

Director's Protest Resolution Report

Socorro
Resource Management Plan

May 20, 2010



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Reader's Guide

How do I read the Report?

The Director's Protest Resolution Report is divided up into sections, each with a topic heading, excerpts from individual protest letters, a summary statement (as necessary), and the BLM's response to the summary statement.

Report Snapshot

Issue Topics and Responses

NEPA — Topic heading

Submission number

Protest issue number

Issue Number: PP-CA-ESD-08-0020-10

Organization: The Forest Initiative — Protesting organization

Protester: John Smith — Protester's name

Issue Excerpt Text: — Direct quote taken from the submission

Rather than analyze these potential impacts, as required by NEPA, BLM postpones analysis of renewable energy development projects to a future case-by-case analysis.

Summary — General statement summarizing the issue excerpts (optional).

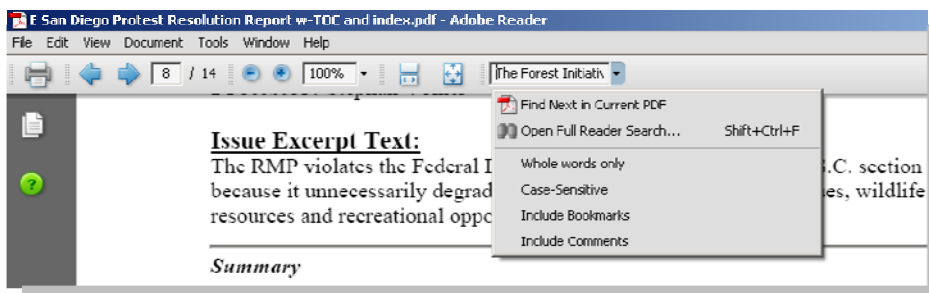
There is inadequate NEPA analysis in the PRMP/FEIS for renewable energy projects.

Response — BLM's response to the summary statement or issue excerpt if there is no summary.

Specific information about the protest and the protest organization is provided in the PRMP/FEIS...

How do I find my Protest Issues and Responses?

1. Find your submission number on the protesting party index which is organized alphabetically by protester's last name.
2. In Adobe Reader search the report for your name, organization or submission number (do not include the protest issue number). Key word or topic searches may also be useful.



List of Commonly Used Acronyms

ACEC	Area of Critical Environmental Concern	IM	Instruction Memorandum
APD	Application for Permit to Drill	MOU	Memorandum of Understanding
BA	Biological Assessment	NEPA	National Environmental Policy Act of 1969
BLM	Bureau of Land Management	NHPA	National Historic Preservation Act of 1966, as amended
BMP	Best Management Practice	NOA	Notice of Availability
BO	Biological Opinion	NOI	Notice of Intent
CAA	Clean Air Act	NRHP	National Register of Historic Places
CEQ	Council on Environmental Quality	NSO	No Surface Occupancy
CFR	Code of Federal Regulations	OHV	Off-Highway Vehicle (has also been referred to as ORV, Off Road Vehicles)
COA	Condition of Approval	RFDS	Reasonably Foreseeable Development Scenario
CSU	Controlled Surface Use	RMP	Resource Management Plan
CWA	Clean Water Act	ROD	Record of Decision
DM	Departmental Manual (Department of the Interior)	ROW	Right-of-Way
DOI	Department of the Interior	SHPO	State Historic Preservation Officer
EA	Environmental Assessment	SMA	Special Management Area
EIS	Environmental Impact Statement	SO	State Office
EO	Executive Order	T&E	Threatened and Endangered
EPA	Environmental Protection Agency	USC	United States Code
ESA	Endangered Species Act	USGS	U.S. Geological Survey
FEIS	Final Environmental Impact Statement	VRM	Visual Resource Management
FLPMA	Federal Land Policy and Management Act of 1976	WA	Wilderness Area
FO	Field Office (BLM)	WSA	Wilderness Study Area
FWS	U.S. Fish and Wildlife Service	WSR	Wild and Scenic River(s)
GIS	Geographic Information Systems		
IB	Information Bulletin		

Protesting Party Index

Protester	Organization	Submission Number	Determination
Wolf, James R.	Continental Divide Trail Society	PP-NM-SOCORRO-09-001	Denied
Anderson, Greta Bird, Bryan	Western Watersheds Project WildEarth Guardians	PP-NM-SOCORRO-09-002	Denied
Culver, Nada Archuleta, Deanna Newcomer, Nathan	The Wilderness Society New Mexico Wilderness Alliance	PP-NM-SOCORRO-09-003	Denied

Issue Topics and Responses

NEPA

Failure to Consider No Grazing/Reduced Grazing Alternative

Organization: Western Watersheds Project/WildEarth Guardians

Protester: Greta Anderson and Bryan Bird

Issue Excerpt Text:

We protest that, despite our comments - and NEPA's

requirements- that the BLM provide meaningful analysis of a wide range of alternatives, the BLM did not even consider a "No Grazing" or "reduced grazing" alternative.

Summary

BLM failed to consider a No Grazing or Reduced Grazing alternative in the EIS

Response

The Federal Land Policy and Management Act and the Taylor Grazing Act direct the BLM in its responsibility to authorize and manage livestock grazing use under the principles of multiple use and sustained yield. NEPA does not require the analysis of a no grazing alternative.

Our response to your comment on the Draft RMP/EIS (comment 104b, Table 6-2), states that "The Socorro RMP carries forward the existing decisions in the BLM's existing grazing and rangeland management program EISs. FLPMA established the BLM's mandate to manage for multiple use on public land. None of the Alternatives evaluated in this EIS propose any changes to AUMs, grazing allotments of other decisions that were established previously through the East Socorro Grazing EIS and the West Socorro EIS." Therefore the Socorro grazing EISs analyzed the impacts of grazing and the Proposed RMP/Final EIS incorporated by reference those documents through tiering. Any adjustments in permitted leases (AUMs) will be addressed based on on-going monitoring and subsequent NEPA documentation. Appendix D in the Proposed RMP/Final EIS states that to-date, 129 allotments have been reissued with no changes needed in AUMs based on monitoring vegetative trends.

Another rationale for not varying the levels of grazing by alternative (AUMs) in the Proposed RMP/Final EIS is based on the 2001 Record of Decision (ROD) for the New Mexico Standards and Guidelines. The ROD determined that the existing 1989 Socorro RMP did not conflict with the ROD's decisions and therefore the 1989 plan did not need to be amended. On page 2-17 of the PRMP/FEIS under Continuing Management Guidance, it emphasizes that the alternatives affecting public rangeland would continue to be managed " . . . to meet the standards of public land health as established in the New Mexico Standards and Guidelines . . . If it is determined that the standards are not being met, BLM would determine the appropriate actions to meet those standards." (Refer to related responses under the *Allocating 50% of Long Term Increases in*

Vegetation to Livestock is a Non-Substantive Difference and Tiering to Out of Date Documents sections regarding forage allocation levels and tiering.)

Last, vegetation allocation levels do vary by alternative in the Proposed RMP/Final EIS, and vary from at 50/50 allocation to wildlife/watershed and livestock, to reserving forage increases for wildlife and watershed needs (p. 2-60). (Refer to the related response in the *Tiering to Out of Date Document* section regarding forage allocations by alternative.)

Unallotted Acreages the Same across All Alternatives

Issue Number: PP-NM-SOCORRO-09-002-6
Organization: Western Watersheds Project/WildEarth Guardians
Protester: Greta Anderson/Bryan Bird

Table 2-1, on page 2-60. The unallotted acreages remain the same across the alternatives, despite biological concurrence from the US Fish and Wildlife Service requiring grazing limitations, and the comments by the public that the BLM analyze a range of alternatives.

Issue Excerpt Text:
The most obvious demonstration of this failure is in

Summary

Grazing limitations are not reflected in the allotted acreages.

Response

See also related responses in the *Failure to Consider No Grazing/Reduced Grazing Alternative, Allocating 50% of Long Term Increases in Vegetation to Livestock is a Non-substantive Difference, Tiering to Out of Date Documents, and PRMP Does Not Carry Forward Monitoring Criteria from Aplomado Falcon Biological Assessment* sections.

The unallotted acreages in the table are being carried forward from the 1989 Socorro RMP and the Grazing EISs. The 2001 New Mexico Standards and Guides reaffirmed the validity of carrying forward this decision. The Record of Decision (ROD) for this document concludes that the grazing decisions in the 1989 Socorro RMP are consistent with the new land health standards and guidelines for livestock grazing. (A full range of alternatives for Rangeland Resources affecting forage allocation levels for wildlife and livestock is addressed in response to *Failure to Consider No Grazing/Reduced Grazing Alternative*.)

The BLM used the Biological Assessment (BA) for the Socorro PRMP/FEIS (September 2006) to comply with the Endangered Species Act and related requirements of the U.S. Fish and Wildlife Service. The PRMP/FEIS's decisions are consistent with the BA. The purpose of the BA is to "to analyze the potential effects of the Preferred Alternative (Alternative B in the Draft RMP/EIS)," not to limit grazing (BA, p. 1). Page 12 of the BA fully describes the Preferred Alternative (now the Proposed Plan) for addressing existing grazing capacities, monitoring, and adjustments, if needed.

Allocating 50% of Long Term Increases in Vegetation to Livestock is a Non-substantive Difference

Issue Number: PP-NM-SOCORRO-09-002-7
Organization: Western Watersheds Project/WildEarth Guardians
Protester: Greta Anderson/Bryan Bird

Issue Excerpt Text:
The difference between current management and the other three alternatives is to allocate fifty percent of the [anticipated] long-term increases in vegetation to

livestock. Id. All other actions listed under the proposed alternative are required by BLM policy, and therefore appropriate for all the alternatives, making their inclusion here a non-substantive difference from the other alternatives. Therefore, there is no meaningful or substantive difference among the alternatives, and therefore the plan fails to comply with the basic requirements and purpose of a NEPA analysis.

Summary

There is no contrast in alternatives with regard to vegetation allocations; there is no meaningful difference among the range of alternatives.

Response

There are differences between the alternatives regarding wildlife, watershed, and livestock. The Proposed RMP/Final EIS provides a range of alternatives for long term increases and vegetation to wildlife, watershed, and livestock. For example, Alternative B states that "The allocations would usually be 50 percent to wildlife/watershed and 50 percent to livestock." Alternative C states that, "Forage increases would be reserved for wildlife and watershed needs. Increases to livestock use would be secondary after other resource objectives had been met. Range improvements would be designed primarily to benefit wildlife and watershed resources p. 2-60)." Therefore, there are differences in allocating long term increases in vegetation by alternative.

Tiering to Out of Date Documents

Issue Number: PP-NM-SOCORRO-09-002-15
Organization: Western Watersheds Project/WildEarth Guardians
Protester: Greta Anderson/Bryan Bird

Issue Excerpt Text:
We protest then that the determinations and categorizations of allotments within the new RMP are based on stale or speculative data. The agency cannot take the requisite "hard look" at the environmental impacts of the proposed action without current information. Twenty-seven allotments is merely a small fraction of the allotments in the project area,

and at the very least, the PRMP/FEIS should have provided a schedule of completion for the new RHAs.

Issue Number: PP-NM-SOCORRO-09-002-9
Organization: Western Watersheds Project/WildEarth Guardians
Protester: Greta Anderson/Bryan Bird

Issue Excerpt Text:
The BLM tiers to documents that are grossly out of date. The East Socorro Grazing EIS was completed in 1979 and was intended to be used for 20 years; the

West Socorro Rangeland Management Program EIS was completed in 1982. PRMP/EIS at B_3.1 The East Socorro Grazing EIS is outdated at 30 years, and the West Socorro Rangeland Management Program EIS is 26 years out of date. We protest the utter failure to provide meaningful management parameters for this

use in the proposed RMP, which extends already outdated management regimes for 10-20 more years without any clear mitigation or schedule for reevaluation

Summary

The BLM based its determinations for allotment categorizations on speculative data and out of date supporting documents.

Response

The categorization of allotments is not based on speculative data. Instead, it is the BLM's policy to assign allotments to categories to help set work priorities. The assignment of allotments to the different categories is based on ongoing monitoring studies. The allotment categories are I-Improve, M-Maintain, and C-Custodial. These categories identify opportunities to manage fiscal resources to achieve land use plan objectives.

The basic criteria used for categorizing allotments can be found in the 1989 Socorro RMP. As allotments continue to be evaluated, and as situations change, allotments may be placed into a different category. The "I" category allotments are not necessarily in "unsatisfactory condition," but may have a potential for better resource production and a more positive economic return. Currently, the Socorro Field Office has 214 "M" category allotments, 46 "I" allotments and 6 "C" allotments. Rangeland health assessments were completed on 27 allotments, and monitoring data was collected on the allotments where grazing use was authorized by the 129 permits that were due for renewal. Monitoring was completed prior to authorizing the permits. Further, additional analysis of the impacts of grazing is conducted as part of the NEPA process for the renewal of grazing permits, e.g., through environmental assessments (EAs).

The Socorro Grazing EISs are not out-of-date because the analysis and decisions were reaffirmed by recent environmental documents. Both EISs were carried forward into the 1989 Socorro RMP. In 2001, the New Mexico Standards and Guidelines amended several BLM New Mexico RMPs. The Record of Decision for the Proposed Statewide Resource Management Plan Amendment/Final EIS for grazing determined that the grazing decisions in the 1989 Socorro RMP were consistent with the new land health standards and guidelines for livestock grazing. Therefore, no plan amendment was required for the Socorro RMP. The decisions from the Standards and Guidelines EIS were carried forward into the PRMP/FEIS (p. 2-17).

BLM Does Not Analyze Impacts of Climate Warming Trend

Issue Number: PP-NM-SOCORRO-09-002-21
Organization: Western Watersheds Project/WildEarth

Guardians
Protester: Greta Anderson/Bryan Bird

Issue Excerpt Text:

We protest that the outdated analyses in the grazing EISs are no longer appropriate because of the shifting climatic context. The PRMP acknowledges that there has been scientifically-validated warming in the project area. PRMP/EIS at 3-3 - 3-5, inclusive. The PRMP admits that anticipated climate change could affect management. PRMP/FEIS at 4-107. However, the PRMP does not analyze or disclose the effects of the warming trend that have already affected the project area, nor the annual precipitation levels that

affect vegetation productivity. Given the dependence of livestock grazing on sufficient precipitation, the BLM should have evaluated climatic trends and authorized use during the past several decades and determined if the proposed levels of livestock grazing are feasible or appropriate. Further, the RMP should have considered how livestock grazing has a cumulative and additive impact on the effects of climate change, i.e. by spreading weeds which are drought and fire-adapted and which then out-compete native species in times of climate stress. Without these analyses, the PRMP is incomplete.

Summary

The EIS fails to disclose the effects of climate warming on decisions in the PRMP.

Response

The PRMP/FEIS adequately addresses the potential impacts of climate change on the affected environment, while recognizing the assumptions and limitations of available data and in determining the environmental effects from greenhouse gas emissions. Specifically, Chapter 3 of the PRMP/FEIS discusses and recognizes that greenhouse gas (GHG) contributions may have the potential to affect climate. Citing credible sources such as research conducted by the International Panel on Climate Change (IPCC), the PRMP/FEIS recognizes, for example, that "Greenhouse gases (GHGs) have the potential to impact climate and in turn, climate has the potential to influence resource management (PRMP/FEIS, p. 3-3). GHG sources such as carbon dioxide are recognized in the PRMP/FEIS as coming from natural processes and human activities, including "CO₂ emitted through the burning of fossil fuels ... CH₄ emitted during the production and transport of coal ... and as well as by livestock" (PRMP/FEIS, p. 3-4) A more recent study on the potential qualitative impacts of climate on the Southwest was also cited in Chapters 3 and 4 of the proposed RMP (PRMP/FEIS, pp. 3-4 and 4-107). Citing IPCC studies and other sources, the PRMP/FEIS, page 4-2 states, "It is currently not feasible to know with certainty the impacts to climate as a result of any GHG emissions related to the proposed alternative in the RMP ... the (climate) models are broadly (emphasis added) successful in simulating present-day climate and recent climate change" Therefore, it would be speculative to evaluate the specific or quantitative effects of grazing or other uses on regional or global climate in the PRMP/FEIS.

BLM Should Revise EIS to Consider Alternative Designating New Wilderness Study Areas (WSAs)

Issue Number: PP-NM-SOCORRO-09-003-21
Organization: The Wilderness Society/New Mexico
Wilderness Alliance

Protester: Nada Culver/Deanna Archuleta/Nathan
Newcomer

Issue Excerpt Text:

The range of alternatives is "the heart of the environmental impact statement." 40 C.F.R. § 1502.14. An agency violates NEP A by failing to "rigorously explore and objectively evaluate all reasonable alternatives" to the proposed action. *City of Tenakee Springs v. Clough*, 915 F.2d 1308, 1310 (9th Cir. 1990) (quoting 40 C.F.R. § 1502.14). This evaluation extends to considering more environmentally protective alternatives and mitigation measures. See, e.g., *Kootenai Tribe of Idaho v. Veneman*, 313 F.3d 1094, 1122-23 (9th Cir. 2002) (and cases cited therein). Further, in defining what is a "reasonable" range of alternatives, NEP A requires consideration of alternatives "that are practical or feasible" and not just "whether the proponent or applicant likes or is itself capable of carrying out a particular alternative"; in fact, "[a]n alternative that is outside the legal jurisdiction of the lead agency must still be analyzed in the EIS if it is reasonable." Council on Environmental Quality, *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations*, Questions 2A and 2B, available at <http://ceq.hss.doe.gov/nepa/regs/40/40p3.htm>; 40 C.F.R. §§ 1502.14, 1506.2(d).

Issue Number: PP-NM-SOCORRO-09-003-22
Organization: The Wilderness Society/New Mexico Wilderness Alliance
Protester: Nada Culver/Deanna Archuleta/Nathan Newcomer

Issue Excerpt Text:

The Socorro RMP should have considered designation of new WSAs.

The BLM identified designation of new WSAs as one of the "Issues Eliminated from Detailed Study" because "BLM policy does not allow for the designation of WSAs through the land use planning process." Proposed RMP, p. 1-8. This is a reasonable alternative that was proposed in public comments and the agency's current policy regarding creation of new WSAs does not relieve BLM from the responsibility of considering this alternative under NEP A, as noted above.

Requested Remedy: The Socorro RMP should be revised to evaluate an alternative designating new WSAs, including lands inventoried by NMWA in accordance with the BLM's Wilderness Inventory Handbook.

Summary

The EIS fails to consider an alternative that designates Wilderness Study Areas (WSAs).

Response

Although new WSAs cannot be designated through the resource management planning process under existing policy, the BLM has the discretion to manage lands to protect their wilderness characteristics. Some examples of protecting lands with wilderness characteristics include establishing Visual Resource Management objectives, or designating/ restricting off-highway vehicle use. All of the areas determined to have wilderness character through BLM's inventory of the Socorro Field Office (shown on Table 3-8 of the PRMP/FEIS) are also located within proposed Areas of Critical Environmental Concern (ACECs), and have different levels of protection by alternative. (Refer to the related response in the *BLM Must Consider Alternative to Protect More Lands with Wilderness Characteristics* section below.)

BLM Must Consider Alternative to Protect More Lands with Wilderness Characteristics

Issue Number: PP-NM-SOCORRO-09-003-26
Organization: The Wilderness Society/New Mexico Wilderness Alliance
Protester: Nada Culver/Deanna Archuleta/Nathan Newcomer

inventory units with the recommended management to protect wilderness characteristics, those lands with wilderness characteristics would not be adequately protected from impacts such as oil and gas development and ORVs.

Issue Excerpt Text:
Further, as can be seen by comparing the management prescriptions included for those ACECs that still incorporate portions of NMWA wilderness

Therefore, the Socorro Draft RMP did not consider alternatives to protect lands with wilderness characteristics and the Proposed RMP has not corrected this error.

Summary

The EIS fails to consider alternatives to protect lands with wilderness characteristics.

Response

While the BLM is not obligated to manage lands to protect for wilderness characteristics outside WSAs, it clearly has the discretion to do so. Lands identified as having wilderness character were included under various administrative designations, such as ACECs, within the alternatives. The BLM analyzed alternatives that protect wilderness characteristics, as well as those that would allocate lands to uses not consistent with protecting wilderness characteristics. All of the areas found to have wilderness character (shown on Table 3-8 in the PRMP/FEIS) are located within proposed ACECs, which provide different levels of protection (see Table 2-2 of the PRMP/FEIS) by alternative, including limitations to off-highway vehicle use, stipulations on oil and gas leasing, and restrictions on other land uses. For example, the amount of ACEC acreage in the PRMP and the No Action Alternative are 197,757 acres and 79,045 acres, respectively (PRMP/FEIS, p. 2-63), reflecting different management prescriptions and considerations for the protection of lands with wilderness characteristics, as well as protection of ACEC values.

Federal Land Policy and Management Act (FLPMA) ***Disposal of Lands***

Issue Number: PP-NM-SOCORRO-09-001-8
Organization: Continental Divide Trail Society
Protester: James R. Wolf

desirable to achieve the statutory purposes of the Trails Act - including reducing conflicts with motorized use, as well as enhancement of opportunities for solitude and the enjoyment of scenic and other recreational values. On a case-by-case basis, with the impacts upon the CDNST given appropriate weight, some disposal might be

Issue Excerpt Text:
We protest the PRMP and FEIS because they might lead to the improvident disposal of lands that are

undertaken as part of an exchange with a willing partner. But the presumption should be that public lands within the Special Management Area (SMA)

will be retained unless the disposal will benefit the CDNST.

Summary

The PRMP could lead to the inappropriate disposal of lands, to the detriment of the Continental Divide National Scenic Trail (CDNST).

Response

See the response under the *Continental Divide National Scenic Trail and Special Management Area* section.

Areas of Critical Environmental Concern (ACEC) ***No Analysis on Effects of Grazing on ACECs***

Issue Number: PP-NM-SOCORRO-09-002-33
Organization: Western Watersheds Project/WildEarth Guardians
Protester: Greta Anderson/Bryan Bird

Issue Excerpt Text:
We protest that no analysis of the effects of livestock

grazing on the ACECs was included. The BLM is not exempt from a full analysis of impacts simply because grazing is the current status quo on most of the lands in the field office. The various SMAs and ACECs are designated for specific purposes; failure to analyze the effects of livestock use is a failure of NEP A and FLPMA.

Summary

The EIS fails to analyze the effects of grazing on Areas of Critical Environmental Concern (ACECs).

Response

The BLM manages public lands resources to achieve and maintain land health standards regardless of designations. The PRMP/FEIS does analyze the effects of grazing on ACECs and SMAs. The PRMP/FEIS under Rangeland Management (PRMP/FEIS, p. 4-54), for example states, "... special designations for the protection of natural and cultural resources, which are more likely to be subject to this management, would be increased to a total of 297,555 acres of BLM-managed surface land; therefore, overall positive or negative impacts would have the potential to occur over a greater area than in Alternative A. Impacts associated with grazing exclusions would be less than under Alternative A, with a total of 214 acres closed to grazing in the Penjeacu and Playa Pueblos SMAs. Under Alternative B, the exclusion to domestic sheep and goat use would be eliminated in the Horse Mountain and Pelona Mountain ACECs, but

would be applied to a larger Ladron Mountain ACEC (54,474 acres of BLM-managed surface land) plus a 10-mile buffer of bighorn sheep habitat..."

In addition, the future implementation of activity plans for the ACECs will also consider the site-specific effects of grazing, as well as other resource uses through the preparation of NEPA documents such as EAs.

***Fish, Wildlife, Plants, and Special Status Species
Proposed RMP Does Not Carry Forward Monitoring Criteria from Aplomado Falcon
Biological Assessment***

Issue Number: PP-NM-SOCORRO-09-002-23
Organization: Western Watersheds Project/WildEarth
Guardians
Protester: Greta Anderson/Bryan Bird

Issue Excerpt Text:

We protest the failure to manage these public lands for wildlife listed under the Endangered Species Act. We protest that the RMP does not contain sufficient provisions for the protection of the aplomado falcon. The only indication that aplomado falcons would

receive any respite from grazing is the statement, "Grazing areas within areas identified as potential aplomado falcon habitat would be managed for a stable or increasing trend in range conditions or desired plant community." PRMP/FEIS at 2-31. The Biological Assessment from the USFWS outlines more specific criteria, by requiring monitoring of utilization rates and trends over 6325 acres of BLM Land. USFWS Biological Assessment at 2. The PRMP does not carry forward this obligation, in violation of the Endangered Species Act.

Summary

The PRMP/FEIS does not adequately mitigate the effects of grazing on the endangered aplomado falcon.

Response

The BA is prepared by the BLM, not the U.S. Fish and Wildlife Service. The aplomado falcon in New Mexico is a 10(J) population or "nonessential experimental," which means this population is not essential to the continued existence of the species, and no proposed action impacting a 10(J) population could lead to a jeopardy determination for the species (PRMP/FEIS, p. 3-34 and Endangered Species Act Consultation Handbook, USFWS, pp. 2-5 to 2-6). Regardless of this clarification, the PRMP/FEIS does contain sufficient provisions for the protection of the aplomado falcon, ensures future monitoring of the species, and is responsive to the related BA.

The PRMP/FEIS states, "... grazing allotments within areas identified as potential falcon habitat would be managed for a stable or increasing trend in range condition or desired plant community." (PRMP/FEIS, p. 2-31) It also states that aplomado falcon habitat "... would include the implementation of fluid mineral leasing stipulations (see Map 2-2 and Appendix I) and other measures to regulate surface use and occupancy ..." (PRMP/FEIS, p. 2-31) This would include the 37,254 acres in addition to the 6,325 acres and other lands as they are identified as falcon

habitat in the Proposed Alternative. Appendix L in the PRMP/FEIS includes "Northern Aplomado Falcon Management Guidelines." This section provides "Surface Occupancy Requirements for Northern Aplomado Falcon Habitat" and "Grazing Management Actions for the Protection of Aplomado Falcon Nests" (PRMP/FEIS, pp. L-4 to L-6). (Refer to related response in the *Unallotted Acreages the Same Across All Alternatives* section regarding the BA.)

The PRMP/FEIS also addresses monitoring of falcon habitat. It states, "Monitoring of trend plots would be prioritized in areas identified for management of the aplomado falcon. As additional data become available, these management prescriptions may be revisited to assess their effectiveness in protection of these species." (PRMP/FEIS, pp. 2-31 to 2-32). Lastly, since the initiation of the Socorro RMP effort, aplomado falcons were released within the Socorro Planning Area in cooperation with the U.S. Fish and Wildlife Service, White Sands Missile Range, and New Mexico State Land Office. The Peregrine Foundation also released aplomado falcons in 2007 and 2008 in the area.

Proposed RMP Does Not Include Limitations for Willow Flycatcher Habitat Protection

Issue Number: PP-NM-SOCORRO-09-002-24
Organization: Western Watersheds Project/WildEarth Guardians
Protester: Greta Anderson/Bryan Bird

Issue Excerpt Text:
We protest that the RMP does not contain sufficient protection for the southwestern willow flycatcher.

The BA states that "There will be no RMP actions, including grazing, in the BLM-administered area approximately 1 mile from the boundary of the Socorro Nature Area where a flycatcher nest was observed in 1994." USFWS Biological Assessment at 2. Despite this proviso, the RMP carries forward no such limitations. This is a violation of the Endangered Species Act.

Summary

The PRMP does not protect the habitat of the willow flycatcher.

Response

Livestock grazing is not authorized in the Socorro Nature Area. As stated in the PRMP/FEIS on page 2-37, the Socorro Nature Area would be managed for recreation use and to provide environmental education and interpretation opportunities; experiences would primarily involve picnicking, hiking, sightseeing in Bosque habitat, access to the Rio Grande, camping, and mountain biking. However, the BLM cannot regulate uses on private lands, only BLM managed public lands. The Socorro Nature Area is surrounded by private land. There is no BLM public land within the one-mile buffer, except for the Socorro Nature Area.

Livestock Grazing Information Lacking on Allotments with Completed Site Specific Assessments

Issue Number: PP-NM-SOCORRO-09-002-11
Organization: Western Watersheds Project/WildEarth
Guardians
Protester: Greta Anderson/Bryan Bird

Issue Excerpt Text:
However, nowhere does the RMP actually provide

information about how many allotments have had site-specific assessments completed so far in support of the current management, or what the result of those analyses has been. This lack of information deprives the decision-maker and the public of the opportunity to evaluate how current and proposed management will affect these lands.

Summary

No information is provided on the number of site-specific land health assessments completed.

Response

Land health assessments were completed on 27 allotments, with all of the allotments meeting rangeland standards (PRMP/FEIS, p. 3-39). The PRMP/FEIS also states, on page D-2 of Appendix D, that 129 allotments were evaluated from 1999 using the monitoring data gathered for the permit renewal process. The Socorro Field Office is also in the process of preparing site-specific grazing EAs for individual grazing allotments (PRMP/FEIS, p. 2-17). These EAs address the levels of livestock use within the grazing allotment and impacts of the specific grazing decisions on other public land resources. Appendix H, Rangeland Management, discusses in more detail the process of conducting site evaluations, as well as provides a table of authorized Animal Unit Months (AUMs).

Unsupported Increases in Number of Animal Unit Months (AUMs)

Issue Number: PP-NM-SOCORRO-09-002-16
Organization: Western Watersheds Project/WildEarth
Guardians
Protester: Greta Anderson/Bryan Bird

Issue Excerpt Text:
Instead, the BLM puts the cart ahead of the proverbial horse by including provisions in the PRMP to allocate forage increases to livestock. There is no evidence that forage will increase, that range conditions will improve, or that increased livestock use is justified.

Issue Number: PP-NM-SOCORRO-09-002-17
Organization: Western Watersheds Project/WildEarth
Guardians
Protester: Greta Anderson/Bryan Bird

Issue Excerpt Text:
We protest the unsupported increases in the number of AUM authorized on allotments recognized to be in need of "improve" -level management. The PRMP defines allotments categorized as "improve" as ones in which present range condition is unsatisfactory, where serious resource-use conflicts exist, where the allotments are not meeting their resource potential, where present management appears unsatisfactory, and/or where other local criteria deem them such. PRMPIEIS at H-9. Despite this, and despite claims that the new RMP is not changing the levels of livestock grazing, a number of the "Y" allotments actually do increase the number of permitted AUM over the numbers provided in the current RMP, with some increases of more than 300 percent. See Table 1. This is unsupportable and unacceptable.

Summary

There is an increase in permitted use in the number of AUMs on some allotments, which is not justified.

Response

There is no increase in permitted use in the total of AUMs in the PRMP/FEIS. What appeared to be discrepancies in the number of AUMs is merely the result of changes in land tenure through BLM's acquisition of New Mexico State land or consolidation of various allotments. The summary below denotes what changes occurred.

Consolidation of Allotments

The Monte Negro allotment was combined with the Canada Colorado and Canon Alamito allotments. In addition, there was an acquisition of state land to allow flexibility in grazing management. There was no change in the total livestock numbers allowed on the allotment. The carrying capacities of the allotments were 73 cattle year long (CYL), 47 CYL, and 61 CYL. The total number of cattle that are authorized on the Monte Negro Allotment is 181 CYL. The number of AUMs authorized on the individual allotments was 720 AUMs, 480 AUMs, and 720 AUMs in the 1989 Socorro RMP equaling 1,920 AUMs. The PRMP/FEIS lists the number of AUMs at 1,929 AUMs. The difference of nine AUMs is due to a change of land tenure. The BLM acquired a portion of the state land within the allotment, thereby increasing the amount of public land and the number of AUMs by nine.

The total number of permitted livestock did not change, and remains at 181 CYL. After the consolidation and land exchange with the State of New Mexico, the authorized amount of cattle remained the same and the only change was the AUMs associated with the public and state land.

Land Tenure Adjustments

The following allotments' public land acreage was adjusted as the result of New Mexico State Land exchanges: Black Mesa, Y-Ranch, Adobe Ranch, West Horse Mountain, and East Horse Mountain. The BLM increased its land base in allotments because of these exchanges. Although the public acreage and AUMs increased due to acquiring parcels of state land within the various allotments, the overall authorized number of livestock did not change. After the consolidation and land exchange with the State of New Mexico, the authorized amount of cattle remained the same. The only change was the number of AUMs associated with the public and state land.

Restored AUMs

The total number of AUMs for the Rio Grande allotment did not change from the original numbers. Some AUMs were held in suspension for the Rio Grande allotment and were consequently inactive for a period of time. These AUMs are now restored. As a result, there is no net gain in AUMs.

Misinterpretation of Data

Although the protest letter lists AUMs in the table for Sitka Spruce as 3,607, this is not the case. There are 48 AUMs listed for Sitka Spruce.

In summary, because of various New Mexico State land exchanges and consolidation of allotments, there is an appearance of an increase in the AUMs when in actuality there are none. Clarification regarding the number of AUMs due to changes in land tenure will be provided in the RMP's ROD.

Due to Deteriorating Resource Conditions Authorized Level of Livestock Use is Not Sustainable

Issue Number: PP-NM-SOCORRO-09-002-19
Organization: Western Watersheds Project/WildEarth Guardians
Protester: Greta Anderson/Bryan Bird

Issue Excerpt Text:

Furthermore, some of the allotments have actually gone from "maintain" to "improve," demonstrating that the resource conditions on the allotments have deteriorated under current management and that the authorized level of use is not sustainable and yet,

despite this, the RMP makes no attempt to explain or mitigate these differences. The PRMP does not provide sufficient explanation of these management changes, and has not demonstrated that the ecological integrity of the land can support them. Table 1 is merely a brief overview of some of the most egregious changes to allotments that were already considered to be in poor condition; the PRMPIEIS should have provided a full analysis of the management situation on all allotments in the field office.

Summary

The PRMP should fully account for the condition of all allotments in the Socorro Field Office.

Response

The "I" category allotments are not necessarily in unsatisfactory condition, but may have a potential for better resource production and a more positive economic return. For example, the Monte Negro Allotment was changed from an "M" category allotment to an "I" category not because of resource conditions, but to give it a higher priority for range improvement funds. (See response under the *Tiering to Out of Date Documents* section regarding clarification of the purpose of allotment categories.)

The BLM also acknowledges one technical error in the PRMP/FEIS Appendix H, Table H-1, page H-6. The table error shows allotment 1301 categorized as "I" which should be corrected to an "M" category. The BLM would like to clarify that just because an allotment is categorized as an "I" does not imply it is in unsatisfactory condition. It may be in excellent condition, but has a

resource conflict such as recreation that must be mitigated. The technical correction will be noted in the RMP's ROD.

BLM Cannot Claim Increased Grazing Would Improve Range Conditions over the Long Term

Issue Number: PP-NM-SOCORRO-09-002-20
Organization: Western Watersheds Project/WildEarth Guardians
Protester: Greta Anderson/Bryan Bird

Issue Excerpt Text:

We protest that, despite the BLM's own conclusion that, throughout all of the alternatives, a reduction in livestock grazing "could result in healthier, more stable plant communities, which would produce more desirable, predictable forage that would be more

resistant to grazing impacts," the BLM has not selected an alternative that would not reduce grazing in the short- or long-term. PRMPIEIS at 4-5. The BLM cannot claim that the proposed alternative to increase grazing and forage allocations in the long-term would improve range condition while simultaneously acknowledging the opposite. If the BLM had actually considered a reduced grazing or no grazing alternative, both the public and the decision-maker could have evaluated the comparative merits of each management strategy.

Summary

The BLM refused to consider reducing or eliminating livestock grazing despite noting the benefits if livestock were reduced or eliminated.

Response

Your reference to the PRMP/FEIS regarding this issue needs to be fully cited from the document to provide context. Page 4-5 the PRMP/FEIS states, "Changes to grazing numbers or range management could occur if determined necessary to meet public land health standards or as part of noxious weed treatment programs. Over the long term, livestock grazing reductions could result in healthier, more stable plant communities, which would produce more desirable, predictable forage that would be more resistant to grazing impacts." Presented in full context, this statement, therefore, indicates that changes could be made to range management or grazing numbers, if public land health standards are not being met in an area.

BLM Fails to Address Effects of Livestock Grazing on Climate Change and Vice-versa

Issue Number: PP-NM-SOCORRO-09-002-21
Organization: Western Watersheds Project/WildEarth Guardians
Protester: Greta Anderson/Bryan Bird

Issue Excerpt Text:

We protest that the outdated analyses in the grazing EISs are no longer appropriate because of the shifting climatic context. The PRMP acknowledges that there

has been scientifically-validated warming in the project area. PRMP/EIS at 3-3 - 3-5, inclusive. The PRMP admits that anticipated climate change could affect management. PRMP/FEIS at 4-107. However, the PRMP does not analyze or disclose the effects of the warming trend that have already affected the project area, nor the annual precipitation levels that affect vegetation productivity. Given the dependence of livestock grazing on sufficient precipitation, the

BLM should have evaluated climatic trends and authorized use during the past several decades and determined if the proposed levels of livestock grazing are feasible or appropriate. Further, the RMP should have considered how livestock grazing has a

cumulative and additive impact on the effects of climate change, i.e. by spreading weeds which are drought and fire-adapted and which then out-compete native species in times of climate stress. Without these analyses, the PRMP is incomplete.

Summary

The BLM did not evaluate climate as a factor in determining the impacts of livestock grazing on the environment.

Response

See previous response under the *BLM Does Not Analyze Impacts of Climate Warming Trend* section.

BLM Does Not Analyze Role of Livestock in Spread of Invasive Species and on Soil, Water, and Habitat for Native Species

Issue Number: PP-NM-SOCORRO-09-002-29
Organization: Western Watersheds Project/WildEarth Guardians
Protester: Greta Anderson/Bryan Bird

Issue Excerpt Text:
Allowing livestock to continue on these lands risks

the irreplaceable ecological and cultural resources found on them. The PRMP does not analyze the role of livestock in the spread of invasive species, in soil and microbiotic crust degradation, in water source pollution, nor in the destruction of habitat for native species.

Summary

The impacts of livestock grazing on the spread of invasive species, degradation of soil and microbiotic crust, water quality, and native species habitat were not adequately analyzed.

Response

The PRMP/FEIS adequately addresses livestock grazing through Continuing Management Guidance and subsequent impact analysis. The Continuing Management Guidance in the PRMP/FEIS states that public rangeland would be managed to meet the Standards and Guides implemented at the watershed, allotment, or pasture level if the standards are not being met (PRMP/FEIS, p. 2-17).

Regarding noxious weeds and wildlife/species habitat, several Executive Orders and state and local legislation are referenced as Continuing Management Guidance. For example, Federal agencies are required to: "1) identify actions that may affect invasive species; 2) use relevant programs to prevent introduction of invasive species; 3) detect, respond, and control such

species; ... and 5) provide for restoration of native species" (PRMP/FEIS, p. 2-5) The PRMP/FEIS Appendix C under Best Management Practices (BMPs) discusses livestock grazing and invasive/noxious weed management BMPs (PRMP/FEIS, pp C-12 to C-13).

In Chapter 3 of the PRMP/FEIS under Soil Resources, potential causes of erosion are acknowledged, and factors such as "... off-road vehicles, improperly built roads and trails, and overgrazing accelerate the natural erosion process...." are referenced (PRMP/FEIS, p. 3-5).

Lastly, in the Wildlife, Riparian Habitat, and Special Status Species section in Chapter 4 of the PRMP/FEIS analyzes impacts from grazing. The impacts from Alternative B (Preferred) are as the same as Alternative A. For example, the PRMP/FEIS states, "Direct effects on habitat from livestock grazing would include land disturbance such as trampling and construction of rangeland improvements that can cause habitat fragmentation and limit or eliminate the use of areas by wildlife. Improperly managed grazing could increase the potential for the establishment of invasive exotic species and subsequently could cause loss of rare, endemic, or listed plant species although management in accordance with the New Mexico Standards and Guidelines would be expected to avoid or mitigate these effects." (PRMP/FEIS, p. 4-19) In the Vegetation section grazing impacts from Alternative B include "... mechanical impacts on soils and biological crusts would reduce soil stability and fixed nitrogen availability (Belnap, 1995; Eldridge and Green, 1994). Soil disturbance from hoof shear and bedding would create habitat for nonnative invasive and noxious weed species, which would likely increase the overall competition with native species for limited resources (water, nutrients, space etc.) (Laycock and Conrad, 1981)" (PRMP/FEIS, p. 4-13).

BLM Failed to Demonstrate Long-term RMP Goal Regarding Sustainability of Rangelands

Issue Number: PP-NM-SOCORRO-09-002-30
Organization: Western Watersheds Project/WildEarth Guardians
Protester: Greta Anderson/Bryan Bird

Issue Excerpt Text:
We protest that, despite the RMP's goals to "manage for long-term sustainability of rangelands," the BLM

did not actually meet this goal or the sustainability requirements of FLPMA by analyzing the actual sustainability of livestock grazing on these arid lands. PRMP/EIS at 1-15. Livestock grazing is neither economically or ecologically sustainable, and we protest that the BLM failed to demonstrate compliance to this mandate in its scant analysis of livestock-related impacts.

Summary

The PRMP/FEIS fails to demonstrate the long-term sustainability of rangelands.

Response

Please see responses under the *Failure to Consider No Grazing/Reduced Grazing Alternative, Tiering to Out of Date Documents, Information Lacking on Allotments with Completed Site*

Specific Assessments, and BLM Does Not Analyze Role of Livestock Grazing on Climate Change and Vice-versa sections.

Please note that the cited PRMP/FEIS goal encompasses land health and ecological sustainability, not economic sustainability (PRMP/FEIS, p. 1-15).

One of the PRMP/FEIS' planning criteria states that the BLM will comply with all Federal laws that guide management of specific resources, such as the Taylor Grazing Act (PRMP/FEIS, p. A-1). Land health standards for New Mexico were developed to ensure the conditions described in the Fundamentals of Rangeland Health [43 CFR at 4180.1 and .2(b)] are met, or that significant progress (emphasis added) is being made toward meeting those conditions where it is determined that current livestock grazing management is a significant causal factor for not meeting the standards. The fundamentals of rangeland health are the guiding principles for standards and they provide the BLM guidance on managing grazing for long-term sustainability of soil, vegetation and water resources.

The PRMP/FEIS, under Continuing Management Guidance for Rangeland Management, carries forward those decisions from the New Mexico Standards and Guidelines (PRMP/FEIS, p. 2-17). Consistent with the New Mexico Standards and Guidelines Standards, and in compliance with the BLM grazing policy and regulations, the PRMP/FEIS states, "If standards are not being met, then livestock grazing management guidelines offer tools to guide the Socorro Field Office in improving those areas. The livestock grazing guidelines are to be implemented at the watershed, allotment, or pasture level if it is determined that the standards are not being met, and that livestock grazing is the cause (PRMP/FEIS, p. 2-17)."

The BLM uses monitoring studies and evaluations to determine if land health standards are being met or if there is progress toward meeting those standards. Page D-2 of the PRMP/FEIS states, "Monitoring studies have been established on all allotments in BLM's Decision Area. Data such as actual livestock use and utilization of forage species, for example, would continue to be collected from these studies." As stated previously in the response to Issue No. 6.2, the BLM organizes allotments into management categories to direct attention to areas where grazing management is needed most to improve the resource or resolve resource-use conflicts so as to meet land health standards. The PRMP/FEIS further states that to date, 129 allotments have been evaluated during the permit renewal process (PRMP/FEIS, p. D-2). Those allotments have all met rangeland health standards.

In conclusion, Alternatives B, C and D in the PRMP//FEIS are developed to meet the Continuing Management Guidance in the PRMP/FEIS, which includes the New Mexico Standards and Guidelines and the rangeland policies and regulations previously discussed dealing with land health (PRMP/FEIS, p. 2-2). An impact analysis of rangeland resources, which includes grazing, is addressed for each alternative in the PRMP/FEIS (PRMP/FEIS, pp. 4-28, 4-54, 4-76, and 4-96). Please also see the response under the *BLM Does Not Analyze Role of Livestock Grazing on Climate Change and Vice-versa* section.

EIS Fails to Include Map of Grazing Allotments or Information on Allotment Management Plans (AMPs) or Rangeland Health Assessment Completions

Issue Number: PP-NM-SOCORRO-09-002-31
Organization: Western Watersheds Project/WildEarth Guardians
Protester: Greta Anderson/Bryan Bird

allotments or any information about which allotments have had their AMPs or Rangeland Health Assessments completed. This lack of information fails the basic requirements of NEP A and FLPMA, and does not provide sufficient insight into the grazing operations on these lands.

Issue Excerpt Text:
The plan doesn't even include a map of the grazing

Summary

More information is needed concerning location of allotments and their status with regard to completed Allotment Management Plans (AMPs) and Rangeland Health Assessments (RHAs).

Response

A map produced at an RMP scale would not be useful to the public, because it would be difficult to interpret location and status at that scale. The lack of a map is also not a violation of NEPA or FLPMA. However, pages 3-37 and 3-38 in the PRMP/FEIS provide a general discussion of allotment size and grazing preference. Further, a complete list of the allotments, including AUMs, is provided in Appendix H.

National Trails

Issue Number: PP-NM-SOCORRO-09-001-6
Organization: Continental Divide Trail Society
Protester: James R. Wolf

the Trail from Acoma Tribal Lands (or the El Malpais National Conservation Area) on the north to Pie Town via the checkerboard and the Sawtooth Mountains. The Resource Management Plan should not jeopardize the opportunity for this improved location.

Issue Excerpt Text:
We foresee a potential realignment that would take

Summary

The PRMP fails to meet the purposes of the Trails Act with regard to the disposal of land parcels and siting of the Continental Divide Trail within the boundaries of the Socorro Field Office.

Response

The BLM did meet the purposes of the Trails Act with regard to siting of the Continental Divide Trail. The Congressionally designated Continental Divide National Scenic Trail (CDNST) is a high value resource and the Socorro Field Office places great importance in management

decisions concerning the trail. The BLM is committed to the establishment of the CDNST between the El Malpais National Conservation Area (NCA) and Cibola National Forest for a high quality, scenic, primitive, non-motorized recreational experience. The Socorro Field Office has taken into account the many factors affecting the location of the trail in the area, including trail-setting opportunities, the least amount of private land that would need to be crossed, and landowners most willing to sell an easement or fee title to land.

The eastern portion of the checkerboard area is unmanageable for public uses and benefits due to the presence of over 400 private landowners. There is no reasonable or foreseeable option of locating the CDNST within the eastern portion of the checkerboard due to the number of individual private parcels it would have to cross. Although locating the CDNST through Acoma tribal lands could be an option, it would have similar problems and would only be pursued if the routing through the CDNST SMA proved impossible.

Current negotiations with landowners suggest a good probability of obtaining public access through private property in the areas located in the western portion of the "checkerboard" lands. The western portion offers the "high value" and "unique" resources commensurate with CDNST objectives and includes only a few adjacent landowners thereby greatly improving chances for location of the trail. The PRMP/FEIS includes retention of BLM lands on the western edge of the checkerboard through their inclusion in the CDNST SMA (see Table 2-2, CDNST SMA, PRMP/FEIS, p. 2-76, #7. "Retain all land within the corridors identified for the Continental Divide National Scenic Trail in the SMA").

Identifying the isolated BLM parcels within the eastern part of the checkerboard for disposal would further aid the BLM's ability to locate the trail by providing the option of exchange for private lands where it would be of benefit to the CDNST. When the RMP is implemented, the regulations may not allow for the sale of these lands, but would allow for exchange where the exchange is determined to be in the public interest. The BLM believes the public would be well served in an exchange of these checkerboard lands for private lands containing high public values (e.g., for physically locating the CDNST or for acquisition of inholdings within WSAs, and other areas of high resource value).

The BLM has the authority to reserve a right-of-way for the CDNST as a part of any land exchange. Before any land in the disposal area is disposed of, the BLM would prepare site-specific NEPA analysis of the effects of all specific exchange proposals and make a determination of the need to retain a right-of-way.

In reexamining the checkerboard area in question, it has come to the BLM's attention that private lands surrounding the SMA are also included in the "Lands Suitable for Disposal" area on Map 2-4 of the PRMP/FEIS. In light of this, the Socorro RMP ROD will reflect a modified decision for Lands and Realty, Alternative B. Map 2-4 will be revised to exclude the private lands around the SMA by adopting portions of Alternative C lands suitable for disposal (Map 2-9) and the No Action Alternative (Map 3-17). This modified decision will provide more options in acquiring legal public rights-of-way at the plan implementation level for the CDNST between El Malpais NCA and the Cibola National Forest (Sawtooth Mountains area). Specifically, private and state

lands on the southern portion and western portion of the disposal area boundary would be removed.

Continental Divide National Scenic Trail and Special Management Area

Issue Number: PP-NM-SOCORRO-09-001-10
Organization: Continental Divide Trail Society
Protester: James R. Wolf

Issue Excerpt Text:
The proposed SMA, on the other hand, is essentially a corridor along a well-used county road and offers little in the way of scenery and solitude.

Issue Number: PP-NM-SOCORRO-09-001-9
Organization: Continental Divide Trail Society
Protester: James R. Wolf

Issue Excerpt Text:

We disagree with the a priori judgment that the BLM's management capability would improve through disposal of these isolated parcels (comment 14d response). On the contrary, disposal of these parcels could severely limit the ability of BLM to manage the CDNST so as to achieve its objectives. Similarly, we disagree with BLM's judgment to date that the checkerboarded parcels lack the unique or high value qualities that merit inclusion within the SMA (comment 14e response): these lands, with adjacent Forest lands, appear to be the best location for the CDNST in the vicinity north of Pie Town and in that sense they are in fact "unique" and unquestionably of "high value."

Summary

The BLM has constrained its ability to manage the CDNST to achieve the trail's objectives in the PRMP/FEIS by not including high quality lands in the SMA boundary but included low quality lands instead.

Response

The most foreseeable location for the CDNST between the El Malpais NCA and Cibola National Forest is within the western portion of the checkerboard, which is identified for retention and included within the SMA. There is no reasonable or foreseeable option of locating the CDNST within the eastern portion of the checkerboard due to the number of individual private parcels it would have to cross. Including the eastern checkerboard lands in the SMA would not allow for their disposal through exchange (see Table 2-2, CDNST SMA, , PRMP/FEIS, p. 2-76, #7. "Retain all land within the corridors identified for the Continental Divide National Scenic Trail in the SMA"), thereby limiting the BLM's options for exchanging those lands for private lands of high value to routing of the trail. (See also related response under the *Disposal of Land* section above.)

The SMA is a planning corridor for potential locations for the CDNST, establishing the starting point where the BLM will begin initiating negotiations with private landowners and other agencies to gain legal access to establish a permanent trail. It does not limit the BLM from establishing a trail outside the SMA boundaries; however, current negotiations with landowners are focused on the part of the SMA east of the county road. Should these efforts fail, negotiations would occur in other parts of the SMA. These initial areas offer the best locations suitable for the

CDNST. However, future implementation decisions will ultimately determine the exact location of the CDNST through the area. The public will have the opportunity to participate in these planning processes during implementation process of the RMP.

The CDNST SMA includes county road 41 and State Highway 36, the routes currently used for the CDNST on an interim basis until it can be located where high quality, scenic, primitive hiking, and horseback-riding experiences are present (see Map 2-1, PRMP/FEIS, pp. 3-51 and 3-62). Western portions of the CDNST SMA contain the high quality values and unique resources necessary for the long-term trail location of the CDNST. The BLM anticipates that the CDNST will be permanently located within those portions of the SMA.

Wilderness Characteristics

BLM Disregarded Comments on Identifying Road and Way Closures/Rehabilitation to Preserve Wilderness Characteristics

Issue Number: PP-NM-SOCORRO-09-003-10
Organization: The Wilderness Society/New Mexico
Wilderness Alliance
Protester: Nada Culver/Deanna Archuleta/Nathan
Newcomer

Despite acknowledging the damage to wilderness character from motorized use in WSAs and the benefits from closing these ways, the Proposed RMP improperly endorses an alternative that would maintain motorized ways in WSAs - even when presented with evidence that those ways are not necessary.

Issue Excerpt Text:

Summary

BLM has improperly, and without adequate explanation, allowed motorized travel to continue in Wilderness Study Areas (WSAs). The BLM's inventory of lands with wilderness characteristics is incomplete, fails to consider the most recent and relevant information, and neglects to close motorized redundant ways in WSAs.

Response

Appendix J in the PRMP/FEIS discusses the policy of allowing preexisting trails and ways in WSAs. It states that the BLM's Land Use Planning Handbook directs Field Offices that "at a minimum, the travel management area designations for Wilderness Study areas must be limited to ways and trails existing at the time the area became a WSA . . ." This is as long as the continued use does not degrade the Wilderness values supporting the establishment of the WSA.

"Mechanical transport, including all motorized devices as well as trail and mountain bikes, may only be allowed on existing ways" (BLM HB-8550-1 I.B.11). The PRMP proposes to allow continued motor vehicle use on some existing ways while closing other existing ways to motor vehicle use due to impacts on resources. This proposal is consistent with the nonimpairment standard as described in BLM HB-85501. As stated on page 2-22 in the PRMP/FEIS, travel management networks are implemented in accordance with Appendix C of the Land Use

Planning Handbook (H-1601-1). The cover letter in the PRMP/FEIS states that “. . . implementation decisions are not subject to protest under the BLM planning regulations, but are subject to an administrative review process . . . The Approved RMP and ROD will therefore identify where implementation decisions . . . are subject to the appeals process or other administrative review . . . once the BLM resolves the protests to land use planning decisions and issues an approved RMP and ROD.” The route designation process as included in Appendix J is also an implementation decision, not a resource management plan decision, and is therefore not protestable.

BLM Did Not Update Its 1980 Inventory of Lands with Wilderness Characteristics

Issue Number: PP-NM-SOCORRO-09-003-14
Organization: The Wilderness Society/New Mexico Wilderness Alliance
Protester: Nada Culver/Deanna Archuleta/Nathan Newcomer

Issue Excerpt Text:

However, the Socorro Field Office did not conduct a re-inventory of the wilderness characteristics of its lands. Rather, the only lands that were inventoried for their wilderness characteristics were those acquired since the last RMP. Proposed RMP, pp. 3-33 - 3-34; Table 6-2, response to Comment 083a. For the remainder of the Field Office, information from the 1980 inventory, completed decades ago, is deemed "current." This is not consistent with the BLM's obligation to maintain an updated inventory of wilderness characteristics on its lands.

Requested Remedy: In order to comply with FLPMA, the BLM must inventory the lands of the Socorro Field Office for their wilderness characteristics. The NMW A inventory, submitted with our comments on the Draft RMP, provides relevant information for consideration.

b. The BLM did not consider significant new information identifying lands with wilderness characteristics.

Issue Number: PP-NM-SOCORRO-09-003-30
Organization: The Wilderness Society/New Mexico Wilderness Alliance
Protester: Nada Culver/Deanna Archuleta/Nathan Newcomer

Issue Excerpt Text:

In our comments on the Draft RMP, we submitted both written explanations and photographs to show why these routes were not needed for access and their closure and/or rehabilitation would benefit protection of wilderness character. However, particularly where we noted that existing ways were redundant and so unnecessary for public access, the BLM disregarded the recommendations and did not provide a reasoned response - neglecting to close more than 43 miles of motorized ways in WSAs. See, Comments on Draft RMP, pp. 21-40; Proposed RMP, Table 6-2, Comments 83f, 83g, 83h.

Summary

BLM did not consider significant new information identifying lands with wilderness characteristics.

Response

The BLM complied with Section 201 of FLPMA by maintaining a current, ongoing inventory. During the planning process, the BLM reviewed the planning area for the potential presence of new lands with wilderness characteristics. The BLM field-inventoried approximately 52,230

acres of acquired lands (including existing adjacent BLM public lands) to confirm if they had wilderness characteristics. Please refer to the BLM response to the Wilderness Society and New Mexico Wilderness Alliance comment 083a in the PRMP/FEIS, Table 6-2. Also, refer to Table 3-8 on pages 3-34 and 3-35 in the PRMP/FEIS, which identifies the inventory of areas with wilderness characteristics that was conducted as part of the Socorro RMP planning process based on changes to the landscape including land acquisition, road decommissioning, facility removal, and reclamation projects, as identified by BLM staff or by the public during scoping. During the protest resolution process, an additional review of the planning area was conducted to determine if wilderness characteristics were present. As part of this review, an area of about 600 acres of BLM public land that adjoins the U.S. Fish and Wildlife Service's (USFWS) Chupadera Wilderness was identified as having wilderness characteristics through examination of existing maps and GIS. This was verified by a field inventory.

The Socorro Proposed RMP/FEIS did not identify the 600 acre area as including wilderness characteristics. As such, the BLM will issue the Record of Decision (ROD) and will subsequently initiate a Resource Management Plan Amendment (RMPA) and supporting NEPA analysis to address this area's wilderness characteristics. The RMPA process will include opportunities for public participation.

BLM Did Not Acknowledge or Evaluate New Information on Lands with Wilderness Characteristics

Issue Number: PP-NM-SOCORRO-09-003-15
Organization: The Wilderness Society/New Mexico Wilderness Alliance
Protester: Nada Culver/Deanna Archuleta/Nathan Newcomer

Issue Excerpt Text:
BLM's failure to consider substantive new information regarding wilderness character provided by TWS and NMW A during the planning process with supporting narrative, maps, photographs, and

other information is arbitrary and capricious. In *Oregon Natural Desert Association v. Rasmussen*, CV 05-1616-AS, Findings and Recommendations (D. Or. April 20, 2006); Order (D.Or. Dec. 12, 2006) (submitted with our comments on the Draft RMP), the court found that BLM had violated NEPA by failing to consider significant new information on wilderness values and by relying on its previous wilderness inventory.

Summary

The BLM failed to consider new information submitted during the Draft RMP/DEIS comment period with regard to lands with wilderness character.

Response

The BLM acted upon all available information in preparing an inventory, as required by Section 201 of FLPMA, and developing alternatives within the Socorro Draft RMP/DEIS. The BLM considered whether there were changes to the public lands within the planning area that may

have resulted in new wilderness characteristics by identifying areas where changes to the landscape occurred through land acquisition, road abandonment, facility removal, or reclamation projects. Areas identified by the BLM or by the public as having these changes were field inventoried to determine the presence or absence of wilderness characteristics. Please refer to PRMP/FEIS Table 3-8, pages 3-34 and 3-35, which identifies an inventory of areas for wilderness characteristics.

Neither the Wilderness Society (TWS), the New Mexico Wilderness Alliance (NMWA), nor any other entity brought forth new information identifying lands with wilderness character during the scoping period or throughout the development of the Socorro Draft RMP/DEIS. The Socorro Field Office identified areas where changes to the landscape had occurred since its original inventory, and conducted inventories in the field of those areas for wilderness characteristics as part of the planning process. The BLM did receive a letter from the NMWA in October 2002 stating that NMWA was in the process of preparing an inventory on its own. The NMWA did not, however, present the inventory in question to the BLM prior to the issuance of the Socorro Draft RMP/DEIS. On July 16, 2007, the NMWA sent the BLM Socorro Field Office an email, primarily including comments about proposed route designations but also indicating that a hard copy comment letter with inventory recommendations on a compact disk (CD) would be forthcoming. A hard copy letter was received 2 days later, but without an attached CD. This information exchange occurred at the very end of the DRMP/DEIS comment period.

In August 2007, a CD titled “New Mexico Wilderness Alliance: BLM Wilderness Inventory” was given to BLM New Mexico State Office staff by the NMWA. The introductory document on the disk is dated February 2003 and states “This report presents the results of NMWA’s four-year wilderness inventory process.” The CD identifies three sections within the Socorro Planning Area, labeled as follows: 1) “Central Highlands update-in-progress,” with a date of April 5, 2006; 2) “Colorado Plateau update-in-progress,” with a date of December 19, 2003; and 3) “Chihuahuan Desert 2007,” with a date of July 12, 2007.

The BLM did not receive the wilderness inventory information from TWS or NMWA in a timely manner during the Socorro RMP planning process. Furthermore, information presented on the NMWA CD was determined to be incomplete. In cases where the public presents new wilderness information to the BLM for review and consideration, a minimum submission should include: 1) detailed maps of the area, 2) a detailed narrative of the wilderness characteristics of the land (including identification of roads and ways), and 3) documentation of how the existing BLM inventory is different from the information submitted by the proponent. The supporting detail contained in the CD provided by TWS and the NMWA lacked adequate detail. For example, the map on the CD is a basic location map, and the narratives do not include a description of the wilderness characteristics of an area, but rather are general descriptions intended for public familiarization. The CD contains no documentation explaining any possible errors with the existing BLM inventory.

The NMWA CD inventory identifies 31 units within the Socorro Planning Area as having wilderness character, comprising approximately 46 distinct areas separated by non-Federal land or roads. Of these 46 areas, 13 are existing WSAs, 4 are areas containing lands inventoried by

the BLM for wilderness characteristics (identified in Table 3-8 of the Draft RMP/DEIS), and 18 do not meet the criteria for wilderness.

The BLM concluded that the CD did not include any significant new information that would have changed the BLM's conclusions as to the identification of lands with wilderness characteristics in the Socorro planning area. The information that was provided lacked sufficient supporting evidence to suggest that changes to the landscape had resulted in new areas with wilderness characteristics.

As part of the protest resolution process, the BLM conducted an additional review of the planning area to determine if wilderness characteristics were present. During this review, an area of about 600 acres of BLM public land that adjoins the USFWS Chupadera Wilderness was identified as potentially having wilderness characteristics through examination of existing maps and GIS. This was verified by a field inventory (see previous response to .

As stated above in the response to "BLM Did Not Update Its 1980 Inventory of Lands with Wilderness Characteristics" the BLM will initiate a Resource Management Plan Amendment (RMPA) and supporting NEPA analysis to address this area's wilderness characteristics. Any proposed actions in this area will be deferred until the RMPA is completed. The RMPA process will include opportunities for public participation. The ROD will reflect that Alternative C will apply to this area during preparation of the RMPA.

Wilderness Study Areas

Proposed RMP Road Closures in Wilderness Study Areas Not Made in Appendix J

Issue Number: PP-NM-SOCORRO-09-003-31
Organization: The Wilderness Society/New Mexico
Wilderness Alliance
Protester: Nada Culver/Deanna Archuleta/Nathan
Newcomer

Issue Excerpt Text:
In addition, for certain of the ways in WSAs that
BLM indicated would, in response to our comments

(Table 6-2, Comments 83f, 83g, 83h), be closed and limited to authorized use or rehabilitated, the corresponding changes were not made in Appendix J (Off-highway Vehicle Areas and Route Designations). The attached chart (Exhibit 2 to this protest) shows both the recommendations that were disregarded without sufficient explanation and those ways that were shown as changed in status in Appendix J but were not actually changed.

Summary

There is an error in Appendix J, which does not show changes to ways in WSAs.

Response

The BLM acknowledges a technical error in Appendix J of the PRMP/FEIS and will make changes suggested by TWS and the NMWA to the appropriate tables and maps in the final RMP and will annotate these changes in the ROD.