

Summary Minutes
NEW MEXICO RESOURCE ADVISORY COUNCIL
September 10-12, 2003
Farmington

RAC Members Present:

Crestina Trujillo Armstrong
Larry Baker
William Buss
Max Cordova
Mike Eisenfeld
John Hand
Cliff Larsen
Raye Miller
Anthony Popp
Gretchen Sammis
Joe Stell
Robyn Tierney
Don Tripp

RAC Members Absent:

Dennis Braden
Jerry Ryburn

Designated Federal Official:

Linda Rundell

Chairperson:

Wayne Price

BLM Staff:

Bob Alexander, NMSO
John Bailey, Taos FO
Bill Condit, NMSO
Ron Dunton, NMSO
Steve Henke, Farmington FO
Theresa Herrera, NMSO
Jon Hertz, Socorro FO
Pat Hester, Albuquerque FO
Gary Johnson, NMFO
Amy Lueders, Las Cruces FO
Ed Roberson, Roswell FO
Ed Singleton, Albuquerque FO
Hans Stuart, NMSO
Leslie Theiss, Carlsbad FO

Scribe:

Karen Meadows

SEPTEMBER 10 PUBLIC COMMENT

Crestina opened the Public Comment Period at 6 p.m. Members of the public signed in and spoke in order.

Tweeti Blancett, Blancett Ranches

She welcomed the RAC to northwestern New Mexico and said she was sorry their tour was cut short and that there were not ranchers in each vehicle to share information on issues as they appeared. Her husband's family homesteaded the Blancett Ranches. He is the sixth generation to live on and work that land and her grandson will be the eighth. The road they are on was originally a wagon road connecting four homesteads. During the time her family has lived on the ranch they've provided good stewardship, and are now unable to do that. This is not a money issue for ranchers. They cannot be threatened, intimidated or bought off. This is their land and their last stand. But this is no longer the ranch she has known and loved.

New Mexico is not a poor state; but it doesn't manage resources well. She has seven pastures that are rested 18-24 months, but O&G operations never rest. The ranch has 400 wells, and that number is about to be doubled. There are 800 miles of road, noxious weeds, erosion and water problems. The O&G industry cannot do its job—it is physically impossible to get to all those wells. They treat ranchers with less than common courtesy most of the time. We cannot resolve issues unless we work together, but all have to be on the same playing field or solutions can't occur.

Bill Humphries, Rancher

He thanked the RAC for the field trip, and said he didn't feel it necessary to define problems. Ranchers are multiple-use activists in the longest sense. They are also the last of a breed. A brand new group of people now owns the land and for the most part doesn't have a multiple-use attitude. We think things can be improved, and recognize the companies and places where there has been improvement. What's going forward and is good is recognized, but what's not needs to be attacked.

The first issue is watersheds. Big lawsuits will be filed against BLM, O&G companies and others. Pipelines are below grade. Rain comes and all the barrow ditches overflow. The Clean Water Act is where the litigation will come from. We think BLM and industry need outside funding. There are sources of funding in Washington, for example, the reclamation fund that is supposed to accumulate billions of dollars of credit. We would rather see money spent to fix problems than to buy more land. In the transportation budget billions are spent, if we could just get \$1 million into New Mexico and approach watershed improvement near roads and pipelines it would make so much difference.

We want to change the laws and status of the land to have equal rights with status under ground. BLM has to decide about well drilling. If we don't give equality to the surface we'll continue deciding either/or. Grazing lessees need to be involved from beginning to end of the process. They can give a lot of information on surface management. There are 400 years of accumulated tenure between our families on the land. Most of us have been around 50 years on this place and have knowledge to share. Safety and security issues need work. On reclamation and re-vegetation we are suggesting ways we can work with BLM and O&G to gain alternative funds. Finally, after years of protesting, we agree that BLM does need more people and more tools to deal with the issues in a cumulative way. Making one entity dominant is not the right way.

Linda asked the other ranchers that were part of his consortium to come forward and speak together. They were Jennifer Truby, Chris Velasquez, Carl L. Johnson and Linn Blancett.

Chris Velasquez

Road issues that concern us are erosion and the need to bring roads up to standards. We need to get water off the roads. Experience tells us the deeper the water, the wider the road gets. We need to fix them earlier to maintain wildlife and multiple use. He's in for the long haul. His father and grandfather lived here. Ranchers need to have feed so they can make profit from their animals. They need to take care of the land. The drought finished off most of his operation—from 198 to 75 cows basically on private land. Over the past seven years companies didn't re-seed and drought came.

They need culverts and also have had trouble with full cattle guards. They were for the convenience of old companies, but when full a rancher has to call the company to clean it out. He'd rather clean it and send a bill, or simply add gates. Use removable tanks instead of open pits. He showed photos. Tanks would eliminate hazards. He's had cows go into open pits because of poor fencing—in October 2001, 20 cows aborted and he has not been compensated. He wants respect for his operation, just as he respects others. He recommended speed limits for dirt roads. O&G trucks scattered a 3' windrow and he could hardly work out there. Need to slow trucks for stock and wildlife too. In 2002, he had cattle killed and no one took responsibility or even notified him.

Jennifer Truby

Her family ranched in this area for a long time, as a small operation, but they have a year-round permit so see things all the time that others don't. They have overall had a good relationship with O&G companies but have seen a change in the quality of people over past years. People used to come talk to them when they ran over a calf, and hunters and recreationists would come to the house but don't now. Ranchers have also been multiple-use oriented, and it has been discouraging in recent years to be attacked by those they've worked with for years. The original [Farmington FO] RMP focused on

grazing and didn't consider O&G and recreation. When that RMP came out, grazing was attacked. We are under attack from all sides when we've always tried to get along with everyone. A well location gets staked and will sit idle for a year till drilled, then another year for reclamation. So land is out of production and eroding. Ranchers provide salt and water for wildlife and don't ask for compensation. We just want others to be held as accountable as we are. We're over a barrel because we depend on the leases. Others are not held to the same standards we are.

Carl Johnson (Attachment 1)

He owned land in the southeast corner of New Mexico, the Jal/Tatum area, where there are definite problems with all types of land, not just BLM. He can't tell when he goes on BLM land, and neither can the O&G companies. The state and BLM took control of Otero Mesa land. His family sold their ranch because they didn't know what fences, water lines, etc. would be torn out. They moved to Tatum, where it's not as bad, but it's coming. They have one water source, the Ogallala, starting 18' below the surface. There are 400-500 O&G wells they know are leaking and O&G companies aren't policing themselves. The main culprits are old leaking pipelines, second are the drain pits. Pits on his land that are 30 years old are still draining salt water. Site maintenance is terrible. Fences are down, roads are 45 feet wide, buildings and compressor stations have been abandoned for 20 years.

His recommendation is to increase the bonding and have substantial bonding for each well, each building, and each tank. It has to be taken care of. Why should landowners and permittees have to store it? New technology, especially fastline—which took the place of steel pipeline—has made him think we don't need a 30-or-more-foot-wide clearance, and we can figure new specs for roads, pipelines and pits. We all agree that re-vegetation is iffy at best and in our country damn near impossible. We have the technology to reduce the initial damage and that's where we should point, especially in southeast New Mexico where we have caliche and salt water.

He thinks we have no police agency in the oil fields in southeast New Mexico—not BLM, OCD or the NM Land Office. We need to levy substantial fines against flagrant violators. Yates Petroleum is coming up close to him and trying to work with him, but they're an exception. "You just spy a cat out in the middle of your ranch," he said. He distributed a handout that he said was a "very rough first draft of things the oil companies representatives wanted to see."

Linn Blancett

He thanked the RAC for the opportunity to speak and that they went out to see the land. He wanted to point out other common issues that couldn't be seen that day. He suggested first and foremost that a rancher needs to be involved with staking. That is happening in the Farmington area, but not consistently. Ranchers have history on the land to lend awareness to that process.

New roads to new well locations should be built to spec at that time. Quite a few aren't, then pipelines are laid and new road added. Unplanned rain increases sedimentation. Topsoil should be pushed back and stored to be used for re-vegetation and reseeding. Next, close the pit. Reclaim the location within 30 days, complete re-vegetation of the pipeline and location within 90 days—as one agreement. Often one is done, but in the meantime the other one gets bladed out, running over seedlings. Mulch is good. We need to use seed with proven history in the area, with testing through BLM, O&G and NMSU. We have a vast array of soil types and topography, so there are many things to consider. All disturbed surfaces accept seed differently.

Make one road in and the same road out. The weed problem in San Juan County is rampant. Adopt Texas' policy of washing vehicles. Leaving his permit, you see buffalo burr moving down to Chris's and into the opposite drainage. If you drive through it in vehicles like the RAC did on its field trip, you pick it up in the mud and transport it—and you've planted it. Make sure all things hazardous to wildlife and stock are removed.

Last, the mitigation fund implemented voluntarily in this resource area is starting to work, slowly, but we think it will be successful given time. He encouraged thinking about ways this could be carried to the rest of the state, and encouraging people to contribute. When we do a project with this money, we would be happy for whatever a company contributes to be recognized—that is what they did with their mitigation fund.

Question/Answer/Comment

- Several suggestions had to do with OCD. Have you had the opportunity to look at or contribute to their discussions? One rancher was invited to speak to OCD.
- They can make rules all they want, but they're worthless because they're not enforced.
- Do you post private lands? Yes.
- Who decides whether there's a gate or a guardrail? That used to be BLM. Ranchers weren't asked.
- Don't gates solve more problems, e.g. slow people down? Linda said the issue about gates is that people don't close them so the stock gets out.
- The private sector recommends gates built over cattle guards. If someone leaves the gate open that's our problem. A lot of San Juan land is private.
- Linda asked for comment on erosive soil and the depth of pipelines, which indicates potential to break lines when doing roadwork. BLM has tried to put pipelines alongside roads, but may need to reevaluate.
- Pipeline where the RAC toured today was only two inches below surface.
- Fastline—replacing metal pipeline—is plastic and is both laid on the surface and buried.
- Are you looking as a group to go forward to the Congressional district for funding?
- Even a match would be significant. Industry wouldn't oppose being helped. One private landowner said he has spent time with the Secretary of Natural Resources and the industry has lobbied for federal funds to put into mitigation. The transportation fund is huge but BLM can't lobby for itself. The source of dollars is there but we have to work together. We've made those suggestions to the delegation and will have much more likelihood to succeed with cooperation between ranchers and industry.
- The El Paso line seen today has over 600 pounds pressure, and fastline wouldn't work for that. Fire is a tremendous threat to the industry where fastline is used. It burns well.
- Carl was not talking about fastline flow line, but about buried replacement lines. There is enough room to get a ditching machine down and drive alongside it. No welding is needed, so no need for 35' right-of-way to bury 4" fastline. It's fused rather than welded.
- Raye asked about the document distributed by Carl Johnson, "Who requested suggestions and said he'd put together a meeting?" He referred to point #9, asking, "Are you suggesting that we shouldn't drill with brine?" Carl said any drilling product—mud, water or whatever—should be hauled off and disposed of properly. Raye said the reason they drill with brine is because there's a salt layer to go through. Carl's intentions may be good but they may create larger problems than he recognizes. Raye will forward the suggestions to industry representatives.
- Carl said the water-bearing strata are 18' and Monsanto Runoff has expanded 18'. Why should he be put out of business because the industry has reasons? Use the primer, but dispose of it in a way that doesn't hurt him.
- Bill Buss said these are impassioned arguments he agrees with, but if \$4.5 billion went out of this county and today it costs \$500,000 to drill a well, that's recouped in 1 1/2 months. If reclamation is so costly—where's all that money going? This is a private corporation taking resources from public land. Why doesn't BLM charge them more, and make them fix the roads?

- Linda asked whether the ranchers could envision a common way of weed washing. Specific solutions haven't been studied, but trucks could go to town and get washed and get a certificate that could be requested on location.
- Raye said Amy requested equipment washing in Otero County.
- Don asked whether the requirement in Texas is by private landowners or by statute.
- What about deer hunters carrying noxious weeds? This is more than an oilfield problem, and seems important to pursue. Joe said there is a state statute in New Mexico. He thought San Juan County tried to do this about 10 years ago, but needed officers and financial resources. BLM, county agents and working groups are working on this, accelerated by the drought. Joe recommended working with state representatives and senators. BLM is contributing to a fund to approach this. County commissioners could assume some of the responsibility to assure that BLM funds come back to their county. Funds have been set up to work through county agents for treatments. Provide payment in lieu of taxes. Need to start by identifying the people who are working from different directions on the same problem.
- Concerning road improvements, road improvement = speed = more cattle death. O&G companies need to make people slow down. Education is needed.

Jim Dunlap, Permittee

Most of what he intended to say had been said. BLM has improved over the years to get things done. The bureaucracy is the most difficult thing to manage. Some BLM employees, as with any business, do a good job and others hinder. His permit has bicycle access, with a parking area and a gate. The gate was continually left open but is now always closed by the bicycle people. The oil companies are doing a better job than they used to, but it just takes time. He blames the problems on his permit on those working for the oil companies who don't give a hoot, don't have professional concerns or don't know what they're doing. Buffalo burr started at his place after reseeding. He showed pictures indicating how fast it's spreading. He offered to spray when he found it, but BLM said, "No." We might have stopped it then, but not now. The county is changing from agricultural to urban and he doesn't know if they can get the Weed Board to make a decision. Sagebrush control is one of the best watershed management tools used.

Question/Answer/Comment

- How are you controlling sage? Started chaining 25 years ago, use tebuthiuron now. Have to do it before you lose grass undercover.
- Eddie Williams and the county agent sprayed some of the buffalo burr. Was it effective? Yes, but they didn't spray much—it's a massive job. Another major problem because of the dead pinon is that woodcutters are going everywhere. He'd like to close areas, or be able to bring trees to the road.

T. Greg Merrion, Independent Drilling Association of New Mexico (IDANM)

He said he had a different picture to paint. He is the second generation of a family-owned O&G company his father started in 1960. He is also Chairman of IDANM, and said he would take the RAC's comments back to the IDANM and try to address their concerns. He read an excerpt from a Farmington newspaper article where PNM alerted customers to remarks by Federal Reserve Chair Alan Greenspan that we are not apt to return to a period of low cost and abundant gas and oil. PNM was alerting its customers to put their seatbelts on and get ready for a volatile natural gas process.

Virtually everyone we talk to is alerting us that we are on the verge of a natural gas emergency. We do not have the supply that the country needs. Conservation doesn't come close. The real answer is for producers to produce more oil and natural gas. We would like to do that, and New Mexico has the second most natural gas reserves—10% of the natural gas the US needs. In time of crisis the country

will look to New Mexico. In addition, O&G provides over 20% of New Mexico's budget, and has provided over 90% of New Mexico's permanent fund, not to mention tens of thousands of high quality jobs. It's an important commodity and New Mexico is an important producer of that product. Most New Mexico lands are federal, so the RAC has opportunity to make a real difference. O&G producers face tremendous obstacles in getting wells drilled, including permitting, access, and lawsuits exacerbating the natural gas crisis. We're not asking to get around regulations. We've been pretty good stewards of the land. There are 37,000 wells in New Mexico. If you want to point at problems and issues, there are a lot of wells and hopefully more to be drilled. We need to remove some of the obstacles and reduce permitting time.

Question/Answer/Comment

- In North Carolina where they grow tobacco, cigarettes are cheap. What's in it for us? Why don't we get cheap gas? It's market-driven. An Independent O&G producer sells crude oil and natural gas at wellhead at market price. Crude oil has to be refined, distributed, etc. We don't control that. And the demand exceeds the supply.

Charlene Anderson (Attachment 2)

She grew up in this area, and moved to California for work. She and her husband moved back to Farmington for cleaner air, and have been disappointed to see it deteriorate—now looking more like Silicon Valley. All of us rely on government to protect our health. As land managers, BLM's responsibility is to take care of these land resources for the public. As a good business manager, that means taking proactive steps to prevent further degradation. The public values good air, good land and quality of life. We are depending on BLM to be good multi-use managers. Accumulation of impacts has led to, for example, an estimated 40,000 tons of NOx from unpermitted sources—which is more than comes from permitted sources. We depend on BLM to be a good leader. Historically, overuse of public land has been the pattern. It is time to use our knowledge to improve quality of life. We need a fair playing field for industry and good regulations that are enforced. All companies need to be held to good standards, with ethical enforcement and manpower. She showed pictures to both RAC and the public of good and bad examples of land use and reclamation.

Question/Answer/Comment

- Does Steve Henke have a specific recommendation for mitigation until we gather the science? The Ozone Task Force should have data by December. That would be a logical point for review. Now decisions are being made before we have information.

Pauline McCanley

She came to ask questions, and felt outnumbered. People were talking about their heritage. Her ancestors were sent to Fort Sumner when the settlers came in. When released, the government let them go back to their desert and starve. They didn't know we were sitting on O&G. That's her biggest concern as a rancher. Lands have been torn up. The surface is the Navajo Tribe's. She gets tossed one way and the other. Around her place, there's an oil well here, a gas well here, surface pipelines, and roads. They don't get tribal clearance. They told her when she got this land, don't touch certain areas. So why can they? In August there was a meeting about a woman suing, and the next day the newspaper said President Bush wants San Juan County to do oil development.

What authority does the RAC have, and what can you do? Indian land is like private land, only the BIA keeps your papers for you. O&G comes through BLM. They tear up 40' and they don't re-seed it. The topsoil blows to Lindreth. If the RAC's meeting table was one mile long and 1/4 mile wide, that's the size of the land she owns with her brothers. She pointed out well placement. The company

does not contact them, they go around the edges. Grazing is least important for federal government, but remember that ranchers work hard. Reservoirs go dry and they haul water. She had 72 head of cattle, sold 27, and had 27 stolen—the cattleguards are full of sand, cattle hit by trucks. She tries to take care of the land; but she's being destroyed. Can you really do something about President Bush?

Louis Montoya, Montoya Sheep & Cattle Company (Attachment 3)

He decided not to speak, but provided a written statement. Many O&G companies take responsibility and work with ranchers. He recommended that companies build ponds to keep rain from washing out roads, and as the ponds silt up and grow grass both O&G producers and ranchers would benefit. If O&G companies kept weeds sprayed beyond well locations each year they wouldn't spread.

Jennifer Goldman

She is Assistant Director of an O&G accountability project, working with people affected by O&G issues. She saw one well that looked good, but we need to get a whole lot better a whole lot more. She circulated a book of "dirty pictures."

John Zent, New Mexico Oil & Gas Association (NMOGA)

He appreciated the time taken to help manage public lands in New Mexico and across the West. Others covered issues of concern to him, for example, the country's need for cheap, dependable reliable fuel, i.e. natural gas. It's incumbent upon us as residents and producers to deliver this fuel to the American public. But Not In My Back Yard. Reality is supply and demand. As American consumers we like lower prices and we live in a capitalist supply/demand society. Much of our community endorses and embraces multiple use. He spoke for NMOGA, which he said also endorses multiple use. We're all on public land by permit, lease, or license. O&G has regulations that cover all possibilities. Our right to be out there is our compliance with those regulations. Much of what you saw and heard today is in compliance. We as producers ask that BLM recognize our rights and continue to work with us to solve common problems. He's not opposed to being held accountable. He asked that the RAC make recommendations to Linda, and to President Bush, that include every permittee on public lands abiding by the law. We're all liable. The San Juan Basin has been blessed with an abundance of natural resources. He encouraged BLM to continue to work cooperatively with all users to come to common solutions.

Question/Answer/Comment

- Burlington has a good reputation in this area, but numerous others have not. Does New Mexico O&G association do things to whip those into shape? NMOGA is not the appropriate body to do that, but addresses problems through continual education. For example, those doing reseeding or maintaining roads, fences, gates may not be O&G employees, so films are being made to teach standards.
- Joe asked that he make NMOGA membership aware of concerns heard tonight.
- Operators focus on what is legal. Since people have a lot of resistance to past practices, some attention could be paid to the things that make people dislike the industry. As an individual, John said he has told NMOGA that the upcoming RMP provides for drilling 10,000 additional wells. Regardless of regulations, if we don't do the right thing with the first 1,000 wells and show the greater community a difference in our operations, we won't be able to drill the second 1,000. We have to do things differently to manage range and lessen impact on environment, but there is impact. Our challenge is to minimize it and work with other users.

Allan Rolston, San Juan Citizens Association (SJCA)

He represented a grass-roots citizen group in Durango and Aztec. He was raised on a Montana ranch and was a businessman. He's concerned that we're not looking at the impact on the big picture, for example water and air quality. Linda and Steve have to look at impacts on the health of the people, the costs that BLM has to consider. They have that authority and it would be great if they would do that. Ranching is a sustainable renewable resource. O&G is not replaceable, so he's interested in us making a transition to sustainable energy sources; and hopes we can focus on the bigger picture. Concerning supply and demand, he appreciates the companies doing a better job, just wishes it had started sooner. With what O&G are bringing in, it would be good to raise their contribution to the tax base from 20% to 25%. SJCA is concerned about air quality. We all have a part in air quality. New Mexico Air Quality Bureau is doing a study now that about 2/3 of O&G companies are taking part in. BLM could require every permittee to report on emissions yearly. Keeping track of that would help the Air Quality Bureau address the big picture. SJCA would like to see comprehensive water quality/use record keeping throughout New Mexico.

Question/Answer/Comment

- It is important that the public has the opportunity to comment like this.
- Raye asked Steve for more information, and recommended to the previous speaker that she talk with BLM staff. New things are being done about split estate issues. A change of policy on surface ownership applies.

The Public Comment Period closed at 8:30 p.m. Crestina thanked members of the public for taking the time to attend and comment, and invited them to also attend the meeting on succeeding days to see what the RAC does.

SEPTEMBER 11 RAC MEETING

CALL TO ORDER, OPENING STATEMENTS & CHECK-IN FROM RAC MEMBERS

Robyn opened the meeting. She said although the RAC would be considering the Working Landscape Initiative, she hoped they would think about what was said in the public meeting, including recurring themes over the past year of land management, and use of New Mexico's resources. Five new RAC members will arrive in November, so officers elected during this meeting will determine where the RAC goes from here.

Steve Henke welcomed the RAC to Farmington. He said there was good dialogue in the field and opportunity to see further diversity from public comment. He asked for recommendations for him and for Linda to move forward in this critical area.

Linda said she didn't hear anything she hadn't heard before but the conflict between ranchers and oil producers has Washington's attention. She has heard from Senators, Congressmen, the Interior Department Secretary and other significant political leaders asking her to "fix" this. She assigned a staff member to work full time with the industries and pull together a logical approach for legacy issues. We know it will cost millions of dollars to correct some of the long-standing issues, and it will take effort and time. She is meeting with Bob Gallagher of New Mexico Oil & Gas Association and has already met with other organizations. She will develop a proposal that's community based and will work to incorporate needs of both industries. She apologized that she had to leave early to speak at a commencement in Phoenix.

Robyn introduced Wayne Price, an environmental engineer for New Mexico Oil Conservation Division (OCD) a division of New Mexico Energy, Minerals & Natural Resources Department, representing the Governor. RAC members introduced themselves. Raye said the level of problems

expressed in public comment did not seem as volatile as in the past and Steve Henke has made great progress to allow that. Gerald Ratcliff from the Department of the Interior was introduced.

APPROVAL OF RAC MINUTES FROM RUIDOSO, JUNE 4-6, 2003 (Attachment 4)

No changes were made.

Motion

Tony moved to approve the minutes as presented. Crestina seconded. Motion approved.

APPROVAL OF AGENDA (Attachment 5)

There was discussion, and no changes were made. Agenda approved by consensus.

WORKING LANDSCAPES INITIATIVE (WLI) (Attachment 6)

Bob Alexander, BLM Rangeland Management Specialist

Bob said Washington is very interested in RAC input on the WLI. People need to look at issues from different directions to get the whole picture. To illustrate, he showed a photograph of a two-track road in a sagebrush landscape and asked RAC members what they saw. Bob reflected on comments, saying their differing views—negative and positive—indicate the challenge of agreeing about landscape maintenance. For example, sagebrush may be a problem for certain permittees, and yet BLM is attempting to maintain sagebrush in some areas for prairie chicken and sage grouse habitat.

He asked the RAC to analyze photos as he continued. Rangeland is land on which the native vegetation is predominantly grasses, grasslike plants, forbs or shrubs suitable for grazing or browsing use. An important component of maintaining landscape is understanding. BLM has joined with other agencies like NCA to study landscape and look at basic ecology. More than 300 sites are under study in New Mexico. The Sustainable Rangeland/Sustainable Ranching program is based on the belief that the two are closely linked, and sustainable wildlife follows. BLM is developing policies that build and sustain partnership with those who value maintaining and restoring resources and landscapes.

Policy Concepts: tools to enhance citizen stewardship

- Conservation partnerships—to cooperatively improve public lands on a voluntary basis, services in exchange for goods.
- Reserve common allotments (RCAs)—for temporary livestock holds during rangeland restoration projects, etc., through individual partnership, third party management or BLM.
- Voluntary allotment restructuring—an administrative merger of two or more allotments.
- Landscape habitat improvement—proactive community approach to improve habitat for threatened and endangered species.

Some regulations need changing, for example, the current surcharge for temporary livestock hold. Bob enumerated other possible regulation changes. BLM requires feedback from RAC and the public. By November 10, RAC and public comment and Linda Rundell's recommendations will be forwarded to the BLM Director. The proposed rule/draft EIS should be out in December, with a final in late summer 2004.

The BLM Director asks RAC:

- 1) Is BLM going in the right direction?
- 2) Are the objectives correct?
- 3) Have we adequately addressed the concerns?

- 4) Are there other Sustaining Working Landscape concepts or tools?
- 5) Are there examples of potential pilot projects?

Question/Answer/Comment

- Conservation use came out in the last administration's regulations. People were interested in longer non-use terms than three years. So it was decided that a permit could be approved for 10 years of non-grazing. But a federal judge ruled that BLM had no authority to issue grazing permits for not grazing.
- There's no time limit for grazing. Some landscapes are not sustainable, but in many instances, nonuse would benefit land. How long would it take? Do we have that information?
- Some areas are improved by long use, because disturbance itself brings regeneration. Use it or lose it.
- BLM wanted to find the best information, so went to NRCS and Jornada.
- Santa Fe's dying pinon is an example of what we don't know and can't control. Could unused land be held as common allotments if needed? Bob said nonuse is proposed by permittees, who still prefer grazing over other uses. Regulations say no other applicants would be considered for that allotment; but it takes a lot of work to run them and BLM doesn't have that labor or funding. Ways to tweak the regulations to make those changes are under discussion.
- This whole movement is a way to give people incentives to do things BLM doesn't have staff and funding for.
- Looking at Bob's first sagebrush landscape for example, things look okay, but there's greater potential if an outside source helped improve it—illustrating that BLM manages places that would be better with outside participation.
- Voluntary is the direction we're going.
- Are we differentiating between public and private access? Regulations say one factor for considering permittees is access; and there are differences between access to public and to private lands.
- How many volunteers does BLM want, and how much would they be involved? BLM is looking at partnerships with other permittees, conservation groups, etc., and can reduce fees for services in return.
- This seems like a lot of fluff, with few specifics. For example, on RCAs—a rancher in Tatum won't want to move his cows to Roswell. Who maintains those allotments when they are and aren't utilized? Put four allotments together, and multiply problems. Is "voluntary" a threat? Struggling to tell if there's anything solid here.
- The USFS has done some community allotments and they are a hassle. To have the permittee and BLM partner on range improvement however, is ideal. I'd do it even without compensation, for example, sawing down trees. But ranchers wouldn't want volunteers doing that without some input.
- We can improve parts of allotments without going through all this. BLM's job is to manage and to encourage permittees to improve allotments they're on. Smaller manageable changes would make big improvements without so much trouble.
- Linda said RCAs are places for ranchers to put livestock short-term if BLM wants to do brush control or a controlled fire, or if fire has removed forage on their allotment. This is an opportunity for BLM and ranchers. Some ranchers are tired of being in the business but don't want to give up permits, so want to offer it as common allotment. And sometimes having no place to put livestock stops landscape improvement. It's a good tool.
- Attachment 2, page 22 of the Sustaining Working Landscapes draft discusses common allotments. In Joe's area an ecosystem might span several permit areas, which means removal for a broad-scale treatment would involve numerous ranchers. Drought changes things too.

- There's an economic tipping point. Common allotment pasture would not save us from consequences of the drought. Bad mistake to think we can alleviate or postpone economic realities by using common pastures.
- The draft document looks at what RCAs would work for and drought is the last. First is improving the rangeland. Second is providing forage after damage to permittees' land because of emergency conditions like wildfire.
- Take out the drought option.
- McGregor Range grasslands include 12 pastures that have been successfully operated for some time where ranchers can bid to put cattle. Their operation is defined by law.
- Does BLM have flexibility on more than three years nonuse in case of drought, etc.? As long as an authorized officer approves nonuse it can be extended indefinitely. Regulations include a free use permit, but BLM likes to exchange use for services.
- Ranchers can collect fees for allowing grazing on their leased public land, but can't charge more than they're paying. If a rancher pastures someone else's livestock, there's a surcharge of about \$6. When setting up RCAs, the surcharge would be a hindrance for individuals. Under the Taylor Grazing Act, someone can apply for a permit to use land another rancher isn't using. There may be viable reasons that a rancher isn't using the permit area (illness, kids too young to take over), but they still consider it part of their ranch. That might be an opportunity for an RCA.
- Our nation's food supply is ranging on endangered. Ranchers' kids are moving out of state for higher paying jobs.
- What about elk? They do the same thing cattle do, year-round, and they're not managed. New Mexico Game and Fish Commission is reviewing and revising wildlife management, so those interested should contact them.
- Land will not much longer be used as range. In the long term, public land will essentially lie fallow and be used in response to pressure for economic development. Selling ranches to hobbyists who don't use or manage them is a problem.
- That concerns this administration. Most Interior Department management is from the West. They're looking for ways to sustain traditional cultural Western lifestyle as an underpinning of this plan.
- We can look at ranching as a business, but in reality a ranch is also an investment and a lifestyle. BLM recognizes the ranching tradition and sees it that way.
- Federal land policy and management considers multiple use of these lands. Taylor Act just talks about grazing. BLM administration looks at the Western culture, which must use the public lands. BLM has a planning process for evaluating what's done on a ranch. Numbers are not static. When tree growth reduces grasslands, or elk depredation increases, a rancher runs less cattle in that area.
- Communities are the first line of defense. When trash is dumped on public lands, get people involved earlier to stop build-up. If an area has been degraded, get people involved to improve it rather than letting it slide into worse degradation. It works both ways to protect the land. BLM is not the owner of the land, we the people are, and we have to protect the land.
- During public comment, the ranchers said they want to continue as stewards of the land. The Blancetts have 400 wells on their lease and will have as much as 400 more. How can things be sustainable when something so immense as current energy policy emphasizes O&G production? That's not compatible with multiple use.
- That is BLM's challenge, and the reason we have a planning process and involve the public. Until the country is ready for public debate on public lands, multiple use is the law and we work to make decisions to achieve that.

- We know our lands aren't in good shape. We don't have funds to fix that. Ranchers don't either. This is too high falutin. We need to make it easier to improve the habitat. Figure out how to do what works for all uses.
- Expand your view of who might be partners. There are potential allies on all levels. Bob said the language doesn't limit partners, but he invited recommendations on specifics.

SUSTAINING WORKING LANDSCAPES (SWL) RAC SUBGROUP REPORT (Attachment 7)
Crestina Trujillo Armstrong

The Tri-RAC subgroup appointed to work on SWL policy development met July 23 in the Nevada BLM state office; and several members participated in a conference call August 5. Crestina also conversed with the president of the Washington State RAC two weeks ago, who will send notes from that RAC's initial meeting with two other RACs. She summarized the Nevada RACs' comments in response to BLM national office questions for all RACs. The statements were not necessarily consensual.

- 1) **Are we going in the right direction?** No, we need to simplify, not make more complex.
- 2) **Have we identified the correct objectives?**
 - a) These concepts are solutions to unidentified problems. Identify the problems.
 - b) Everything takes too long, especially approval for range improvements. Take into account more than the needs of the permittee. And make the process more efficient.
 - c) The policy is more complicated than it needs to be. Need more efficient or streamlined process, but these concepts don't get us there.
 - d) The 4 Cs need to be defined and processes described.
 - e) What tools are available for ranchers to make improvements or redistribute livestock?
 - f) Consider whether it will work for the rancher, and what are the ecological goals. Look at existing regulations or policy that prevent those goals.
 - g) Implement the 4 Cs now with what we've got.
 - h) Focus on improving flexibility of existing processes.
 - i) Build on the success of allotments around the West that are meeting standards and guidelines. Analyze and share the information.
 - j) Articulate support for the standards and guidelines. S&Gs should undergo periodic review to streamline and allow management options.
- 3) **Have we adequately addressed concerns raised by the public at April workshops?**
 - a) The latest information sent to RACs better articulated concepts.
 - b) Public commented about details, not on the proposal or the big picture.
 - c) Develop a specific proposal to improve the quality of feedback.
 - d) Look at a streamlined top-to-bottom system that allows flexibility.
- 4) **Are there other mechanisms and policy concepts that we ought to consider to achieve sustainable working landscapes?**
 - a) Eliminate some regulations and policy instead of adding more.
 - b) Simplify and streamline project approvals so we can make improvements more quickly.
 - c) Develop bureau guidelines for range improvement. Make the process more efficient rather than streamlined. Keep the essential elements of permitting an improvement as part of an allotment management plan in order to facilitate appropriate multiple-use coordination and public involvement.
 - d) Process matters less than outcome. Livestock grazing needs to evolve into a process based on outcomes.

- e) BLM should improve and increase use of Cultural Resource Management Plan process. Need timeline built in.
 - f) Speed up the interested public process, particularly for temporary non-renewable permits. Temporary permits provide short-term benefits to the permittee but are not always in the best interest of rangeland health.
 - g) Some things should be between permittee and BLM. Redefine what needs to go before the public.
 - h) Conduct pilot projects on 4-5 allotments per FO to show if concepts will work.
- 5) **Examples of pilot projects that demonstrate SWL partnerships.**
- a) Implement stewardship program (not stewardship contracting) as a pilot in multiple locations with multiple operators. Needs clear definition.
 - b) Threatened and endangered species protection depends on broad ecosystem health rather than focusing on a single piece of habitat.

Further comments were made on Rangeland Conservation Partnerships.

FIELD MANAGERS' ROUNDTABLE (Attachment 8)

Bob Alexander led discussion. Comment was needed before November 10 from the RAC as a whole, representing all its variety of members.

Ed Singleton said deferment to achieve fire suppression couldn't be accomplished without a place to put cattle. Albuquerque FO recently got into a partnering situation where negotiations went all the way to the cost of feed and stopped. Two to three seasons of rest are needed to do a prescribed burn. Recently, brush control with Spike was done with cooperative agreement among all entities. BLM will need to follow up with fire. If we don't have the tool of deferred allotment, we can't do what we need to do. Over his 27 years with BLM, the bureau has felt a compulsion to permit any vacant land. Grazing regulations say we can't leave permits ungrazed, but we can certainly leave land unallotted.

Ed Roberson said some areas get rain and some don't, so if there's agreement in advance for permittees to build flexibility into their grazing strategies, that can happen. In prairie chicken areas, BLM may want cattle to stay out so birds can nest and raise young. This would give them a tool, another alternative, without major authorization shifts. The prairie chicken stakeholder group pointed out that it's a phenomenal investment for a rancher to sell all or most of a herd they've built over time.

Steve said first and foremost, BLM is promoting the concept that healthy sustainable landscapes are intertwined with healthy sustainable communities. And that is often a ranching lifestyle. If you support that concept, do you support the BLM's role to provide incentives and flexibility to promote that health? Those are the essential concepts to agree on before getting into specifics. And then, will you work with BLM to put meat on the plans?

Leslie said Carlsbad had problems in the past two years when they called USFS and other BLM offices to find a place for ranchers' cattle to go. For everything that's going on we need other partners—representing all interested users. Carlsbad had a successful project that resulted in habitat improvement to provide territory in an oil field for sage grouse and large game. Don't limit the partners. Be creative. This is a step in the right direction.

Jon said Socorro is working with many partners, and did a salt cedar survey recently. The FO is facilitating work with the Alamo Band, and it is very helpful to field managers to use these partnerships. For example, the Adobe Ranch a month ago donated a 1000'-wide easement to protect the Continental Divide Trail. All involved concurred that dirt tanks, cattle grazing, even subdivision and oil development could take place outside that 1000'. Socorro FO is in the middle of revising its RMP, and hopes that reserved land offered down the road can easily be arranged.

Amy said the standards and guidelines and this proposal fit well together. We need additional tools and flexibility to accomplish our goals for rangeland at the landscape level. They're complementary, helping us to implement needed changes.

Jon said your comments will help us also to maintain the traditional Western ranching lifestyle. BLM might examine significant and intriguing projects large-scale landowners are doing. What is Ted Turner doing to improve his land and how can we do that? Direct your attention to impediments that can be ironed out. Why hasn't this been done? The devil is in the details, so those details will deter progress unless we deal with them.

Question/Answer/Comment

- Largest stumbling block on McGregor Range is a legislative barrier. Military prefers not to have it used, so pushing to have more might take away current use. It does show us what's involved. BLM provides water and maintains fencing, which is a lot of work.
- Robyn asked about the status of open allotments. Is there a push to permit them? Historically yes. Now, all of us think much differently. But right now it would have to go to RMP amendment. We don't know when opportunities will arise, but Socorro is writing that possibility in broadly.
- Fort Stanton is not allotted and the RMP said there are other more important uses, but grazing would be kept as a tool. An allotment next to a wildlife refuge was released by the rancher and kept unallotted.
- Is there enough land now to scrape together for each FO to use as RCAs? We look for willing sellers and there are some prime lands we are aware of.
- We can work through private funds, for example, Ed Singleton said a conservation group recently planned to pay for a rancher's area adjoining El Malpais to be retained unallotted.
- Isn't that illegal? Not if it's provided for in the land use plan. Plans can be amended; and there is fertile ground for FOs to make that amendment.
- Bob said regulations on grazing list in order what is to be done. At Fort Stanton, the plan was built around FLPMA and is an ACEC.
- There is tremendous cost associated, so don't you need a mechanism to, for example, make permittees in that area co-responsible for the RCA so it's not a burden to BLM? If we make the change we need an agreement with ranchers in the area to a shared stake in maintenance. McGregor is huge, so the concept of maintenance, though important, would not normally be so large-scale.
- Stewardship contracting would be appropriate, with 8100 funds. What about the two years while no one's grazing? Most FOs have access to a forest account. Could it come from the grazing fee fund? Wildlife Management Institute and others might also contribute.
- The intent would be a business plan, possibly a special maintenance fee and provisions for that. The 8100 is for new construction not maintenance. May want to change that.
- John Hand said a stock driveway was used in the winter for grazing in the Magdalena area. Those are now adjudicated and it's difficult to go back. But the point is it's been done and it worked. We have to create that status in our planning.
- What would it take for a nonprofit entity to assume responsibility? Would that need regulation changes? Could do it under current framework. There is a process for assigning maintenance responsibility.
- RAC might comment to Valle Caldera Board, which is trying to make wise use of that area. Ed proposed that RAC write a letter encouraging the Valle Caldera Board to add stewardship contracting to its charter.

Bob suggested continued roundtable discussion leading to recommendations on concept of working landscapes producing projects in partnership with local communities and others. Is that going in the right direction for BLM?

- Define health in broad terms. We don't have to have all uses in all places. In that way too, flexibility is good. Some lands are past the threshold. We're talking about working in partnership for sustainable landscapes that are being used.
- The current system looks at the land on a 10-year renewal cycle. If BLM encouraged improvement in exchange for grazing fees, we're still stuck with \$1.35 per AUM, and good ranchers improve things anyway and bad ranchers don't. There has to be more motivation. Propose that BLM gives a permittee an allotment in perpetuity if they meet the annual goals. Move toward an outcome-based objective.
- Current activities are not necessarily hindering things. There is determination of whether we meet the standards AND of whether current grazing practices are a problem.
- There's a common theme of reservation about livestock grazing as the answer on all ground.
- BLM works with communities. This is not a new direction. The problem is changing BLM's rules and regulations to make big-stage improvements with these tools.
- The tools are too small to fit large problems, and BLM is putting change on the backs of permittees without proper compensation.
- The permittees do not accept that this is a problem.
- Remember this is not just grazing land.

Thoughts on how to proceed

- List some tools for BLM to use for better management.
- BLM is always short of funds. Look to the Department of Agriculture for money during drought that could be well spent on landscape health. If a rancher gets \$18 a head for cows, it'd be ideal if they put it into the land. Grass banks could be made to work. But how do you prioritize whom it's made available to. Bob's handout (Attachment 6) listed priorities.
- Steve heard the RAC say there's broad-based support for the concept, enthusiasm for increasing flexibility and use of incentives for landscape goals. If so, brainstorm suggestions.
- This is about any BLM land use. BLM has been seen as autocratic. This is the way to bring everyone to the table, not just ranchers, to take part.

Recommendations

- Move toward outcome based objectives. RAC agreed.
- Need incentives and flexibility. RAC agreed.
- Suggested BLM tools:
 - ⇒ Conservation partnerships (not limited to permittees)
 - ⇒ Reserve common allotments
 - ⇒ Voluntary allotment restructuring
 - ⇒ Landscape habitat improvement

Question/Answer/Comment

- In the attempt to combine adjacent areas, what does a hiker do? Is there an appropriation for payment of incentives now? First we decide what land conditions are desired, then we seek interested parties and combine forces, and perhaps apply for grants. BLM would be a member of the community, not top dog. Make sure there are no impediments for implementing any of these four recommended tools in current problem areas.

- Robyn has 24,000 acres near her home fenced to stop OHV use. It's open allotment, attractive, not currently grazed, close to an urban area. She would like to see it referenced and made into a multiple-use area including seasonal grazing by the community. There would be community support if everyone had a stake. How could they get started?
- Start with education about community opportunity, because lack of information is an impediment.
- Ron said current interpretation of the law restricts partnership contracting to forestland. BLM could offer forest products resulting from dead pinon to the community, and in the long range hope to offset grazing plans.
- Establish an outcome base. Set a goal to maintain a certain landscape condition and use that guideline rather than dates. We don't know what the impediments are. Whatever they are, get rid of them. Get several small projects accomplished so there's something to convince people.

Impediments

- Educate. Tell people what's possible.
- Call on each FOs cadre of volunteers. When funds are available, volunteers are plentiful. Is that true for all FOs? There's no lack of projects but are there identified landscape projects? Sikes Act funds are being used on landscape-level projects.
- There are several barriers. Paperwork involved keeps communities from projects with BLM. Hard for the agency to get plans into reality because of that. Hard to get all stakeholders to the table but important to make the effort so the end is agreeable to all. Accountability—few people do the monitoring to see that what was planned is finished. When other things work, the money is there. Get people, including O&G, involved in solutions that will help everybody.
- Current land use plans are not set up to use conservation partnerships. Identify the need in the land use plan, then act on opportunities to acquire property and form partnerships, to show that BLM is taking this out of the traditional system of individual preference in yearly operation by individuals.
- BLM is treading on new ground and has no experience there. Can potential partners envision entering this new territory with BLM? It's a challenging opportunity.
- How much trouble is it to create an alliance, for example, with Rocky Mountain Elk Foundation? If there's clearly a benefit to them, we're successful.
- Bob agreed to provide a summary by the first half of the following week and forward it to RAC members, even retiring ones, so they could see it and respond. Then they will receive a final draft.
- Bob said the science behind identifying landscape level objectives is not yet achieved statewide. We need the capability to understand the potential.
- We need a liaison. Enhancements for one are not enhancements for another. For example, one group removed all rocks to make a bicycling trail more accessible, and others had to come in and replace rocks to stop erosion. All stakeholders need to be involved in a community approach.

Bob brought the discussion to an end. Department of the Interior comments that he has heard show varied interest in pushing to common goals. On behalf of the Secretary and Rebecca he thanked the RAC for their effort. "The RAC is a resource, the public is a resource, and you are to be commended," he concluded. Ron Dunton clarified that current stewardship contracts he introduced at the last RAC meeting are still awaiting approval in Washington. The BLM and RAC can work on some levels, for example, education.

OIL & GAS COMPLIANCE: Overview of Inspection and Enforcement, BLM Farmington FO Roland Adams, Head of Inspection & Enforcement

Steve introduced the inspection and enforcement presentation and Roland Adams, saying the Farmington FO (FFO) tries to maintain the focus on engineering and environmental protection and fair

return to the taxpayer. Roland said the FFO is the largest in the US, with its primary concern the San Juan Basin. That basin had approximately 19,000 wells producing 1 trillion cubic feet of gas in 2002—48% from coal seams. That included 3 million barrels of oil, with royalty on federal and Indian lands ~\$460 million. Foreseeable development is 9,969 more wells in this district.

Inspection and enforcement objectives:

- Protect the environment, public health and safety.
- Ensure that O&G resources are properly developed (maximum recovery/minimum waste), including site security.
- Ensure proper accounting of production from federal and Indian lands.

Inspection and enforcement are driven by a national strategy that hasn't changed in years:

- Inspect all high priority drilling wells yearly.
- Priority set at APD approval time.
- Low priority drilling inspections conducted on random basis.
- Plugging and abandonment on all wells.
- All production inspections of cases rated high FOGRMA (Federal O&G Royalty Management Act). Two major or six minor violations in a fiscal year elevate a lease.
- Inspection of tribal and allotted Indian cases.

Minerals program inspection and enforcement:

- Conduct plugging, drilling and production inspection on federal and Indian lands.
- Through 3rd quarter 2003 the FFO completed 93 plugging, 72 drilling and 1,186 production inspections—which is above goal.
- To date in 2003 the FFO initiated 618 enforcement actions when violations were found. Major violations threaten adverse impact on environment, public health and safety, production or royalty. Activities have to be in direct violation of enforceable rules. Written orders are issued on violations like incorrect signage. Incidents of noncompliance can be written on Notices to the Lessees speaking to a specific situation like need to paint tanks.
- How many inspections are generated by public complaints? He didn't recall any.
- The automated filing system has been down for several months, making some files unavailable.
- Cliff shared information from the prior RAC meeting in Farmington stating there was little inspection at that time.
- Roland said, "We are going to exceed goals in coming years and do it in an elegant way."

Question/Answer/Comment

- What % of enforcement actions result in assessment? A very small number of \$250-\$500 assessments are given to operators that either refuse or fail to respond within about 20 days. Failure to do that leads to a civil penalty of \$5000+. Those are usually smaller nickel and dime operators. He hasn't seen wells drilled without permission in this area.
- What about loss of livestock or wildlife being run over or drinking chemicals? That makes a lot of difference to a rancher. Application for Permit to Drill can call for a pit to be fenced or netted. Settlements have been negotiated to reimburse cattle owners. There is a process for claiming losses. The San Juan Basin Working Group has addressed this with a framework presented to the committee but not agreed upon by consensus.
- Some of the inspections are surface. It would be helpful to the public to have inspection and enforcement information beyond numbers available. Provide details. Tell us the context. For example, 93 wells were plugged, but how many needed plugging?

- We can't get all that information right now, but will when the database is back in operation.
- There is no backlog of plugging at this time. BLM witnesses every plugging. Is there a backlog of things that need inspecting? Yes, a 2,000 surface reclamation backlog with three dedicated staff. Sixteen months ago there was no dedicated staff, so the backlog is being addressed. Surface compliance on the backlog of plugging is a priority for the coming fiscal year

Roland listed staff and qualifications, including certification in Automated Fluid Mineral Support System, and the Federal Indian Minerals Office. FFO hopes to dedicate people to validating output in the future. FFO is working with the Navajo Nation's four Petroleum Engineering Technicians. O&G budget is growing and FFO has priority. They continue to ask for more capability but given the national picture can't tell what will happen. The FFO staffing strategy is to build to 31 staff over the next five years. Meanwhile, they are visiting high-priority wells every year to mitigate concerns. At 1,030 wells per inspector, with projected number of wells added, it is not possible to reach them all. But FFO plans quality inspections every three years. Older leases often are the source of major problems.

When an operator has a problematic history, BLM can increase assessments. Fortunately there aren't many of those. Some wells have never been seen. Cliff said the report in 2000 said 900 wells have never been seen.

Staff is being trained in a 1 1/2 year-long National Certification Program with modules of two weeks each that focus on key elements. Applicants have to pass with an 80% grade. By the time they finish each module, they will be well versed. With a pretest, oncoming hires can demonstrate knowledge and ability so they can proceed without modules they are experienced in and move through the system fast. Most BLM inspectors stay till retirement.

Other inspection issues

- Increased workload in drilling and plug and abandonment reduces time allocated to production inspections.
- Pressure from ranchers and environmental community to focus on environmental compliance.
- Remote sensing of reduction volumes and onsite equipment will significantly reduce the cycle time associated with inspections. Producers' information about their wells is automated. BLM needs to access that same information from their instruments.

Robyn distributed an article from the *New York Times* about spotted knapweed that applies to other noxious weeds as well. (Attachment 9) It has long been thought that these weeds produce toxins in the soil that inhibit growth of native plants. The article cited evidence that knapweed does produce a potent and previously unknown poison that kills off neighboring plants. Robyn said the Four Corners area has a serious problem with knapweed, which can be seen in graded areas along the river, and is associated with loss of diversity.

DISCUSSION OF PUBLIC COMMENT PERIOD

- Bill said people were less shrill, probably partly as a result of FFO's effort and general media coverage. Maybe they are beginning to accept the actuality of increased O&G development, although its density was discussed. It seems most important to address roads and reclamation. He listed numbers that indicate vast profit made from wells, but no incentive for producers to reclaim land or maintain roads. He suggested adding \$100,000 to the cost of drilling a well, to pay up front for the maintenance of roads and reclamation. Hire professionals who will properly maintain roads, drain pits, etc.
- Put \$1,000 of the drilling retainer aside for NMSU graduates to determine or create effective reseeding. There are new ways to do this properly. Ranchers will be pleased.

- Steve said he doesn't want to be locked into a course of action that doesn't work. Bill is right that they are paying for it anyway, so there's common ground to do a proper job. The "right amount" will take discussion. But this makes sense.
- This fee structure could raise the level of the whole situation, making responsibility something easy and to be proud of.
- Wayne Price thought Bill's idea was excellent, particularly on public land, but wasn't sure how it would work on private land. Often private landowners don't have mineral rights, so even though damage is done, they may not have a say.
- At least this would address the issue on BLM's domain and if it works well could be a model.
- Complaints directed toward OCD are often about private land and intended to get leverage to recoup lost lawsuits or even make money.
- Mike said OCD sets spacing. Five formations are being drilled for and spacing, for example, in Fruitland, is down from 320 acres to 160. Others are down to 80 acres with as many as eight wells. In other parts of the state spacing is even lower. There are ramifications of that spacing.
- Raye said spacing is designed for efficient draining of a reservoir. OCD has protection of ground water, rights and conservation—including avoiding drilling additional wells. They're mandated to do that, so the change would have to be legislative.
- It's an art and a science to get the ultimate amount of resources out of the ground safely and in a certain amount of time. The O&G industry is looking for ways. Gas zones are different from oil zones so some commingling is not a good idea. The formation can also be damaged and the resource lost. In Raye's area, they are developing a new area at 3000' with one well bore to reach two or three formations at different levels making it worthwhile for his company. Of the \$450,000 cost to drill and complete, \$190,000 is drilling cost.
- OCD has to deal with federal, state and private land. Dry holes are drilled too.
- That doesn't dispel responsibility. Charging the cost up front would not substantially change it. OCD does not have the legal mechanism to do that. BLM might.
- Raye said when an O&G producer finishes with and plugs 20 wells, species that were there when they started will return and the area won't be recognized as a former well 20 years later. Some have been completely restored by Mother Nature. In our short time-span alive we make certain things happen which may not bring about what we intended in 20 years.
- Many leases are leased long into the future, so it is neither legal nor ethical to change those. Future Congressional legislation or even state-level legislation could add 12% percent of royalties for reclamation.
- It would not be unreasonable for BLM to ask for a percentage to stay in the area for reclamation. But it is controversial. O&G made a recommendation for money from royalty to go to an archaeological project in southeast NM. Governor Johnson backed it but it was not endorsed nationally. There are mechanisms for addressing these issues. Improvement is such that Raye would not recommend further change now. Come back in two years to see how this is going. The system can almost do what you're suggesting. The industry learns who does a competent job that fits BLM standards and that person gets rehired. It's money wise for O&G to hire someone who doesn't cut corners.
- Another issue about government holding reclamation funds is that half of 1% of bad operators will take advantage, walk off and let the government pay for cleanup.
- Tony asked about a picture the day before of one drilling site that was using a tank rather than a pit. Can we use tanks rather than open pits? There is technology for doing that. But there are safety concerns as well as cost differences. Does it make a difference how soon afterward the pit is cleaned out? Not if fencing is adequate. The law now says hydrocarbons must be removed. There was long contentious discussion about pit rules.

- Raye said a lot of what's in the pit is water, but the pit is lined so it has to evaporate. It could be hauled off.
- Can pit problems be solved?
- Protective casings are set to protect aquifers. Rancher Bill Humphries indicated that companies need to set protective casing deeper. There is always a string of casing required to protect any fresh water zone, so it wasn't understood exactly what he meant. If the company didn't know there was deeper fresh water, they wouldn't have prepared for it.
- Joe said 18 years ago southeast New Mexico had an oil bust, companies went out of business, taxes and unemployment went up. We're in good times now, but won't always be. Whatever we do needs to consider that.
- Steve said he came in two years ago at beginning stages of the FFO land use plan with public dissension, and stepped back to assess what was fundamentally in the public interest. This land is 99% leased and it is in the public interest to continue to develop the energy resources in this field. The question is how to do it responsibly. He has structured the RMP to minimize impacts. Fundamentally, O&G building roads and structures is in direct conflict with natural ecological processes and uses like ranching. How do we minimize impacts? He chose to collaborate with users to adjust procedures to be as friendly as possible. Multiple use does not mean every use on every acre.
- RAC responded in further discussion, praising him for his approach and the difficulty of his position.
- We have to build broad-based support that outlasts us, he said.
- We hope public comment goes back to OCD.
- Unitization in federal lands is either exploratory or secondary/tertiary. Could unitization be used as an opportunity to address issues discussed during public comment? There is a formalized approach for finding some cooperators amongst the units that would take a model approach. Raye explained his experiences with unitization. Steve said unitization offers some advantages to minimize impacts, has been identified in the RMP, and FFO is exploring possibilities.
- Wayne said OCD primarily has approached this from how to manage the resource best to prevent waste. That probably does not fit with the RAC's goals. OCD does not have regulatory authority to do some of the things that Steve can do.

ELECTION OF NEW OFFICERS

Robyn opened nominations for RAC president and vice-president. Tony and Crestina were nominated for president. Ballots were distributed and RAC members voted. Tony was elected president.

Raye, Michael and Crestina were nominated for vice president. Ballots were distributed and RAC members voted. Raye was elected vice president.

Subcommittees announced meeting times and places. The RAC meeting recessed until the following day.

SEPTEMBER 12 RAC MEETING

AGENDA REVIEW

Crestina reconvened the meeting at 8 a.m. The agenda was changed to make his presentation first. There was discussion about dates for the next two RAC meetings. Cliff expressed his concern that the RAC meet six times yearly, because things dissipate with too much time between meetings.

FINAL DISCUSSION ON PROPOSAL FOR PUBLIC PARTICIPATION & UPDATING PUBLIC ACCESS

Tony Popp (Attachment 10)

Tony distributed three documents that were discussed and voted on.

Public Input in the Planning Process Recommendations for Change

Proposal 1

Motion

Tony moved that RAC accept Proposal 1 of the *Recommendations for Change*. Cliff seconded.

Discussion

- Tony said the proposal was in response to BLM's request, and read it aloud. After a scoping process BLM makes decisions and comes out with an EIS. This proposal further includes the public in the process. Some FOs have said this would be difficult to do.
- It takes a while to formulate an alternative plan. FOs come up with at least three alternatives to study, so the proposal recommends that a community group help them decide what those alternatives would be. FOs already have individuals in mind that could be called on to form working groups. How they choose a group is not stipulated. But because of the Federal Advisory Committee Act (FACA) BLM has to have an open public participation process, with invitations for working groups open to all, and published notification of meetings, etc.
- Cliff's intention was to open the process for the public to explore alternatives and provide a broader range, because determination of alternatives is critical and the public felt it had no part in their selection and was faced at the end with only bad choices.

Motion Approved

RAC unanimously approved Proposal 1.

Proposal 2

Motion

Tony moved to approve Proposal 2. Bill seconded.

Discussion

- When BLM does any significant project, it includes a working group—expanding use of working groups and public input.
- Steve said it's important to clarify what "significant projects" are, and the RAC will need to stay in touch with local FOs. We are under scrutiny through FACA. These proposals are doable and we welcome the opportunity.
- Ed Roberson said in the Pecos Gambusia area, for example, the FO would do more outreach. Would this require further planning by FOs? Get working groups formed in readiness. RAC expertise can come in to play as areas arise of significant impact or controversy or requiring analysis.

Motion Approved

RAC unanimously approved Proposal 2.

Guidelines for the Submission of a Management Alternative to the RMP Revision Process

Motion

Tony moved and Bill seconded to approve the *Guidelines*.

Discussion

- Tony said his subcommittee hoped that given the proposals just passed, people working with BLM would feel that their input was listened to and therefore there would be less contention. Some groups will probably not participate, or will feel ostracized, so these are guidelines for them to provide an alternative to be studied in the EIS. These are things to consider in preparing further management alternatives. The proposal is to have this available to the public to help them organize. For one thing, it makes them aware of laws BLM must abide by.
- Steve said typically an RMP has a range of alternatives covering many program areas, and people engage only in an area where they have a concern. He hopes this policy helps the public engage in site-specific suggestions for the larger picture.
- We hope those people will be included in working groups. But some will not want to be included in the process at all. Ideally this will never come up. One concept is missing. Ed recommended that the feasible alternative needs to be economically feasible too. Tony felt that was implied.
- Staff hopes RAC will help with work group formulation. And Tony reiterated that these guidelines are meant to address those who don't want to be involved in the process. Max asked about criteria to include cultural traditional use of certain lands, e.g., in Chimayo sand is taken out of the arroyos, which is traditional though against the law. Tony hoped that local issues would be included in the whole picture implicit in the guidelines.
- Tony said RAC can vote on these proposals and present them to Linda to implement at the state level. The RAC can also request that unanimous recommendations be forwarded to Washington.
- These guidelines have been discussed and reworked three times. It's a way to make public protestors work through their recommendations, rather than complicating the process with cheap shots.
- Steve recommended in paragraph 2 that social and economic consequences of proposed alternatives be highlighted. Raye thought the proposal could be improved to meet the needs of BLM staff once approved by RAC. The RAC agreed to leave to Linda the decision whether it be sent to Washington.
- Max reiterated that traditional uses should be included in social impacts, even on a par with endangered species.
- Joe asked about paragraph 2, "When do you have closure?" The FO can provide time limits. Steve said in the planning process there is a time to consider, alter and decide whether to include them. Further alternatives are precluded from consideration.

Motion Approved

RAC unanimously approved the *Guidelines*, and agreed to let Linda decide whether to send them to Washington. It was recommended to send the *Guidelines* to other RACs.

BLM RAC Subcommittee Report on Access to Public Lands

There are problems with too little and too much access, but the subcommittee decided some issues were roads and trails questions, and they would address blocked access. Washington is interested. Tony showed maps indicating problem areas in each FO. He suggested that each FO visit every site of reported blocked access, as Las Cruces FO has done, to determine extent of the problem. Is this a county road? Do we have an easement that's not being honored? What alternatives are there? Will the landowner cooperate? Do we need to initiate litigation?

Cliff thought the issue of shutting people out of public lands was the purpose for this report. Discussion followed. Tony pointed out on the page headed Attachment 6 a law about closure of private land access to public land. He asked whether the subcommittee should formulate policy suggestions for BLM. Staff could come to the next RAC meeting with further information on problems, to indicate what RAC could do. Tony thought Linda wanted RAC to suggest alternatives. Steve said he thought Linda would appreciate looking at the issue statewide and making recommendations on priority areas of access difficulty. He hoped recommendations would be sensitive to private property rights and cooperatively achieving access.

Discussion

- It would be good to discuss this thoroughly at the next RAC meeting, bringing in new members immediately to address a problem. We could bring in county commissioners and others to address issues from their perspective.
- Taos FO has been in discussion with officials about access. Their records have made it impossible to produce a map that shows problem areas.
- Max gave an example in Garcia Canyon where Native American lands have interfered with public access.
- There may also be areas that we don't want to open up. And tribes want access to spiritual sites for themselves but not outsiders.
- Hunting is a cash cow for some landowners and access is important for that. That has been a problem for FOs.
- Discussion continued.

Tony will work with this again and bring recommendations to the next meeting for further discussion.

GEOLOGY ACEC & DEVELOPMENT OF THE ACEC

Patricia Hester, BLM Albuquerque FO Paleontologist

Pat said she would talk about geological heritage sites (GHSs) and had a proposal for the RAC. Her presentation included example GHSs from all FOs but Carlsbad. Geologic Heritage Sites worldwide have local, national and international significance, for example, Carlsbad Caverns. Some are set aside as research natural areas. She showed a Paleocene section of the Nacimiento formation that is managed by the Albuquerque FO.

Characteristics of GHSs

- Record the earth's history
- Illustrate geologic processes
- Provide research opportunities
- Provide outdoor learning opportunities
- Provide heritage tourism opportunities

Knowledge of geologic events helps define limitations, capacities and sustainability of activities on the landscape. Past extinction events are recorded in the fossil and rock record. Recent research indicates that the catastrophe that made dinosaurs extinct made 70% of animal species extinct. Geologists use past processes and events recorded in rock to project future events. She showed finds like mastodon tusks in the Las Cruces area.

GHSs and FLPMA

Our land use planning efforts can help BLM know more about the areas it manages, give protection to areas of geologic significance, and make others available to the public. Where the RAC comes in is that we don't know where all these sites are. She suggested that a subcommittee might incorporate New Mexico universities' earth science or environmental science students, with organizations like the New Mexico Geological Society, and State Geologist, to find out where people are researching. Collaborative planning involving communities and further information are called for with these sites.

Question/Answer/Comment

- How many GHSs are known in New Mexico? Carlsbad is designated internationally. BLM has identified many in previous inventories. A fossil forest in the San Juan Basin is a research natural area (RNA) and there's a reference RNA within Elk Springs ACEC.
- Designation needs to fit into the planning process. Some may not need any designation. Some may be in public use. There would be various levels of protection, e.g., areas of volcanic activity would not have O&G potential, but other values are there. Geology is the skeleton.
- Reiterate what you require of the RAC. Because of FACA laws, an advisory council is needed as part of BLM FOs. The RAC could establish a working group to advise staff on sections devoted to special management—including GHSs. The RAC could raise awareness and encourage designation of some areas.
- There's opportunity for a statewide geological designation process.
- RAC subcommittees could help guide inclusion of more working groups.
- Once something is designated as ACEC, for example, it would be helpful for the RAC to know what's occurring there, the qualities that make them special, etc.
- This is part of a larger discussion on how the RAC can be of service to BLM.
- The RAC can raise the level of awareness on these valuable areas, and on the designation process. It can assist with networking and encouraging participation.
- Ed will contact some of the people mentioned above to see what opportunities might be available.

RECREATION & VISITOR SERVICES PRIORITIES (Attachment 11)

Dwayne Sykes, BLM Recreation Specialist

Dwayne gave a synopsis of the bureau's recreation program. No decision was needed, he just provided information. A year ago the BLM Director established priorities that came to state offices. They were refined and there was discussion on how to implement them. Then they were boiled down to the purple book: *BLM's Priorities for Recreation & Visitor Services*, which will go to the public next month. Dwayne will send them to the RAC. It is BLM's annual work plan for priorities through 2007. He distributed a summary. The priorities recognize that BLM has to plan for a range of opportunities including unusual ones, like the gathering of 30,000 people in Nevada called Burning Man. Burning Man is permitted by the FO and brings in a lot of money although it is very management intensive.

CA and UT are hotbeds for new recreation opportunities including off-road skateboarding. Western population growth is driving the need for comprehensive management plans. Recreation use in New Mexico increases at 5%/year, and even faster in some parts of the state. Visitor days are increasing and becoming more intense. OHVs are increasing, and the types of OHVs are expanding. Farmington and areas surrounding Albuquerque are sites for extensive OHV use. Outdoor recreation is big business. Tourism is one of the top three industries in all Western states, and second in New Mexico. New Mexico heavily markets tourism and BLM will be a major player when tourism increases.

Anything done on BLM land that brings in money requires special recreation permits, e.g., hunting guides, river running companies, special events—32,000 of those permits annually. Developed

sites are increasing. There are now seven times as many as 25 years ago. New Mexico has 10 and has received increased funding in the past three years to upgrade and maintain them. A new one is being built at El Malpais.

New demands and stress factors on the recreation budget include:

- National Landscape Conservation System—expanded mission and commitment to visitor services
- Off-highway vehicles—litigation, public access, travel management and planning
- Permits—growing number of permit requests and special event monitoring, more complex NEPA analysis and monitoring requirements

The recreation budget has remained flat while acres and miles of wilderness, rivers, trails and designated areas increase. Leverage money through partnerships. One of the best in New Mexico is the Public Lands Interpretive Association. BLM is a leader in partnerships. Eighty percent of all public contact as well as the majority of volunteer hours, partnership, and alternative funding is through the recreation program—four times as much as wildlife and resource protection. Recreation fee demonstration programs began bureau-wide in 1996. From 1996-2001, BLM collected nearly \$24 million. Funds generated in New Mexico now stay with local offices to operate programs. There's legislation in Congress to make the program permanent; otherwise it expires in 2006. Both the amount of and the acceptance of fees are being evaluated. New Mexico fee site revenues for 2002 totaled \$179,603. In 2003, \$220,000 has been collected thus far. It can be used for interpretive signs, stipends for volunteers, etc.

He listed key milestones. Attempts are being made to join with other agencies for a national card that visitors buy which admits them to any public land. The backlog in deferred management has been reduced by 60%. We are working to receive fair value for recreation provided. A website was developed: volunteer.gov. And the bureau is working to implement more of the Secretary's 4 Cs, and to work with local governments and communities to extend economic benefit.

Question/Answer/Comment

- Promoters of Farmington events give 3% to the government. As of two years ago, funds stay at the local office, obligated to recreation management.
- Are there studies that tell us more about impacts on populations? Dwayne was not aware of such studies, but is going to a BLM recreation team meeting where that will be discussed. He will send pertinent information to the RAC.
- Cliff asked RAC members whether they knew where upcoming Public Lands Day projects would be held. None answered. Why are these not advertised more broadly? Dwayne said there would be more public service announcements that week. It is best to get things out sooner.
- John Hand commented that the RAC has not heard reports on projects concerning salt cedar removal and pinon-juniper approaches. He has information on public-friendly machinery that extracts and chips. He would like for FOs to consider those machines for future projects. The Santa Fe watershed has been using this technology for thinning small diameter trees.
- Ron said in many areas it is impossible to use machinery because of topography, and it is expensive. Salt cedar in southern New Mexico is being dealt with by machinery. Plan to extend into large-landscape pinon-juniper country with machinery. Steve will see that a copy of John's information is sent to FOs.

EPILOGUE: REVISIONS TO THE PLANNING PROCESS & ORIENTATION FOR NEW RAC MEMBERS IN NOVEMBER (Attachment 12)

Charles Pregler, BLM, Manager of Partnership Series, National Training Center

Charles is Director of the *Partnership Series* in the Phoenix National Training Office, which is working with broad community-based planning. He will be informing existing and new RAC members about techniques and courses available and steps taken. He led development of the *Partnership Series*, a collaborative approach to decision making; and spoke particularly about the “Learning Community” course. Courses teach how to get below public comments like “we don’t like more roads,” to issues that can be addressed. Doing such a course for RAC and New Mexico BLM leadership might be a pilot for a national approach. It would help RAC members know issues, build perspective, and do outreach. He introduced Kevin Preister, who teaches courses.

Charles’s suggestions:

- It is best to address issues at the emerging stage.
- Public meetings are not good ways to get input on land use planning, and there are many other ways.
- Issues have geographical locations, and the scale on which you deal with the issue has to be comparable.

He distributed a handbook with agendas from past sessions.

Question/Answer/Comment

- Tony said this course as a three-day RAC meeting was proposed and discussed at past meetings, but not approved. The RAC has recommended getting working groups together and someone needs to do that. RAC is such a working group. But he does not want a three-day session and is not sure that RAC members would be the people going out to do these things. He would be receptive to something less-than three days. Discussion opened.
- The proposal was that the entire RAC plus FO managers and other NMSO staff—adding up to 35 people—would take the course together in November. The course includes a great deal of fieldwork. People are sent out into the community to apply the techniques taught, and debrief and synthesize the information into something that can be used.
- Steve asked whether there is opportunity to expose and educate the group to techniques, and forego the field work. Kevin said the value of the course is the opportunity to practice methods to take steps at local levels, and serve as controls for BLM. How can these concepts make RAC more effective? Getting out there and doing it makes the difference. In Phoenix, actions were created out of the training fieldwork based on relationships made and issues raised.
- There was strong feeling both for and against the proposed three-day course.
 - Poor timing, since new members arrive for that meeting.
 - This is not essential to the role of the RAC.
 - Too much time.
 - Don’t want to be told what the RAC does.
 - Valuable to have actual experience doing what we talk about.
 - Not convinced of the value.
 - Valuable for the staff, but not for the RAC.
 - Combining leadership team with interest group representatives may not be appropriate.
 - Want to do it, but new members need orientation.
 - Schedule BLM staff course, and interested RAC members could attend if they wish—without compensation for expenses.

The RAC agreed that a full-day orientation is necessary for new members. It was thought best not to do this three-day course in November. Tony will confer with Linda to plan the meeting and hear her thoughts on the "Learning Community" course and other courses for the BLM statewide management team and RAC.

Steve worked with the "Learning Community" course as part of planning the FFO RMP and the resulting information was invaluable. It is revolutionary and could get us to a new place in our planning process, and he would like RAC to also experience it. The RAC agreed that it sounds valuable, but differed in their levels of personal interest. Steve said it would help us identify appropriate people for working groups that have influence in common so can take information back into communities.

It was requested that the person taking minutes at future RAC meetings sit in the center of RAC seating so they can hear everyone.

RAC members whose terms had expired said goodbye to the RAC and agreed that RAC membership had been a worthwhile and pleasant learning experience for them. Steve thanked retiring members for their service and expressed his enjoyment in interacting with RAC members. He invited them to stay involved with FOs and the BLM State Director, and to sit on RAC subcommittees. Tony said he hopes to set as good a tone for new members as those leaving did for him.

Meeting adjourned at 11:45 a.m.

/s/ Tony Popp
RAC Chairperson