
RECORD OF DECISION

This document records the decisions made by the Bureau of Land Management (BLM) for managing all resources and uses on approximately 1.49 million surface acres of public land and approximately 8.4 million acres of federal mineral estate in the Roswell Resource Area. The Roswell Resource Area comprises Chaves County (except for the "bootheel") and all of Lincoln, DeBaca, Roosevelt, Curry, Quay and Guadalupe counties in southeastern and east-central New Mexico.

DECISION

The decision is to select and approve the Proposed Resource Management Plan (RMP) for the Roswell Resource Area. This RMP makes decisions that will guide the management of all public land resources and uses in the resource area. All previous land use plans and decisions, with one exception, are superseded by this RMP.

The exception concerns leasing oil and gas parcels within the 100-year floodplain of the Pecos River. The decision in this case is to withhold offering any new oil and gas leases. This action was previously analyzed in the 1995 Interim Oil and Gas Environmental Assessment and is now carried forward. This decision is made in order to comply with the reasonable and prudent alternatives presented by the U. S. Fish and Wildlife Service in their Biological Opinion (dated May 14, 1997, Cons. #2-22-96 F-102) in accordance with Section 7 of the Endangered Species Act of 1973 (ESA), as amended. This is an interim decision affecting oil and gas leasing within the 100-year floodplain of the Pecos River and in the future will be replaced. Information resulting from monitoring will be used to determine what decision should be made for this area. A decision could be either to adopt the decision as shown in the Proposed RMP or to adopt a different decision by amending the RMP.

This plan was prepared according to regulations implementing the Federal Land Policy and Management Act (FLPMA) of 1976, which are located in Title 43 of the Code of Federal Regulations (CFR) in Part 1600. The Environmental Impact Statement (EIS) was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969 and its implementing regulations in Title 40 of the CFR, Part 1500.

Approval of this plan constitutes formal designation of five Areas of Critical Environmental Concern, 10 Special Recreation Management Areas, and off-highway vehicle use areas for the entire resource area. Existing Outstanding Natural Area, National Natural Landmark, and Research Natural Area designations are retained.

The plan also contains decisions concerning oil and gas and other minerals; land ownership adjustments; livestock grazing; vegetation management; rights-of-way and access; cultural resources; watershed management; outdoor recreation; special status wildlife and plant species; wildlife habitat; and fire, hazardous materials and pest management.

ALTERNATIVES CONSIDERED

Five alternative management plans were described and analyzed in the Draft Roswell RMP/EIS. Each of the alternatives was a comprehensive plan for managing the resources and uses on

public lands in the Roswell Resource Area. These alternatives resolved four planning issues (oil and gas operations; land tenure adjustment; access; and special management areas) and two management opportunities (recreation and wildlife habitat management), which were identified by the BLM and the public.

The management proposed in each alternative presented a different mix of environmental protection and resource uses, so that management emphasis varied with each alternative. Each of the five alternatives consisted of "Management Common to All Alternatives" and additional discrete management actions related to the management emphasis of each particular alternative.

Alternative A was the continuation of current management (no action). This alternative continued the existing management and uses of the public lands at their present levels.

Alternative B was more oriented toward environmental protection than any other alternative, but still allowed for resource use. This alternative was identified as the "environmentally preferable" alternative.

Alternative C generally emphasized the use of resources while providing a minimal level of environmental protection. The emphasis of this alternative on resource use was greater than the level of resource use under current management.

Alternative D was oriented toward a level of resource use commensurate with environmental protection. This alternative was a balance between Alternative B and Alternative C.

Alternative E was the BLM's preferred alternative. It allowed resource use with greater emphasis on protection of the natural environment than the other alternatives, except Alternative B. Alternative E comprised management prescriptions from the other four alternatives.

The decision is essentially the Proposed Plan described in the Final EIS, which is the Preferred Alternative described in the Draft EIS modified as a result of public and internal BLM comment.

ALTERNATIVES ELIMINATED FROM DETAILED STUDY

The elimination of oil and gas leasing was considered as a possible method of resolving the oil and gas operations planning issue and the planning questions related to that issue. The elimination of livestock grazing from all public lands in the resource area was considered as a possible method of resolving some of the planning questions relating to the management of vegetation, soil and wildlife habitat. Alternatives that proposed maximum resource area-wide development, production or protection of one resource at the expense of other resources were considered as methods to resolve conflicts in some instances. After consideration, however, these management options were eliminated from detailed study. They are described in the Draft Roswell RMP/EIS.

The Resource Users Coalition (including the New Mexico Oil and Gas Association, the Independent Petroleum Association of New Mexico, and the Southeastern New Mexico Grazing Association) submitted Alternative F as a comment on the Draft RMP/EIS. Alternative F was carefully reviewed by RMP team members, especially with regard to its conformance with laws, regulations and manuals that govern the management of the public lands. It was determined as a result of that review that Alternative F is not a viable alternative in its entirety because it proposes management that ignores laws and regulations that the BLM must follow in the management of the public lands. Nevertheless, many changes were made while developing the Proposed RMP that resulted from Alternative F.

DECISION RATIONALE

The decision to select the Proposed Plan is based on:

- Management actions needed to resolve the planning issues and management opportunities, and to address planning questions and planning criteria identified through the planning process;
- The environmental analysis of each alternative considered in detail, which is contained in Chapter 4 of the Draft RMP/EIS and Chapter 4 of the Proposed RMP/FEIS;
- Input from the public, BLM specialists, local and state governments, and other federal agencies; and,
- The combination of management actions considered by the BLM to best meet the legal mandate of the FLPMA for management of the public lands according to the principles of multiple use and sustained yield.

MITIGATION AND MONITORING

All decisions made in this plan amendment will require adequate consideration of all affected resources and uses prior to implementation. All reasonable measures will be taken to ensure that adverse impacts are mitigated in a manner consistent with the measures identified in the Proposed Plan. These measures, and any plan decisions that serve as mitigations, may be supplemented during environmental analyses for site-specific actions.

The Approved Roswell RMP provides the framework and guidance for making specific management decisions related to all resources and uses in the Roswell Resource Area. Actions initiated by the BLM or the public will be monitored to determine if the management objectives of the RMP are being met. The effectiveness of RMP determinations will be formally evaluated every five years to determine the need for revision of the RMP. The Roswell RMP may be amended as needed at any time with full public involvement.

PUBLIC INVOLVEMENT

Public opinion and input have been sought throughout the planning and decision-making process. Public participation efforts are described in detail in Chapter 5 of the Proposed RMP/FEIS. Highlights of the public involvement process include:

- Preparation of a public participation plan;
- *Federal Register* notices of intent and requests for information;
- Public scoping meetings and open houses;
- Formal and informal meetings with interested individuals, groups and businesses;
- Formation of citizen work groups to assist in developing alternatives;
- A 120-day comment period on the Draft RMP/EIS;
- Formal public hearings on the Draft RMP/EIS;
- Briefings for interested groups and individuals;
- Working sessions with industry groups to resolve specific concerns; and,
- A 30-day review and protest period on the Proposed RMP/FEIS,

PROTEST RESOLUTION

Forty-eight protests of the Roswell RMP were filed during the 30-day protest period, which ran from March 7, through April 7, 1997. Additionally, five comment letters were received during the protest period. The comment letters were reviewed and considered in the preparation of this Record of Decision. Of the 48 protests, 28 were dismissed because they did not meet the requirements for filing a protest, including the identification of an issue or issues being protested, or standing to file a protest. Of the many issues raised in the remaining protests, 38 were referred to the Director of the BLM for resolution. The general topics of those issues were:

- adequacy of maps in the RMP
- treatment of wilderness study areas
- cultural resource management, including cost recovery
- cave and karst management
- adequacy of Alternative F
- prairie chicken management
- failure to follow state laws
- sand dune lizard management
- participation in the planning process
- conformance with county land use plans or ordinances
- special status species management
- livestock grazing and NEPA analysis

In addition, 20 concerns raised in the protest letters were referred to the New Mexico State Director for a response. The general topics of those concerns are:

- land acquisitions and disposals
- special status species protection
- prairie chicken management
- sand dune lizard management
- visual resource management
- slopes and fragile soils
- takings implications
- wildlife and wildlife habitat area management
- vegetation management
- watershed management
- law enforcement

The issues and concerns as well as the agency response are included in the Approved RMP.

BIOLOGICAL ASSESSMENT AND OPINION

Throughout the planning process, the BLM has consulted informally and formally with the USFWS under Section 7 of the Endangered Species Act of 1973 (ESA), as amended. The BLM prepared a Biological Assessment of the probable effects of existing land use plans and the implementation of the RMP on federally threatened and endangered species for review by the USFWS.

After review, the USFWS issued a Biological Opinion on BLM's Biological Assessment. It is the opinion of the USFWS that oil and gas leasing within the 100-year floodplain of the Pecos River, as projected under the Proposed Roswell RMP, would jeopardize the continued existence of the Pecos bluntnose shiner and Pecos gambusia, or adversely modify their critical habitat. It is the opinion of the USFWS that the Proposed Roswell RMP would not jeopardize the continued existence of the interior least tern.

In the Biological Opinion, the USFWS provided one Reasonable and Prudent Alternative (RPA) comprised of six elements for the Pecos bluntnose shiner, and one RPA with six elements for the Pecos gambusia. The USFWS believes if all elements of the RPAs are implemented, jeopardy to the Pecos bluntnose shiner and Pecos gambusia, and adverse modification of their critical habitats, would not be likely to result. The RPAs are non-discretionary; the BLM must implement them. In addition, two Conservation Recommendations (CRs) were provided for the interior least tern. The CRs are discretionary but will be implemented. The BLM and the USFWS will coordinate and implement a habitat and species monitoring program as specified in the Biological Opinion.

In order to implement these RPAs, oil and gas parcels within the 100-year floodplain of the Pecos River will not be offered for leasing. This action was previously analyzed in the 1995 Interim Oil and Gas Environmental Assessment and now carried forward in light of the Biological Opinion. The RPAs also call for a program to monitor these species and their habitat.

Information resulting from habitat and species monitoring would be used to modify or amend the Roswell RMP, if necessary, to conform with the requirements of the Biological Opinion. The BLM will continue to consult and coordinate with the USFWS in accordance with the requirements of the ESA for actions concerning existing oil and gas leases within the 100-year floodplain of the Pecos River.

The formal Section 7 consultation process for the RMP has been completed with the BLM's adoption of the RPAs as required by ESA. Adoption of the RPAs required changes to the Proposed RMP and these changes have been made in the Approved RMP.

CONSISTENCY

There are no known or identified inconsistencies with the plans, programs, and policies of other federal agencies and of state and local governments. The 60-day Governor's consistency review period ended March 25, 1997; no inconsistencies were identified.

CONCLUSION

This Record of Decision constitutes the Bureau of Land Management's final action on approving the Roswell Resource Management Plan. Any person adversely affected by a decision of the BLM in implementing any portion of this RMP may appeal that action to the Interior Board of Land Appeals pursuant to 43 CFR Part 4, at the time the action is proposed for implementation. Copies of the Roswell RMP are available upon request. Contact the Roswell Area Manager, Bureau of Land Management, 2909 West Second St., Roswell, New Mexico 88201 or call 505-627-0272.

APPROVAL



M. J. Chávez
State Director, New Mexico
Bureau of Land Management

10 October 97
Date