

**RIO BONITO
RIO BONITO ACQUIRED LANDS**

**FINAL
ACTIVITY PLAN**

Bureau of Land Management

Roswell Field Office

NM-060- 2004-127

December 2004



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Pecos District
Roswell Field Office
2909 West Second Street
Roswell, New Mexico 88201-2019



IN REPLY REFER TO:
8011 (051000)

December 21, 2004

Dear Public Land User:

The Pecos District, Roswell Field Office of the Bureau of Land Management has completed the final version of the activity plan for the Rio Bonito Acquired Lands (RBAL). The Roswell Field Office will use this plan as the basis for management of resources within the RBAL.

Management of the RBAL was first outlined in the 1997 Roswell Resource Management Plan (RMP). This outline can be found in Chapter 1 of this plan. Development of this activity plan began on January 18, 2002 when the Field office formed a Planning Team made up of interested members of the public and BLM specialists. The plan was an open collaborative process between the BLM and private parties that showed an interest in assisting in writing the plan. All meetings were held in the Lincoln Community Church in the Village of Lincoln. The first seven months was spent in the scoping process gaining information from the participants in monthly meetings, on what they wanted and did not want in the plan. A draft plan was developed from the scoping sessions and this final plan was the out come of the process.

The BLM Planning Team under the direction or Field Office Manager Edwin L. Roberson and Associate Field Office Manager Timothy R. Kreager oversaw the planning process. The citizen Planning Team developed the management issues, objectives and methods to achieve the objectives within the plan. These issues unfolded during the planning sessions and were placed in the plan as management tools. The final draft was released for a 90-day public comment period that began on August 15, 2004 and ended on November 15, 2004. The comments on the plan and responses are included in Appendix 4.

The activity plan is neither the end of environmental analysis nor the end of public involvement for activities within the Rio Bonito Acquired Lands. Many of the individual projects will need further analysis with public review and comment.

Questions regarding this activity plan should be directed to Paul Happel at (505) 627-0203. E-mail should be addressed to www.paul_happel@blm.gov.

Sincerely,

-SS-
Larry Bray
Acting Field Office Manager

DECISION RECORD

Decision: I have reviewed this proposed action and have determined that the project is in conformance with the approved land use plan. Therefore, no further environmental analysis is required. It is my decision to implement the activity plan for the Rio Bonito Acquired Lands. Any comments made to this proposed plan were considered and any necessary changes have been incorporated into the activity plan.

Any person who is adversely affected by a final decision of the authorized officer may file a written appeal to the final decision for the purpose of a hearing before an administrative law judge under 43 CFR 4.470. A period of 30 days after the decision becomes final is provided to file and petition for stay of the decision of this office.

_____-SS-_____
Timothy R. Kreager
Assistant Field Office Manager - Resources

December 21, 2004
Date

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CHAPTER ONE

MANAGEMENT GOALS

Established in the 1997 Roswell Resource Management Plan (RMP), the goals of managing the Rio Bonito Acquired Lands (RBAL) are to manage the public lands to support the goals of Lands and Reality Management, Outdoor Recreation Management, Interpretation, Livestock Grazing as a tool, Vegetation Management, Off-Highway Vehicle Management, Visual Resource Management, Surface Water Management, Wildlife Habitat Management and other specific management as listed in the RMP. Other specific wording used in the RMP to describe management goals will be placed where appropriate in this document.

PLANNING TEAM

To resolve the conflicts and challenges between existing resources and their uses, the Bureau of Land Management (BLM) sought community involvement to assist in the development of an implementation plan for the RBAL. This Plan details the outline for the RBAL found in the 1997 RMP. Detailed project plans for the RBAL must conform to this Plan and the RMP.

This Plan was an open collaborative process between the BLM and private parties having an interest in assisting in the writing of a plan for the four tracts, which encompassing 1,100 acres of land within the Lincoln Valley. The participating group met with the BLM in open public meetings in the town of Lincoln at regular intervals to accomplish the writing and review of the Plan through its final format and signature phase. All meeting notes and meeting schedules were sent to the local media to assist them in informing the general public. The final Plan will be implemented over a time period set by the BLM and the participants, as funding allows.

INTERESTED PARTIES AND BLM PARTICIPANTS

An up to date list of people who are currently on the mailing list are in Appendix 1. Names that do not appear on the list were deleted because of the return of mailings from the post office or because people have requested to be deleted from the mailing list.

PLANNING PROCESS

The BLM announced its intention to develop an Activity Plan for the RBAL on February 4, 2002, through local and regional media outlets. After a lengthy scoping process covering seven months and seven public meetings, the BLM, with the assistance of the participants produced a draft Plan.

During the scoping process the participants and BLM agreed on 26 management prescriptions. These were developed into 26 management issues and from these issues, the participants

developed the management challenges for the RBAL. Actions were also developed from discussions with the participants. Management and on-the-ground projects are designed to implement the Goals and Objectives and will take place as funding allows. The impacts of the projects will be analyzed in environmental assessments that will tier off this activity plan.

CUSTOM AND CULTURE

In the spirit of custom and culture of Lincoln County, the BLM had several meetings with the residents of Lincoln County beginning in January of 2002. From these meetings the BLM was able to glean what the people would like and what they would not like to see in the development of the activity plan for the RBAL. All meetings were held in the evening in the town of Lincoln at the Lincoln Community Church which is a local neutral gathering place for Lincoln. This process is termed a scoping process under the National Environmental Policy Act (NEPA). After the scoping (public participation) process, the BLM developed a Draft and Final Activity Plan fulfilling its obligation to NEPA for the public participation and comments.

THE 1997 ROSWELL RESOURCE MANAGEMENT PLAN ISSUES AS THEY PERTAIN TO THE RIO BONITO RBAL

All page citations in this section refer to the 1997 Roswell Resource Management Plan (RMP).

Oil and Gas Leasing

Oil and gas leasing restrictions for hydrocarbon potential was not found to be applicable within the RBAL (page 5).

Mineral Leasing

The BLM did not acquire the mineral rights to these lands. (page 18).

Saleable Minerals Management

The BLM did not acquire the mineral rights to these lands. (page 20).

Right-of Way Exclusion Areas

The area will be excluded from major projects such as electric transmission lines; pipelines 10 inches in diameter or larger, communication lines for interstate use and federal and state interstate highways (page 22).

Retention of Lands

Once land is acquired by the BLM, it is retained (page 25).

Acquisition of Lands

Lands requested for acquisition within the Lincoln RBAL are as follows (Appendix 6):

New Mexico State Land:

T.10S., R.16E., Section 2 E ½ NW1/4, 80.00 Acres.

T.10S., R.16E., Section 2 NE 1/4 SW 1/4 40.00 Acres.

T.10S., R.16E., Section 2 NE 1/4 SW ¼

Livestock Grazing Management

Livestock grazing on the RBAL will be considered during the development of a management plan (this plan) for the area, to determine if grazing should occur and under what conditions it would be allowed. Grazing preference will not be established and grazing will be used as a tool to accomplish the objectives of the management plan (page 31).

Riparian-“Wetlands” Community

Vegetation management of the RBAL will be developed under specific Ecological Range Site Goals, which will include agriculture crops established on existing tillable acreage using water rights obtained with the acreage. Crops, including apple orchards, and tame pasture species such as hay, winter wheat, fescues, and orchard grass, will be selected for use by wildlife. Native trees and shrubs may be planted as nursery stock for transplanting on public lands elsewhere in the Rio Bonito Valley (page 60).

Livestock grazing or other types of vegetative manipulation will be allowed if excess forage is available in late winter or early spring. Livestock grazing will be managed on the RBAL land so that a minimum of 55 percent of annual plant production will remain for plant community maintenance and wildlife use (page 37).

Cultural and Paleontological Resource Management

Cultural inventory surveys will continue to be required for federal actions involving surface disturbing activities except where criteria to exempt surveys are met. Any will be managed according to the management principals of the Roswell RMP (page 40).

Outdoor Recreation Management

The RBAL will be designated as a Special Recreation Management Area (page 43).

Land acquired along the RBAL Lincoln (Tracts 1-4) will be managed for low intensity recreation use. All low-intensity recreation activities, including hunting, will be considered during the development of a site-specific management Plan (this plan). Recreation activities that will be emphasized are fishing, nature viewing, and non trail hiking. The development of two small day-use areas on Tracts 1 and 4 will be considered. Development at these sites will include graveled access roads and parking areas (page 44).

Interpretation

Tools used to accomplish the interpretive objectives may include: Interpretive trails, exhibits, literature, waysides, environmental education, special populations programs, visitor and information stations, auto tours, guided walks and the use of volunteers as docents. (page 21). Table 21 lists the RBAL as a Special Management Area and proposes an interpretive theme of life in the Bonito Valley.

Off-Highway Vehicle (OHV) Management Designations in the Roswell Resource Area

The RBAL (tracts 1-4) will have designated roads and trails for OHV use to protect riparian values (page 50).

Visual Resource Management (VRM)

The goal of the RMP is to manage public land to protect and maintain the quality of scenic (visual) values of these lands, while allowing for livestock grazing, mineral development and production, and other uses (page 52).

The VRM class for the RBAL is Class III. This class states that any action should contrast to the basic elements caused by a management activity. The activity may be evident and begin to attract attention to the landscape. The activity changes, however, should remain subordinate to the existing landscape (RMP, Glossary).

Water Rights Management

The goal is to protect existing public land water supplies, which include state appropriated water rights, comply with state water law to acquire, establish beneficial use, and perfect water rights needed to carry out multiple-use management (page 56).

Wildlife Habitat Management

Transplant wild turkey at Fort Stanton and the RBAL (page 58)
Acquire 279 acres of state land in T.10S., R.16E., Section 2 (page 58)

Fisheries and Aquatic Habitat Management

Construction of streambank stabilization structures, fish habitat structures, native riparian plantings, riparian pastures, saltcedar control, and spring and drainage protection could be allowed for the Rio Bonito, Salado Creek and Pecos River (page 60).

Prescribed Fire

Prescribed fire ignited by the BLM will be conducted, including the re-treatment of acreage previously burned, when conditions are appropriate (page 61). See also Fuels Management Plan for the Rio Bonito Valley.

ISSUES NOT CONSIDERED IN THIS PLAN

Minerals Resources

BLM did not acquire the mineral resources with the RBAL. Therefore, the mineral resources will not be reviewed in this final plan.

ISSUES THAT WERE CONSIDERED AND RESOLVED DURING THE SCOPING PROCESS.

Off Highway Vehicle Management, Road Condition and Access

Under the Roswell RMP of 1997, the designation for the RBAL is “limited to designated roads and trails”. This means, if a road or trail is established (designated) by BLM in the RBAL, travel off of the designated roads and trails will not be allowed. During the scoping process it was determined that all four parcels will be permanently closed to off-highway vehicles, except for authorized use.

All types of vehicles will be restricted to U.S. Highway 380, pull off locations, parking lots and other areas designated for vehicle parking along the four parcels. Authorized persons repairing a fence, water line, ditches or having other legitimate uses will be allowed vehicle access to the area.

Camping Within the Area

Visitors have requested areas for camping on public lands in the past. Through the planning process participants discussed the possibility of camping within the RBAL and it was determined during the scoping process that overnight camping will not be allowed on any of the four tracts.

Law Enforcement

The BLM has the primary responsibility for providing law enforcement on public lands. As visitation increases vandalism also increases. The more people using the area, the more likely interaction and challenges occur. Current staffing and funding levels allow for one BLM Law Enforcement Ranger to manage approximately 1.5 million acres of public lands within the Roswell Field Office. With the potential of opening additional lands such as the RBAL and increased use at Fort Stanton, additional law enforcement may be needed. The BLM will provide all law enforcement on the RBAL.

Visitor Use Fees

During the scoping/planning process it was decided that visitor use fees will not be charged on any of the parcels.

CHAPTER TWO

Management Prescriptions

Watershed Management

A properly functioning watershed is fundamental to many resource management concerns. When properly functioning, a watershed provides (1) effective use of precipitation, which benefits plant communities and wildlife habitat, enhances ground-water recharge and stream flows; (2) high-quality streamflow that provides benefits to fisheries, irrigation, recreation, and other uses; (3) stable soils that provide a medium for plant growth and prevent erosion and impairment of aquatic habitat; (4) a more aesthetic setting for recreation and general living within the land.

The quality and quantity of desired vegetation management along the Rio Bonito and adjacent uplands in the Lincoln Valley have influenced the overall health of the immediate watershed. Projects to improve watershed health in the upper portions of the watershed are being conducted on U.S. Forest Service lands, state lands, private lands, and at Fort Stanton ACEC. The BLM lands along the Rio Bonito can be broken up into two management areas, the first being the uplands, which includes hillsides, the benches above the river and old cultivated fields and the second the riparian and stream management areas.

Uplands

The primary action item to improve the upland areas will be the removal and control of junipers. The amount of control may vary due to topography, soils, and the actual location of the project. Steep hillsides may not need any juniper control. Old cultivated fields and grassland flats will be cleared to where only three to five larger junipers are left on a per acre basis. Screening trees will be left to lessen visual conflicts such as power-lines and other man-made items that do not blend with the aesthetics of the historic area. In some areas where non-indigenous trees such as Elm make up the majority of the plant community, these trees may be left until native plants and trees are established.

The Rio Bonito watershed is susceptible to severe long-term soil loss. Where excessive erosion is occurring (headcuts, drainages and water runoff from ditches and fields), construction of erosion, sediment and flood control structures such as rock gabions, water bars, and dikes may be constructed to mitigate these impacts. Slash from the removal of tree species may also be strategically placed in adjacent drainages to reduce erosion.

Agricultural Fields

Numerous cultivated fields exist throughout all the tracts (see maps for tracts 1-4). Currently these fields are comprised of shrubs, forbs and grasses that are not as desirable as other natives species that can grow on disturbed sites. Several of the fields within Tracts 1, 3 and 4 can be cultivated and enhanced by planting native perennial grasses or approved agricultural varieties.

Field preparation and maintenance will include the eradication of undesired forbs and grasses and the maintenance of irrigation ditches. A feasibility survey of ditches and fields will need to be completed prior to any improvements being made. Prescribed fire is a management tool that can be very beneficial to the health of the watershed. Prescribed burn plans will be completed on a case-by-case basis.

Riparian and Stream Management

The most important action item to improve the riparian area is the removal of saltcedar, Russian olive, elms and other undesirable species. Once these species are removed there may be an adequate amount of native vegetation to allow natural regeneration. If necessary, native cottonwood and willow species would be planted to increase plant composition. Maintenance and protection of native riparian tree species will be completed by trimming, thinning, and placing net wire around the bases of trees to prevent beaver damage.

Low water crossings that are negatively impacting stream functionality or are continuing to increase sedimentation may be modified to decrease these impacts.

The use of best management practices to minimize sedimentation as a cause of nonpoint source pollution is to preserve water quality in Rio Bonito surface waters.

The specific management goal for Tract 1 is to bring a previously irrigated field back to grass and eradicate existing weeds. The specific management goal for Tract 3 will be to irrigate only certain portions of the Blanchard Field due to rodent holes and other problems. Cactus control will be a priority in the Blanchard Field of Tract 3. Treatment of a portion of Tract 4 may include the removal of pinyon/juniper. There will be no specific management goals for Tract 2.

Riparian Habitat Management

A riparian area is an area of land directly influenced by permanent water with viable vegetation or physical characteristics reflective of permanent water influence. Lake shores and streambanks are typical riparian areas. Excluded are such sites as ephemeral streams or washes that do not exhibit the presence of vegetation depending upon free water in the soil.

Riparian areas are one of the most important ecosystems in the southwestern United States. The RBAL was acquired for its riparian, biological and recreational values. The overall goal is to improve the Rio Bonito and its riparian habitat. The goal for all tracts is to promote a vigorous healthy riparian community that slows down runoff, catches sediments, builds streambanks, and serves as a sponge for water release during low water flows.

Methods to achieve this objective are:

- Plant native riparian species such as willows, cottonwoods, and walnuts along those reaches of stream where saltcedars and other undesirable species are removed and there are not enough native species present.
- Allow beavers as a management tool in areas where they would not create a problem for private landowners.
- Build rock gabions or revetments along those banks of the Rio Bonito that are eroding and have little vegetation present to protect them.
- Avoid riparian habitats during the planning and construction of trails and utilize grazing as a management tool to reduce standing biomass and stimulate desirable forage species. This can be accomplished by setting seasons of use and duration and livestock numbers.
- Remove undesirable species and allow for water flows when appropriate.

Man-made riparian areas occur in old irrigation ditches. These ditches provide important wildlife habitat and a more natural screening feature. These ditches need improvement and maintenance to sustain the riparian vegetation and its value. Water impoundments also provide important riparian and wildlife habitat. Earthen tanks could be constructed in areas amenable to such a feature (Tracts 2 and 4).

Vegetation Management

Vegetation management of the RBAL is a priority, as it ties to watershed health and other resource values. The Rio Bonito tracts are highly visible to the public and the landowners in the Lincoln valley; subsequently, vegetation management is tempered by public interest. Exotics (such as saltcedar), invader, and introduced plant species have become major components of the plant community, leaving native species at a disadvantage. Nutrients and available water are consumed by excess and decadent plant material of all sizes. Where, how, and to what extent activities will be conducted to restore and improve the watershed conditions needs to be balanced with other objectives of the community.

Efforts to re-establish native vegetation species will be done on a case-by-case basis. Depending on the desired objectives for the tracts, projects will be evaluated and planned by a group of specialists who will determine the need to re-plant the target species.

Native plant nurseries provide a variety of tree species for re-planting, including a wide variety of native tree species. The BLM does not have a tree nursery or program for providing trees to the public at this time.

Methods to manipulate the vegetation on the acquired tracts include:

- Mechanical: A combination of chainsaws and other low impact mechanical methods such as rubber tired or tracked harvesters and rubber tired tractors cutting stumps close to the ground will be used.

- Herbicidal: The application of an approved herbicide will be used to treat stumps of saltcedar and juniper.
- Prescribed Fire: A two-stage application of prescribed fire will be necessary to successfully and safely treat project areas. In the first stage, all slash piles will be burned. The second-stage application will occur by broadcast burning small blocks of the land.
- Grazing: Grazing could be used as a sight specific management tool to suppress the fire danger within the tracts. Grazing would be accomplished on a high intensity short duration basis needed to control stands of grass that could carry a fire through an area.

Detailed descriptions of these methods, the best management practices, impact analyses, and target species can be found in the environmental analysis No. NM-060-2000-037, Lincoln Community Fuels Hazard Reduction Project. This document is available for public review at the Roswell Field Office.

Removing salt cedar will improve the water quantity and quality of the Rio Bonito but will take many years to accomplish. Finding funding sources and programs should be accomplished to make the removal of salt cedar a priority.

Costs of treatment during fiscal year 2002 - 2003 were as follows:

- Chainsaw cutting and chipping - \$600 to 800/acre.
- Chainsaw cutting, piling and burning of slash - \$750 to 900/acre.
- Mechanical cutting, piling and burning of slash - \$750 to \$900/acre.
- Cutting, herbicide treatment of stumps, piling and burning of slash - \$1,000/acre.
- Herbicide and prescribed burning - over \$1,000/acre.
- Grazing would depend on the duration of the time the animal was in the area

FIRE AND FUELS MANAGEMENT

Proper fire and fuels management would improve ecological conditions to change densities and types of vegetation present in the RBAL. Currently, the amount and arrangement of vegetation present in the area is such that should an ignition occur, catastrophic fire and severe loss of property would result.

Controlling unwanted vegetation on the RBAL should be accomplished within five to ten years, as funding allows. Vegetation treatment projects will include an aggressive maintenance schedule to insure that progress, in the form of completed vegetation projects, is not lost to re-growth and invasion of other unwanted species. While fuels reduction projects will reduce the hazards of wildfire, they will also support the goals of vegetation management, control noxious weeds, and provide opportunities for fuelwood production (See previous section, #3 Vegetation Management).

The Lincoln Community Fuels Hazard Reduction Project Plan limits prescribed burns to piles and old agricultural fields within the area. The old fields were once planted with crops and whether or not they would be returned to native vegetation after burning is unknown. Significant pre-and post-burn monitoring will need to be accomplished to ascertain whether these fields could be returned to native species without intervention. Detailed descriptions of burn methods, the best management practices for burning, and impact analyses can be found in the environmental analysis No. NM-060-2000-037, Lincoln Community Fuels Hazard Reduction Project.

In 2002 and 2003 BLM and its cooperators treated 105 acres of private land surrounding the RBAL. BLM spent \$102,000 in 2002 and \$138,000 in 2003 in fuels treatments in and around the acquired tracts.

Scoping discussions revolved around the ample opportunities for cooperation between BLM, the Lincoln Volunteer Fire Department, individual landowners, and the New Mexico Department of Forestry to improve and enhance the fire suppression readiness of the Rio Bonito valley. Specific comments included constructing sites where fire engines could draft water from the Rio Bonito and/or helicopters could use for a water supply.

Construction of these types of sites is not practical at this time. The quantity of water flow in the Rio Bonito is often not sufficient to supply a pond and, water inflow would not match the water that is removed. Such an operation would be impractical.

Other cooperative actions can be taken. Several locations along the Rio Bonito may facilitate drafting water for either fire engines or water tenders. These could be identified, agreements made with private property owners and facilities put in place. The Lincoln Volunteer Fire Department, with the cooperation of the New Mexico Department of Forestry, could pursue the option of purchasing portable water tanks that could be very efficient in supporting fire suppression efforts. BLM could support this option by aiding in training and pre-planning operation.

Construction of fire hydrants on existing irrigation pipelines to offset the present hydrants in the town of Lincoln was suggested. Most hydrant systems require significant water pressure in order to be effective for delivery of water for fire fighting. Irrigation pipelines normally do not have this pressure and would not be suitable for this purpose. The Village of Lincoln is currently seeking to up-grade the water storage and delivery system. Once completed the village should have an adequate water storage and delivery system and there may be opportunity to install dry hydrants along the Rio Bonito to enhance firefighting capabilities in the future.

In Tracts 1, 2, and 4 no fire hydrants are expected to be located outside of Zone A (within the Village of Lincoln). BLM, in cooperation with the Lincoln Volunteer Fire Department and the New Mexico Department of Forestry will locate possible sites where water could be drawn for fire protection in all four tracts.

Livestock Grazing Management

Livestock grazing within the RBAL acquired tracts is not authorized by the BLM under the Taylor Grazing Act on any of the acquired tracts and, therefore not subject to the traditional permits as on other public land within the BLM Roswell Field Office. Livestock use on the acquired tracts is not the primary activity, but will be used as one of the management tools for meeting the goals within the RBAL. This will improve the overall health and function of the watershed, while considering the balance between resource availability and sustainability.

The Roswell RMP acknowledges both positive and negative impacts of livestock grazing and the impacts associated with each alternative. As in the Ft. Stanton ACEC management plan, grazing management practices, tools and techniques can be used to aid in the recovery and maintenance of the riparian habitat. These methods, which are not exclusive, would assist the RBAL Management Plan in meeting vegetation management goals, while preserving the historical integrity of the area as well.

Livestock grazing is not authorized by the BLM on any of the acquired tracts. It is considered a viable tool for the manipulation of vegetation, ie, (reduction of heavy grass cover contributing to high fuel loading). Grazing will occur only under favorable forage conditions and if improvements such as fences are functional. It is not the intent of the BLM to issue grazing leases on these tracts. High intensity/short-duration grazing practices could be used in selected tracts to address the fuels reduction issue. More commonly, a light utilization level is the conservative approach to maintain the desired plant community. Moderate utilization levels can be prescribed based on growing season precipitation, production and season of use to meet management goals while maintaining the desired plant community. The various grazing prescriptions for each individual tract will maintain plant vigor and diversity, adequate ground cover and riparian health.

Vegetation management, riparian health, recreational opportunities, archaeological considerations, noxious weed inventory, and other elements will be considered by tract. Livestock grazing will be limited to certain locations within each tract and restricted to cattle only. BLM will monitor the before and after impacts of livestock each grazing period to determine whether the vegetation management goals have been met or not. Seasonal inspections by short-term monitoring will be scheduled for the purpose of determining forage availability, plant community structure and species composition. Use will be limited to the dormant season.

Determining who will graze their livestock will be limited to the landowner adjacent to the appropriate tract who is in the cattle ranching business only. BLM will also consider reciprocal agreements with adjacent landowners for maintenance of fences and water developments in exchange for short duration grazing use. Cooperative agreements will be developed between BLM and authorized grazers or adjacent landowners so that the use of the land can best benefit all parties and can be developed to its full potential. These cooperative agreements will be developed to delineate the responsibilities of BLM and authorized grazer. The responsibilities include, but are not limited to, range improvement maintenance such as fences, pipelines if

necessary and livestock/wildlife water troughs and tanks. Other specific livestock management practices will be developed between the operator and the authorized official as deemed necessary.

Wildlife and Fisheries Habitat Management

The following excerpt is from the 1997 Roswell Field Office RMP.

“Big Game/Upland Game Habitat Management: Maintain or improve habitat utilized by big game or upland game to provide sufficient quantity and quality of habitat (food, water, cover, space) necessary for population maintenance and expansion on public land, while providing for livestock grazing, mineral development and production, and other uses compatible with big game/upland game habitat management.”

Big game and upland game transplants or reintroduction on the RBAL will be conducted when cooperatively prescribed by the BLM and the NMDGF, following consultation and coordination with affected permittees or adjacent lessees and interested parties. Projected transplants or reintroduction include, but are not limited to, wild turkey at Fort Stanton and on the RBAL. Wildlife habitat will respond in a positive manner to the improvements made on a watershed basis. Those projects designed to improve ground cover, decrease junipers, improve riparian habitat, and reduce erosion will benefit most wildlife species. This benefit and improvement of habitat may result in increased wildlife populations, which may result in possible additional depredation of private lands from certain wildlife species. One of the major issues identified during the scoping meetings is how would the BLM handle hunting and what types of hunting would be allowed. This and the handling of depredation issues will be addressed in the Hunting section of this document. Careful consideration needs to be given to projects that are designed to improve habitat and increase wildlife abundance due to the potential conflict these animals may have on adjacent privately owned lands.

Elk transplants will not be conducted on the RBAL. Reintroductions or transplants may occur for mule deer, turkey and fish species once the habitat has improved to sustain such transplants. Any transplants conducted will be in cooperation, coordination and consultation with the NMDGF and local landowners.

Management of irrigation ditches, earthen tanks, and agricultural fields were also addressed in the watershed and riparian sections. The maintenance of irrigation ditches and cultivation of fields will result in improved wildlife habitat and potential big-game populations. Perennial grasses that do not require a substantial amount of water will be planted to improve wildlife habitat. The Little Rock field, Big Rock, field and the Orchard within Tract 1, the Blanchard field in Tract 3 and another large field in Tract 4 have potential to be improved.

Opportunities to view wildlife occur throughout all four tracts. Riparian areas harbor the greatest animal and plant diversity of any habitat throughout the area. With the development of designated hiking trails and improvement of wildlife habitat up and down the various tracts,

recreationists will have the ability to view and appreciate the diversity of wildlife along the Rio Bonito.

In Tract 1, BLM will develop a program in the orchard that provides food for elk and also produce apples. Tracts 2, 3 and 4 do not have specific management prescriptions at this time.

Visual Resource Management

VRM Classes are based on relative visual ratings of inventoried lands. Each class describes a different degree of modification allowed to the landscape in the basic elements of line, form and color. RBAL falls under the Visual Resource Management (VRM) Class III, under the 1997 Roswell Field Office RMP. Class III is the contrasts to the basic elements of line, form and color of the landscape. Class III is caused by a management activity that is evident and begins to attract attention in the landscape. The changes, however, should remain subordinate in the existing landscape. In other words, visual changes to the environment that begin to attract attention may be made, but the item should not dominate the landscape. For example, a roadside rest area or toilet facility would attract attention to the visual environment but would not overwhelm the visitors view of the area. Signing, trails and access roads can be placed in a Class III area but should blend into the environment and not be showy or gaudy.

VRM SENSITIVE AREAS:

The western portion of Tract 1 will be left natural in the riparian areas to protect and enhance wildlife by leaving the under story of plant life to visually enhance the area. The riparian and marsh area of the western portion of Tract 1 will become a Watchable Wildlife Area where it connects to the Fort Stanton ACEC. These areas are very VRM sensitive in what is allowed in this area. Watchable Wildlife Areas will be placed along the highway to allow the public to view wildlife, without disturbing it.

In Tracts 2-4 the riparian zone will be left natural to visually enhance the VRM of the area and also serve as watchable wildlife areas. Screening will be left along U.S. Highway 380 to visually enhance areas for the visitors' enjoyment and to support wildlife. Vegetation screening areas will be left within each parcel to allow visitors to feel shielded from other human elements of the area and to provide screening for private property owners. All VRM activities will conform to the Lincoln Historic Preservation Ordinance. NM-DOT will be contacted during the design phase of the highway construction update and re-alignment process for any vegetation leave out areas along the tracts. Highway enhancement funding for the visual resources of the area could be applied for through grants from NM-DOT. The map of VRM classes for the RBAL is located in Appendix 1.

Recreation Trail Potential/Designated Trails Hiking

Trails are a way of conveyance for the hiker, bicyclist, equestrian and other non-motorized vehicle user to enjoy the RBAL. Through the RBAL planning process the possibility of trails was discussed.

Trails can be an integral part of each tract within the RBAL. Developed trails will be clearly marked with uniform signing. Signing will conform to the Lincoln Historic Preservation Ordinance as amended. Trail brochures will be developed and placed at trailheads, various museums and public places in the town of Lincoln. Developed trails will be maintained to the U.S. Forest Service standards. Developed trails will have a tread width of 36 inches for one way trails and a 60-inch width to allow people to pass on two way trails.

Trails will be designed to blend with the environment and will follow the contour of the land. Erosion control will be accomplished by constructing trails along the contour of the land and making use of water bars where needed. The trails if constructed, will be designed to dump water off the outside edge of the trail to lessen erosion along the tread area. Walking trails will have a tread width of 36 inches for one way trails and 60 inches for two way trails. Grants will be used where possible to create and improve the trails within the area.

The BLM has requested the NM-DOT to consider construction of pull-offs at mile marker 100.9 in Tract 4. In addition BLM has requested acceleration and deceleration lanes leading to the field across from the Billy the Kid Pageant Grounds, using this area as a parking area and trailhead. The old wagon road behind the field across from the Billy the Kid Pageant Grounds could become a hiking, biking and equestrian trail as depicted in the attached map.

Equestrian trails will have a narrow tread width of approximately 36 inches and will be brushed out on both sides of the trail to allow riders an easy and safe passage through the area. Wagon roads will be eight or nine feet wide to accommodate the average wagon and be brushed out to a safe margin to provide safety to the drivers and passengers. Overhead limbs will be cut to maintain headroom of 16 feet to accommodate wagons and stagecoaches.

To offset the conflicts between pedestrian, equestrian, and mountain bike use, some trails will be designated for one-way travel. Some trail usage could be specifically designed for hiking only. The proposed trail behind the town of Lincoln connecting with the Tunstall Store, the Anderson Freeman Visitor Center and Museum, and the field across from the Billy the Kid Pageant Ground will be designated for hiking only.

Trailhead parking lots will be small in size to accommodate a small number of vehicles. In theory when the parking lot is full, people will use other areas and thus spread out the use to an area. Trailheads will be screened by vegetation to improve the VRM of the area. Twenty five percent of the trails within the four tracts will be accessible to all public.

Potential Trails by Specific Tracts

Tract 1 - Because of the confined area behind the Busy Bee “Rancho De Tores”, BLM will not develop an access trail from the Fort Stanton ACEC to the Apple Orchard. However, private land owners should be aware that without a developed trail, public land users are permitted access to the public land and may go wherever they desire as long as the user remains on the public land.

A hiking/equestrian/mountain bike trail will be developed from the Apple Orchard to Salazar Canyon. A small parking facility for less than five cars will be developed with the concurrence of the New Mexico Department of Transportation (NM-DOT) and the issuance of a driveway permit. The parking facility will be designed to restrict vehicles to within the established area.

Tract 2 - A trail system or trailhead in Tract 2 is unworkable due to the dissected nature of the area and the narrow northeastern portion of the area. The portion of the tract that extends along U.S. Highway 380 is not connected with the other tracts and will not lend itself to a trail system. The tract’s access to the U.S. Lincoln National Forest is limited due to the steepness of the terrain adjacent to the National Forest.

Tract 3 - Three hiking trailheads are possible in Tract 3 forming a loop trail that would link the Anderson Freeman Visitor Center, the Museum of New Mexico Tunstall Store and the field used as a parking area across from the Lincoln Pageant Grounds (see map). One combination equestrian/hiking/ mountain biking trailhead is possible in this tract. The trailhead and parking lot will be located in the field across from the Billy the Kid Pageant grounds. Because of the conformation of Tract 3, no trail use within the right of way for U.S. Highway 380 is expected. Trail access to the Smokey Bear Ranger District of the Lincoln National Forest is unlikely because of the steepness of the Forest Service lands adjacent to the RBAL. Physical access from hikers is possible but will not be encouraged (see attached map for details).

Trails within Tract 3 will be designated for hiking and mountain bike use. Mountain bikes will be allowed on the trail leading from the parking lot to the west side of tract 3. Only foot traffic will be allowed on the loop trail leading east out of the parking lot. Horse travel has always been a part of the historic use and Custom and Culture of this area. Wheeled horse drawn vehicles such as wagons and stagecoaches would be considered and authorized under a Special Recreation Permit (SRP). SRP’s containing general and specific stipulation will be issued to control the activity. Please see maps for details of the trails within the area. Volunteers will be used on all tracts to provide visitor use monitoring, trash collection, assistance and patrolling of the area.

Tract 4 – This tract offers the best potential for trail use of any of the four tracts. The BLM has asked the NM-DOT to reserve a turn-off with acceleration and deceleration lanes at mile marker 100.9. The proposed turn off will be constructed when U.S. Highway 380 is reconstructed. A combination hiking/equestrian/mountain bike/wheeled equestrian vehicle parking lot and trailhead will be constructed at that time to access Tract 4. A map of Tract 4 is attached to depict the trail system within the area. Access into the Smokey Bear Ranger District, Lincoln National

Forest would have to be through New Mexico State Lands in T10S., R.16E., Section 2, or access purchased from a willing private land owner. Access by foot through State lands is possible through agreement with these agencies but will not be pursued, due to the steep terrain. (See attached maps for details.)

Equestrian Use, Horses and Wheeled Conveyances

Equestrian use and wheeled conveyance play a historic part in the Lincoln Valley. This theme follows the custom and culture of the area by allowing access to people who live in the valley and the public land users who visit the RBAL. Travel along U.S. Highway 380 may not be possible due to the steep banks and the conflicting danger of vehicles using the highway. Travel from National Forest areas to the RBAL may not be feasible due to steep descents from the National Forest. Equestrian water along the RBAL will be supplied from the water rights owned by the BLM. Water will be diverted from the Rio Bonito through existing diversions. Wagon roads will be eight or nine feet wide to accommodate the average wagon and be brushed out to a safe margin to provide safety to the drivers and passengers. Overhead limbs will be cut to maintain a headroom height of 16 feet to accommodate wagons and stagecoaches. Access between the four tracts would be very difficult due to the intertwined private land.

Potential Equestrian and Wheeled Use by Tract

Tract 1 - Equestrian riders starting at the Horse Trails Wayside on State Highway 220 on the Fort Stanton ACEC could travel on existing trails to access Tract 1 and continue to the Salazar Canyon road and ultimately the Lincoln National Forest. The commenting public felt the privacy of the land owners in the Busy Bee “Rancho De Tores” area should be respected and decided to not have a formal trail within this area. However due to the public land status of this area, equestrians are free to negotiate the area at will. (see attached map).

Tract 2 - This tract may have very limited potential for equestrian and wheeled conveyance due to its configuration and the small land mass of the area. Landowners adjacent to the area may find the area advantageous to limited equestrian use (see attached map).

Tract 3 - The BLM has requested the NM-DOT provide an acceleration and deceleration lane at the four-acre field across from the Billy the Kid Pageant Grounds. This four-acre area will be used as a trailhead for equestrian and wheeled conveyance in this Tract. A trailhead at the four-acre field across the road from the Billy the Kid Pageant Grounds will be placed behind the field. Wheeled conveyance and equestrian use in this area will be authorized by a Special Recreation Use Permit. (see attached map).

Tract 4 - This area has potential for equestrian use due to its large size and relative rolling contours. During the preliminary stages of U.S. Highway 380 realignment process with the NM-DOT, the BLM requested a highway pull-off along U.S. Highway 380 at mile pose 100.9. This pull-off will be used as a staging area for equestrian, mountain bike and hiking use. The proposed trails in the area have been modified to allow equestrian and mountain bike use and

allow a buffer to the surrounding land owners. (See attached map)

Day Use Picnicking/Recreation Use

Visitors have expressed the need for picnic and day use on the RBAL. A picnic area, if designed and constructed, will consist of an improved road, accessible picnic tables, picnic shelters, trash receptacles and a toilet. The facilities, will be designed to fit the Lincoln Historic Preservation Ordinance. The Roswell Resource Management Plan (page 44) states the following: The development of two small day-use areas on Tracts 1 and 4 would be considered. Development of these sites will include graveled access roads and parking areas. Through the RBAL planning process we discussed the possibility of day use picnicking and recreation use.

Potential Day Use by Tract

Tract 1 - This tract has limited areas where day use picnicking use could take place. Salazar Canyon has a picnic wayside owned and maintained by the NM-DOT that is adjacent to Tract 1 that could be used as a staging area for this portion of Tract 1. Immediately across the road from the NM-DOT picnic area is the eastern most boundary of Tract 1. This area could be used as a picnic area and staging area for hikers, mountain bikers, and equestrian users to connect with a trail system that leads west to the Fort Stanton ACEC. The proposed apple orchard parking lot will also lend itself to potential day use of the area with very minimal facilities. (see map).

Tract 2 - This tract may have very limited potential for picnicking due to its configuration and small area (see map).

Tract 3 - The BLM requested the NM-DOT provide acceleration and deceleration lanes at the four-acre field across from the Billy the Kid Pageant Grounds. A portion of the four-acre area field could be used as a picnic area, trailhead for equestrian and wheeled conveyance, mountain bikes, and hikers. The parking lot will require a landscape architecture plan to screen vehicles from the highway and to present a vegetative screened buffer between the parking lot and the existing houses and structures to the east of the area. The area directly behind the historic buildings in the town proper would be designated for foot traffic only. Any trails within this area will be placed as far away from any structures as possible. Please refer to recreation trails, wheeled conveyance and equestrian use for specifics within the plan and also attached maps.

Tract 4 - This area has potential for day/picnicking use because of its large size and relative rolling contours. During the preliminary stages of U.S. Highway 380 realignment process with the NM-DOT, the BLM requested a highway pull-off along U.S. Highway 380 at mile post 100.9. This pull-off will be used as a picnic area, equestrian, mountain bike and hiking use area (see map).

Hunting

The activity plan cited in this document allows access to the public. The planning participants addressed access and hunting issues during the scoping process of the plan which would guide those issues after the plan is completed.

Several alternatives were discussed at the public meetings in Lincoln and consisted of “No Hunting,” General Hunting and Primitive Weapons (Bow Only). The first challenge was to consider general hunting versus no hunting for the entire area, and discuss the implications these actions may have on wildlife populations and landowners. It is important to note that prior to any type of hunting within these tracts, property boundaries and legal access must be identified and marked.

No general (center-fire, muzzleloader and bow) recreational hunting for all tracts may lead to additional depredation problems for all land owners within the valley. No hunting, fishing and trapping within the area would also reduce potential funding opportunities (Sikes Act) possible if the areas were open to some type of recreational harvest. As private landowners improve their area and the public land improves, big game populations will respond accordingly. Therefore, population management may be necessary on a limited basis to reduce wildlife conflicts. The proximity to residences and the configuration of public land within the western portion of Tract 1 does not lend itself to hunting due to the closeness of residences around the area. The remainder of tract 1 from east of the apple orchard may have potential for hunting. Tracts 2 and 3 do not lend themselves to hunting of any kind. However, the size, ability to delineate boundaries, and the lack of residences in eastern portions of Tracts 1 and all of Tract 4 may lend themselves to primitive (bow) hunting.

BLM and the NMDGF propose to have no hunting within all of Tracts 2 and 3, but allow bow hunting in Tracts 1 and 4. The BLM through NMDGF and the hunting proclamation may establish a guided permitting system to allow a limited number of individuals to hunt these areas during the bow seasons. This process will keep the area from being over run with hunters, who are permitted for the area, and keep wildlife from becoming too tame within the area.

Depredation caused by big game species is an ongoing problem and concern for the NMDGF. Allowing bow hunting will not alleviate this problem entirely. NMDGF requested that options be kept open with regards to methods of handling depredation complaints. This may include rifle hunts with guided officers during private and public land depredation hunts to mitigate safety issues. Trapping and relocation of depredating animals can also be conducted to reduce conflicts if necessary.

Vehicle access and parking is a concern for local residents. If hunting is allowed within Tracts 1 and 4, parking would be located in the designated US-380 pull off adjacent to highway in Tract 4 and at the NM-DOT Salazar Canyon parking area. Hunters could also pull off within the US-380 right-of-way and cross the fence to hunt within the designated parcels. Foot and equestrian access to state and USFS lands will also be allowed through Tracts 3 and 4 during the general

hunting seasons. Use or discharge of firearms, unless authorized by the BLM authorized officer, will be prohibited within all four tracts of the RBAL.

Fishing

The activity plan cited in this document will allow certain access to the public. The participants addressed access and fishing issues during the scoping portion of the plan that will guide those issues after the plan is completed. Current stream flow patterns and overall health of the fisheries does not lend itself to recreational fishing at this time. A recreational fishing program may be implemented in the future after habitat improvements are made.

Cultural Resources, Prehistoric and Historic Sites

All surface disturbing activities within all four Tracts will require a cultural survey by a qualified BLM permitted archaeologist. Cultural resources are described as the fragile and nonrenewable remains of human activity, occupation, or endeavor reflected in districts, sites, structures, buildings, objects, artifacts, ruins, works of art, architecture, and natural features that were of importance in human events. These resources consist of physical remains, areas where significant human events occurred even though evidence of the event no longer remains, and the environment immediately surrounding the actual resource and oral history or ethnographic accounts of the lifeways and customs.

Historic resources are any site or item that is over 50 years old.

The Roswell Resource Management Plan (RMP) states that:

“Following a Class 3 inventory and some preliminary research, eligible sites on the acquired Rio Bonito lands will be managed for information, public values or conservation, as appropriate. The management goals would be to interpret some cultural sites for the public, research some of the sites for the information they contain and to conserve those sites that meet the criteria for conservation.”

A Class 3 survey is an on-the-ground pedestrian survey by a qualified archaeologist to locate, record, and if possible, determine the significance of cultural resources within a given area or tract.

Specific actions would be proposed once as much information as possible is obtained about the cultural values of each tract. Information can be obtained by reviewing published and unpublished printed material, including records at the Archeological Records Management System in Santa Fe. Personal interviews of residents in the Lincoln area would be another source of information.

Once background data is gathered, it may be apparent that an intensive pedestrian cultural survey is necessary in order to identify more of the cultural values present on each tract.

With the identification done for a given tract, cultural resources would then be separated into categories where they are best suited for study for conservation or for interpretation.

If cultural resources are chosen for study or interpretation, plans would then be written and funds requested for accomplishing these projects. A possibility is to begin with Tract 3, then go to Tracts 1, 4, and 2.

BLM archeological base maps and site records show there are some possibilities for public interpretation.

Potential Cultural Resources By Tract

Tract 1 - A prehistoric site called Double Crossing Ruin might still contain information, although it has been impacted by erosion and artifact collecting.

Tract 2 - BLM has no record of sites in this parcel.

Tract 3 - BLM has no record of sites in this parcel.

Tract 4 - A prehistoric site called the Hulbert Site appears to be partially on BLM land and could be a candidate for interpretation.

Other sources of information would be pursued in order to obtain a more complete picture of what cultural opportunities are present on all four parcels, as mentioned above.

Special Recreation Uses

According to the RMP (page 44) lands acquired along the Rio Bonito near Lincoln (Tracts 1-4) will be managed for low-intensity recreation use. All low-intensity recreation activities, including hunting, will be considered during development of a site-specific management plan (this plan). Recreation activities that will be emphasized are fishing, nature viewing and non-trail hiking.

Special Recreation Permits (SRP'S) will be issued for organized and commercial activities in accordance with BLM guidelines and policies. Organized activities could include equestrian, and other events that will be low-intensity in nature and will not disturb the residents of Lincoln and will be environmentally comparable with the RBAL. Fees for SRP's will be collected at the current rate established by the BLM. Fees may be waved at the discretion of the BLM.

Interpretation

Interpretation is a way for the public to understand the natural, historic and cultural resources on the public lands. Tools used to accomplish this may include: interpretive trails, exhibits, literature, waysides, environmental education, visitor and information stations, talks and guided walks and the use of volunteers as docents.

Interpretation assists visitors in developing a keen awareness, appreciation and understanding of the areas they visit. The second goal will be to encourage thoughtful use of the natural resources available in the area to reduce impacts on natural resources.

Interpretive themes will be developed for the RBAL with community input. Each parcel may have one or more special interpretive themes that may be interpreted. An example of a theme is the apple industry in the Rio Bonito Valley. The BLM will work with the Lincoln Historic Preservation Board, New Mexico State Monuments, the Anderson Freeman Visitor Center and Museum, and other interested parties and groups to develop interpretive needs for the Lincoln valley.

Some general themes for the area may include:

THEME:

The change in the appearance of the Rio Bonito Valley landscape over the past 300 years

Sub Theme:

- Changes in the health of the ecosystem.
- Various uses through time.
- Land patterns and ownership within the valley.

THEME:

Wildlife was a critical resource within the Rio Bonito Valley.

Sub Theme:

- Settlers were dependent upon wildlife for subsistence.
- Fur trading was a common practice of early inhabitants.
- Hunting pressure caused the extinction of the Buffalo.
- Deer and elk populations fluctuate due to hunting pressure.
-

THEME:

Water is the key to survival to the Rio Bonito Valley

Sub Theme

- The early cattle industry shaped the ecosystem of the valley.
- Yearly flooding in the valley caused uncontrolled and unpredictable tendencies for its inhabitants.

Potential Interpretive Opportunities by Tract:

Tract 1 - Interpretive themes for this Tract will be riparian lands, the apple orchard and how water effects the Lincoln Valley.

Tract 2 - Interpretive themes for this Tract will be the past and present use of agriculture lands.

Tract 3 - Interpretive themes for this Tract will be historic Lincoln landscape, the unique geologic Lincoln Folds, past and present agriculture and the riparian values along the Rio Bonito.

Tract 4 - Interpretive themes for this Tract will be riparian values, salt cedar removal, the historic landscape, fish species, historic structures, and agriculture.

Signing

All signing of the RBAL will follow the recommendations in the Lincoln Historic Preservation Ordinance, as amended. Sign materials will blend into the historic zone and will not be obtrusive to the casual visitor or resident of Lincoln. The BLM will work with the Lincoln Historic Preservation Board to use a style that will be compatible with the sign and interpretive styles of Lincoln.

Buildings, Structures, Recreation Facilities, Toilets, Kiosks

All buildings and structures designed for the RBAL will conform to the Lincoln Historic Preservation Ordinance as amended and will be reviewed and accepted by the Lincoln Historic Preservation Board prior to construction.

Field Directly Across From the Billy the Kid Pageant Grounds

The field will be used as a permanent parking area for the town of Lincoln. The parking lot will provide off-street parking to people visiting the town during events and on a daily basis. The lot has been previously been used for parking during the Billy the Kid Pageant and other events in Lincoln. BLM has requested the NM-DOT to plan for acceleration and deceleration traffic lanes in the area of the parking lot when U.S. Highway 380 is improved through the town of Lincoln.

The Proposal for the area are as follows:

- A landscape architecture plan will be developed to effectively screen the parking lot from highway US-380 and from surrounding residences
- The field will be used as a trail head for trails within tract 4.
- The NM-DOT will place an acceleration and deceleration lane to enter the field.
- An aesthetic wood fence will be placed around the field to delineate the area from private lands.
- Conifer trees will be placed around the perimeter of the field to screen the area from private property owners.

- No lighting facilities will be installed.
- The field will be used as a staging area for equestrian use and wheeled conveyance.
- The field will be used continually as a parking lot, or on an as-needed basis for special events.
- The area will be graveled with a base and finished course to allow an all weather surface for vehicles. The gravel material will also keep down fugitive dust in the area of the parking lot.

Lands and Realty Actions, Easements, Rights-of-way, Utilities

Easements and right-of-ways exist within the RBAL:

These reality actions will be respected by the BLM as received from the private land holding company that originally owned the land and any other easements, right-of-ways and other legal ramifications received with the RBAL. BLM will exercise its rights to new easements and right-of-ways to channel the activity in an environmentally sensitive and prudent manner.

BLM proposed reality actions for the area:

- Where requested, boundary agreements will be drawn up with private landowners adjacent to the BLM RBAL.
- Utilities, rights-of-ways, easements, fences and improvements will be plotted and mapped.
- Easements requests will be evaluated. An example being effectively used is on the La Cuesta road where a sign has been placed stating “Private Road Residents Only, No Through Traffic to Public Lands.”
- Continue to work with existing rights-of-ways on the RBAL.
- The BLM will encourage easement owners to work with them prior to doing any surface disturbing activities on the RBAL.
- The BLM has instructed the U.S. Cadastral Survey to monument the corners of the RBAL.
- The BLM will participate in the maintenance of roads and easements that are used for public access.
- Easements and utility rights-of-ways will be presented to the Lincoln Historic Preservation Board for review.
- Electric and utility lines will be buried underground to protect the scenic quality of the area.
- Rights-of-way corridors will be established within the four tracts to minimize the visual and physical impacts within each area.

Water Rights

Items with commonality through the scoping process were:

- Maintain ditches and/or install pipes for water delivery as needed.
- Restore historical ditches as needed.
- Convert open ditches to underground or surface pipe irrigation as needed
- BLM acquired 891.28 Acre-Feet of water rights
- BLM should use the RBAL water rights for beneficial use.
- Water may be delivered to existing native trees, forbs and shrubs.
- Water should also be used to benefit wildlife.

There are 891.28 acre-feet of water rights acquired by the United States Department of the Interior, BLM and these rights are associated with the RBAL. The New Mexico Office of the State Engineer (NMOSE) Water Rights Division (WRD) administers surface and groundwater rights throughout the state in accordance with state laws, court adjudications and State Engineer rules and regulations. The RFO/BLM will manage the water rights associated with the RBAL according to State of New Mexico and NMOSE laws and regulations. The place and use of RBAL water rights will be based on budget, planning, and timing restraints. The RFO BLM must propose projects and request funding for various projects such as proposed seeding, proposed ditch repair, proposed irrigation pipe repair and proposed irrigation pipe installation. The proposed projects must be funded for them to occur, which means that some or all of the projects proposed each year may or may not take place.

The RFO BLM plans use the RBAL water rights for beneficial use but at the same time the RFO BLM plans conservative and efficient use of the water. As New Mexico's population grows and demands for water increase, conservation and efficient use of water by all water right holders will be increasingly necessary to meet the State's present and future needs for water. The RFO BLM plans to participate in acequia or ditch associations.

Water may be delivered to existing native trees, forbs and shrubs through ditches that function properly and do not leak. Surface or subsurface pipe, may be installed and used to deliver water for beneficial use where ditches are damaged and leaking and are no longer capable of holding and transporting water. Drip irrigation equipment may be used in conjunction with the surface or subsurface pipe, which will enhance the delivery of water to vegetation and decrease water loss through evaporation. The beneficial use of irrigating wildlife habitat on the public lands will increase the number of native trees, forbs, shrubs and grasses which will attract wildlife away from private lands and possibly lessen damage to private lands.

Associated with these lands are riparian areas that require water to function properly. The placement of a water right into instream flow or the Water Resources Conservation Program would maintain and enhance the riparian habitat and fisheries located on the Rio Bonito public lands. The water right would not be given away, but instead the water right would be used to maintain water flow through the Rio Bonito. The placement of a water right into instream flow

or the Water Resources Conservation Program would keep the water in the Rio Bonito stream system and subsequently improve the flow of the Pecos River stream system, as the Rio Bonito stream system is hydrologically connected to the Pecos River stream system. Improved flow of the Pecos River System would assist New Mexico with its water obligations to Texas under the Pecos River Compact.

Changes in place and purpose of use or changing the location of a well requires filing an application with the State Engineer and proof that the change would not impair existing rights. A water right in the State of New Mexico is a legal right to take possession of water occurring in a water supply and to divert that water to a specific beneficial use.

Data and information obtained from the NMOSE associated with the Rio Bonito Water Rights, are shown in Tables 1, 2, 3, and 4. The BLM Roswell Field Office (RFO) planned beneficial use of the water rights associated with the RBAL consists of irrigation, fishery maintenance, wildlife habitat, recreation, and instream flow. The RFO is also investigating the possibility of placing a portion of the USDI BLM water rights associated with the RBAL into the State of New Mexico's Water Resources Conservation Program, which has been approved by the State Engineer. There are both surface water rights and groundwater water rights listed in the tables. The NMOSE FILE NUMBERS which contain the letter H are groundwater water rights. The place of use and the use of the water under groundwater rights will also be based on budget, planning, and timing restraints.

DEFINITIONS FOR TABLES 1, 2, 3, AND 4 and WATER RIGHTS:

Appropriation - the right to take water from a natural stream or aquifer for beneficial use at a specified rate of flow, either for immediate use or to store for later use. Usually confirmed by a water court decree. (See also Prior Appropriation, Riparian Rights and Water Right.)

Beneficial Use of Water - the use of water by man for any purpose for which benefits are derived, such as domestic, municipal, irrigation, livestock, industrial, power development, and recreation. Under the New Mexico Constitution, beneficial use is the basis, the measure and the limit of the right to use water; therefore, beneficial use of public water diverted or impounded by manmade works is an essential element in the development of a water right.

Conservation - obtaining the benefits of water more efficiently, resulting in reduced demand for water. Sometimes called "end-use efficiency" or "demand management."

Diversion - a turning aside or alteration of the natural course of a flow of water, normally considered physically to leave the natural channel. In some States, this can be a consumptive use direct from a stream, such as by livestock watering. In other States, a diversion must consist of such actions as taking water through a canal or conduit.

Irrigation Water Use - artificial application of water on lands to assist in the growing of crops and pastures or to maintain vegetative growth on recreational lands, such as parks and golf courses. See also Irrigation.

NMOSE - New Mexico Office of the State Engineer

Surface Water - an open body of water, such as a stream or a lake.

Water Right – the legal rights to use a specific quantity of water, on a specific time schedule, at a specific place, and for a specific purpose.

NOTES ON TABLES 1, 2, 3, AND 4:

- Priority dates are based on Special Master’s Report No. 37. The date differs in some cases from the priority date shown on the Change of Ownership filed when the rights were acquired (e.g. F. Chavez had 1853 on COO).
- Ditches are not always clear on hydrographic survey. Ditches listed are based on SEO files.

TABLE 1 RIO BONITO TRACK 1 AND ASSOCIATED WATER RIGHTS SUMMARY

NMOSE FILE NO.	NMOSE SUB FILE	NMOSE FILING DATE	NMOSE LEGAL DESCRIPTION	NMOSE AMOUNT (ACRE- FEET)	NMOSE ACREAGE	NMOSE PRIORITY DATE (a) * <input type="checkbox"/>	NMOSE DITCH NAME (b) * <input type="checkbox"/>	NMOSE POINT OF DIVERSION
01895	B79S	950207	S½ NW¼, SECTION 14, T.9S, R.15E	34.125	10.5	1853	UPPER PROVIDENCIA AND/OR GOVERNMENT SPRINGS	NE¼NE¼SE¼ SEC. 15, T.9S, R.15E
01894-B	B79T	950207	SW¼ NE¼, SECTION 14, T.9S, R.15E	1.69	0.52	1860	UPPER PROVIDENCIA AND/OR GOVERNMENT SPRINGS	NE¼NE¼SE¼ SEC. 15, T.9S, R.15E
01894-B	B79U	950207	T.9S, R.15E	50.375	15.5	1860	UPPER PROVIDENCIA AND/OR GOVERNMENT SPRINGS	NE¼NE¼SE¼ SEC. 15, T.9S, R.15E

TABLE 2 RIO BONITO TRACK 2 AND ASSOCIATED WATER RIGHTS SUMMARY

NMOSE FILE NO.	NMOSE SUB FILE	NMOSE FILING DATE	NMOSE LEGAL DESCRIPTION	NMOSE AMOUNT (ACRE- FEET)	NMOSE ACREAGE	NMOSE PRIORITY DATE (a) * <input type="checkbox"/>	NMOSE DITCH NAME (b) * <input type="checkbox"/>	NMOSE POINT OF DIVERSION
01898	B79K	950207	NW¼, SECTION 19, T.9S, R.16E	26.325	8.1	1853	PROVIDENCIA	
01897	B79L	950207	W½ W½ NW¼, SECTION 19, T.9S, R.16E	10.075	3.1	1853	PROVIDENCIA	
01898	B79M	950207	NW¼ NE¼ NW¼, SECTION 24, T.9S, R.15E	2.275	0.7	1853	PROVIDENCIA	
01896	B79N	950207	SE¼ SE¼, SECTION 13, T.9S, R.15E	3.25	1.0	1850	CRUZ DE JARA AND/OR SEDILLO	CRUZ DE JARA - SW¼SE¼NE¼, SECTION 14 T.9S, R.15E. SEDILLO - NW¼SW¼NE¼, SECTION 14 T.9S, R.15E.
01896	B79N	950207	SW¼ SW¼ SW¼, SECTION 18 T.9S, R.16E	0.975	0.3	1850	CRUZ DE JARA AND/OR SEDILLO	CRUZ DE JARA - SW¼SE¼NE¼, SECTION 14 T.9S, R.15E. SEDILLO - NW¼SW¼NE¼, SECTION 14 T.9S, R.15E.
01896	B79O	950207	SE¼ SE¼, SECTION 13 T.9S, R.15E	11.05	3.4	1850	CRUZ DE JARA AND/OR SEDILLO	CRUZ DE JARA - SW¼SE¼NE¼, SECTION 14 T.9S, R.15E. SEDILLO - NW¼SW¼NE¼, SECTION 14 T.9S, R.15E.
01897	B79Q	950207	E½ NE¼, SECTION 24 T.9S, R.15E., SW¼ NW¼, SECTION 19, T.9S, R.16E	107.25	33.0	1850 1875	CRUZ DE JARA AND/OR SEDILLO	CRUZ DE JARA - SW¼SE¼NE¼, SECTION 14 T.9S, R.15E. SEDILLO - NW¼SW¼NE¼, SECTION 14 T.9S, R.15E.
02897-A	B90B	921209	NW¼ NW¼, SECTION 19 T.9S, R.16E	16.25	5.0	1850	CRUZ DE JARA WITH DIVERSION FROM SEDILLO	CRUZ DE JARA - SW¼SE¼NE¼, SECTION 14 T.9S, R.15E. FROM SEDILLO - NW¼SW¼NE¼, SECTION 14 T.9S, R.15E.
01896 <input type="checkbox"/>	B90B	931222	NW¼ NW¼, SECTION 19 T.9S, R.16E	7.15	2.2	1850	CRUZ DE JARA WITH DIVERSION FROM SEDILLO	CRUZ DE JARA - SW¼SE¼NE¼, SECTION 14 T.9S, R.15E. FROM SEDILLO - NW¼SW¼NE¼, SECTION 14 T.9S, R.15E.

TABLE 3 RIO BONITO TRACK 3 AND ASSOCIATED WATER RIGHTS SUMMARY

NMOSE FILE NO.	NMOSE SUB FILE	NMOSE FILING DATE	NMOSE LEGAL DESCRIPTION	NMOSE AMOUNT (ACRE- FEET)	NMOSE ACREAGE	NMOSE PRIORITY DATE (a) * <input type="checkbox"/>	NMOSE DITCH NAME (b) * <input type="checkbox"/>	NMOSE POINT OF DIVERSION
01403/H208	B79A	950207	S½N½ & N½SE¼ SECTION 29, T.9S, R.16E	82.55	25.4	1855	TITSWORTH	
01402/H208	B79C	950207	SW¼NE¼, SECTION 29, T.9S, R.16E	6.825	2.1	1853	LINCOLN <input type="checkbox"/>	
01404/H208	B79F	950207	S½ SW¼, SECTION 20, T.9S, R.15E., NW¼, SECTION 29, T.9S, R.16E	85.865	26.42	1853	LINCOLN <input type="checkbox"/> AND/OR PROVIDENCIA	NWNWSW SECTION 13 T.9S, R.15E
01898	B79G	950207	SW¼SW¼, SECTION 20, T.9S, R.16E	8.45	2.6	1853	LINCOLN <input type="checkbox"/> AND/OR PROVIDENCIA	NWNWSW SECTION 13 T.9S, R.15E
01898	B79H	950207	SE¼, SECTION 19, T.9S, R.16E	5.525	1.7	1853	LINCOLN <input type="checkbox"/> AND/OR PROVIDENCIA	NWNWSW SECTION 13 T.9S, R.15E

TABLE 4 RIO BONITO TRACK 4 AND ASSOCIATED WATER RIGHTS SUMMARY

NMOSE FILE NO.	NMOSE SUB FILE	NMOSE FILING DATE	NMOSE LEGAL DESCRIPTION	NMOSE AMOUNT (ACRE- FEET)	NMOSE ACREAGE	NMOSE PRIORITY DATE (a) * <input type="checkbox"/>	NMOSE DITCH NAME (b) * <input type="checkbox"/>	NMOSE POINT OF DIVERSION
01913	B66J	921209	NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 2, T.10S, R.16E	33.8	10.4	1853	E. FRITZ	NE NW SW SECTION 34 T.9S, R.16E
01913 <input type="checkbox"/>	B66L	931222	SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 34, T.9S, R.16E	17.55	5.4	1853	E. FRITZ	NE NW SW SECTION 34 T.9S, R.16E
01913-B-B	B66K	921209	S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$, SECTION 34, T.9S, R.16E	4.55	1.4	1853	E. FRITZ	NE NW SW SECTION 34 T.9S, R.16E
01913-B-B	B66K	921209	NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 2, T.10S, R.16E	49.725	15.3	1853	E. FRITZ	NE NW SW SECTION 34 T.9S, R.16E
01913-B-B	B66K	921209	NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 3, T.10S, R.16E	46.15	14.2	1853	E. FRITZ	NE NW SW SECTION 34 T.9S, R.16E
01913-B-B	B66N	921209	NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 3, T.10S, R.16E	21.775	6.7	1854	HULBERT	NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 33 T.9S, R.16E
01916 <input type="checkbox"/>	B66I	930309	S $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$, SECTION 2, T.10S, R.16E	24.375	7.5	1853	E. FRITZ	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 34 T.9S, R.16E
01916 <input type="checkbox"/>	B66I	930309	NE $\frac{1}{4}$, SECTION 11, T.10S, R.16E	111.475	34.3	1853	E. FRITZ	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 34 T.9S, R.16E
01916 <input type="checkbox"/>	B66I	930309	SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 12, T.10S, R.16E	28.275	8.7	1853	E. FRITZ	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 34 T.9S, R.16E
01919	B66H	921209	S $\frac{1}{2}$ NW $\frac{1}{4}$, SECTION 2, T.10S, R.16E	24.7	7.6	1865	F. CHAVEZ	F. CHAVEZ - NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 34 T.9S, R.16E FROM E. FRITZ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 34, T.9S, R.16E
01919	B66H	921209	W $\frac{1}{2}$ SE $\frac{1}{4}$, SECTION 2, T.10S, R.16E	68.9	21.2	1865	F. CHAVEZ	F. CHAVEZ - NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 34 T.9S, R.16E FROM E. FRITZ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 34, T.9S, R.16E

Agricultural Use of RBAL

Most of the parcels on the RBAL tracts have been used for agriculture during the past 200+ years of occupation. During the scoping process, the planning team discussed the possibility of using the land for agricultural purposes when water was available.

The agricultural use of the RBAL will be considered since most of the parcels have been historically used for this purpose. The development of a water map will be necessary to determine the assignment of water rights to the appropriate areas within the tracts.

Agriculture use on the RBAL will be determined by the BLM in consultation with the public. The Department of Agriculture at New Mexico State University will be used as a consultant to help determine what crops will best meet the objectives for the area. Cooperative Agreements will be developed between BLM and agricultural users to benefit all parties and the land to be developed to its full potential. These Cooperative Agreements will delineate the responsibilities of the BLM and the agricultural user. Responsibilities include, but are not limited to, maintenance of structures, fencing, and irrigation.

Another consideration is whether the property in Tract 3 will be leased for farming and gardens. Leasing the land for agricultural production will be considered and subject to a Cooperative Agreement. Promoting a healthy stand of vegetation for wildlife use is also a critical consideration and all tracts could be utilized as grass or vegetation banks for wildlife, as well as for public use.

APPENDIX 1.

Water Rights information:

New Mexico Office of the State Engineer and the Interstate Stream Commission has created a Fact Sheet which states:

The Rio Bonito River is a tributary to the Rio Hondo River and the Rio Hondo is a tributary to the Pecos River. However, the lower reaches of the Rio Hondo River are ephemeral. The water flow in the Rio Hondo stops in the lower reaches because there is not enough volume of water in the river to sustain its flow into the Pecos River. Water flow in the lower reaches of the Rio Hondo River will only flow into the Pecos River during high precipitation events or storm water events where the volume of water in the Rio Bonito or the Rio Hondo increases enough to produce water flow that will reach the Pecos River. The water in the Rio Bonito River and the Rio Hondo River recharge the San Andres Aquifer which in time will discharge this water from the San Andres Aquifer into the Pecos River.

A period of nonuse can constitute a forfeiture of a Water Right. The New Mexico statutes governing the forfeiture of water rights are N.M. Stat. §§ 72-5-28 and 72-12-8 (Cum. Supp. 1991). These statutes provide that the failure to make beneficial use of water for a period of four years shall result in a reversion of the water to the public. Prior to June 1, 1965, four years of nonuse results in forfeiture by operation of law, without notice and without any judicial or administrative procedure, provided circumstances beyond the control of the water right owner did not cause nonuse. Thus, if a water right owner did not use the water beneficially for any four-year period prior to June 1, 1965, that water right has been forfeited and the water belongs to the public. After June 1, 1965, four years of nonuse shall result in forfeiture, provided the failure persists one year after notice and declaration of nonuser by the State Engineer. Therefore, the RFO BLM must make beneficial use of the water under a water right.

The words “acequia” and “ditch” can be defined in both a physical and a political context. As a physical structure, an acequia or ditch is typically a manmade earthen channel that conveys water to individual tracts of land. As a political organization, a community ditch or acequia is a public entity that functions to allocated and distribute irrigation water to the landowners who are its members. The physical characteristics of an acequia or ditch typically include a diversion dam and headgate, a main ditch channel commonly called the acequia madre, lateral ditches leading from the main channel to irrigate individual parches of land, and a waterway channel that returns surplus water from the acequia or ditch system back to the stream. The community acequia or ditch association is composed of owners of the lands irrigated by a ditch. Landowners are assessed dues by the acequia association for the operation and maintenance of, and improvements to the ditch system. Three commissioners and a mayordomo, elected by association member, manage the allocation and distribution or irrigation water, and all members participate in acequia maintenance. Today, state statutes describe and govern many aspects of the nature, management and operation of community ditches and acequias much as they did in

the earlier years. Community ditches or acequias cannot be private entities, incorporated under the laws of the state of New Mexico or other states, or be held or owned by less than three owners as tenants in common or joint tenants (73-2-27). Community ditch and acequia associations have been declared political subdivisions of the state (73-2-28) and, as such, are self governing. As noted, each community ditch or acequia must be managed by four officers consisting of three commissioners and one mayordomo, each of whom must own an interest in the ditch or acequia. The commissioners must elect one of their number as chairperson, a second as secretary, and the third as treasurer. The treasurer and the mayordomo must be bonded in the sum fixed by the commissioner for the accounting of all money coming into their hands, and for the faithful performance of their duties (73-2-12, 73-3-1). The officers are elected every two years on the first Monday of December of odd-numbered years and they must assume their offices by the first Monday of the following January (73-2-12). For community ditches or acequia's located in Article 3 counties, the officers are elected every two years on the first Monday of October in odd-numbered years and they must assume their offices by the first Monday of the following November (73-3-1). Community ditch or acequia commissioners have a number of powers and duties, including the power to assign work or tasks, to contract, to make assessments, and to control the affairs of the ditch or acequia. They also must develop by laws, rules and regulations not in conflict with state law for the government of the ditch or acequia. They must provide a printed copy to each water right owner in the ditch or acequia (73-2-21, 73-3-4). The mayordomo or superintendent serves as the executive officer of the community ditch or acequia under direction of the commissioners and supervises water distribution and work on the community or acequia. The mayordomo also collects all fines and assessments (73-2-21), 73-3-4). Community ditch and acequia associations are authorized to borrow money and otherwise contract indebtedness, to acquire and hold property and water rights and to use and transfer water rights pursuant to law. The water rights and land owned by the community ditch or acequia association may not be lost by prescription or adverse possession, or for nonuse of water except for forfeiture as provided in Section 72-5-28 (73-2-22, 73-2-22.1) Added to the exemptions from the surface water right forfeiture statute by the 1991 Legislature are water rights placed in-conservation programs operated by the New Mexico Interstate Stream Commission, conservancy districts, or acequia or ditch associations (1991 N.M. Laws Ch. 102). The 1997 Legislature also added irrigation districts to the exemptions.”

The State of New Mexico Water Plan states: “The state wants to put meters at every water diversion point so it knows who is using how much water and where. Meters would go on irrigation gates, well and river diversions. Meters already have been installed in some irrigation districts, and they have resulted in less water use, better water planning and each irrigator knowing that he is getting his full allotment – and being assured others aren't getting more than their share. Metering the whole state is a big order and would be expensive. The water plan recommends beginning metering in certain places on certain rivers – where the threat to interstate conflict is high, where water conservation could result in meaningful savings and where there are already arguments or potential conflicts about the water use.” The State of New Mexico's Water Plan to install meter at every water diversion is how the water rights holders on the Rio Bonito River will know if they are getting their full allotment of water right.

Under New Mexico water law, all natural waters in streams and watercourses, or underground, belong to the public and are subject to appropriation under the Doctrine of Prior Appropriation. An appropriation water right, like equipment or furniture, is considered property and can be separated from the land and transferred to another location. New Mexico adopted prior appropriation into its constitution. Under the definition of prior appropriation, a person who takes water and puts it to a beneficial use is an appropriator. The taking of the water constitutes an appropriation, which includes a priority date. and not the “corpus,” or body or water itself.

New Mexico State water right law 72-5-28 G states:

“Periods of nonuse when water rights are acquired and placed in a water conservation program, which has been approved by the state engineer, by a conservancy district organized pursuant to Chapter 73, Articles 14 through 19 NMSA 1978 or an acequia or community ditch association organized pursuant to Chapter 73, Article 2 NMSA 1978 or the interstate stream commission shall not be computed as part of the four year forfeiture period.”

The above would allow a portion of a water right to be placed into nonuse. The designated portion of the water right that is placed into nonuse under the Water Resources Conservation Program would remain within the stream or surface water.

Beneficial use is the basis, the measure and the limit of the right and priority in time gives the better right. All beneficial uses are considered equal regardless of the economic value resulting from the use. The definition of **Beneficial Use of Water** is the use of water by man for any purpose for which benefits are derived, such as domestic, municipal, irrigation, livestock, industrial, power development, and recreation. Under the New Mexico Constitution, beneficial use is the basis, the measure and the limit of the right to use water; therefore, beneficial use of public water diverted or impounded by manmade works is an essential element in the development of a water right. New Mexico does not list instream flow as a beneficial use of water. However, instream water flow in the Rio Bonito River is essential for maintaining and enhancing riparian habitat and fisheries located on the RBAL.

List of BLM Participants

Paul T. Happel, Team Leader

Daniel Baggao, Wildlife Biologist

Mike Bilbo, Outdoor Recreation Planner

James Desmond, Fire Management Officer

Rand French, Wildlife Biologist

Irene Gonzales, Land Specialist

Janet Graham, Graphics Information Specialist

Timothy R. Kreager, Assistant Field Office Manager – Resources

Michael MgGee, Hydrologist

Helen Miller, Rang Specialist

Bill Murry, Outdoor Recreation Planner

Joseph Navarro, Range Specialist

Howard Parman, Planner

Edwin Roberson, Field Office Manager

Charles Schmidt, Fire Management Officer

APPENDIX 3.**CURRENT MAILING LIST**

FRED & LEOTA PFINGSTEN	DAVE & LILLIAN PARKS BRUCE DAVIS	RITCHIE SANCHEZ C/O AURORA SANCHEZ
NAT PALOMAREZ	DEBBIE PADILLA & MELANIE WHIPPLE	WILLIAM MORRIS
VALENCIA CALDERON	JIM PADILLA	WILLIAM & ELIZABETH MADISON
RICHARD & KERRY TATE	JOHN RIGNEY	ALFRED SANCHEZ
ISRAEL & DORRIS SALAZAR	WILLIAM BRADSHAW & KELLY GROGAN	STEVEN SANCHEZ
PAUL & PATRICIA SLAYTON	PATRICIA PERKINS	DANIEL & IVA GUTIERREZ
RICHARD PROCTOR	CRAIG CAMERON	JOHN THOMAS TRUSTEES PATSY VIGIL
BERNARD & FRANCES MCMAHON	JERRY CARROLL ESTATE OF CRUSITA BACE	HENRY & ERMA SANCHEZ
HERMAN & PAMELA MCARTHUR	NELLIE HERNANDEZ	CECILIA APODACA, FRANCELLA & GARY WRIGHT
RALPH DUNLOP	GLYNA WADE	MERCED MCGRATH & JOHN THOMAS, JR
KAY SPINA	EMILIO ZAMORA	
JOHN & THERESA NAVARRO	BARBARA SHRENCENGOST BEVERLY WILSON	
ROBERT & MARGARET WOODARD	ROGER & GINA BOESE LEE & PAMELA ABBOTT	GLENN & KAY DENNIS HERSHEL & ELAINE ANDERSON
RETTA & HUNTER NOLEN	VASSAR & OLA THOMPSON	RANDALL ANDRUS
ROMAN & RUTH ZAMORA	ARSENIA FLORES	SARA AVILA
EDWARD & MARTHA HEIMANN	DOROTHY HEIN	EVA WIELAND & AURORA GRIEGO
MARY HEDGES	JOHN & MAGGIE TAYLOR	ELIZABETH KEMP
NEIL & CINDY GIRRARD	LAZARO ZAMORA	

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JOHN & JOYCE THOMAS	CARL LEONARD	JIMMY CLARK
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NEIL & MARY CALDWELL	DEANN KESSLER NM STATE MONUMENTS	MARK HADSEN NM GAME AND FISH
CARL & BEVERLY PARKER	LEE & KAY RUCKER	PATSY SANCHEZ
BHP INVESTORS	IRA H RABKE	KEVIN HANRATTY
DON & MARY KENNARD	JESUS HERRERA	BENNY COKER RWA
THOMAS & SADIE MANN	RIO HONDO RANCH LOUISE AND DENNIS	RICHARD CARLSON USFS LINCOLN NATIONAL FOREST
REGINALD & MARGARET RICHEY	MICHAEL CALDERON	SID GOODLOE
	DANNY AND DEENIE POUND	RUIDOSO NEWS (NEWS PAPER)

ROSWELL DAILY RECORD (NEWS PAPER)	TONY HOFFMAN FORT STANTON INC.	LINCOLN COUNTY PUBLIC LANDS USE ADVISORY COMMITTEE
LINCOLN COUNTY NEWS (NEWS PAPER)	COORDINATOR BILLY THE KID NATIONAL SCENIC BYWAY	PETE GNATKOWSKI LINCOLN COUNTY PUBLIC LANDS USE ADVISORY COMMITTEE
BUCK SANCHEZ LINCOLN NAT. FOREST	LINCOLN COUNTY HISTORICAL SOCIETY	PAMELA LEWIS LINCOLN COUNTY PUBLIC LANDS USE ADVISORY COMMITTEE
LINCOLN COUNTY PUBLIC LANDS USE ADVISORY COMITTEE	PENNY TEEHEE MUSEUM OF NEW MEXICO	KATHREINE SLICK NM STATE PRESERVATION OFFICER SHPO
LINCOLN COUNTY COMISSION.	J. ZANE WALLEY	JOHN T. MCGRATH III
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VAN SHAMBLIN	MATT FERGUSON LINCOLN COUNTY PUBLIC LANDS USE ADVISORY COMMITTEE	LACINE + ALLEN BROWN SHAWN DENNY, NM GAME AND FISH DEPARTMENT
SOUTH CENTRAL MT. RC&D COORDINATOR	TONY SERNO LINCOLN COUNTY PUBLIC LANDS USE ADVISORY COMITTEE	SHAWN DENNY, NM GAME AND FISH, ROSWELL, NM
MARK NARANJO NM STATE LAND OFFICE	DUANE L. FROST LINCOLN COUNTY PUBLIC LANDS USE ADVISORY COMMITTEE	TED ALLEN
ROY HAYES, NEW MEXICO GAME AND FISH DEPARTMENT	RONNY MERRITT	
NEW MEXICO GAME AND FISH DEPARTMENT SANTA FE, NM		

APENDIX 4.

PUBLIC COMMENT:

The 90 day public comment period for the final plan started August 15, 2004 and ended November 15, 2004. Three comments were received during this public comment period. The three public comments were reduced into questions stated by the commenter and responses by the BLM as follows:

No. 1. Sally Canning:

1. Comment - The final draft does not mention the vegetation IN the river.

Response – Riparian Habitat management is stated and defined on page 7 and 8 of the Rio Bonito Acquired Lands Plan – Final Activity Plan (RBALP-FAP). One of the methods to achieve the objectives of Riparian habitat management stated in bullet format is to "Remove undesirable species and allow for water to flow when appropriate". This implies that if there are undesirable species in the riparian community of the Rio Bonito river then a decision to remove the undesirable species may be made and allow water to flow.

2. Comment - Damage is caused by instream vegetation. Some of the obvious damages are:

- A. Interfering with Stream flow.
- B. Slowing down the natural speed of the river.
- C. Causing unnatural warming of the water.
- D. Nutrient imbalance of the water due to over vegetation.
- E. Unnecessary water uptake by vegetation.

Response –The BLM RFO is continually cooperating with the New Mexico Environment Department, New Mexico Surface Water Quality Bureau, New Mexico Water Quality Control Commission, New Mexico Office of the State Engineer, and the New Mexico Interstate Stream Commission in regards to water quantity and water quality of water located in the Rio Bonito River.

The New Mexico Environmental Department has prepared a the 2004-2006 State of New Mexico Integrated Clean Water Act (CWA) §303(d)/§305(b) Report for the State of New Mexico Water Quality Control Commission and the United States Environmental Protection Agency (EPA). The CWA §303(d)(2) requires that each state submit to the EPA a listing of water quality limited segments requiring wasteload allocation, load allocations and total maximum daily loads. CWA §305(b) (1) requires that each state submit a biennial report to the United States Congress through the EPA. The report is to include the following:

- an assessment of water quality;
- an analysis of the extent to which surface waters provide for protection and propagation of fish, shellfish, and wildlife and recreation in and on the water;
- an overview of progress in water pollution control and recommendations for further action;
- an estimate of the environmental, social, and economic impacts of restoring and maintaining the chemical, physical, and biological integrity of waters within the state; and
- a description of the nature of nonpoint source pollution and of programs for nonpoint source pollution control.

The NMED performed water quality inventory and analysis on the Rio Bonito River from Rio Ruidoso to Angus Canyon for the report. Appendix B part 6 of the report lists Use Information, Designated Uses, Attainment of Designated Uses, Assessment Information, Probable Causes of impairment, TMDL Schedule, Probable Sources of Impairment, and Assessment Unit Comments (See Attachment 1). The designated uses and their attainment are as follows:

Use Information:

Designated Uses:	Attainment:
Coldwater Fishery	Not Supporting
Fish Culture	Fully Supporting
Irrigation	Fully Supporting
Livestock Watering	Fully Supporting
Secondary Contact	Fully Supporting
Wildlife Habitat	Fully Supporting

Assessment Information:

Probable Causes of Impairment:	TMDL Schedule:
Low Flow Alterations Sedimentation/Siltation	2005

Probable Sources of Impairment:

Flow Alterations from Water Diversions
 Highway/Road/Bridge Runoff (Non-construction related)
 Loss of Riparian Habitat
 Rangeland Grazing
 Streambank Modification/destabilization

Assessment Unit Comments: Largely dried up due to irrigation diversions and dam.

The report does not list in-stream vegetation as a probable cause of impairment or as a probable source of impairment on the flow of the Rio Bonito River. The report does not list in-stream vegetation as a probable cause of impairment or as a probable source of impairment by slowing down the natural speed of the Rio Bonito River. The report does not list in-stream vegetation as a probable cause of impairment or as a probable source of impairment by causing an unnatural warming of the water of the Rio Bonito River. The report does not list in-stream vegetation as a probable cause of impairment or as a probable source of impairment by creating a nutrient imbalance of the water due to over vegetation in the water of the Rio Bonito River. The report does not list in-stream vegetation as a probable cause of impairment or as a probable source of impairment by creating unnecessary water uptake by vegetation of the water of the Rio Bonito River. The Assessment Unit Comments of the report go on to say that the Rio Bonito River is “Largely dried up due to irrigation diversions and dam.”

3. Comment - The management focus the BLM has for recreation, erosion, fishing , aquatic habitat, farming, grazing and overall habitat protection are completely inconsistent with the total lack of management of the vegetation “IN” the river, yet this vegetation management is not mentioned in the plan.

Response - Riparian Habitat management is stated and defined on page 7 and 8 of the Rio Bonito Acquired Lands Plan – Final Activity Plan (RBALP-FAP).

4. Comment - I continue to experience infestation from lands above, unkempt and unmanaged , as the seed source is greater than my efforts. The problem started when the BLM withdrew cattle grazing from the river. The problem has since created a cycle of habitat damage that will soon be irreparable.

Response - There are many private land owners within the Rio Bonito drainage up stream from the land in question. BLM has no control over private up stream land owners. The BLM removal of grazing from the RBAL from the time that the lands were acquired until the present was to be able to access the land and develop a plan to manage the RBAL. BLM has accomplished some interim management projects such as cutting the fire danger by removing juniper and salt cedar, and controlled burns on certain areas within the RBAL. They have also removed salt cedar and juniper trees from private land\ along the Rio Bonito through a memorandum of understanding with private land owners adjacent to the RBAL land. With the finalization of the RBALP-FAP the BLM will be able to develop funding packages for “habitat” protection projects and use grazing as a tool to remove unwanted forage from RBAL areas.

Comment No. 2. Reginald Richey:

1. Comment - Page 11. Limiting grazing to adjacent landowner who is in the cattle ranching business only seems unworkable.

Response - Under the scoping process of the plan, participants asked the BLM to limit grazing to adjacent land owners. BLM listened to the participants and placed this language in the plan. Grazing will be used as a tool to remove unwanted vegetation from the RBAL. As stated in page 11 of the plan cooperative agreements will be developed with the adjacent landowners. The cooperative agreements will delineate the responsibilities between the BLM and the authorized grazer who ultimately uses the RBAL acquired lands.

If in the event some grazing is needed to remove unwanted or excess vegetation, then it would only be feasible to limit those certain areas of concern to adjacent landowners. The question of whose animals and responsibilities would be simplified. The fencing, waters or any other concerns would be less complicated rather than having someone from another area come to graze. Logistically this makes more sense than anything else.

2. Comment – Page 18. Allowing access to Forest Service and State land through RBAL land for hunters will promulgate illegal hunting on/in the valley, particularly Tract 4.

Response - Bow and Arrow hunting will be allowed in portions of tracts 1 and 4 as stated in the RBAL plan. Carrying a firearm will be allowed within all four tracts to gain entry to State of New Mexico and U.S. Forest Service land. The discharge of firearms, unless authorized by a BLM authorized officer will be prohibited within all four tracts of the RBAL. To state this action another way, a legal hunter can carry a firearm across RBAL land but is not allowed to discharge a firearm within the RBAL land.

Comment No. 3. County of Lincoln, New Mexico:

1. Comment - We recommend deletion of the following language that refers to “maintaining water flow and/or in stream flow as a “beneficial use” of water rights.

A. Page 4, All paragraphs starting with “Water Rights Management ”delete Federal Reserved water rights”

Response -The BLM does not currently have Federal Reserved water rights located on the Rio Bonito River, so the statement “Federal Reserved water rights” will be deleted from the Plan.

B. Page 24, all of paragraphs starting with “Association with these lands... “delete “the water rights would be used to maintain water flow through the Rio Bonito”.

Response -The statement by the BLM that “the water rights would be used to maintain water flow through the Rio Bonito” implies that a portion of water associated with BLM water rights will be left in the river channel to maintain water through the Rio Bonito River. Water rights and associated water flow that is maintained in the Rio Bonito River would also be available for other water right holders use downstream. The BLM water rights on the Rio Bonito River are fully adjudicated under New Mexico State Water Right Law. The statement by the BLM that “the water rights would be used to maintain water flow through the Rio Bonito” does not change New Mexico State Water Right Law, Statutes or the New Mexico State Constitution.

C. Page 25, First paragraph, sentencing starting with “ The BLM Roswell Field Office (RFO) planned beneficial use of water rights associated with the RBAL... “delete “in-stream-flow”.

Response -The statement “in-stream-flow” implies that a portion of the water associated with BLM water rights will be left in the river channel to maintain water flow through the Rio Bonito River. The BLM water rights on the Rio Bonito River are fully adjudicated under New Mexico State Water Right Law. The statement “in-stream-flow” does not change New Mexico State Water Right Law, Statutes or the New Mexico State Constitution. Water rights and associated water flow that is maintained in the Rio Bonito River would also be available for other water right holders use downstream.

2. Comment – Deletion of “in-stream flow” as a “beneficial use” according to the New Mexico State Constitution, which is stated in the Draft Final Plan on Page 25 under “Beneficial Use of Water”. The State Engineer’s Office definition of “beneficial use also does not address in-stream flow.

Response -The statement “in-stream-flow” as a “beneficial use” implies that a portion of the water associated with BLM water rights will be left in the river channel to maintain water flow through the Rio Bonito River. The BLM water rights on the Rio Bonito River are fully adjudicated under New Mexico State Water Right Law. The statement “in-stream-flow” as a “beneficial use” does not change New Mexico State Water Right Law, Statutes or the New Mexico State Constitution. Water rights and associated water flow that is maintained in the Rio Bonito River would also be available for other water right holders use downstream.

3. Comment – BLM could allocate water from its own water rights to provide in-stream flow, if that is the BLM's management plan. However, there are other uses of this water that would meet the state requirements of beneficial use if the BLM is in need of meeting these.

Response – Comment noted.

4. Comment – Memorializing “in-stream flow” as a recognized “beneficial use” of water rights has potential to increase economic and cultural hardships on acequia water rights holders in the Lincoln Valley.

Response - The statement “in-stream-flow” as a recognized “beneficial use” of water rights implies that a portion of the water associated with BLM water rights will be left in the river channel to maintain water flow through the Rio Bonito River. The BLM water rights on the Rio Bonito River are fully adjudicated under New Mexico State Water Right Law. The statement “in-stream-flow” as a recognized “beneficial use” of water rights does not change New Mexico State Water Right Law, Statutes or the New Mexico State Constitution which would not memorialize in-stream flow or lead to a potential to increase economic and cultural hardships on acequia water rights holders in the Lincoln Valley. Water rights and associated water flow that is maintained in the Rio Bonito River would also be available for other water right holders use downstream which would have the potential to decrease economic and cultural hardships on acequia water rights holders in the Lincoln Valley.

5. Comment - Residents and agricultural producers have already been impacted by the BLM acquisitions. Because of the potential for further impact upon the individuals, we request that all reference to “in-stream flow” as a beneficial use in the draft Final Activity Plan for the Rio Bonito Acquired Lands be deleted.

Response – Residents and agricultural producers have been impacted in a positive way by the acquisitions of the RBAL's. BLM has cut the danger of catastrophic fire danger by removing heavy fuel loads within specific portions of the acquired lands. BLM has removed and treated many acres of salt cedar within the RBAL land as well as private land within the Rio Bonito Valley.

The statement “in-stream-flow” implies that a portion of the water associated with BLM water rights will be left in the river channel to maintain water flow through the Rio Bonito River. The BLM water rights on the Rio Bonito River are fully adjudicated under New Mexico State Water Right Law. The statement “in-stream-flow” does not change New Mexico State Water Right Law or Statutes. All reference to “in-stream flow” as a beneficial use in the draft Final Activity Plan for the Rio Bonito Acquired Lands suggests that a portion of BLM water rights and associated water flow will be maintained in the

Rio Bonito River and as a result the associated water flow would also be available for other water right holders use downstream and would be a positive impact for residents and agricultural producers downstream.

6. Comment – Chapter 2, paragraph 2, which deals with vegetation management. The Draft plan isolates vegetation management of the land. We believe vegetation management should include vegetation growing in the waterway because vegetation in the waterway impairs water flow to downstream water right holders.

Response - Vegetation growing within the waterway's is covered within the last line of the afore mentioned Chapter 2 Paragraph 2 of the RBAL Final Activity plan as "riparian and stream management areas" Riparian and Stream management and Riparian Habitat Management is covered on Page 7 of the RBAL Final Activity Plan.

The plan states "Remove undesirable species and allow for water to flow when appropriate" which provides vegetation management for vegetation growing in the waterway to allow for water flow when appropriate.

7-8. Comment - The topic of waterway vegetation management was discussed at several draft plan meetings, but was not included in the Final Draft Plan.

Response – The topic is discussed in Chapter Two Management Prescriptions under water Riparian Habitat Management on page 7 bottom of page. "The overall goal is to improve the Rio Bonito and its riparian habitat. The goal of all tracts is to promote a vigorous healthy riparian community that slows down runoff, catches sediments, builds streambanks, and serves as a sponge for water release during low water flows. On page 8 under methods to achieve (Riparian Habitat Management) the objective are: Remove undesirable species and allow for water flows when appropriate. Under vegetation management on page 8 the plan adds Mechanical, herbicidal, prescribed fire and grazing as methods to manipulate vegetation on the acquired tracts.

9. Comment - Page 11, Paragraph 3, A sentence reads "Livestock grazing is not authorized by the BLM on any of the acquired tracts". However the paragraph continues to state that grazing is a management tool and as such we recommend that livestock grazing be authorized on the acquired tracts.

Response – The first sentence in paragraph three of page 11 should read. "Livestock grazing is not authorized by the BLM under the Taylor Grazing Act on any of the acquired tracts". The above statement will be changed in the text of the Rio Bonito Acquired Lands Final Activity Plan.

Because the acquired tracts are not subject to terms and conditions of the livestock grazing process, ie, Taylor Grazing Act, then it must be reiterated that this is only one of the methods used for vegetation management or manipulation if it has not been

mentioned before. The goal is not to create allotments as this is not the objective of the plan.

10- Comment – Because of The Lincoln County Comprehensive Land Use Plan Resolution (CULP) ...We request the final Activity Plan for the Rio Bonito Acquired lands, August 2004; NM-060-2004-127 be consistent with the Lincoln County Comprehensive Land Use Plan in recognizing include the grazing of all grazing livestock species as the best use of the Rio Bonito federally managed land.

Response - Other classes of livestock would not only utilize grass, but would also target other forms of vegetation. This is why BLM limited grazing only cattle and not open it up to other classes of livestock; to protect and or limit the use of the other succulents like willows, cottonwoods or other preferred species. Otherwise we would have to build exclosures or take measures to protect each and every preferred tree by placing sleeves on them, or not graze at all. For vegetation management purposes only, like flash grazing a particular area using high intensity/short duration to reduce biomass of mostly grass would be appropriate.

11. Comment - While the Final Activity Plan for the Rio Bonito Acquired Lands recognizes the biological needs of the Rio Bonito habitat, the CULP (which includes sections on the use of the Rio Bonito Acquired Lands) further recognizes the custom and cultures of the community and provides a plan to protect not only the land but it's history and heritage.

Response: The Lincoln County Comprehensive Land Use Plan Resolution 1997-33 dated March 10, 1998 does not mention the Rio Bonito by name any part of the document as described in the above comment.

VRM MAP

Map 1

Map 2

Map 3

Map 4