will we handle that in terms of law? Some say County Commissions will have to stand up to bat.

Increasing demand:

- Environmental needs
- Growth and development
- Exhaustion of groundwater supplies
- Pumping impacts on stream flow (dedicated rights)
- Changes in cropping patterns
- Increased agricultural efficiency

There is a quality component. Once produced water is put to beneficial use, handling it will be a tricky legal question. Beneficial use isn't strictly defined and yet is a key element in water rights. It changes through time. A growing concept is that it has to be keyed to public welfare. That's also open to definition. The law won't get us where we need to go. There will have to be agreement among water users.

Concerning changes in cropping patterns, in the Pecos Basin it makes sense for farmers to grow what pays. But from a water management perspective, if alfalfa takes more water out of the basin than cotton, problems arise. Do we have to buy up even more land? The Interstate Stream Commission loans money to Soil and Water Conservation Districts that give it to farmers to increase agriculture efficiency. Farmers put in sprinkler systems and can raise cuttings of alfalfa from three to five per year. That almost doubles water consumption. It makes sense for the farmer but depletes the system. Greater agricultural efficiency = increased use. That's the basis of lawsuits and wars.

Question/Answer/Comment

- Won't economics drive beneficial use? Exactly. Economics and value judgments will generate concepts of beneficial use.
- Has a government entity ever used eminent domain for water use? Municipalities and water planning entities can reserve water and have condemned water. A recent Supreme Court eminent domain decision is causing a great deal of concern.
- Have any aquifers increased in the amount of water held? Craig said NM was sued by TX over the Pecos and lost. They paid \$14 million but probably made a great deal more than that using the water. Today increased usage in the Pecos Valley will put us back in court. The 1970s-1980s were the 20 wettest years of record. Using the example of a vehicle, you can pay \$30 to change the oil now or \$3,000 to replace the engine later. Craig tells his staff to think 60-100 years in the future, where the impact of today's decisions will be felt.
- On the Pecos, water levels and populations fluctuate. Carlsbad is feeling effects of agricultural buyouts, so management is working, but the aquifer is not building up.
- It's not cut and dried. A farmer could argue loss to salt cedar, etc. And the water isn't going back into the same source it came out of.
- There's economic benefit to local communities and the state for all aspects of farmers' increased agricultural output. Agriculture always takes a hit. Get out of the Albuquerque/Santa Fe perspective.
- The federal administration's first priority is to get water to TX. They would shut down all the pumps in the valley, which would wipe out \$2.5 million of crops the first time we made our delivery. One way or another, we have to stay within the limits.

The state engineer is required to administer the state's water:

- Protect senior rights
- Measure and manage
- Meet interstate obligations
- Protect the public welfare

In trying to meet the statutory charge through state regulations, the first goal is user agreement. The state engineer has to protect priorities based on the best available information. They might have to declare basins or critical management areas, and fund water masters by state or users. They might have to establish metering. Getting to a long-term sustainable solution is difficult and takes time and money.

A viable future depends on:

- Strategic water reserve
- Conservation projects
- Cooperative management plans
- User agreements
- Collaborative processes

URANIUM MINING

Bill Brancard, NM Mining & Minerals (NMM&M) Division Director

Bill said his division regulates mining and reclamation in a variety of capacities, including hard rock, coal, and the Title IV abandoned mine land program, which includes BLM land.

Uranium mining is back in NM after a 25-year hiatus. NM received six uranium exploration applications in recent months, primarily near Grants, where there was significant uranium mining in the past. Two permits were granted and four are under consideration.

NM has the second largest uranium reserves in the US. Uranium is located in deposits all around the state, primarily in the Grants uranium belt from Gallup and Cibola County to Laguna Pueblo. Uranium has a spectacular history in NM. Mining began after WWII on the Navajo Reservation. The first Grants deposits were discovered in the 1950s and the boom took off. Through the 1980s, that was the largest uranium mining area in the world. In early years, the US government targeted and subsidized production for military use. By the 1970s, private utilities drove production. About 300 mines were producing in that time, many on Indian or federal land. But nuclear power use was not as productive as hoped, and there were public environmental concerns. Nuclear has become the quiet power. The last plant was built in 1996, for a total of more than 100 in the US—representing 20% of US power.

Uranium production came to a crashing halt in the early 1980s because NM and the US overproduced. For the past 20 years, uranium production was markedly less than needed. Government stockpiles came on the market because of the close of the Cold War. Prices are low, making people want to produce in NM. Stockpiles will run out. About three years ago the price began rising and is now up to \$63/pound. There's recognition worldwide of increasing demand. It's assumed that the price will rise over \$100/pound.

NM has a dual regulation framework for most hard rock mining entities, falling under the NM Mining Act of 1993. The third element is federal acts and commissions. Exploration that disturbs the ground is regulated by NMM&M on state, federal or private land. Uranium mines may be underground or open pit—as it was extracted during the boom. Both would require ground water permits from the NM Environment Department.

No large permits have yet been issued under the NM Mining Act. The third type of uranium mining falls under the category of solution mining, in situ leaching/in situ recovery—a way of not having to mine for and mill the ores. Instead, operators inject a somewhat-benign solution that releases the uranium (and other minerals) to be sucked out and processed. Solution mines have been in existence in the US for a while on a fairly small scale. How will this system work over the long run?

Question/Answer/Comment

- What does 'somewhat benign' mean? It can be very oxygenated water or a bicarbonate of soda solution, not an acid. The problem is not the solution itself, but what the solution does to the minerals that are re-circulated. Standards are an issue. Can this facility when done meet environmental quality standards?
- In a lot of areas, especially in the western half of the state, uranium ores are already in the groundwater level. Mining accelerates the natural process.
- Another way is to add a series of these wells around a production well. It is a simple technology, done on a section or quarter section.

Production underground or in pits produces ore that needs to be processed in a mill. Eight mills operated during the boom to produce a final product called yellow cake. The Nuclear Regulatory Commission (NRC) licenses mills. A processing facility needs an NRC license to operate. NM has other regulations, so there are challenges. The NM Water Quality Commission tightened standards two years ago for acceptable levels of uranium, and is now one of the toughest in the US. In many cases, the natural background levels exceed the standard. Permits will be based on background levels.

What happens if halfway through the process uranium price drops and companies go bankrupt? That calls for adequate bonding.

Geologists say there is a difference in composition and deposition of uranium between western and eastern NM. The western half is more amenable to the solution process. Mining companies are learning more as they go along.

The uranium industry left behind a mess in the 1980s, particularly on the Navajo Reservation. Small dog-hole mines with no protection against radon filled with water and became drinking holes for livestock. There was little regulatory control, generally with no reclamation stipulation. Since then federal and state laws have dealt with legacy issues, primarily tailings. Cleanups have had some success. The NM Mining Act was late—1993, but looked back to regulate past mines that caught the last part of the uranium boom. Many agencies are involved in these difficult legacy issues.

A year or more ago, the Navajo Tribal Council passed a law banning uranium mining and milling on Navajo land. But what is Navajo land? The tribe includes checkerboard Navajo-occupied areas off the reservation. A lot of tribal trust land has private mineral rights. Uranium Resource Inc. had faith that prices would go up and applied more than a decade ago for in situ rights in the Churchrock area that were NRC licensed. Is it Indian country? Who issues the ground water permits? That issue got a lot more serious after the ban. He explained further.

The company applying for exploration in the Churchrock area on BLM land didn't have access and withdrew its application. There will be controversy. Environmentalists are concerned that applications in the Ambrosia Lake area are on USFS land. Are there cumulative impacts?

Question/Answer/Comment

- Do you have a communications strategy for these controversial situations? Not a well-developed one. NMM&M is increasing public outreach on these applications. It's in a minimal impact category, with no public notice requirement. But Bill is putting out public notice on every permit, because it is the right thing to do and because Governor Richardson has issued executive orders on environmental justice and tribal consultation. He also is blunt with potential uranium producers that they have work to do to ensure sustainable development. They have to build relationships with communities.
- The mining industry lacks qualified people to do these projects, so they've gone back to the people mining in the 1970s. They remember how easy it was back then. Education is needed.
- Are these producers real companies? The people in the field now are juniors, not fly-by-night, but not companies that will take these projects all the way through to full development. There's a ton of data about what's out there, so producers can create a good prospect. Their goal is to find partners or be bought out. They know enough about the industry to be taking steps, but are probably not the ones who will build the mines.
- How can BLM stay ahead of the curve? Industry concerns and obstacles include that regulators don't have the right people to regulate the projects. Bill's sending staff around the country to be trained. We all need to work with each other.
- Can we share personnel and make policies consistent? The USFS has extensive evaluation applications. Bill's asking the USFS to encourage producers to get permits from the state at the same time so they work together consistently.
- Is it true that both BLM and USFS must say yes? This has to be done right. They can add conditions, and there are strict requirements.
- What does a company have to do? Companies need to plan the life cycle of a mine in a way that minimizes disturbance and leads to closure that meets requirements for reclamation. NM's goal is that mining be done in a responsible way. They also encourage relationships with communities.
- Are inspectors ready for oversight? Very specific requirements will have to be met. People are being trained in anticipation—it will likely be a few years before mines operate. NM charges the mining industry fees for inspection.
- County Commissioner Bill Sapien hadn't heard about this, although one of the applications was in his county.

PRODUCED WATER

Mark Fesmire, Director, NM Oil Conservation Division (OCD)

Mark is both Chair of the Oil & Conservation Commission and OCD Director. NM is and always has been a water-short state. There's tremendous opportunity for produced water. Last year NM produced 1.5 trillion cubic feet of natural gas + more than 60 million barrels of oil, and 636 million barrels of produced water. Currently there is no technology for high-volume use. Treatment is advancing rapidly, so we are on the verge of being able to use less-contaminated water. NM has to determine how it would be used. Produced water in NM can be categorized as conventional (from O&G reserves) or associated with coal bed methane (CBM). While the quality of both is extremely variable, generally CBM water is of much higher quality.

There are three analyses for determining ownership of the water:

1. Whether it is waste or usable. (If it's waste, there's no argument that the O&G operator owns it. OCD regulates how it is disposed of to provide reasonable protection.)
2. Whether the right to the water produced was part of the real property mineral estate.
3. From the NM Artificial Surface Water Statute, "Waters whose appearance or accumulation is due to escape, seepage, loss, waste, drainage or percolation from constructed works...are primarily private and subject to beneficial use by the owner or developer thereof."

Question/Answer/Comment

- Have there been instances where CBM water is potable? Mark was not aware of any in NM. WY has a considerable amount of potable or near-potable produced water.
- OCD has the responsibility to promulgate rules for the 'disposal' of produced water. Those rules are necessary in order to take regulation of that water out of the state engineer's realm. Mark intends within the next year to promulgate and distribute those rules.
- Right now O&G operators are injecting all that water. If we can stimulate the technology and take fresh water out of the system, we will save a great deal.
- It's clear from the three analyses that courts will rule that water belongs to producers. However, if they are depleting prior rights, courts will determine ownership.
- We have to reward those spending the money to make the water usable.
- This water can be used for agriculture.
- Do you see significant increase in waste products? Yes, OCD would regulate that. Will we have higher concentrations/lower volumes of material to reinject?
- The technology is there but not yet at the volume needed. It's not economically feasible, but that's just a matter of time.
- Legislation specially noted the Pecos River Basin. Why was the San Juan/Chama system ignored? The US Supreme Court ordered the Pecos system to deliver. The San Juan system is not as precarious in delivery.
- Where is the financial incentive? On the Pecos, government is buying farmland and taking it out of production so it won't take water out of the river. Technology is not yet capable of dealing with this much water.
- Financial incentives for the San Juan/Chama system are not yet known.
- Steve Henke said Farmington FO had a cooperative program to experiment with use of produced water for re-vegetation.
- John's company tried on a small scale to use produced water; and got to the point where they couldn't keep up. If they were doing that now, could they put it on the ground? In the federal system where OCD doesn't have primacy, they probably could do it with a discharge permit. If they were over the chemistry hurdle and had a federal permit, probably, as long as the water source is

locally based. In WY and MT, large CBM reservoirs with high quality produced water are dumped in streams, but change wildlife, for example, making intermittent streams year-round, causing a host of new problems.

21st CENTURY CLIMATE CHANGE: GLOBALLY & ACROSS NM (Attachment 2)

David S. Gutzler, UNM Professor of Climate Research

David was asked to address the science behind projections in regard to the warming climate for one of the governor's task force reports.

From climate observation, we know that:

1. Global temperatures increased in the 20th century; and the warming trend accelerated a lot in recent decades.
2. Snow and ice are melting; sea level is starting to rise.
3. Atmospheric carbon dioxide concentration is increasing rapidly, definitely due to human activities.

The greenhouse effect is well understood. More carbon dioxide/methane (CO₂/CH₄) leads to warmer surface temperature. From data, simple theory and climate model results, we are confident that greenhouse gas (GHG) increases contribute significantly to observed 20th century warming; and climate will continue to warm up in the 21st century.

David showed a graph of global surface temperature since the early 1900s. There was $\pm .6$ plus .2 degrees Celsius warming in the 20th century. In NM, the rate of warming has been about twice the global average rate (as expected for an inland region): a magnitude of 2 degrees Fahrenheit in the 20th century. In response to temperatures, snow and ice fields are declining rapidly. If we increase concentration of the GHGs that do this, circulation increases and temperature warms. It keeps the earth from freezing, but human civilization is tuned to the current climate so an increase of temperature makes that harder to manage. Absolute temperature doesn't matter, but rapid change can be difficult for people and ecosystems.

We know that GHGs are increasing. There's also good data on emission, so we know where the CO₂ comes from. Ice age cycles showed natural variability, but since the industrial revolution, they have doubled in height. A time series of temperatures showed that solar variability controlled the climate into the 20th century. To make a prediction we have to go beyond data to models. Simulations from the past adding natural and human forcing brought the models close to 20th century data. If that works, they can use models to look into the future.

Water vapor is a GHG and hard to simulate. Models all predict that humidity will increase but it's extraordinarily difficult to tell whether the models are doing well with water vapor. Others are easier. Scenarios cover a huge range of possibilities. It's hard to evaluate but very valuable. There is no credible argument against global warming. But we still don't know what will happen in the future. The range for CO₂ was from 3-26 gigatons.

Actual GHG concentrations were modeled from 2001 emissions scenarios. They think we can do something about CH₄ more quickly and painlessly than others to bring the path downward. CO₂ is emphasized because they think it will swamp other factors.

One possible NM temperature prediction scenario is that a change of 5-6 degrees Fahrenheit with business as usual would have major effects on resources and land management. Based on US Department of Agriculture plant hardiness zones, with each zone covering a range of 5 degrees, NM would be one zone warmer by mid-century, and two zones warmer by end of century.

Long-term trends in total precipitation are relatively uncertain. Droughts would become more severe if the climate gets warmer. There is projected reduced western snow pack in all scenarios, due principally to temperature change. Runoff timing changes, reducing growing season. Soil moisture and

evapotranspiration over land would decrease. Thus, evaporation over water surfaces would dramatically increase. Reservoir levels would be more difficult to maintain.

Principal conclusions:

- Temperature increases now clearly observed are likely to continue at an accelerated rate as greenhouse gas forcing slowly overwhelms other known climate forcings.
- Rise in temperature and sea level are by far the most robust climate change predictions we can make, but the rate of changes to expect remains uncertain.
- Warmer temperatures in NM would lead to reduced snow pack, less spring runoff, more evaporation from reservoirs and drier soil conditions.
- Episodic droughts could be more severe in a warmer climate regardless of long-term trends.

NM CLIMATE CHANGE INITIATIVES

Sandra Ely, NM Environment Department (Attachment 3)

Sandra was Air Quality Bureau Chief until she began work on this project a year ago. She said the question is, what are policy makers going to do? Governor Richardson decided to take a statewide climate initiative, and signed an executive order in 2005 requiring inventory of GHG emissions.

On a per capita basis, NM produces twice the national average of GHG emissions. Electricity generation is the largest emitter of GHGs in NM, followed by the fossil fuel industry. She summarized where GHGs are coming from in a pie chart with statistics gathered in 2000.

Along with changes David mentioned are loss of suitable habitat, more forest fires, reduced stream flows and disproportionate public health problems.

The 40-member broad-based Climate Change Advisory Group (CCAG) includes representatives from industry, nonprofits, agriculture, national labs and universities, and has made 69 recommendations. She listed emission reduction targets that are consistent with the rest of the US and many other nations. If all policies were implemented, the state would exceed the governor's emission reduction target for 2020 with a net economic benefit of over \$2 billion.

Cliff commented that the proposed changes offered by electrical generating stations made very little contribution to the reduction of GHG emissions but were the largest contributor to the problem. The main concern from power plants is CO₂, but it's not economically feasible to retrofit old plants. New ones will need to consider advanced coal technologies, and assess CO₂ emissions. The greatest GHG reduction would come from reducing methane. He recommended best management practices, partnerships and other ways to reduce loss of methane for the benefit of the environment and the economy.

The CCAG hopes to further educate industry and the public on how to prevent methane loss. If that doesn't work, they will move toward mandatory management. They recommended a mechanism for capturing and reusing CO₂. NM is providing leadership in the Rocky Mountains as the first state with this kind of fossil fuel industry to take these steps. An O&G subgroup helped with recommendations, summarized below:

- Residential commercial and industrial
 - Green power purchasing
 - Building performance requirements
- Transportation and land use
 - CA vehicle emission standards
 - Alternative fuels
- Agriculture & forestry
 - Forest land protection

- Biomass feedstocks for electricity generation
- Crosscutting (across all sectors)
 - Mandatory emissions reporting
 - GHG registry

Public meetings will be reported on the website, and anyone can sign up for the email list.

Question/Answer/Comment

- They generated the energy supply (ES)-12 numbers with the expertise of technical work groups, a geologist, and an economist. That is elucidated in the 400-page report.
- Gas escapes throughout the process. The appendices provide details. The numbers came primarily from Conoco Philips in the San Juan Basin, which had the best data. However, all of this includes broad estimates and needs work. Some of the changes deal with flashing or replacing seals. Bruce Gantner was on the commission. John said his company is getting hammered. He has a 50-horsepower natural gas engine that puts out emissions. How does that compare to a Ford F-250 pickup?
- There will be different ways to deal with all of these, from regulatory to educational. The coal plan regulations are ES-4, fairly high but also costly—which affects which to implement when. Auto emissions are high and growing rapidly. Upfront cost to consumers purchasing a vehicle in line with CA emission standards would be reclaimed in two-four years.
- They have not predicted from the 2000 pie chart. The proportions change along with the size of the pie. Charts for the future have not been prepared. Results will depend on timing and sequence of implementing strategies.
- Much of NNM heats with wood. The commission chose not to address that, partly because it's dwarfed by larger factors.

Sandra returned to her presentation. Bills dealing with some of these options will be introduced in the upcoming legislative session.

Other endeavors:

- NM was the first state to join the Chicago Climate Exchange.
- The governor has a number of policies in place, including:
 - an executive order for green state buildings;
 - collaborating with AZ on the SW Climate Change Initiative;
 - the Western Regional Air Partnership of 15 states addressing climate change regionally;
 - The Western Governors' Association resolution.

For more information:

www.nmclimatechange.us
www.chicagoclimateexchange.com
www.wrapair.org
www.westgov.org

Question/Answer/Comment

- NM is leading the Rocky Mountain states. Eastern states have been working on this for some time.
- Initiatives depend on the political climate if not mandated.
- ES-4 would be a production tax credit. Energy producers were included.

RAC CONCERNS & PERCEPTIONS OF BLM's PUBLIC LAND MANAGEMENT

Steve Henke took over as Designated Federal Official. He said Linda's priorities included doing good for the land and engaging with communities. He wanted feedback from RAC members and the people they represent.

- Lynda has seen significant positive improvement in her dealings with BLM over the years. She saluted BLM for the past two days of education.
- People are easy to work with. The NEPA process seems to be scoping and public input then a long dark corridor where secret things happen. The public wonders how decisions are made, and how public input is used. There's mistrust and perplexity over the gap leading to the product. Had BLM already decided what it wanted? Others agreed.
- It might be useful to review that process at the next RAC meeting. Cliff referred to past RAC recommendations on modifying the planning process to better include the public—that became BLMNM policy. Ed explained resulting changes. Lynda experienced the change in Lincoln.
- Betty appreciated being informed on the alternatives.
- Bill's county has had a good relationship with BLM and looks forward to continuing.
- When BLM asks for public input, how could you get people beyond the usual suspects? Taos does a very good job letting people know what, where, when. Still certain people come, like certain people vote.
- They have more cooperators now, so they keep people informed. It has been BLM's nature to improve the planning process. Traditionally implementation was very site specific.
- BLM is not always consistent in decision-making, and not always communicative. That leaves a bad taste in peoples' mouths.
- Mark was concerned that most plans go back to broad impacts, but implementation directly affects people. There's never an account for loss to an individual or group. A rancher in Chaves County may eliminate his livestock business; that's not huge on the county level. But that person or that family is hugely impacted. They may be off the land.
- Lynda said she and her husband are ranchers and get irritated when BLM brings people through their private property. Along the Rio Bonito, BLM was working with kids making trails right by her irrigation well—where they don't want the public walking. If they hadn't caught them, it would've been done.
- Bob is learning a lot. People in NENM are not aware of BLM, since there's only a small amount of BLM land up there.
- Make managers' lives easier by doing more crosscutting between groups. Bring groups together so none is demonized, e.g., archaeology and O&G found something that benefited all.
- BLM does that more and more.

The Recreation Enhancement Act was reviewed for new members. The USFS will bring fee proposals to the RAC for review. Steve reminded RAC members that it is more and more necessary to have a quorum at each meeting. Discussion. A quorum must be 12 of 15 members, with at least three from each section. Could alternates be appointed? Phone calls have been used in the past. People voting by phone need to be informed. Information provided to the RAC should be available to the public at large. A member requested that the USFS provide information at least two weeks before the RAC meets, and members be advised what decisions would be requested of them. Agenda, minutes and briefing materials are posted on the website.

DECEMBER 7, 2006 RAC MEETING

Gerald joined the meeting. Joanne called the meeting to order at 8:16 a.m.

AGENDA REVIEW/ORGANIZATIONAL DETAILS

Theresa reread the charter to find that the RAC Chair can approve minutes, so a forum is not needed for that. Joanne approved the August minutes. Time was added to the agenda for discussion of range school progress and response to public comment. RAC members requested further information on the San Pedro mining question.

Gerald said the NM Range School working group met three times with BLM staff, USFS and RAC members. They searched out curriculum and started developing a core. They collaborated with AZ to present the first course February 7-8 in Safford, AZ. Gerald invited RAC members to attend. The NM Cooperative Extension Service, USFS and BLM are involved, with range staff from agencies, NMSU and AZSU. The course is targeted at permittees, based on ideas and curriculum from both states.

Question/Answer/Comment

- Betty congratulated Gerald. Did RAC working groups play a part? Somewhat, and Gerald urged RAC members to attend the range school to help take it farther.
- RAC members would be compensated for the expenses of taking part.

PARTNERSHIPS (Attachment 4)

Bill Merhege, BLMNM Associate Deputy State Director, Resources

Historically, BLM partners on small in-kind projects with small amounts of money, primarily dealing with wildlife. With implementation of the Sikes Act and Challenge Cost Share programs, the number of partnerships and contributed dollars increased dramatically.

Projects expanded into recreation and cultural areas, including archaeological field schools, building and maintaining trails, putting up fence and signs, and environmental education. BLM has long-term assistance agreements with numerous organizations and several pueblos. The newest project with NMSU brings students in for five-week internships. These organizations make projects possible that BLM could not do alone. Energy companies have provided about \$600,000 cash along with equipment and labor. Livestock producers provide resources that triple BLM funding.

Question/Answer/Comment

- Illegal dumping cleanups could be included. BLMNM is doing that with counties and others.
- Most projects can be worked out within BLMNM. Bill will bring a list of the wide variety of partners and exact funding to the next RAC meeting. Projects continue over years and are expanding.
- Gerald works with the NM Association of Counties and that partnership is developing well. He asked that BLM collaborate more with the USFS to look at broader landscapes.
- Bill said 60% of wildlife projects and 70% of cultural projects in the past few years were accomplished because of partners.

MAJOR ISSUES IN THE STATE

Linda Rundell, BLMNM Director

Two meetings ago RAC members decided to take on illegal dumping as an issue. Linda has met with cabinet secretaries, county associations and many others to gauge interest and pool resources on a statewide strategy. Her executive leadership team, Jan Gamby and public affairs staff developed a PowerPoint presentation, *Talking Trash*, which she showed the RAC. They are planning public service

announcements featuring NM senators and perhaps the governor. They hope that potential partners will appreciate the scope of what BLMNM would like to accomplish. BLMNM looks to make this a pilot project for BLM nationwide.

They are frustrated with cleaning up the same places over and over. Barriers work but dumpers just find another place. Some of it is cultural, needing education. The NM Transportation Department spends one-half million dollars/year cleaning up highway litter.

Dona Ana County stopped charging people at transfer stations but that didn't work. In Lea County, TX, dumpers are problematic because in NM there's less chance of getting caught, and fines are lower. That brings up the issue of enforcement, a problem for BLM because illegal dumping is a felony. Offenders can ask for a jury trial, and then it's tossed out of court because other issues are more serious. BLM now plans to make illegal dumping a misdemeanor so fines must automatically be paid. Other states, like KY, have established environmental courts. BLMNM invited a KY judge to tell them about costs, issues, and how those courts were set up and are working.

A very experienced consultant at \$150,000 for one year is putting together a spring workshop to bring people in to identify problem areas and brainstorm solutions. It will be very important for RAC members to inform their communities. Congressman Don Tripp agreed to sponsor a memorial during the next legislative session. NM Environment Department Secretary Curry will sponsor a request for a \$100,000 appropriation to kick this off. Linda is encouraged by progress on this huge endeavor.

Question/Answer/Comment

- Linda will speak with Jan Gamby about keeping the RAC more engaged.
- This issue has taken its own life beyond RAC. Do we continue an illegal dumping working group or consider the goal accomplished? Betty was disillusioned because working groups don't seem to have a role. This working group didn't accomplish anything because they weren't involved in the process. RAC members could have been involved in or at least invited to the meetings listed.
- The value of the RAC is in bringing issues to Linda.
- Rachel said with the exception of one access issue, her experience of working groups is that they talk, while individuals do actual work.
- There are still a number of dumps on BLM land that have never been cleaned up. The individual who dumped is responsible for cleanup. But a lot are cleaned up by community partnerships. Someone needs to train and protect those volunteers.
- BLM has a safety program. Staff assesses sites and either collects hazardous waste separately or marks it. They give volunteers personal protective equipment and instructions. There's a supervisory ratio of less than 1:10.
- In Rio Arriba County, they're not aware of that being done. Maybe it's not BLM land. If cleanups are on BLM land, make sure that happens, because cleanup is risky.
- Select one or two or three communities as pilots for this issue, so there's a bottom-up rather than top-down model.
- Joanne suggested that BLM map and prioritize the state, especially rural areas where the cost of gas makes people who want to do the right thing dump of necessity. Linda said that was discussed and will be part of the workshop. Further discussion.
- Bill said Sandoval County has this problem, with a huge logistical ripple effect. The county purchased a bigger truck to pick up trash like refrigerators, trained operators and bought special clothing and equipment. They need to set up a formal mechanism including monitoring and surveillance. Many counties don't have the funds.

RECENT SIGNIFICANT ISSUES/OTHER ITEMS OF INTEREST

District & Field Office Managers (Attachment 5)

Ed Singleton, Albuquerque District & Tom Gow, Rio Puerco FO

Ed is working on the very complex Santo Domingo land exchange begun four years ago, attempting to issue an environmental assessment (EA) this spring. BLM will get a section of Tent Rocks and areas of critical environmental concern, and the tribe gets aboriginal lands.

A 10-person construction crew out of Cuba finished the Rio Puerco La Ventana project to recover from a 1960s one-mile channel replacing a three-mile meander. The channel expanded dramatically, ate into the highway line and was credited with major silt deposit. The crew worked five months and came in under budget. They plugged and filled in the channel. Sandoval County agreed to compost the clean fill to reclaim the land. The river is now in its original meandering state, with great results already.

Reclamation on 30 well pads and roads has had good results. The FO is pioneering methodology and hoping to get O&G help restoring legacy sites. Albuquerque & Farmington FOs and the Rio Puerco community received land stewardship awards from the Gran Quivira Coalition.

Tom Gow continued. In conjunction with a permittee, the FO sprayed salt cedar and fenced 500 acres as riparian pasture. They are encouraging students to use the area as open classroom. The big issue for the Rio Puerco is growing population looking for nearby recreation.

The Tent Rocks management plan is in final stages waiting for public comment. The Pueblo de Cochiti put in a fee booth that will be staffed. Visits have gone from 14,000 to more than 50,000, and continue to grow. Thanksgiving weekend they took in \$1,000/day. BLM gets 50% of receipts. Cochiti is using its 50% to hire tribal members to keep Tent Rocks functioning.

The San Luis-Cabazon Water Association domestic pipeline will be constructed in January. For 400 years, Cabazon residents had no running water. One of the former uranium mines has an artesian well with major flow and the owners gave it to BLM. Now the pipeline supplies water troughs maintained by the grazing association. But thousands of gallons are pumped out and taken to homes—causing a liability issue. At a livestock meeting, BLM offered the water officially if people formed an association and performed all licensing for safe water. They did. The many partners include Sandoval County.

The RMP update is coming, so the FO will face the same issues as Taos FO. Zia Pueblo and the Ojito Wilderness were dedicated. Zia still needs to come up with regulations concerning Zia trust land along the access road.

John Merino, Albuquerque District, Socorro FO

Socorro FO is working diligently with its RMP revision, which was submitted and reviewed by the Washington office. The draft will go to the public in the near future. BLM is working with the USFS and all agencies to address watershed health issues, flooding, prescribed burns and structures. They're working with Catron County and others to solve illegal dumping issues. BLM is providing a tract for a landfill and future biomass storage. AZ residents are also dumping and filling the landfill in Catron County. The spring workshop will address legislative changes as part of a strategy.

Steve Henke, Farmington District & FO

Steve recommended additional staffing in the pilot office designated under the Energy Policy Act. Additional staff from USFS and OCD would streamline O&G administration across agencies.

Federal O&G royalties from the San Juan Basin were \$687 million, half of which went to NM. That is attributed not to increased production but to increased gas market value. The 2003 RMP Amendment (RMPA) established 13 road management units, and companies were designated to handle

maintenance with a private land manager. A weed specialist is working with those roads under the same revenue agreement with O&G companies.

The RMPA identified a three-mile radius around Aztec, Farmington and Bloomfield to make land available for infrastructure to accommodate population growth. That land will provide sites for a new animal shelter, domestic violence shelter, clinic, preschool, drag strip, athletic facility and fire station.

Two new law enforcement rangers are very active, concentrating on urban interface in the Glade area. NWNM communities depend on fuel wood. Policy is that those gathering for personal use without a permit are not cited the first time. Rangers issue a warning, ask them to get a permit, and keep track. Rangers throw the book at commercial gatherers without permits. There is more success where rangers establish relationships and educate.

BLM will need to work jointly with the state and tribes as uranium mining increases. There will be a learning curve.

There is great cooperation with the San Juan County Sheriff's Department on theft and vandalism in oil fields. BLM provided grant funds for the sheriff to work with BLM, NM State Police and tribes.

Question/Answer/Comment

- Rachel said some of the land for direct sale mentioned in Steve's written report is an important mule deer migration area, as determined recently by an important study. Is BLM committed to wildlife? Steve said the area of about 40 acres was thought to be a good site for a small business incubator. BLM worked to remove that section from the reclamation/abandonment contract. They are maintaining the reclaimed area, but O&G leases exist so they may see development.

Sam DesGeorges, Taos Field Office

Sam said Amarillo, TX uses waste concrete for road base, as Taos does. The NM Highway Department removes rocks from barriers along the Rio Grande and makes it available for community use in Pilar. The county and city of Taos agreed on a waste diversion project where carbon-based materials will be converted into ethanol for local fuel supply. Ethanol has private investment, but the city and county don't have to pay to deal with it in other ways. Almost any material but metal can be used.

Because of the governor's initiative to increase films made in NM, Taos FO had nine such projects. They are working with NM Film Commission on a how-to brochure for the process that spells out expectations for working on BLM land.

Ed Roberson, Las Cruces District Office

Ed said after many years of planning, public meetings and documentation, a judge ruled on the Otero Mesa environmental assessment. The public will have a chance to comment. Twelve aplomado falcons were released as an experimental population on La Maderas Ranch. The release went well, but there are many unknowns.

HEYCO has an Application to Drill (APD) on Otero Mesa. HEYCO was going to flare for 30 days to gauge what's there before investing in infrastructure, but decided not to because it needed air quality permits. Instead, they will put in another well. Normal operating procedure on an APD allows flaring only for emergency purposes.

BLM wants to use black grama grass seed to revegetate on Otero Mesa. Ed did a site visit with the Jornada Research Range and Range Improvement Task Force to advise about maintaining environment before changes are made.

The state was one of the losing parties in the Otero Mesa suit. OCD rules require a closed loop drilling system and tanks. HEYCO asked for a waiver to use a pit instead of tanks. The company is now planning to go to the Oil Conservation Commission and State Land Office.

Ed thanked the Mescalero Tribe for helping with burns a month ago.

The Cooke's Peak road was put in in October. BLM went back to the rancher, who still refused to open the locked gate. A former RAC chairman followed through on this with sportsmen's groups and other outreach.

Las Cruces city and county are still engaged in discussion about wilderness, land disposal, and a National Conservation Area in the Organ Mountains. All are attempting to collaborate and build consensus.

Five public meetings on the draft RMP were not well attended, although the draft was generally well received, partly because plans have developed across time.

The district wants to change what was done about archaeology in the past. They have archaeological sites in the GIS system, and are partnering with O&G companies to fund getting data from significant sites. Many archaeological sites disappear due to wind and other weather changes if no action is taken.

There were two applications for wind energy farms. Managing both wind and O&G operations on the same land is both complicated and labor-intensive. BLM is working with partners for ethanol projects using geologic materials from NM fossilized algae reefs for a higher energy ratio. Carlsbad uses ethanol in city vehicles.

Question/Answer/Comment

- Sally said this is one example of the five kingdoms of nature at work as reported to the RAC in 2005 by ZERI co-director Lynda Taylor. This builds on research done through ZERI.
- Hans invited the RAC to try out the *Energize* program for grades 5-8, with a game show and conservation and energy segments. There are kiosks with that program at the NM Museum of Natural History and the Farmington Museum—which has an energy wing where a BLM multiple-use exhibition is being prepared.
- Does the RAC approve of putting presentations made at RAC meetings on the BLMNM website? If so, categorize presentations by topic rather than meeting date. There was consensus to post, with consent from presenters. Don't put up PowerPoint presentations that the public would have to have PowerPoint to read.
- Joanne asked Bud Starnes to speak on quarry issues. He said farmers and ranchers complain about the cost of sand and gravel, especially in southern NM, because one company is buying up many of the quarries. Large companies and agency quarries eliminate competition. Farmers and ranchers are small businesses that do a lot of building and need materials at a good price. Sand and gravel costs affect the economy. An economist found that raising those costs in Dona Ana County would cost the economy a phenomenal amount—millions and millions of dollars through time. With small companies and small quarries closed out, the biggest chunk of cost becomes cost of trucking. BLM has a big role in this. When it gets so difficult for the small guy to compete with big companies, it costs all of us.
- How would changing procedures make it easier for small operators? Wouldn't they still be bought out? Some who sold out when cost was low, could compete and want back in.
- Cliff said small operators are in the vast majority and often violate environmental standards, showing up in small neighborhoods without prior notification. Higher cost may not be a bad thing.
- Linda added under major issues that in September BLM received the Interior Board of Land Appeals (IBLA) judge's decision on potash mining versus O&G. After 80 years and thousands of pages, the IBLA remanded the APDs back to BLM to be reconsidered. Tony is working with the two industries and several states.
- Senator Bingaman is working on a bill to protect large areas of the Trackways. The bill is controversial and didn't make it out of committee.

- Tom Gow said the increasing problem of feral horses from tribal and ranch lands ends up BLM's responsibility. Ten thousand horses are coming off the eastern Navajo reservation. In Placitas, wild horses are fed like pets. Linda said under the Wild and Free Roaming Horse & Burros Act, she is currently responsible for 18,000 unadoptable horses in OK & KS retirement homes—at tremendous cost to the taxpayer. The average population growth is 20%/year. This is extremely emotional and controversial. Anti-slaughter legislation has passed the US House of Representatives and will compound this further. The governor needs to be kept informed.
- Sally agreed that this is a huge problem on public land. We need to get people together to come up with proposals. This imbalance is broadly problematic. She would be happy to facilitate meetings.

WORKING GROUPS

Cliff asked the RAC to think about working groups, and for those interested to meet with Linda to discuss what would be of benefit. Sally, Cliff and Joanne would take part. The RAC can mainly contribute on issues of public importance and the key is a resulting product of some sort.

NEXT MEETING & AGENDA TOPICS

Proposed dates for the next RAC meeting will be sent to RAC members. Carlsbad will host.

The meeting was adjourned at 12:13 p.m.