

**Final  
Summary Minutes  
NEW MEXICO RESOURCE ADVISORY COUNCIL  
February 27-March 1, 2002  
Albuquerque**

**RAC Members Present:**

Crestina Trujillo Armstrong  
Larry Baker  
William Buss  
Mike Eisenfeld  
Phil Kennicott  
Cliff Larsen  
Raye Miller  
Charles Pergler  
Anthony Popp  
Gretchen Sammis  
Robyn Tierney  
Patrick Torres  
Richard Zierlein

**Designated Federal Officials:**

Michelle Chávez  
Rich Whitley

**Chairperson:**

Kathleen Magee

**RAC Members Absent:**

Jerry Ryburn  
Joe Stell

**BLM Staff:**

John Bailey, Taos FO  
Tom Gow, Albuquerque FO  
Steve Henke, Farmington FO  
Theresa Herrera, NMSO  
Mark Lane, Socorro FO  
Amy Lueders, Las Cruces FO  
Tim O'Brien, Taos FO  
Tom Phillips, Las Cruces FO  
Ed Roberson, Roswell FO  
Ed Singleton, Albuquerque FO  
Mary White, NMSO  
Kent Hamilton, Albuquerque FO

**Facilitator:**

Toby Herzlich

**Scribe:**

Karen Meadows

**FEBRUARY 27**

**INTERACTIVE TELEVISION WORKSHOP (Attachment 1)  
*Gateway Communities: Keys to Success***

RAC members discussed how the issues presented might be relevant to their charter.

- Mike: We need more updated resource management plans; and to use current technology to analyze what's going on.
- Kathleen: Updating is key. We have plans and some vision, but need a new sense of what's beneficial. Open space is financially beneficial, and Las Cruces for example, may wish to incorporate more open space.
- Amy: Challenges—particularly in Las Cruces—linking city/county planning with BLM, including basics like same schedules and timing of funds available. Yet it's ever more critical—because none can do it alone.
- Kathleen: It is enormously difficult, even because of power grids. Communication requires touching every single group. Both communication and processing take time and money.
- Bill: Often people resist outside management. How can we help them see issues as intertwined, with locals as stewards? Does the state have resources for communities to plan like this? Who takes the lead?
- Kathleen: Collaborative effort is primary—BLM, USFS and locals together.

- Amy: National Coalition of Counties has resources.
- Ed: County Public Land Advisory Committee is akin to RAC, draws people together. He took a Chamber of Commerce leadership course and then taught a section. Slow turnaround in attitude and approach. Have meetings in the community at night. Regional Council of Governments and Economic Development Districts help.
- Kathleen: The more people involved, the less risk and the more buy-in.
- Cliff: Albuquerque group—NM Wilderness Alliance—wants Cabezon and designated study areas determined wilderness. Hikers, grazing permits involved. So whom do you consult with?
- Chuck: Talk to everyone.
- Cliff: Some see it as too big an issue to involve all.
- Bill: There is built-in resistance. It's complex.
- Mike: Farmington RMP was written in 1988. A draft of 1 ½ years from an initial meeting is coming out soon, but the details don't refer to public participation. What are people doing to assure that inclusion?
- Toby: Federal agencies traditionally do not participate in dialogue.
- Amy: Historic structure includes defined periods of public involvement. Now moving to more community-based plans, but still working out how to do that.
- Ed: FACA, for example, determines some community participation, including chartering the RAC. His region's RMP is just two years old, so some public involvement included, especially activity planning with communities. Web page will facilitate input; but it still takes two years to make a plan that involves full spectrum. At meeting in Lincoln on acquired lands three weeks ago he said, "This is not a BLM plan—we want your perspective at the table." Get feedback to the county from these meetings.
- Kent: As one of the planners, we're being encouraged to bring everyone in that we can. It does take much longer and we're making that adjustment. Need to set a broader goal for all together, then arrange for our planning to work toward that.
- Kathleen: Education component so important, for example, where TV showed pictures and asked which you'd pick. Has to be an informed collaboration—like the people standing in the river "combat fishing" example
- Toby: Need to use accurate helpful range of images.
- Phil: Resource in the West that we're destroying—mining. Time coming when public will want to know more about mining. Can we "reclaim" abandoned mines as tourist attractions—like Silver City.
- Toby: We might consider a problem becoming heritage.
- Mike: Interesting BLM issues are evolving, for example, national directive to increase natural gas use; historical leases coming into play. These have effect on particular local areas and FOs.
- Tim: Reflects changes in communities—population moving here wants mountain biking instead of establishing a ranch or a mine. We reflect that.
- Raye: Otero Mesa may be a good example of failure of the resource management process. There is a reasonable chance that both sides will be displeased and file against it. There are major problems and fundamental flaws in the system. Currently, BLM makes its best effort but no one comes away pleased. We need different ways to plan.
- Toby: We have the opportunity to look at all of this in a different way, to demonstrate the need for and value of the RAC. We can work out some win-win solutions and demonstrate to public, media and Washington why such bodies are needed. There may be solutions that an independent diverse group can find.
- Chuck: It's a relationship process. Public meetings don't do the trick. Picking up the phone to build relationships does. Ed communicates differently.

- Ed: It is difficult and none of us do it as well as could be. There are always some left out, or who feel left out. We go into an issue at a meeting and let everyone flesh it out. But the decisions are intricate.
- Chuck: Those of us in environmental groups have to improve communication too, not just federal agencies. Our paradigms may be outdated. Interest groups with “apparently” opposed stances may never agree but they can keep listening, talking and building.
- Michelle: The federal office is looking closely at RACs and other ways of gaining broad public interest. So there is opportunity for RAC to demonstrate how 15 people representing 15 types of groups that are often polarized can find common ground and build solutions that are good for the economy and the environment. Encourage the Secretary to stand behind RAC. Focus on opportunities to show how people can express differences respectfully, and focus on opportunities to work things out.
- Toby: Be flexible with the agenda for public comment and ability to respond. Ask public commentators to make suggestions for improved communication. The Montana Bitterroot Burn standoff between environmentalists and timber people was resolved when a judge demanded that they lock themselves in a room and work it out. The best is not necessarily compromise; it’s relationship building.
- Ed: When people stand up in the church in Lincoln and say, “I don’t want to see a damned cow on public land,” and express all the aspects of interest, it’s important that they keep speaking and listening and we keep letting the communication affect planning.
- Michelle: In the past year the federal administration has focused on collaboration, negotiation and planning skills when building and adding staff.
- Kathleen: Remember that the TV plan began in 1991, so we can’t judge past/present.

## **FEBRUARY 27**

## **FIELD TRIP**

The field trip was planned by the Albuquerque Field Office. RAC members attending were: Chuck Pergler, Kathleen Magee, Gretchen Sammis, Bill Buss, Phil Kennicott, Raye Miller, Tony Popp, Patrick Torres, Cliff Larsen, Larry Baker, Toby Herzlich, and Patrick Torres. Also attending were Mary White, Theresa Herrera, and Ed Roberson. The trip was led by Tom Gow and Steve Fisher of BLM and Michael Coleman of the State of New Mexico’s Environment Department. We toured the Rio Puerco channel restoration which is in conjunction with the Highway 44/55 project. Because the New Mexico State Highway and Transportation Department wanted to avoid the cost of building two bridges, they redirected the river from its natural meandering channel into a 5,500 foot straight, constructed shallow ditch. This resulted in the Rio Puerco immediately cutting through the soft sand creating a channel that is 50 feet deep and more than 300 feet wide. The erosion continues with the headcut advancing upstream at an estimated rate of four feet a year. In January 1999, the Rio Puerco Management Committee and the Highway Department signed a precedent-setting Memorandum of Understanding to initiate the restoration of the Rio Puerco to its original channel. BLM with the help of the Rio Puerco Management Committee plans to reestablish a healthy riparian cottonwood community along the original stream through plantings and control of livestock grazing. The project has the potential to significantly increase water quality in the Rio Puerco and Rio Grande.

## **FEBRUARY 28**

## **RAC MEETING**

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

RAC President Chuck Pergler opened the meeting and welcomed participants. He reviewed the agenda, and said this RAC is extremely interested in hearing the public, offering time for comment in the morning as well as the published afternoon segment. He mentioned the discussion scheduled on the draft letter to the Secretary of the Interior; and guidelines for OHV use, showing how 15 people from diverse backgrounds can work together and come to decision. He read a segment of a letter from Congressman Joe Skeen (Attachment 2) and related it to Otero Mesa. He reflected that the RAC is trying to put aside personal opinions for the better good.

Michelle introduced herself and explained the RAC's Charter by the Secretary of the Interior, with membership made up of three general categories: natural resource users—O&G, grazing, etc; preservation; and the general public—elected officials, representatives of tribes, academia, etc. They represent a spectrum of interests to build solutions for the BLM. She referred to the satellite training session, highlighting creative solutions. She said the Secretary's agenda is using communication, consultation and cooperation with local communities in the interest of better use of resources—a citizen-centered way of governing. She said this Council travels around the state for regular meetings, to make itself aware of local issues and available for citizen comment. She asked those attending to encourage their neighbors and all constituents to take part.

Kathleen Magee said she is very grateful for the personal opportunity to take part in the RAC's collaborative effort, reflecting the Lt. Governor's and Governor's interest in public resources. She thanked those who arranged the Field Trip.

RAC members checked in, sharing their backgrounds and current projects.

Members of the audience introduced themselves.

## **APPROVAL OF AGENDA (Attachment 3)**

The agenda was approved.

## **APPROVAL OF RAC MINUTES FROM LAS CRUCES DECEMBER 12-14, 2001 & SANTA FE JANUARY 30, 2002 (Attachment 4)**

The minutes for December 12-14, 2001 were approved as submitted.

The minutes for January 30, 2002 were approved with the following change: Bill Buss voted 3 rather than 1.

## **STATUS OF RMPA (RESOURCE MANAGEMENT PLAN AMENDMENT) FOR SIERRA AND OTERO COUNTIES, NEW MEXICO**

Tom Phillips, Las Cruces Field Office Land Use Planner, is team leader for this RMPA (which has been under development for more than three years) to the 1986 White Sands RMP. Until 1997, there was some O&G leasing, covering approximately 74,000 acres. In 1997, wells were drilled that resulted in numerous nominations for O&G leasing in southern Otero County. For several reasons Las Cruces FO determined that the 1986 RMP was not sufficient for determining leasing:

- NEPA and Planning Adequacy Review came out after that RMP, and would affect decisions made.
- An Endangered Species Act opinion recommended that program consultation be done prior to future leasing.
- BLM deferred new and existing leases; and development activities continued with stipulations from the original agreement. In October 2000 the draft RMPA was published. Public involvement included meetings, seven months of comment opportunities, and two rounds of hearings in Roswell, Alamogordo and Truth or Consequences. BLM conferred with knowledgeable federal, state, and industry officials to develop a Reasonable Foreseeable Development (RFD):

- Projection of fluid minerals actions and activities developed based on
  - Past and present leasing, exploration, and development activity
  - Geological technological and economic factors

The Preferred Alternative for leasing and stipulations includes no surface occupancy in grassland areas or study plots already established; and controlled surfaces in watersheds and areas of critical environmental concern.

The numerous public comments centered on Otero Mesa—ranging from too little protection of environment to too much restriction of O&G possibilities. BLM believes grasslands should be protected; and believes these guidelines will provide sufficient protection as well as allowing for O&G exploration.

The stipulation that applies to all new leases is that combined unreclaimed surface disturbance from O&G leasing cannot exceed 5% of the leasehold at any time.

#### Key Points of the 5% stipulation:

- Small footprint
- Minimized surface disturbance
- Allows flexibility for industry
- Requires planning by industry
- Applies to 132,000 acres

#### Other modifications to O&G lease stipulations

- Cultural resources will be closed to leasing—about 4,500 acres
- Nominated ACECs activity will be subject to new stipulations until evaluated
- Riparian areas will be leased only with no surface occupancy for 1/4 mile

#### Next:

- Developing biological assessment
- Proposed RMPA/final EIS
- Governor's consistency review/protest period
- Record of decision/RMPA

#### Question/Answer/Comment

- What does no surface occupancy mean? Lease operator cannot build an access road.
- How many wells permitted? The RFD used 140 for planning as a best estimate of the level of development. Doesn't mean that many will be built.
- 5% stipulation applies only to grassland, which is less than half of the area nominated.
- How does one test hole translate? Issuing a lease is commitment of the resource, whether or not O&G develop, so this work has to be done at the base level. Lease is minimum of \$2/acre in bidding. 250,000 acres were nominated but not leased because there was not an adequate environmental analysis.
- What is the relationship procedure for dealing with access? If a state lessee needed access across federal land that would be through right-of-way. Discussions with State Land Office to plan? State lands can be leased, and planning by developers will be involved. Lease stipulation applies to individual lease parcels.

- What is the level of sensitivity of the 4,500 acres of cultural resources? Identified as a concentrated "culturally rich" area sensitive to disturbance somewhat more than such sites in, for example, northwest New Mexico. If San Juan Basin can be leased for O&G with mitigation, why not these?
- If the 250,000 acres had been leased at \$25/acre at time of discovery, this discovery would have provided \$6 million. Where would it have gone? 50% state, 40% ---, 10% ----
- What lease size do you anticipate? No lease size proposed. Federally set at 4 sections. Would be determined later by ... in Santa Fe.
- If we bought 3 leases totaling 3,000 acres, one only 120 acres, is it considered lease by lease? Small leases could affect development.
- Are the cultural resources on, eligible for, or potentially eligible for, the National Register?
- Two wells have generated a lot of controversy and the RMPA/EIS, all speculative. Why not allow a minimal number of wells drilled to better base future action? If those leases were issued, there would be no opportunity to apply new terms later.
- Oil companies wouldn't proceed without reasonable belief that there is likelihood of finding O&G; and when we issue those leases it's because there is a good idea that there's oil and gas there.

### **O&G INDUSTRY LEASING ISSUES**

Steve Yates, Vice President of Harvey E. Yates Company said his company drilled the two wells under discussion. He urged organized debate with a mediator. We all have our jobs, he said. Let's not forget that we're Americans and there is a bigger picture. This hassle is part of the reason why the majors have left the continental US. The image is that O&G "destroys" the environment. That is not true. We are good stewards of the land and our occupation is temporary. This area is not unexplored.

He challenged the RAC to find the so-called 98 wells out there, which did indicate significant discovery because natural gas was found there long before it was considered useful and valuable. He referred to several articles indicating that potential in the Oro Grande Basin comprises the "most significant gas discovery in recent years." His company's was the first commercial well in the area, drilled in 1970.

It's not our role to set national energy policy, he said. We all use a lot of oil and gas, and a lot of it's foreign. He showed a map and said after federal land, parks and tribal land, there is little left over. He read the BLM mission statement, emphasizing words like "productivity, energy, minerals, timber, forage." He held up the October 2000 draft RMPA, and said it is directed mostly at O&G leasing, so he thinks O&G input should have the most weight. He asked for the scientific facts for assuming that grassland fragmentation destroys habitat. . We're basing O&G restrictions on unknowns. The debate is about the price we'll pay for O&G in this country. He quoted a US Fish & Wildlife biological opinion on jet flight effect on falcons, and said drought and grazing are destroying grassland habitat. This is not about plants and animals; it's a visual thing. Basically, the 5% solution won't work. Developing three wells is not economically feasible.

### **Question/Answer/Comment**

- Seismic work delineates "interesting" features.
- Infrastructure is needed to get it to market. Their wells are 14 miles from the El Paso mainline to the gas market.
- If three wells aren't enough, how many would be? An oil well to 40 acres, therefore—16 wells on a section. Can you develop wells progressively? Lease restrictions and time value to market are vital. Secondary recovery is also important.
- His vision of the future is what's in the Permian Basin—some power lines, some pipeline.

- We don't have to settle for an all-or-nothing response. Unitization is a factor where state lands are adjacent. Let's negotiate to reach agreement of placement of well pads. This is an aesthetic disagreement. A valuable car that's been keyed is of lesser value. We need to remember societal values. Impacts are not temporary. Disruption of migration or habitat may be permanent for both flora and fauna. Let's use science and facts.
- Decisions made need to be collaborative.
- The speaker clarified that O&G judgment of the plan is the best source for whether it will work for the O&G industry.
- Phil commented that it would be good for the RAC to have opportunity to look at an O&G oil rig on Otero Mesa.

### **VIEWS ON THE OTERO MESA OIL & GAS LEASING ISSUES (Attachment 5)**

Charlie Lee and Bobby Jones, Otero Mesa permittees, spoke. Mr. Lee is a rancher who said some of the RAC had visited his area, which has been isolated over the years. He is quite concerned with what might happen, although also interested in use of natural resources. It's all in how it's done. Ranchers concerns are primarily about:

- Water—control of runoff, and depth of wells. Water wells of ½-30 gallons/minute have been drilled 500-1,700 feet deep. So he recommends that O&G wells are at least 2,000 feet deep, so as not to contaminate water wells.
- Roads—particularly how new ones will be constructed. Past BLM roads have been covered with caliche, which can't be taken up again. Gravel can be scattered so that roads can be reseeded. Explore variances in certain cases.
- Pad size
- Restoration—if a well is operational, how and when will restoration be done?

Maybe half a dozen people representing the different approaches could be locked in a room to get beyond yelling and come up with solutions that people can live with. There are also state lands already leased in that area. Is there coordination between state/private/federal lands?

Bobby Jones, neighboring rancher, read his attached prepared statement, and referred to the issue of surface and ground water. Of the 5% total surface area allowed disturbance, it had not been yet discussed whether the area around those acres would include roads, and how. The area is isolated, so facilities would have to be included, although current leases could be used in that manner so other sites are not enlarged. The reclamation and 5% recommendation, if not feasible, might be changed to be more agreeable. Smaller is better for ranchers.

He hopes O&G can use modern technology to minimize the number of drilling locations and roads. Production companies should use local contractors, help maintain county roads, minimize length and effect of roads constructed, and plan for maximum recovery. Refuse should be removed. He commended Yates on diligent cleanliness at current sites.

Those using forage in the area should be compensated. Protection of water and surface resources should be included in lease contracts. A committee addressing that area would be helpful. He read the points listed in the final page of the handout, gathered from all those living and working in that area. Charlie said a visit would definitely be beneficial, and offered to coordinate. He recommended that reseeded be done during the right season so it can grow rather than feed the animals.

### **Question/Answer/Comment**

- BLM does need to consider the data on contamination of ground water associated with O&G drilling.
- Are ranchers compensated now for lands turned to other purposes? Monetary loss occurs when ranchers have to reduce cattle numbers. Damages are paid for loss on private and state lands. Grazing fees are up to \$1.40, and change yearly based on economic indicators.
- A study by Jim Mares on wells in the area, and William R. Miller's 1997-1998 report—both cite water values that can be used as a check for the future.
- Charlie's experience has been that 8-10 inches of caliche on a 30' wide road is significantly more trouble than gravel to reclaim.
- What are the guidelines for reclamation? Is there evidence that what's been done has worked? What if there's a three-year drought? Tom Phillips answered that we don't have recent reclamation to observe. He found one 1959 well where natural reclamation had occurred. Grass was growing in the pit and on piles of dirt. Other areas can be inspected.
- What are the stipulations for reclamation? Steve Henke said we have stipulations for final plugging and environment. In Farmington, they have to recontour and make at least two attempts to reseed. There is a lot of variability, including skill of person reclaiming, different soils, etc. Bond for reclamation is posted by O&G lessees.
- Do companies have the option to wait through drought years? Are there specific stipulations on kind and range of reseeded?
- There are standards; and the process is being broken down for achieving greater flexibility. O&G companies in Farmington are sincerely attempting good reclamation with mixed results, so the process is under study.
- Charlie invited the RAC to tour a pump station, pipelines and areas of good and poor recovery.
- How long has reclamation taken on sites in the two ranchers' areas? Charlie said a 20-year-old well was cleared and reseeded. Part came back well and part didn't. Thumper crew sites and pads in several areas still show after 15-18 years, where areas around pipe lines are well reclaimed. Depends on weather and contouring.
- Bobby said success of reclamation depends most on type of land, followed by precipitation. Some sites about 50 years old on his land have mostly recovered.

### **OTHER VIEWPOINTS**

#### **Sanford Schemnitz, Southwest Consolidated Sportsmen**

Former RAC member Sanford Schemnitz visited Otero Mesa recently and was impressed with the scenic vistas. He said seeing is believing, so encouraged all RAC members to go. Fragmentation needs to be addressed. He quoted a scientific peer review of adverse effects of fragmentation. Fragmentation results in short- and long-term cumulative effects, opening areas to invasive exotic species that alter the plant community and therefore the wildlife community, resulting in loss of species. He has been involved with wildlife management and research since the 1950s, taught at universities and authored more than 100 scientific articles.

He referred to the Farmington area habitat mitigation fund recently approved by ranchers, BLM, and the O&G working group, which provides \$1,000/acre for restoration and study. An estimated 15,000 acres will be improved. He recommended that RAC consider such a thing for Otero Mesa. He emphasized "successful" implementation—well-defined ground cover types and percentages, lack of noxious weeds, shrubs, fencing and perhaps even irrigation. One suggestion was for seed and ground cover with 70% composition of adjacent non-disturbed areas.

Otero Mesa contains trophy antelope, mule deer, prairie dogs, Aplomado Falcon and other grassland birds that are declining 2-3% per year, and fox. Aesthetics and intangibles, while hard to quantify, are important and need consideration. Oil rigs and roads do not enhance scenic value. In Carlsbad, BLM and New Mexico Game & Fish have recorded loss of pronghorns. Ranchers have reported loss of both wildlife and cattle due to vehicle collision. He asked about focus on alternative energy sources in this situation. We need to consider economic benefits of O&G against these other values. The Wildlife Society, with 10,000 members, for example, takes an official position statement on the Arctic Wildlife Refuge—since the long-term cumulative effects are largely unknown, we need to use sound biological information rather than political viewpoints. The amount of available oil and gas is likewise unknown. He encouraged RAC to strongly advocate that wildlife impact be minimized.

### **Question/Answer/Comment**

- Can we infer that you are not completely opposed to O&G development? Not opposed, but hopefully not on Otero Mesa.
- Decline in pronghorn population is attributable to a combination of factors, different variables in intensive O&G development.
- Why are there no Aplomado Falcons in the Otero Mesa area? Missing throughout southern New Mexico. One juvenile banded in Mexico was recently found on the Gray Ranch. We don't know why not on Otero Mesa. Possible for the area to be maintained or enhanced for populations from Mexico to thrive.
- In draft, Alternative A is preferred, but does not fully discuss effect on Black Tailed Prairie Dog—which are potential for endangered species listing, with habitat declining, and because they are a keystone for other populations like badgers, rabbits, rattlesnakes and burrowing owls—so important for consideration.

### **John Boretsky, New Mexico Council of Outfitters & Guides**

John Boretsky represented an economic interest in recreation, and an organization that provides employment for 25,000-30,000 and relies on a renewable resource—game animals—on which his presentation was based. Overall, his Council is interested in wise utilization and conservation of the resource, not preservation as a natural zoo. The species of particular interest is the antelope herd—which seems to be indigenous rather than made up of incursions from other areas. His group is interested in genetics, for size of trophy animals. Mule deer are declining all over the West and a very hot commodity as an economic resource. They are also concerned with oryx, which are not mentioned in the draft RMPA because not an indigenous species. Ignoring them will not make them go away. New Mexico oryx are also a commodity currently. New Mexico is on the verge of having the largest herd in the world.

Other considerations are poachers and pipelines—pipelines because antelope will go under a fence but not over it. Uninhabited pad sites do not necessarily deter wildlife. Antelope are declining in areas with and without O&G development. Road systems are the primary culprit—exacerbating poaching and calling for more law enforcement. His caveat on exploration and development is to choose lessees wisely and be good managers.

### **Question/Answer/Comment**

- We will know by midsummer the economic value of game throughout New Mexico with release of a study through NMSU and Congressman Joe Skeen's office.

### **Steve Capra, New Mexico Wilderness Alliance (NMWA)**

Steve Capra was concerned that we are speaking as though this has already been decided. It has been prematurely put before you, he said and we need more research before taking such a step. To him the importance of being an American is based on the wild landscapes that we sing "America the Beautiful" about. This wild landscape is beautiful and we need to take care what we do with it. He has walked from Mexico to Canada, and only southern New Mexico and northern Montana were truly wild. His organization did a ground survey of Otero Mesa covering 460,000 acres. Two national parks nearby have stringent air standards that might be compromised by development of Otero Mesa. NMWA has no economic stake in Otero Mesa.

Recently 110 people took a field trip with NMWA to Otero Mesa to emphasize their concern. Their comments centered on the impact of silence, lease-to-lease access disturbance and protection of Black-Tailed Prairie Dogs.

He showed slides of Otero Mesa and said wilderness comes in many forms. This wild place is one of the few remaining for recreation, with few roads. There are also few large tracts of public Chihuahuan Desert land left and those tracts are important for wildlife. Antelope, for example, range over vast areas of land—following rain. He showed slides of the Carlsbad O&G region in contrast, saying O&G establishment means fragmentation, pipelines, etc. We have little data relating to reclamation of Chihuahuan grasslands. We are not obstructionists, but an area like this should not become an industrial development. There is nationwide support for its protection.

Wind and sun in New Mexico can be developed. From the top developer of alternative energy, New Mexico has fallen to fifth from bottom. He referred to a US Fish & Wildlife opinion on the 1997 RMP—concerning Otero Mesa as one of the few remaining Chihuahuan grassland areas in the US. There is not sound science to back what we are ready to do, he said, and urged the RAC to delay action on the RMPA until scientific review was undertaken.

### **Question/Answer/Comment**

- Whose fault is it that we still have no science? Whose responsibility should it be? For this issue and the future, where does the system break down?
- Some said there's no science, and some said there is science associated with Otero Mesa. The problem is "selective" science. There is a study of Otero Mesa and its drainages by a former NMSU student now working for BLM. Key is that this area houses some of the last, finest and best of Chihuahuan ecosystems, with tremendous diversity in wildlife.
- Even with more extensive study, does the Wilderness Alliance not already have a position that will not support O&G development?
- As Yates is an O&G person, Steve Capra said, he is a conservationist, and there's room for compromise, but we need to elevate wilderness and biological values to the same level as economic issues for true dialogue.
- What compromise do you think might be put in place? Wilderness has to be a component of what we're doing. There never was a "no drill" alternative. We need steps that consider the integrity of the landscape and wilderness characteristics. Then we might find compromise.
- How close was the NMWA ground survey, and how long was spent? The survey followed all BLM criteria over a period of months, with GPS field check. The Director of NMWA said it was a complete aerial photographic survey, followed by five people full time field checking roads, two-

tracks, tanks, discernable disturbances, for four months. Seven-eight banker boxes of survey information were used to assess use, impact, duplicative routes, in order to make recommendations.

- BLM has conducted good science, despite low budgets and lack of personnel.
- Phil asked whether RAC could view one of the wells. Yes, but they are extremely remote, take five hours to get to.
- Do the pipes shown in NMWA slides impede antelope? Charlie Lee said no, with some alterations. If done right it should have no impact said Sanford.

## **REFLECTIONS ON MORNING PRESENTATIONS**

Cliff: Mr. Yates and the NMWA represent opposing positions, but there are other viewpoints not yet heard. For example, we have no idea whether the county is involved.

Tony: BLM is being attacked; and we're not sure what the RAC can do. Where does BLM stand with this?

Richard: Otero County can't afford more wilderness—it has an economic impact on every resident. There's private land on the mesa that's going to be developed; and there are a lot more players than represented this morning. Ranching, hunting, recreation are all important to the county.

Patrick: There's room for everyone. We do need to bring all the sides together to reach some compromise, at the very least on standards for recovery. Start somewhere.

Michelle: Both empirical and subjective data have been and need to be considered. Social impacts aren't easy to address. What gaps remain in information gathered thus far? Is there an approach not yet considered that might bring BLM to the same place as throwing all the opinion leaders into a room?

Amy Lueders: BLM published the draft after an extended comment period (seven months). The reasonable foreseeable development and exploration under approach A—5%—provide incentive for faster reclamation and minimize impact. Data indicate this is a very special area. The ultimate goal is to wrap this up and proceed with a final document and Record of Decision, in order to go on with leasing and see what's out there. Have we missed data that needs consideration? Is the 5% workable for both protection and development? The plan is to publish this summer, with a 60-day protest period.

Steve Yates and Steve Capra were invited back to the table and asked, "Since the 5% solution doesn't work for either side, how might the model be adjusted to satisfy those varied interests?"

Steve Capra: The 5% solution is not one of the three alternatives considered during the comment process.

Steve Yates: Disagreed—within the scope of the plan, BLM can propose. From a management standpoint, we are assuming that development causes harmful impact. BLM's practice has been to minimize impacts. They challenge and encourage developers to do that. The 5% solution is a BLM withdrawal from management.

How can the two sides move toward each other?

NMWA first thought the 5% solution meant one area representing 5% of the total, therefore not fragmenting. But this plan opens 5% of any area—which is fragmenting. Development without fragmentation might bring about agreement.

Raye: The problem with 5% is that oil field processes need a reservoir where they can work. Above producing 8,000 gallons a day, there is a potential of three fields (sections). It's a struggle to figure out how to drill. The three wells per acre would be impossible to use effectively if productive, and developers would not be able to go in for secondary return. The life of the field under primary

production is more than 22 years—not including secondary production. When drilling, you don't know whether you're dealing with oil and gas. Leases need to allow for development of whatever appears.

Kathleen: If drilling were limited to concentrated areas, could the sides agree on where that would be?

Steve Yates: No, because we can't tell what area would be fruitful without drilling. And we're already limited by missile range, monuments, parks, etc.

Kathleen: Develop in concert with wilderness concerns.

NMWA: Trial and error will destroy the value of wilderness.

### **Question/Answer/Comment**

- The county needs income; and there are already some leases extant on lands being discussed. Broaden the horizons to make this work for all sides.
- Will there be more areas nominated if O&G are discovered? Yes, if there is successful development.
- Can we time those leases? If nothing happens, they can be rehabilitated and we can move into other areas.
- Everybody loses by a dry hole.
- On a large part of the land there is no stipulation. The 5% is for grassland areas.
- Tom pointed out which areas have stipulations, roughly ...acres. The remaining 160,000 acres has less restrictive stipulations.
- Steve Capra pointed out proposed wilderness areas, which do not have stipulations. Development in adjacent territories will have significant impact.
- Five thousand contiguous road-less acres comprise wilderness. Some blocks are as much as 87,000 contiguous acres. But destroying surrounding lands, for example, alters wildlife migratory patterns. Wilderness value needs to be raised to the level of development value. Wilderness by default would be land that still might be developed in the future; while designated wilderness could not.
- Phil perused maps during lunchtime and saw roads in areas NMWA is considering wilderness.
- Steve Capra said they used BLM standards, and encouraged talking with NMWA people who did the ground proofing.
- The *Gateway* video referred to the uniqueness of communities. We need to recognize and sustain those qualities. These are public lands. Science is only being applied to one side. 5% + another 5% + another lead us to another landscape like Farmington. This territory has scientific value in and of itself. Do we have to pump it out just because it's there? Our vision is narrow and short-term.
- Chuck: In Los Alamos when the DOE asked the community what alternatives it wanted in 1995 and it came up with a Green Alternative—that alternative was not selected. But it planted a seed for ownership by the people. And they did not litigate. He proposed allowing the community to develop the preferred alternative. The time it takes may be time not spent in litigation. There are indeed problems, including who the constituency is. He challenged the environmentalists to figure out a way to subsidize the county.

### **Motion**

Chuck moved that RAC make a recommendation to BLM to develop a preferred alternative with the help of the community.

- He clarified that he was not talking about backing up, redoing past studies or bringing in new opinions, but rather finding a new alternative.
- Robyn encouraged BLM to consider current constraints imposed on lessees, e.g., secondary recovery, that might inhibit alternatives. A risk analysis should be extended over a longer period.

Everyone should come to the table ready to explain their own risks. This is a juncture where the community can still have an impact.

- Can reclaimed land ever be wilderness? Probably at some point, but no exact analysis. Damage to wildlife particularly. could have long-term effects.
- Isolate whom you bring to the table. Otherwise they'll circle back to where we are today. Choose key players in small numbers; and assume that someone will always feel left out.
- Amy: Keep in mind.
  - How do we convert this group under FACA?
  - Set a discrete time frame to either concur or not.
  - The RMPA has a reasonable foreseeable development scenario. The scope of this development and disturbance is limited. It doesn't bind us forever. Once the scope is reached, another plan will have to be undertaken.
- NMWA attorney Michael Robinson said—however, leases under the outgrown plan would continue under those stipulations or lack of. So there may be no way to protect those acres.
- Unless the BLM buys out leases.
- Ed Singleton: This is not wilderness, and not wilderness study.
- Michael Robinson asked whether the area was field inventoried, and how broad an area.
- A subgroup of the RAC could under FACA guidelines take part.

Chuck agreed to bring a proposal to the next day's meeting: To have the community develop the preferred alternative for the management of O&G development on Otero Mesa presented in the RMPA by consensus. An informal vote indicated support for its consideration.

## **MARCH 1                      RAC MEETING**

Small groups of RAC members representing different constituencies reflected on what they had heard the previous day, considering:

- What happened?
- What primary interests must be met?
- What must be achieved through whatever solution is reached?

### Groups reported back:

- Presenters seemed polarized. Recommend a small group (5-7) of parties involved working together—based on information we already have. Group members should commit to sell what's decided to their peers.
- One group considered rehabilitation, mitigation, and reclamation, believing there isn't enough stringency in standards, and operators need to adhere to standards.
- RAC needs further information before advising.
- Compensation for "lost forage" doesn't get to heart of the problem—loss of habitat, soil erosion, etc. The public pays for that damage. Misplaced values—we compensate one group and continue to lose habitat.
- Benefit of RAC process evident—presenters talked down to the group at first, until the consensus process, painful even for the BLM, became clear.
- Want to achieve extraction without fragmentation.

- USGS maps show fragmentation within areas supposedly pristine. Unwilling to work with that term until viewing the land.
- Another definition of fragmentation: set up concentrated areas of disturbance rather than allowing roads or activities to fragment larger areas.
- It's the proposed committee's job to iron out these issues. If not, why convene a committee?
- The committee needs these guidelines, and a time frame.
- The BLM process is part of the problem. A supposed energy crisis pressures us to act "right now," not the same as acting "right." Don't want to respond in crisis mode. Don't want to choose gray to compromise between black and white.
- Timing might work for us if used skillfully. Ask the two Steves to come up with an alternative, ideally consensus, or live with the 5% solution.
- Get this group together for a week and evaluate its progress. Progress may allow flexibility to continue. The alternative appears to be going through with BLM plan and landing in years of litigation.
- Rich: There is the opportunity to work with BLM and parties involved. He committed to work with Bureau headquarters, the Department and the two Steves to generate more time to reach a new solution. Similar pilot groups are under discussion for broader issues; there is a compelling argument to take this approach. He asked for a recommendation in writing from the RAC that this is how they would like to proceed.
- Recommended high-level mediation/facilitation, by someone experienced with environmental issues.
- The group needs a deadline.
- The two Steves haven't worked in this way. An agreement should be negotiated just like a treaty. Give them a way to compromise that seems like an accomplishment.
- Both sides have more information than shared with the RAC. We would know quickly compromise is possible. This must be an inclusive process. Those involved will also have to represent interests broader than their own.
- Ranchers need to be there, plus BLM, environmental community, O&G industry, the county—stakeholders with the most to lose.
- BLM role may be to provide information, not negotiate. RAC member should be involved. Need a balance—for example, of those listed, only one is against development.

**Recommendation:** Members recommended that the RAC convene a RAC subcommittee of a small group of stakeholders to work to consensus on an alternative for O&G drilling on Otero Mesa. Focused mediated discussion based on information already available to build consensus around another alternative. We see this as a pilot for the BLM.

Tony was nominated for that committee, but had a prior commitment. Robyn was nominated and agreed to join; Mike will work with her. A June meeting was discussed.

Discussion continued:

- Important that public feels it has a part in this process.
- Rich: By law, public process in RMPA will have to be repeated
- Depends on what the alternative is whether it's in the range analyzed and responds to public comments.

**NEPA 101/HUMAN DIMENSION OF THE STANDARDS & GUIDELINES FOR GRAZING (Attachment 6)**

Robyn read the proposed letter to Interior Secretary Gale Norton that the RAC drafted in January.

Extensive discussion followed on the intended message, and whether to send the letter at all.

Highlights:

- There is a linkage between community and ecosystem health.
- People are as important as the rest of the ecosystem, in fact are part of it.
- This letter is in the context of existing law, which does not allow destruction of ecosystems. So, framed by existing law, we are stressing that communities are part of the environment.
- Robyn said the linkage between human dimension, community health and ecosystem have deteriorated over recent years. Yesterday's discussion encouraged her that there is interest in the link. NEPA addresses the human dimension, and it's important to put on Secretary Norton's "screen" that we value both and they are linked.

Motion

After changes were agreed upon, Gretchen moved to send the letter as amended. Crestina seconded. All members need to vote, so those who were not present will be contacted.

## **PUBLIC COMMENT PERIOD**

### **Cecilia Abeyta, New Mexico Farm & Livestock Bureau**

She thanked the RAC for the letter to Secretary Norton. The Human Dimension/Sustainable communities issue is dear to her heart, and relevant to federal land use issues. She hopes USFS will expand further in this area. She cautioned that the RAC member selected for the proposed committee be objective, and recommended a member representing the public-at-large.

### **Charlotte Mitchell, Sandoval County Farm & Livestock Bureau**

Charlotte said she represented primarily ranching, not farming, and is very concerned about the proposed Cabezon Wilderness—made up of six BLM wilderness study areas divided by roads, power lines, O&G lines, etc. Lumping those areas together as the Cabezon Wilderness is outside the law.

Her second issue was that the Wilderness Act prohibits decisions to issue special permits such as proposed for ranchers to service stock and water tanks. She referred to a ruling by Judge Smith that ranchers have property rights despite establishment of special-use areas. The Court stated that if government interferes with rights to use water, the government is required to pay compensation for losses. That decision was a major step for security of federal land ranchers.

Cultural issues include 40 ranchers affected who have been in the area for generations. The human element has been totally left out in past. Often those affected are not even aware of what's been decided.

On August 16, 2001, Sandoval County Commission adopted a resolution opposing wilderness designation, followed by similar resolutions from the village of San Ysidro, and the Sandoval County Farm and Livestock Bureau.

### **Question/Answer/Comment**

- Cliff asked that the RAC be provided with information on the Court decision.
- How might the ranchers be “hugely” affected?
- Access is the primary problem. There are 29 miles of water lines ranchers use to get water to cows that would be out of bounds. Some ranchers are elderly, raise 100-200 head of cattle—which is enough to sustain them. The proposal supposedly allows the cattle to stay there, but that solution is against the Wilderness Act. Roads are needed to haul in feed. Currently-used roads were built by O&G lessees, and they have rights.
- Both inappropriate and against the law to call this wilderness.
- Have you been able to work under the present designation? Yes, the roads are there, and the area is not yet wilderness.
- Bill wondered whether there's a positive side to wilderness designation for the ranchers. The proposal doesn't rule out ranching, and could prevent incursions by other kinds of users—like OHVs.
- Kathleen: Would that type of allowance be permitted? Or, could it remain a study area, and thus available?
- Mark Hakkila responded. The wilderness proposal was filed by citizens, not the BLM. Only Congress releases areas from wilderness study or establishes wilderness. Congress can designate or allow exceptions for anything—it's a wide open process. There will be public hearings when we get to that point.
- What protection is afforded by designation as a study area?
- There is a lengthy policy basically stating that any policies existing as of FLPMA are allowed, with existing water, O&G, etc. grandfathered in. Some, like mining, can even extend. But new vehicle trails, pipelines or power lines are not allowed.
- How might wilderness study benefit ranchers? It depends on perspective.
- Is there precedent for wilderness areas with roads, etc., like this? Yes, Rich worked in one in Oregon. There was no livestock, but had been mining, and the roads were closed.
- RAC members agreed that they would like to have a presentation on wilderness preservation process in future. There are some new wildernesses being proposed. Can invite proponents and opponents, find out what it is and isn't. Ms. Mitchell will be invited.

### **Mike Robinson, New Mexico Wilderness Association**

Mike thanked the RAC and asked to be invited to any collaborative session being set up. He responded to Ms. Mitchell that there are not roads, power lines, etc. in the proposed area. Rather, the proposal is for several separate areas. His group favors working out access for citizens like ranchers who have traditionally used the area. NMWA is very willing to talk about that with all concerned. They would suggest closing three-to-four roads and keeping the least-intrusive access roads open to lessees—not to the general public. They are looking for an agreement that meets all needs.

Crestina asked whose studies and practices he was talking about. Mike said NMWA is a coalition of citizens groups re-inventorying BLM lands, and making additional recommendations to the BLM.

The Public Comment Period closed.

### **DRAFT GUIDELINES FOR OFF HIGHWAY VEHICLE USE ON BLM LAND**

(Attachment 7)

The draft was distributed. Main points of discussion:

- Make it clear that access to public land and preserving rangeland health may conflict, so balance is needed.
- Do we ever have to decide to harm the ecosystem?
- Haystack Mountain and Nine-Mile Hill off I-40 are not necessarily good things, but we have to live with them. Best to provide designated places so others can be protected.
- Page 4, 4<sup>th</sup> bullet—we need to encourage “users” not to modify vehicles that have met the standards to minimize noise and emissions. Shared responsibility—don’t leave out the manufacturers. “Users” was added to that bullet.
- Requested bullet on licensing and permit fees. Page 3 “Planning” 2<sup>nd</sup> bullet, addresses that, can be extended. Add bullet: Investigate the practicality of applying the California green sticker program.
- Make it explicit that this is a living document.

### Motion

Bill moved adoption with the changes made. Approved by consensus.

Robyn is working with Taos FO on a brochure, her students are mapping an area outside Espanola used by OHVs that RAC has toured. She will include aspects of this document in the brochure.

### **RANGE RESTORATION STUDY GROUP**

- Patrick suggested certified weed-free mulch and seed be used for reclamation. Currently there is no certification for native seeds. Certified weed-free agricultural crops are very stringent.
- Robyn recommended that actual standards for reclamation be developed, and require a certain level of performance. Two tries aren’t enough. Where lessees disturb soil they must renew it according to established standards. Bonding is helpful. We want success. Most companies want success. We need to give them the opportunity to succeed.

### Question/Answer/Comment

- Raye: Good to look at reclamation areas before next meeting—perhaps ones that have been left for three, five, or more years. A Nevada driller reseeded for eight years but it never rained, and BLM didn’t release his bond. Will action taken achieve the desired results?
- Tony: Performance standards are good, could allow for circumstances like drought.
- Past meeting on weeds indicated that New Mexico does not have a standard for weed-free hay. Good to correct that. New Mexico Department of Agriculture has a Weed Forum that’s working on this issue. Good to coordinate with them.
- Robyn would like to confer with Raye on matters like bonding periods.
- Letter to the BLM Director would have the most impact.
- Clarification that this covers all reclamation.

Robyn agreed to draft a letter, distribute it to BLM (as soon as possible—for potential legal/policy conflicts) and RAC members for review at the next RAC meeting. Ed Singleton recommended washing trucks as a form of prevention. Robyn will also work on a draft letter of recommendations for reclamation standards.

Patrick asked that Rich send the committee any information or recommendations as they are drafting the letters. Rich agreed, saying that some things are outside BLM control, and regulations cannot always be changed, or changed easily.

### **DRAFT LETTER TO MICHELLE CHÁVEZ (Attachment 8)**

Toby read the letter prepared by Chuck Pergler aloud. Its recommendation was that the Las Cruces FO host a RAC subcommittee work group addressing an alternative to the Draft Resource Management Plan Amendment and Environmental Impact Statement for Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties. The plan is for a group of negotiator/policy makers at the table, with advisors in the room. It was agreed to add “small (5-12),” and approve the letter.

### **RAC CHARTER REVIEW (Attachment 9)**

Mary responded to requests at the last RAC meeting by speaking with the Washington Office about procedure for changing the RAC Charter, specifically the following.

- Changing models is the only way to decrease the number needed for a quorum—now set at 12.
- Terms longer than three years would not be approved—but individual terms can be extended for members working on a particular project.
- Changes take a minimum of six months.
- Without a quorum, RAC meetings are still held, and designated “informational,” although members may join by phone to form a quorum and vote.
- There are removal procedures for RAC members who do not attend. Chuck recommended warning proposed new members about the time and energy commitment, and applying the removal procedure for flagrant absences.

## **PUBLIC COMMENT PERIOD**

### **Mike Bolling, Roswell**

Does the habitat BLM is concerned about extend beyond the state line, and if so, does that reframe our view? Across the state line is 2,000 acres owned by University of Texas—also public. If there is habitat on public land, isn't there a bigger picture to look at?

### **Question/Answer/Comment**

- Robyn commented that state trust land generates income for state schools, and is not strictly speaking public land. That doesn't mean it can't have other uses.
- Trust land has already been leased, Mike said. Has anyone looked more broadly than this RMPA boundary?
- Amy said BLM looked at diminishing Chihuahan desert grasslands in a broad scope.
- If we looked south rather than north, and found other areas, would they be included in your discussion?
- Yes, there is other Chihuahan desert grassland on public land, but it is not protected. The only protection we can ensure is for the land we have jurisdiction over.
- Michael Robinson said the Nature Conservancy and Wildlife Fund have also looked at the broader picture and see this as unique because it is unfragmented.

The Public Comment Period closed.

## **USFS PERSPECTIVE**

Brent Botts, Deputy Director of Recreation, Wilderness and Heritage for the Southwest Region (including all New Mexico) said issues on the front burner include:

- We can't always tell where the boundaries are when we're in the field.
- Service First is a strategy for BLM and USFS to join in serving the public.
- There is currently no Regional Forester.
- Service assistance grants recently awarded:
  - \$50,000 to relocate Carson NF and BLM joint offices
  - \$40,000 to ensure updated accurate information on PLIA's web site. PLIA is an interpretive agency that works with both BLM and FS.
  - \$25,000 routed to BLM to share information and provide maps.
- The President's energy initiative is being addressed by FS, which is preparing an EIS in the next year for the San Juan Basin.
- Big project in last nine months will continue for next five years—Wildland Urban Interface (WLUI)—thinning timber to prevent disastrous fires.
- OHV vehicles were first an issue in Arizona. New Mexico doesn't have the same resources available to address them. A notice of intent was recently published in the National Register for comments on the Arizona plan, with five alternatives, through March 15. Arizona and New Mexico FS will soon meet to discuss FY03 budget use for the OHV issue. He hopes both FS and BLM will have similar policies.
- The FS would like to have a RAC.

## **Question/Answer/Comment**

- This RAC could represent both BLM and FS.
- Michelle worked with former District Ranger all the way to the national level to have the RAC represent both, and have been denied. Perhaps it can be addressed again when a new District Ranger is appointed. That is why an FS update is always included on the RAC agenda.
- Mike said procedures in Farmington area have changed a great deal in past year. What can you tell us?
- Brett: A new Forest Supervisor came in and determined that the FS is now going to look at cumulative environmental effects.
- Crestina: A grazing advisory board for FS could be a start for a broader advisory board. He agreed.
- Chuck recommended that BLM collaborate on use of roads and trails for a seamless transition.
- Michelle noted certain supervisors who are actually sharing positions or responsibilities, or standing in for one another.
- Is there a difference in BLM & FS culture? We're like cousins.
- Heads up from Chuck. In Los Alamos two dams are proposed that will back up water onto FS lands. They expect the FS to take a role, and would rather work with them than against them.

## **FIELD OFFICE REPORTS**

### **Tim O'Brien, Carlsbad Field Office (Attachment 10)**

The FO is moving forward on the combined effort of fuel reduction and noxious weed control—primarily along the Delaware River. The archaeology/realty program is looking at disposal to

the city of Carlsbad and a land exchange of approximately 1,700 acres that Mississippi Potash would like to attain for 2,300 acres along the Pecos River.

An antelope pass was installed on an OHV trail crossing.

A proposal laid out for a blanket exception to timing restrictions for protection of the Lesser Prairie Chicken has been given to industry for comment and data.

### **Question/Answer/Comment**

- Is planned industry training on archeology being handled through staff or contract? Probably staff.
- Salt cedar—are you getting rootstock? Burning, but not sure whether following up. Chuck suggested that Bosque del Apache has a good program that might be considered.
- Michelle said the Bosque has water rights so they can cut and then flood, and they do pull out roots.
- New Mexico Tech in Las Cruces area is experimenting with burning rather than insecticides.
- Michelle said the Bureau is trying to incorporate best practices, now coming up with a national approach to sharing experiences. We need a national network.

### **Amy Lueders, Las Cruces Field Office**

Emphasis on wildland urban interface, especially in Pinos Altos area. Won an award for that project, so they are sharing that “best practice.” The Timberon area, incorporating 20 communities, is another sector of attention.

Salt cedar treatment along the Tularosa River—cutting and herbicides, using students for labor.

Issue in land exchanges is protection of open space, particularly large arroyos. In Picacho Peak they are working to set aside a 100-year flood plain in an exchange between a developer and the Nature Conservancy. Working with city and county as potential overseers for maintaining the open space.

### **Question/Answer/Comment**

- After clearing salt cedar to increase flow, is it gauged? Tracked over time? Photographs have been taken, not sure how following over time. If possible, publish results as a study for others to benefit from.

### **Ed Roberson, Roswell Field Office (Attachment 11)**

Haystack Mountain is becoming a pilot fee area. Need to get back out there and talk to users about how to assure that it’s compatible.

No agreement signed yet, but agreed in principle for access to oryx. Will put kiosk along highway showing access, issue permits and maps.

He invited the RAC to attend a planning meeting March 14 for Lincoln acquired lands—to see their collaborative process. Working with Ft. Stanton and Lincoln for Historic Preservation Week May 11-18.

Setting baselines for new cave so it will be protected before opened to public.

Preferred approach to salt cedars is to cut, then paint the stump.

In April wants field trip to include overflow wetlands, Haystack Mountain and Prairie Chicken habitat.

An advisory committee is addressing Standards & Guidelines implementation.

### **John Bailey, Taos Field Office**

Taos has several new hires including its first ever NEPA coordinator. Two students are signing on as employees. Goal is up to 26 people in the fire program, only six applied for eight seasonal positions—now that the FO is back online they should attract more. They plan to thin 6,000-8,000 acres and sell the firewood. Peace Corps and Americorps will help. There's 30-40% of normal snow pack, so worried about the upcoming fire season. Pat asked for their prayers.

A serious public health issue has arisen: there is a pipe coming out of a recently acquired hillside near the Rio Grande where residents have traditionally collected water, and the water is contaminated. The FO hopes National Guard and local businesses can provide drinking water, since no water is also a health issue. There is a public meeting March 16.

Taos Valley Overlook Project is a long-term project with 2,400 acres involving several partners.

He thanked Robyn for student assistance to inventory roads and trails in a priority area of 40,000 acres in Rio Arriba County.

A record number of applications from private boaters to use Rio Chama has been received, despite low water. Hope that by mid-March Wild Rivers Visitor Center will be reopened. BLM is rebuilding two of three campground areas and a road to the wild rivers site.

Working with a group from Santa Fe on a pilgrimage trail for Easter time walkers to Chimayo.

PLIA is putting seed money in for a statewide brochure.

EA out for 30-day review of request for geophysical exploration.

### **Question/Answer/Comment**

- Is Ojo Caliente landfill viable? Apparently not.  
The water contaminant mentioned above is e. coli, with parasites including giardia.
- Has the BLM been approached about restoration of Santa Fe watershed? Yes, they have attended meetings, taken some steps, and are working with numerous associations in that area.  
Concerning geophysical opportunities in wilderness study area, hands are tied—report to Congress on the land being appropriate for designation as wilderness but the guidelines are tight and would not allow it. There may be other techniques that could get that information without having an impact.

### **Steve Henke, Farmington Field Office**

A coal bed methane mining area at west end of San Juan Basin and prior O&G leases with requests to begin underground mining—are in conflict. Have brought the two sides together and they did not agree on a procedure. Optimistic that they will come to closure as the time frame comes to an end. RMP to printer April 18, three-week turnaround. They will mail it out for at least a 90-day comment period.

His advice is to get into a collaborative environment and see what's possible. On February 21, a culminating meeting of ranchers, O&G and BLM reached consensus, but the work to put it into practice is challenging. It's education on a basic level—the worker building a fence around a pit to keep cows out. Noise Standard was also addressed in a collaborative environment.

Road condition and maintenance—divide area into 13 road districts with an industry road superintendent for each and a signed agreement that includes funding for maintenance. The Farmington

scale is immense—for example 10,000 additional wells. Also looking at expansion of areas for cultural resources, endangered species and trails. There will be unresolved conflicts.

### **Question/Answer/Comment**

- The DVH states the EPA standard of 300 feet at 48.6, but agreed to take a different approach on how and where measured. At one cultural site for example, the receptor will be at the point of deviation from the noise source. Within the non-receptor base, rim of Navajo Reservoir, moved back from 300'-400' feet from a sensitive area. The receptor is the key to the 48.6. The FO is measuring not from a point but in a circle 400' all around the site.
- What problems do you see with mediation in reclamation? It's a long process, and needs commitment to apply.
- We continue to refine our stipulations.
- For down-hole, plug and abandonment there are minimal problems. On surface perspective maybe 50-60% is exactly what we want. There are a lot of variables.
- Michelle said BLM is moving toward outcome-based reclamation, not prescribing seed mix, method, etc. Instead, "Here's what we want to see—you figure out how to do it." We might see differences as we get better at defining what success should look like.
- How are you insuring proper involvement of process under such pressure from Washington? Farmington doesn't have as much day-to-day involvement from the public as other field offices. They've worked for quite some time to set up stipulations, etc., so it's understood that they need to stay within those.

### **Ed Singleton, Albuquerque FO**

BLM does not support the Ojo Caliente land transfer. A combined federal office in Cuba with FS has been established. The Cabezon ditch will be several years in mediation.

There are some private mineral issues on Acoma Pueblo land, and BLM is being asked to do an exchange with still-to-be determined lands.

### **Question/Answer/Comment**

- Structural integrity of pipe is a concern, and being considered. Company looking at options with BLM.
- Zia Pueblo request for BLM land is based on aboriginal use and an ongoing agreement with BLM to use the area.

### **Mark Lane/Socorro Field Office (Attachment 12)**

There are four high priority areas: El Camino Real International Heritage Center, Standards & Guidelines, RMP, and grazing EAs. The Fence Lake Coal Project is underway, with the State Land Office, Cebollita ... and Sierra Club cutting and spraying salt cedar.

### **Question/Answer/Comment**

- What's the potential for underground coal rather than strip mining? Water used and slurry are the real issues.

## **BLM PUBLIC SCOPING MEETINGS FOR VEGETATION TREATMENTS ON BLM PUBLIC LANDS IN THE WESTERN US (Attachment 13)**

Bernie Chavez reported that the current EIS was done up to 16 years ago. Contractor ENSR is conducting meetings and providing a draft that's national and programmatic in nature. It will serve as a broad-based NEPA document—backed by site-specific EAs. Topics considered include mechanical, chemical, biological agents, fuel thinning, etc. The scope covers National Fire Plan, S&G, and 6 million acres. Circumstances and approaches have changed and will be addressed—for example, new herbicides, biological control agents, and lands not previously included.

It will not address subsurface resources or local decisions, or amend RMPs. Some methods will be carried forward from the past four EISs. BLM planned 19 scoping meetings to be completed by the end of March, to contribute to an EIS planned for completion by summer 2003. Last week in Socorro 30-35 citizens attended in response to 1,000 letters sent out. Speakers wanted county involvement in the EIS.

### **Question/Answer/Comment**

- New herbivores are being used on an experimental basis. There has been no public comment on that issue.
- There's an effort in Taos County to ban certain herbicides.
- Unfortunately, people don't always know how to use the new approaches properly to get results. And weed problems may have gone beyond recommended new approaches—needing to be dealt with now with herbicides.
- A federal interagency group meets quarterly to coordinate and resolve problems and apply treatments across boundaries. State Highway Department and Land Office are included.
- There's a partnership group at the Washington Office level as part of the analysis, with a core team of Bureau individualists and specialists. NRCS is an important component.
- New Mexico is proposing about 86,000 acres for treatment over the next three years, and 100,000 in the 10 years after EIS issued.

### **BLM NEW MEXICO TRANSPORTATION/OFF-HIGHWAY VEHICLE MANAGEMENT PROTOCOL (Attachment 14)**

Mark Hakkila distributed the document and invited discussion.

### **Question/Answer/Comment**

- What will we do—from planning to on-the-ground management?
- Will inventory routes starting with on-screen digitized aerial photos.
- Supposed to designate which routes are open and closed at end of RMP. It's a tall order; and Las Cruces has numerous people assigned to that task.
- Need guidance on documentation, maintaining files, how to handle protests in the field, monitoring. Mark will attend the national OHV coordinating committee next month; and will report back for RAC implementation.
- BLM has a definition of a road, which has been discussed with the R&T Subcommittee. A meeting should include a diversity of stakeholders, so we know what each is looking for.
- Otero and other New Mexico counties are mapping and assessing their roads for emergency response planning, so should coordinate. Ground testing is time-consuming, and that's where Otero County is now.

- Phil said the BLM definition of a road—mechanically constructed and regularly mechanically maintained—gives him the willies. NMWA uses that definition and that’s why they could say there were no roads in areas where USGS maps show there are.
- The purpose of the planned meeting may be appropriate use of roads rather than whether they are roads or not.
- The BLM definition is from the federal level. Current inventories are including all roads, rating usage and ecosystem health. Roads that do not meet the BLM definition may still be necessary and regularly used, so we can’t get stuck on definition.
- Have to put road closures in the Federal Register but not two-tracks or cow paths. Not true: any closure must be registered
- It appears that advances in surveillance technology may soon be available at reasonable cost. They would like to use more of those tools, but still don’t come cheap to BLM.
- Definition of road should not be a reason for such places as challenging 4-wheel-drive routes. Road definition is part of wilderness policy, so good to address the issue when that is on a future agenda.

### **Discussion on whether to call a special meeting about OHV management**

- The reason is to prevent a situation like southeastern Utah where commissioners, BLM and users disagreed on road inventory. Would like the opportunity for all stakeholders to agree on definition of road.
- Rich suggested gathering information before attempting to make decisions.
- Three-day meeting in the center of the state
  - Day 1—present RAC draft recommendation, raising questions about variety of routes, building consensus on definition of ecosystem health and appropriateness of routes
  - Day 2—get on the ground with maps to look at what is and set parameters
  - Day 3—define conceptually and apply to model that could be provided for field offices
- Phil suggested deciding where and when, so stakeholders can do their homework before the workshop convenes. Phil, Mark and Toby will continue to plan for a workshop in Socorro no later than this summer.
- This would give input for recommending alternatives, so the sooner the better. Phil and Mark will speak, and ask Toby in as needed.

### **ENERGY SUBCOMMITTEE**

Raye reported. Cliff will join the subcommittee. Top issues were:

7. APD (Application for Permit to Drill)—looking for office-to-office consistency, shortcutting required process, public involvement, and cumulative impact in high-density areas.
8. Two Las Cruces land exchanges—are in the public interest and fit community needs. However, it was very difficult to get information.
9. San Juan Offsite Mitigation Proposal—should not be a substitute for reclamation. Will see whether the final product meets their concerns.
10. Renewable energy—currently part of energy bill under view of Congress, so timely. Will research for next RAC meeting.

### **Question/Answer/Comment**

- Rich said BLM is working with SLO on alternative energy projects.
  - Sometimes renewable energy sources are as disruptive as O&G are thought to be.
-

### **Discussion of April Roswell Meeting**

- Revisit range restoration issues
- Institute a 10-15 minute teleconference with members of another RAC—particularly those working on similar issues
- Otero Mesa update
- Start with O&G reclamation—standards, weed-free, O&G perspective, caliche, different issues in different parts of state, slide presentation, ask Dr. Richard Lee to address weed/reclamation issues
- Related field trip—overflow wetlands, O&G sites, booming Prairie Chickens, active drilling rig
- Subcommittee will draft recommendations that will be illuminated by the program
- Invite state Weed Committee representative
- FO reports could focus on approach to reclamation
- Meet in the Roswell BLM office rather than a hotel

The June meeting was tentatively set for June 26-27, with the field trip on the 28<sup>th</sup>.

### **Future topics**

- Wilderness and wilderness study areas, BLM and other perspectives, definition
- Presenter on effect of noise on fauna
- Analysis of BLM processes and staffing, making recommendations

### **What is the group doing well, that should be continued?**

- Communicating honestly with each other, listening
- Respecting and trusting each other, so willing to speak
- RAC members avoid polarizing
- Exteriorized responsibility for solutions, may catalyze this behavior in others
- RAC is a mechanism for this kind of problem solving—provides vehicle/forum for diverse views
- People work between meetings and come prepared
- RAC takes ownership
- Size of table good

### **What needs adjustment or change?**

- Roster to identify members' preferred method of communication
- Updated list of FO contacts
- Energy Subcommittee now meeting at end of Day 1
- Intensity of three days challenging, run out of steam on final afternoon
- Drive toward conclusions
- Acoustics difficult

The meeting adjourned.

/s/ Chuck Pergler