

# MEMORANDUM OF UNDERSTANDING

for Coordinated Resource Management (CRM) in New Mexico

# Memorandum of Understanding



FOREST SERVICE (USFS)

NATIONAL PARK SERVICE (NPS)

BUREAU OF RECLAMATION (BOR)

FISH AND WILDLIFE SERVICE (USFWS)

BUREAU OF LAND MANAGEMENT (BLM)

ARMY CORPS OF ENGINEERS (ACE)

CANNON AIR FORCE BASE (CAFB)

HOLLOMAN AIR FORCE BASE (HAFB)

KIRTLAND AIR FORCE BASE (KAFB)

WHITE SANDS MISSILE RANGE (WSMR)

FORT BLISS MILITARY RESERVATION (FBMR)

BUREAU OF INDIAN AFFAIRS, SOUTHWEST REGION (BIA)

BUREAU OF INDIAN AFFAIRS, NAVAJO REGION

ALL INDIAN PUEBLO COUNCIL (AIPC)

ZUNI TRIBAL COUNCIL (ZTC)

NAVAJO NATION

UTE MOUNTAIN TRIBAL COUNCIL (UMTC)

JICARILLA APACHE TRIBAL COUNCIL (JATC)

MESCALERO APACHE TRIBAL COUNCIL (MATC)

NATURAL RESOURCES CONSERVATION SERVICE (NRCS)

NEW MEXICO ASSOCIATION OF RESOURCE CONSERVATION

AND DEVELOPMENT COUNCILS (NMARC&D)

NEW MEXICO ASSOCIATION OF CONSERVATION DISTRICTS

(NMACD)

FARM SERVICE AGENCY (FSA)

U.S. GEOLOGICAL SURVEY (USGS)

AGRICULTURAL RESEARCH SERVICE (ARS)

JORNADA EXPERIMENTAL RANGE

ENVIRONMENTAL PROTECTION AGENCY (EPA)

# For Coordinated Resource Management (CRM) in New Mexico

NM STATE UNIVERSITY COOPERATIVE EXTENSION SERVICE (CES)

NEW MEXICO STATE LAND OFFICE (SLO)

NEW MEXICO ENVIRONMENT DEPARTMENT (NMED)

NEW MEXICO DEPARTMENT OF AGRICULTURE (NMDA)

NEW MEXICO GAME AND FISH DEPARTMENT (NMGFD)

NEW MEXICO STATE HIGHWAY AND TRANSPORTATION

DEPARTMENT (NMSHTD)

NM ENERGY, MINERALS AND NATURAL RESOURCES

DEPARTMENT (EMNRD)

NEW MEXICO DEPARTMENT OF TOURISM (NMDT)

NEW MEXICO SOIL AND WATER CONSERVATION COMMISSION



# **PURPOSE**

To facilitate on the ground results, this New Mexico Memorandum of Understanding (MOU) for Coordinated Resource Management (CRM) may be used to promote the exchange of ideas and management strategies to address locally driven issues. CRM provides a mechanism for government agencies, nongovernmental organizations, and local affected interests to foster communication, cooperation and coordination in developing and implementing sound resource management and conservation programs where objectives are of mutual concern are identified. <sup>1</sup>

Definitions applicable to this MOU can be found in Appendix I.

To facilitate CRM, for reference purposes, the rolls and responsibilities of the participating state and federal agencies are listed in Appendix II.



# **STRATEGIES**

<sup>&</sup>lt;sup>1</sup> This MOU is intended to supplement existing MOUs between and among agencies, tribes and pueblos, conservation districts and local governments for coordination of resource management in New Mexico.

<sup>&</sup>lt;sup>2</sup> This MOU supplements the national CRM MOU dated July 1987, between the Extension Service; Soil Conservation Service; Forest Service (USFS), United States Department of Agriculture (USDA); and the Bureau of Land Management (BLM), United States Department of Interior. This MOU supercedes the New Mexico MOU of 1985, which added the Commissioner of Public Lands, who oversees the New Mexico State Land Office. This MOU also supercedes the Supplemental MOU, dated June 1990, among the State Director, Bureau of Land Management; State Conservationist, Soil Conservation Service; Regional Forester, Southwestern Region Forest Service; Commissioner of Public Lands, State of New Mexico; and Extension Service Director, State of New Mexico.

- 1. Recognize that the lands and natural resources administered by the parties to this agreement are part of larger ecosystems that transcend management responsibilities and ownership boundaries.
- 2. Recognize that effective management of New Mexico's lands, natural resources and ecosystems requires cooperation between many federal and state agencies, conservation districts, tribes and pueblos, local governments, and private landowners.
- 3. Acknowledge the significance of local objectives and resource concerns in the management and use of resources.
- 4. Promote collaborative decision-making where land ownership, resource management responsibilities and technical assistance responsibilities are intermingled, or where coordination is essential to develop and implement sound resource management (See Appendix II for roles and responsibilities of each signatory to the MOU).
- 5. Recognize that an affected interest may request agencies to work together on resource planning decision-making and issues management.
- 6. Encourage agencies to work together on resource planning, decision-making and issue management to promote complimentary policies, procedures and methodologies where possible.
- 7. Encourage coordination of methods in data collection and monitoring and the use of resource information for making scientifically based adaptive management decisions.
- 8. Encourage collaboration and communication among agencies, landowners, land users and other stakeholders before decisions are made which may affect the use and management of lands and resources.



# **IMPLEMENTATION**

The following groups and their respective responsibilities are established to implement CRM in New Mexico:

### **EXECUTIVE GROUP**

- 1. The Executive Group is made up of participating signatory agency executives (or their designee with full authority) who are responsible for administering the resource management activities for their agency in New Mexico.
- 2. The Executive Group is responsible for insuring that cooperation among agencies and other groups exists for the benefit of New Mexico's natural resources. They are responsible for insuring that personnel at all levels of their organizations are knowledgeable of, and adhere to, the purpose, objectives and scope of this agreement.
- 3. The Executive Group will meet at least annually and, at a minimum, review accomplishments and strategies for information sharing. Each annual meeting will be set and hosted as mutually agreed by the participants of the previous meeting.
- 4. The Executive Group will be supportive and responsive to the Field Groups and any designated Special Working Groups by acting upon and providing timely feedback to submitted reports, requests for assistance and proposed actions.

#### FIELD GROUPS

- 1. Field Groups are established on the basis of locally-defined and/or time-limited opportunities, issues, or needed projects.
- 2. Any affected interest may request the initiation of a Field Group to address a natural resource issue or problem of mutual concern to the stakeholders.

- 3. Upon their determination of a CRM issue, the agency (ies) having management authority over the issue will establish the Field Group. Field Groups are made up of stakeholders such as: field staff from appropriate agencies, conservation districts, private landowners, tribes and pueblos, land users and other affected interests within a project area. Participants involved in each Field Group will vary depending on land ownership, administrative responsibilities and interests.
- 4. Field Groups will formally meet, as needed.
- 5. Field Groups will report on the status of their projects and activities at the annual meeting of the Executive Group.

#### SPECIAL WORKING GROUPS

- 1. When a State-wide or long-term issue is identified, the Executive Group may establish and appoint representatives of their respective agencies to a Special Working Group. The Executive Group may invite others to participate in the Special Working Group as appropriate.
- 2. The Special Working Group will address resource related issues and problems involving the need for a process of conflict resolution and public involvement at the field level, which are beyond the traditional scope of the Field Groups.
- 3. The Special Working Group will keep the Executive Group informed of progress and recommendations as they are developed.



# MODIFICATIONS TO THIS AGREEMENT

This agreement can be modified in writing upon the consent of all parties.



# **DURATION OF THIS AGREEMENT**

This MOU expires January 1, 2005, at which time it will be subject to review, revision, renewal, or expiration. The continued participation of any party to this agreement is subject to cancellation at any time, upon written notification.



# FINANCING

Any projects undertaken as the result of this MOU and any amendment thereto will be subject to the laws, policies and funding provisions governing these parties.

Nothing herein shall be construed as obligating the parties to expend funds, or be involved in any contract to other obligation for the future payment of money in excess of legal appropriations which are authorized and allocated for these purposes.



# **AUTHORITIES**

Federal agencies that are parties of this agreement are required by the policies of the National Environmental Policy Act (NEPA) to ensure that environmental impacts receive full consideration during the planning process. Procedures for environmental assessment and preparation of environmental documents required for compliance with NEPA, where applicable have been developed by each agency.

The program conducted will be in compliance with the Endangered Species Act (ESA) and related implementation regulations. Nothing in this MOU precludes the Military Services to address emerging complex or controversial resources management issues at the major command or Headquarters levels. These issues may include the ESA Section 7 informal and formal consultations, listing of new threatened and endangered species, and the designation of new critical habitat

The program conducted will be in compliance with the nondiscrimination provisions as contained in the Titles VI and VII of the Civil Rights Act of 1964, as amended, the Civil Rights Restoration Act of 1987 (Public Law 100-259) and other nondiscrimination statutes, namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination in Employment Act (ADEA) of 1967, as amended, and in accordance with regulations of the Secretary of Agriculture (7 CFR-15, Subparts A & B), which provide that no person in the United States shall, on the grounds of race, color,

national origin, age, gender, religion, marital status, or handicap be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, receiving federal financial assistance from any agency hereof. Under Authorization: Article XV, Section 1 of the New Mexico Constitution and New Mexico statutes 76-1-1 through 76-1-3 NMSA 1978, authorizes the Director of New Mexico Department of Agriculture to represent agricultural interests in New Mexico.

Nothing in this MOU shall be construed as:

- 1. Limiting or affecting in any way the authority or legal responsibility of the signatories, or as binding either the state or the federal agencies, other organizations or individuals entering into this MOU, to perform beyond the respective authority of each, or to require any of the parties to assume or expend any sum in excess of appropriations or monies available.
- 2. Precluding signatories from exempting information considered confidential.
- 3. Precluding individual ranch or farm operators from requesting additional state participation, or participation by other parties.

Each provision of this MOU is subject to the laws and regulations of the State of New Mexico, and the laws of the United States and the regulations of each of the various departments and agencies signed hereto.

Amendments to this MOU may be proposed by any party, and shall become effective upon approval by a majority of the parties having signed this Memorandum.

#### APPENDIX I

#### DEFINITIONS

Affected Interests - individuals that will be impacted by proposed decisions or projects.

Agencies - an administrative division of a government, federal, state, or tribal.

Landowner - possessor of land whether governmental or private.

Land User - Individuals that use federal, tribal, state, county or municipal land such as lessees or permittees.

Private Landowner - possessor of fee simple title land.

Participants - signatories and those who participate in Field Group undertakings.

Participating Agency - governmental bodies that are signatories of this agreement.

Project Area - the particular scope of operation of a Field Group undertaking.

Signatories - a signer bound with others by a signed agreement.

Stakeholder - those who have an interest in an undertaking of a Field Group.

#### APPENDIX II

#### ROLES AND RESPONSIBILITIES

The roles and responsibilities of participating agencies may include but are not limited to the following:

- 1. The US Forest Service (USFS) manages the national forests and national grasslands to provide a sustainable supply of water, wood, forage, minerals, wildlife habitat, and outdoor recreation experience for the American people. The USFS also conducts research, assumes a leadership role in protecting the nation's forests from wildfire, insects, and disease, and provides technical and financial assistance to state and private forestry agencies.
- 2. The National Park Service promotes and regulates the use of the national parks, whose purpose is to conserve the scenery, the natural and historic objects, and the wild life therein, and to provide for the enjoyment of the same, in such a manner and by such means, as will leave them unimpaired for the enjoyment of future generations.
- 3. The Bureau of Reclamation manages water related resources west of the Mississippi River. Their mission is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.
- 4. The U.S. Fish and Wildlife Service is the principal Federal agency responsible for conserving, protecting and enhancing fish, wildlife and plants and their habitats for the continuing benefit of the American people. The Service manages the 94-million-acre National Wildlife Refuge System, which encompasses more than 535 national wildlife refuges, thousands of small wetlands and other special management areas. It also operates 70 national fish hatcheries, 64 fishery resource offices and 78 ecological services field stations. The agency enforces Federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign governments with their conservation efforts. It also oversees the Federal Aid program that distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to state fish and wildlife agencies.

- 5. The Bureau Land Management (BLM) is responsible for managing the nation's public lands and natural resources. It is the mission of the BLM to sustain the health, diversity and productivity of the public lands for the use and enjoyment of present and future generations.
- 6. The Department of Defense (DOD) mission is to support the military readiness of the United States armed forces, improve the quality of life for military personnel, and comply with environmental laws to protect human health and the environment. The base commanders of Cannon Air Force Base (AFB), Holloman AFB, Kirtland AFB, White Sands Missile Range, and Fort Bliss Military Reservation are each responsible for carrying out the DOD mission within the jurisdiction of their respective commands.
- 7. The U.S. Corps of Engineers, Albuquerque District (Corps), is responsible for flood damage reduction in New Mexico, and as such, operates Abiquiu, Cochiti, Jemez, Galisteo, Conchas, Santa Rosa, Two Rivers, Navajo and Fort Sumner dams. The Corps manages land resources at the first 7 of these 9 reservoirs. The Corps also has authority for ecosystem restoration, environmental restoration, emergency streambank and shoreline protection, watershed assessments, the Section 404 Regulatory Program, and emergency preparedness, response and recovery."
- 8. The Bureau of Indian Affairs has a trust responsibility emanating from treaties and other agreements with federally recognized Indian tribes to enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of Indian tribes.
- 9. The Natural Resources Conservation Service (NRCS) is a federal agency that works in partnership with the American people to conserve natural resources on private lands, and other non-federal lands, through scientific and technical expertise, and through partnerships with conservation districts and others.
- 10. The New Mexico Association of Resource Conservation and Development Councils (NMARC&D) are nonprofit organizations that utilize the skills and resourcefulness of their members to provide leadership and support for efforts intended to improve and conserve the state's natural resources, and to enhance the standard of living for citizens of New Mexico.
- 11. The New Mexico Association of Conservation Districts (NMACD) represents the soil and water conservation districts in New Mexico, which are legal subdivisions of the state of New Mexico. Conservation districts

- provide locally led leadership and assist agencies, farms, ranches, and private individuals in determining priorities for conservation work.
- 12. The Farm Service Agency mission is to stabilize farm income, help farmers conserve land and water resources, provide credit to new or disadvantaged farmers and ranchers, and help farm operations recover from the effects of disaster.
- 13. The U.S. Geological Survey provides the nation with, reliable, impartial information to describe and understand the earth, to minimize loss of life and property, manage water, biological, energy, and mineral resources, enhance and protect the quality of life, and contribute to wise economic and physical development.
- 14. The Agricultural Research Service (ARS) is the research arm of the USDA. The ARS provides access to agricultural information and develops new knowledge and technology needed to solve technical agricultural problems of broad scope and high national priority. The Jornada Experimental Range is a field station of the ARS and operates in cooperation with New Mexico State University.
- 15. The Environmental Protection Agency mission is to protect human health and to safeguard the natural environment. Their purpose is to ensure clean air, clean water, safe food, pollution prevention, and better waste management.
- 16. The Cooperative Extension Service works to enhance agriculture, the environment, the natural resource base, family and youth well being and the development of local communities. They accomplish this mission by the integration, dissemination, and application of knowledge in agricultural and life sciences.
- 17. The New Mexico State Land Office mission is to be the nation's model for state trust land management, providing current and future revenues to our beneficiaries, and ensuring the long-term health and productivity of the state trust lands for future generations of beneficiaries.
- 18. The New Mexico Environment Department's (NMED) mission is to provide the highest quality of life throughout the state by promoting a safe, clean, and productive environment. NMED is responsible for air quality, water quality, and waste management in New Mexico for present and future generations.

- 19. The New Mexico Department of Agriculture is a regulatory agency charged with the implementation of over 30 laws passed to serve the agricultural industry and to provide consumer service. The department is under the jurisdiction of the New Mexico State University Board of Regents and as an agent of the board, fulfills responsibilities assigned to the department by the legislature. Headquarters for the department are located on the New Mexico State University campus in Las Cruces, NM. The director/secretary of the department is a member of the Governor's Cabinet and is designated by statute as the Secretary of Agriculture.
- 20. The New Mexico Game and Fish Department works to provide and maintain an adequate supply of wildlife and fish within the state of New Mexico by utilizing a flexible management system that provides for their protection, propagation, regulation, conservation and for their use as public recreation and food supply.
- 21. The New Mexico Highway and Transportation Department mobilizes its resources to plan, develop, maintain, improve and otherwise facilitate a high quality state transportation network. The department recognizes the importance of mobility for New Mexicans and visitors alike.
  Transportation is a key element in enhancing the quality of life for all citizens and is an essential ingredient in the economic development process. Highways, railroads, public transportation and aviation are all identified as unique but complementary components of the state transportation network.
- 22. The mission of the Energy, Minerals and Natural Resources Department (EMNRD) is to provide leadership in protection, conservation, management, and responsible development of New Mexico's renewable and non-renewable natural resources:
  - a. The Mining and Minerals Division administers coal and hard rock mining related programs.
  - b. The Forestry and Resources Conservation Division (FRCD) encourages multiple use concepts of natural resource management, protection and preservation of unique ecosystems and endangered species, and wildfire management on all lands except those owned by federal agencies, or located within municipal boundaries.
  - c. The Oil Conservation Division (OCD) regulates almost every aspect of the oil and gas industry in the state.

- d. The Parks and Recreation Division (PRD) maintains, manages and supervises 32 state parks and recreation areas. The Park and Recreation Division's public service obligations include law enforcement, boating safety, facility construction and maintenance, water treatment and utility services for a large visitor population. PRD also supervises concessionaires operating businesses with the parks, administers a lease lot program and encourages and stimulates community interest for the parks.
- e. The Energy Conservation and Management Division plans, administers, reviews, provides technical assistance, maintains records and monitors state and federal energy conservation and alternative energy technology programs.
- f. The Youth Conservation Corps (YCC), which is administratively attached to this department, was created in 1992 to provide a program to employ young persons in public projects that conserve New Mexico's natural resources and provide community benefits of lasting value.
- 23. The mission of the New Mexico Department of Tourism is to promote New Mexico as a travel destination domestically and abroad. It accomplishes this through several promotional programs.
- 24. The New Mexico Soil and Water Conservation Commission provides the primary responsibility of administrative, financial, education and other assistance to soil and water conservation districts.



# APPROVED

Haw Frigge	6/5/03
Harv Forsgren, Regional Forester Southwestern Region Forest Service	Date
Raren Wade, Director-Intermountain Region National Park Service	Date
Jai Ach	6/5/03
Maxey, Manager, Upper Colorado River Bureau of Reclamation	Date
A Dale Half	6/5/03
H. Dale Hall, Regional Director, Region 2 US Fish and Wildlife Service	Date
Linda Rundell, New Mexico State Director Bureau of Land Management	10/13/09 Date
	1
Dana, Hurst, LTC District Engineer	Date

Robert Perry, President New Mexico Association of Resource Conservation and Development Councils
Eddie Vigil, President New Mexico Association of Conservation Districts  Date
Rick Lopez, Executive State Director  Farm Service Agency  Date
Larry Ludke, Regional Biologist U.S. Geological Survey
Kris Havstad, Director-Jornada Experimental Range Date Agricultural Research Service
Lawrence Starfield, Acting Regional Administrator Environmental Protection Agency

Colonel Robert Yates Cannon Air Force Base	Date
Brigadier General (Sel) James P. Hunt Holloman Air Force Base	5 Ju 2003 Date
Dov Colonel Kathleen D. Close Kirtland Air Force Base	5 Jene 200.  Date
Ronnie J. Hickok, Garrison Manager White Sands Missile Range	Date
Colonel Thomas Trumps, Garrison Commander Fort Bliss Military Reservation	STUNE 03 Date
wRob/Baracker, Regional Director Bureau of Indian Affairs, Southwest Region	5 Jul 03 Date
Elouise Chicharello, Regional Director Bureau of Indian Affairs, Navajo Region	Date

	Bill Richardson, Governor New Mexico	06.05.03 Date
*	Robert O. Coppedge, NMSV Interim Associate De and Director New Mexico Cooperative Extension	ean Date Service
	Patrick H. Lyons, Commissioner New Mexico State Land Office	6/5/03 Date
	Frank A. DuBois, Director/Secretary New Mexico Department of Agriculture	Date
	Chairman New Mexico Soil and Water Conservation Commi	5Jun 63 Date

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Amadeo Shije, Chairman All Indian Pueblo Council	Date
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*	
Arlen Quetawki Sr., Governor Zuni Tribal Council	Date
	8
loe Shirley, President Navajo Nation	Date
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Harold D. Cuthair, Vice-Chairman Ute Mountain Tribal Council	Date
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Claudia Vigil-Muniz, President licarilla Apache Tribal Council	Date
X	
Sara Misquez, President Mescalero Apache Tribal Council	Date
· Corenda In	June 3, 20
Rosendo Trevino, III, State Conservationist	Date

Natural Resources Conservation Service

#### MEMORANDUM OF UNDERSTANDING

For

## Coordinated Resource Management For New Mexico

"Purpose: To facilitate on the ground results, this New Mexico Memorandum of Understanding (MOU) for Coordinated Resource Management (CRM) may be used to promote the exchange of ideas and management strategies to address locally driven issues. CRM provides a mechanism for government agencies, non-governmental organizations, and local, affected interests to foster communications, cooperation and coordination in developing and implementing sound resource management and conservation programs where objectives of mutual concern are identified."

The expiration date is extended indefinitely.

I. Miley Gonzalez

New Mexico Department of Agriculture

/<u>5</u>//3/06 Date

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For

Coordinated Resource Management (CRM)

For: New Mexico

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Richard E. Greene

Regional Administrator

Region 6, Environmental Protection Agency

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Regional Director,

Southwest Regional Office Bureau of Indian Affairs

11-21-06

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Linda Rundell

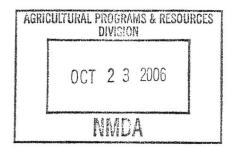
Bureau of Land Management

Date

10/24/06

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Benjamin N. Tuggle, Ph.D.

U.S. Fish and Wildlife Service

Date

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Joanna Prukop

Energy, Minerals and Natural Resources Department

09.29.06

Date

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Paul Gutierrez

New Mexico Cooperative Extension

Date

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Kris Havstad

Jornada Experimental Range

October 11, 2006

Date

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Lt. Colonel B.A. Estok

District Commander Albuquerque District

U.S. Army Corps of Engineers

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