

**LAS CRUCES DISTRICT
RESOURCE ADVISORY COUNCIL MEETING
LAS CRUCES, NEW MEXICO
APRIL 17 2014**

AGENDA

- 9:00 a.m.** **Meet and Greet**
- 9:30 a.m.** **Call to Order, Welcome and Introductions** (Tony Popp)
- 9:35 a.m.** **Review of Agenda and Approve Minutes** (Tony Popp)
- 9:45 a.m.** **Opening Statements and Updates** (Bill Childress and staff)
- Updates on Resource Management Plans (RMPs)
 - Updates on Major Environmental Impact Statements (EISs)
 - Update on Major Environmental Assessment (EAs)
 - Update on other activities in Las Cruces
 - Administrative Details (Rena Gutierrez)
 - Other items
- 10:30 a.m.** **Transportation Planning/Off-Highway Vehicles** (Tom Phillips)
- 11:30 a.m.** **Budget** (Bill Childress)
- 12:00 Noon** **Lunch on your own**
- 1:30 p.m.** **Illegal Dumping Update** (Rusty Stovall)
- 2:00 pm.** **TriCounty Supplement/Lands with Wilderness
Characteristics**
(Jennifer Montoya/Kathryn Lloyd)
- 2:30 pm** **Future meeting topics** (Tony Popp)
- Dam Safety
 - Water Acquisitions
- 3:00 pm** **Public Comment Period** (Tony Popp)
- 3:30 pm** **Next Meeting(s):** (Rena Gutierrez)
Date: _____
Start time: _____
End time: _____
- 4:00 pm** **Adjourn**

ATTENDEES

RAC Members Present:

Tony Popp
Billy Garrett
Tim Eastep
Jim Hyatt
Greg Magee
Michael Quintana
Paul Turner
Norman Walsh
Howard Bartoo
Ed Boykin

Designated Federal Official:

Bill Childress

BLM Staff:

Tom Phillips
Edward Seum
Jennifer Montoya
Rena Gutierrez
Rico Smith
Rusty Stovall
Leticia Lister
Dave Wallace
Jim McCormick

Public:

Anna Lands, Cascabel Working Group, Benson, Arizona
Catherine Green
Lacy Levine, New Mexico Department of Agriculture
Tiffany Rivera, New Mexico Department of Agriculture
John Cornell, Dona Ana County Associated Sportsmen

MEETING MINUTES

CALL TO ORDER, WELCOME AND INTRODUCTIONS; REVIEW OF AGENDA AND APPROVE MINUTES

9:30 AM: Tony Popp – Calls meeting to order. He welcomed and introduced the council members.

9:35 AM: Mr. Popp asked members to review the agenda and minutes from the previous meeting. He asked the council members if there were any questions. There were none. Tony Popp motioned to accept the minutes from the previous meeting. Billy Garrett seconded the motion to accept the minutes. Minutes were accepted and set.

OPENING STATEMENTS AND UPDATES (BILL CHILDRESS AND STAFF)

9:40 AM: Bill Childress – Made an opening statement and provided updates on the New Mexico Copper EIS; chapters being generated for District Office review; no firm timeframes.

Comment (C.) – Bill Childress: He commented the Sun Zia Project, which he stated is on standby pending interaction with the DOD and the DOI. He did not have a date when the project will resume moving forward.

He also commented on the Southline Project, stating that it is moving forward and a draft EIS has been released and that it may be accessed on the Web. He said that the best place to read it is online. He also stated that public hearings are being held in New Mexico and Arizona.

He commented on major Environmental Assessments in progress:

- South Road-exit off I-25 up to Spaceport; Dona Ana County looking at a wider right-of-way—gathering additional information.
- Mining Plans of Operation for FreePort McMoRan—currently reviewing chapters
- Transmission line –El Paso Electric Road right-of-way, Socorro-Springerville.
- Transmission line -- Line proposed from south Alamogordo to Roswell, Pecos District, and repair of power poles.
- Powerline proposed from Afton to Las Cruces Airport.
- Geothermal power plant Cotton City up to Lordsburg. It's the first in the state. It will harvest federal minerals; small but has potential for expansion.

9:50 AM: Tom Phillips – Provided an update on the 50th anniversary of the Wilderness Act. He stated that in the month of October, there will be an event in Albuquerque which will include field trips, outreach, and information and education opportunities.

9:55 AM: Bill Childress – Provided updates on permit renewals, stating that additional funding may become available to expedite the process. He also stated that there is potential for new sign-

ups for EQUIP for vegetation treatments and for facilities improvement. He said that there is a road maintenance project planned in the bootheel.

10:00 AM: C. - Bill Childress: Asked Rena Gutierrez to provide an update on the RAC nominee process.

A. Rena Gutierrez: Rena provided an update on the RAC nominations, stating that there are four (4) positions to fill and that it may take 6-8 months to complete.

C. Bill Childress: Commented that with this 6-8 month time period, there will be no RAC meetings this summer.

Q. Tony Popp: He asked why this process will take so long.

A. Rena Gutierrez: She answered that the state RAC coordinator said it would take 6-8 months.

C. Bill Childress: Commented that it is out of our hands, hopefully it won't take that long. It's possible that a meeting could be held in July.

Q. Howard Bartoo: Asked if there was a timeline on the Spaceport road.

A. Bill Childress: He answered that negotiations are underway with private landowners, Sierra County, and Dona Ana County and it takes time. He stated that he can't speculate on a time period. We just have to go through the process.

C. Jennifer Montoya: Commented that once the county engineers got involved, they wanted a wider right-of-way. Now they have to bring in people to review it.

C. Bill Childress: Commented that the road is currently graded, in great shape, and is being used.

C. Howard Bartoo: Commented that he was told that they are having some problems with flooding on the south end; a lot of curves and low water crossings.

C. Bill Childress: Responded by stating that there are some low areas and curves where flooding has occurred.

C. Ed Boykin: He commented that the berm is very high in one area of the road during a rainstorm.

C. Billy Garrett: Commented that funding has been an issue on the road project. He stated that he learned that they are still short of funding needed. He also said the Dona Ana County has taken on the engineering without compensation from the state or Sierra County. It has not worked well to this point. He said that there is concern about the interchange at Upham because there is no assistance from the state or the federal government.

Q. Greg Magee: Asked if there are maps available for Border Patrol roads.

A. Bill Childress: He answered that he will check to see if he can provide a map. He also stated that it's very preliminary.

Q. Jim Hyatt: Asked who provides maintenance on Border Patrol roads.

A. Bill Childress: Answered that the Border Patrol will do road maintenance, possibly within a contract.

Q. Tony Popp: Asked why there is a delay in getting the right-of-way done?

A. Bill Childress: He answered that they are working to get the assessment and formal right-of-way approved. The right-of-way has to be approved first.

C. Dave Wallace: Stated that he had no update to provide.

C. Ed Seum: Stated that he had no update to provide.

Q. Billy Garrett: Asked if the Border Patrol roads will be publicly accessible.

A. Bill Childress: He responded that Yes, the roads will be accessible by the state and the public.

TRANSPORTATION PLANNING/OFF-HIGHWAY VEHICLES (TOM PHILLIPS)

C. Tom Phillips: He commented that the BLM has a process, but it's in a large manual. He provided handouts for the RAC and the attending public. He also presented information and recommendations on roads and trails.

Q. Howard Bartoo: He asked if land was offered to move the Chile Challenge from Dona Ana County to another County.

A. Tom Phillips: He replied that after the Chile Challenge issue in the southern Robledos, environmental issues were found that conflicted with extreme routes. We asked the Challenge directors to identify new routes in another area or county.

Q. Tom Phillips (to Tony Popp): He asked what happens to statewide recommendations from the RAC.

A. Tony Popp: He responded that to his understanding, recommendations fall off the horizon if nothing is implemented within 3-4 years. He said that he does not know what was accepted at the state level. If the RAC is unanimous on a proposal, it still goes to Washington for policy consideration. He also stated that the roads and trails recommendation was not specific.

C. Tom Phillips: Stated that what is being proposed addresses some of the recommendations. He commented on OHV areas in New Mexico that are open use and he also covered recreation use at White Sands, referring to the Sierra and Otero County RMP. He also commented on existing routes and new, unauthorized routes.

Tom Phillips: Continued his presentation, identifying travel management areas and reviewed Appendix O in the draft RMP. He commented that we are precluded from designating routes in the WSAs.

C. Bill Childress: Stated that we are doing an inventory on routes in Dona Ana County and Otero County. We are hoping for funding for Sierra County. Today we have better photos and technology to help us.

C. Tom Phillips: Explained land use decisions by using RMPs in certain areas as examples (open vs. closed). He stated that until we start the Travel Management Plan, asked RAC to keep their own route inventory; we need to know the routes and what they are used for. This process is very thorough and engages everyone. He also said that we attended training for travel management plans and encouraged RAC members to attend also.

Q. Tony Popp: He asked if Dona Ana is currently considered open.

A. Tom Phillips: He answered that No, only Otero and Sierra Counties are considered open.

C. Tom Phillips: He stated that in New Mexico, there are two (2) RMPs underway, the Glade Run RMP and the Socorro-Johnson/Gordy's Hill RMP. The process is detailed and we can't rush through it. It will be updated through public input.

Q. Tony Popp: Asked if the verbiage or wordage of the term 'OHV' should be changed.

A. Tom Phillips: Replied that we are trying to get there. The BLM understands the challenge with 'OHV'.

C. Tony Popp: Commented that maybe we need to shift the discussion of what we define as an OHV vehicle.

A. Tom Phillips: He referred to Appendix O of the RMP and said that we're doing OHV management and trail and travel use.

Q. Mike Walsh: He asked regarding Appendix O as defined in December 1980, if the roads were still there.

A. Tom Phillips: He responded that at the time the inventory was done, a key was to identify roads and how they were structured and maintained. The WSA decisions and policies allowed continued use of right-of-ways, unless it was designated a WSA. Regarding the Chile Challenge, we were using a route in a WSA.

Q. Mike Walsh: He asked what is going on with the designation of WSAs and the definition of a WSA.

A. Bill Childress: He answered that we looked at designation areas and did stand-alone EISs. It is Congress' job to make a final decision.

C. Mike Walsh: He commented that it fascinates him that the BLM spends many hours on studies and recommendations and nothing gets done.

C. Bill Childress: He replied that he recognizes that it is frustrating to the public.

C. Tony Popp: He commented that very intense work has been done on these issues. We have worked hard to get areas designated.

Q. Jim Hyatt: Asked that when the area received designation, how closely recommendations were followed from the local BLM.

A. Bill Childress: Replied that it was an intriguing process. Each agency had their own recommendation. You could see how each area matched up. There were differences and they designated more than the agencies recommended. Senators John McCain and Mo Udall were involved in the process. It then went through congressional approval.

C. Tom Phillips: Commented that the mandate is to manage the land regardless of the mandate.

Q. Howard Bartoo: He asked if Dona County access is limited until the RMP is approved, why are trails still being used.

A. Tom Phillips: He answered that designated trails can still be used.

C. Tom Phillips: Commented on RMP level decisions. He noted that in 2009, the BLM was required to submit a plan of action. He also talked about ongoing inventory processes and definitions in the plans.

Q. Tony Popp: He asked if there were any lessons learned from the Forest Service.

A. Tom Phillips: Answered that he was not aware of any.

C. Bill Childress: Commented that once an RMP decision is made, it is done route by route, with some areas being opened and other being closed.

Q. Howard Bartoo: Asked that in building roads, are they focusing on the safety of the road? He also asked if the BLM will be liable 100 years from now.

A. Bill Childress: He answered that safety is part of the route designation plan.

A. Tom Phillips: He answered that the purpose of the road is looked at and how the road will be used in the long-term. These attributes are the key to long-term planning. This is where the public, state, and federal agencies have input.

C. Tony Popp: Commented that Lincoln County provided maps, but many were inaccurate. They also had a problem with roads and OHVs.

Q. Jim Hyatt: Asked if there is any consideration made during rain events to change routes due to GPS routes and damage to them. He also asked what happens when you have to make a road.

C. Howard Bartoo: Commented that rancher go around it.

A. Tom Phillips: Responded that if there is a need, a site specific EA is done.

Q. Jim Hyatt: Asked how long that process takes. He also stated that he has been on roads that are impassable.

A. Tom Phillips: Answered that it is still a decision process.

A. Bill Childress: Responded that if it's a public safety issue, it is addressed ASAP. Each case is different.

Q. Greg Magee: Asked if the Mimbres Plan was ever implemented in the western part of the state. He commented that roads were supposed to be closed and asked if they were.

A. Tom Phillips: He responded that the plan was probably not implemented. The decision is still on hold.

Q. Greg Magee: Asked if they can be refreshed in the new plan, in the Antelope Pass and Granite Gap areas. These areas are not being managed according to the plan.

A. Bill Childress: Answered that there are a variety of things we can do to enforce road closures and openings. He encouraged the public to keep us informed.

Q. Billy Garrett: Asked that by looking at the designation criteria, is there a policy regarding safety and safe conditions.

A. Tom Phillips: Responded that the engineering staff brings in the safety component of road and route designations. The BLM will be studying what vehicle and equipment can handle a certain route.

Q. Billy Garrett: Asked if the BLM has enough scientific information to know if you have negative impact in certain habitats.

A. Tom Phillips: Answered that the BLM has a lot of data and information, but we do use seasonal restrictions such as if there is a species or habitat issue, or an unstable soil type.

Q. Billy Garrett: Asked how complicated is it to change a route.

A. Tom Phillips: Answered that an EA would have to be used to amend the RMP. It doesn't take long because it would be specific.

C. Jim Hyatt: Commented regarding waterbars and erosion control, if you don't maintain them, new routes can be made. Asked if there were restrictions in putting dirt in certain areas and how wide the designation is.

A. Tom Phillips: Responded that our inventory determines how wide a route is and its impact by permanent users.

C. Dave Wallace: He commented that these roads are designated as a route, an existing footprint. Any change is a manipulation of the road. Whenever those activities come into play, we have to go through a right-of-way NEPA process. Those impacts to a cultural resource have to be mitigated.

C. Bill Childress: Stated that we recognize that ranchers are doing maintenance to routes. Some operators have created new routes and they have functioned well for decades. For anything new, you have to work with us. We want to maintain as much public access as possible.

11:30 – BREAK

11:45 – PRESENTATION: POWERPOINT BUDGET PRESENTATION BY BILL CHILDRESS

Q. Greg Magee: Asked what the percentage of BLM land the Las Cruces District manages.

A. Bill Childress: Answered that we manage 5.6 million acres and Pecos District manages 2 million.

Q. Howard Bartoo: Asked that when the district generates revenue, is all the money sent to Washington, DC.

A. Bill Childress: Replied that Yes, all the money collected goes to Washington, DC.

Q. Mike Walsh: Asked if we spend less when we want to keep a program out of the red.

A. Bill Childress: Answered, Yes. He explained how funds are shifted and cross-funded to balance the budget.

Q. Ed Boykin: Asked if the district is subject to penalties if you don't spend your entire budget.

A. Bill Childress: Answered No, but the state office will try to help out another office. The BLM has done well at staying within budget.

Q. Tim Eastep: Asked how the district budgets for things that can't be foreseen.

A. Bill Childress: Replied that we realize that 20-25 percent of spending is unanticipated. We try to build flexibility into our workload plans. It's mostly a customer-oriented staff.

C. Dave Wallace: Commented that in anticipating the unintended workload, we have a backload of work that we log and it takes a while to get it done. It's a consequence of the budget situation.

12:15 – BREAK FOR LUNCH

1:30 – MEETING RECONVENED

PRESENTATION: POWERPOINT PRESENTATION ON ILLEGAL DUMPING AND REPORTING APP BY RUSTY STOVALL

C. Rusty Stovall: Discussed future plans on marketing the Reporting App. Stated that local movie theater preview ads will be used to promote its use.

Q. Tony Popp: Asked if reporting yard waste is on the app.

A. Rusty Stovall: He replied, not at this time, but it will be added.

Q. Howard Bartoo: Asked if it would be possible to advertise the app in local newspapers in small towns.

A. Rusty Stovall: He answered Yes that is a possibility.

C. Billy Garrett: He thanked Rusty Stovall for the BLM's cooperation with the colonias and the solid waste groups. He said that the private land around the colonias get a lot of the dumping.

2:00 – PRESENTATION: POWERPOINT PRESENTATION BY JENNIFER MONTOYA-UPDATE ON TRICOUNTY

C. Jennifer Montoya: She updated the council on the TriCounty Plan; comment period was April-November 2013, and provided dates for upcoming scoping meetings on the Supplement.

Tony Popp: Asked if the supplement will have an impact on the recreation alternatives.

A. Jennifer Montoya: She replied, yes.

Q. Tim Eastep: Asked what the BLM is doing differently based on the result of the lawsuit.

A. Jennifer Montoya: Answered that the BLM will have to improve its analysis. Our sources were not well defined. It will depend on what action alternatives we propose. We plan to use the data provided to us.

Q. Tony Popp: Asked if most of this was based on Otero Mesa?

A. Jennifer Montoya: Responded yes, most of the issues were in Otero Mesa. We failed to demonstrate that there was a difference ecologically, as to where to we placed the pipeline.

Q. Tony Popp: Asked if there is pressure for more leases.

A. Jennifer Montoya: Replied that the land in Otero and Dona Ana Counties have been closed to new oil and gas leases.

C. Bill Childress: Stated that the BLM has not received many requests or nominations for leases.

Q. Jim Hyatt: Asked if these are the only changes to the original RMP.

A. Jennifer Montoya: Replied that we have been able to apply comments to the draft. We are waiting to apply comments to the supplement.

C. Bill Childress: Commented that we will wait until the supplemental process.

Q. Jim Hyatt: Asked who filed the lawsuit.

A. Jennifer Montoya: Replied that the Governor of New Mexico, the Sierra Club, New Mexico Wildlife Federation, Forest Guardians, and the Southwest Environmental Center.

C. Tom Phillips: Stated that the BLM submitted a supplement to further explain the RMP.

2:15 – PRESENTATION: UPDATE ON SUPPLEMENT TO THE TRICOUNTY PLAN, LANDS WITH WILDERNESS CHARACTERISTICS BY KATHRYN LLOYD

C. Kathryn Lloyd: She explained wilderness characteristics and the how they are different from wilderness study areas. She stated that the BLM needs to update anything we are managing from a database standpoint. The BLM has not had the money to keep up with inventories.

She said that with TriCounty, we were not able to bring accurate data to the table. We started receiving questions as to why there was not a complete inventory. We are in the process of going back and looking at areas that were not looked at in 1979. We want to try and fill in the gaps.

She stated that it not for the BLM to designate wilderness study areas. We bring the information back to the table, it is scoped and then brought to the public. She used McGregor Range as an example, saying that we find wilderness characteristics on McGregor Range. It doesn't mean changes will be made. We just need to have a full picture of what we have.

Q. Tony Popp: Asked if it has wilderness characteristics, will there be some considerations based on those findings.

C. Bill Childress: He replied that the BLM will look at a range of alternatives to figure out what to do. Even if the area has characteristics, we can make a decision not to manage those.

A. Kathryn Lloyd: Replied that there are a range of alternatives that we use to make a decision. We use the information that we gather in that process.

Q. Tony Popp: Asked where is the charge for us to do this?

A. Kathryn Lloyd: Responded that it falls under FLPMA Section 2, 1971, we are charged with updating our ACEC on a regular basis and we are responsible for updating our visual inventory.

C. Dave Wallace: Commented that FLPMA says you will maintain an updated inventory.

Q. Mike Walsh: Asked how much sense does it make that we found wilderness characteristics in this area 35 years ago.

A. Dave Wallace: Replied that we are capturing changes in the wilderness characteristics.

C. Bill Childress: Stated that we are just required to do it.

C. Mike Walsh: Commented that it just seems that this is just another way for the federal government to take more land from the people, the public.

C. Kathryn Lloyd: Responded that we look at the decision from 1979, not every area was included in that.

C. Tony Popp: Said that the BLM has stated this is where our WSAs are. The environmentalists say No, it should be bigger.

C. Mike Walsh: Commented that he understood. What scares me is that more inventories could mean more WSA.

A. Kathryn Lloyd: She answered No, we can't do that. This inventory information will not go to Congress. It is maintained at a BLM level, not a congressional level.

C. Michael Quintana: Stated that there is no compromise. The data will not be used to conserve land for ranchers.

C. Tony Popp: Said that the reason we have no compromise is that we have been infighting for the last 30 years.

C. Mike Walsh: Commented that there is land that the ranchers can't use because since 1979 ranchers have been blocked from using the land.

2:40 – AWARD PRESENTATION

Awards were presented to Paul Turner and Billy Garrett

C. Bill Childress: Stated that it has been a real pleasure to have these two gentlemen as part of the Las Cruces RAC. He said that we greatly appreciate them and we couldn't have two better people to represent us. He thanked them very much.

C. Tony Popp: Stated that he appreciated all of the members of the RAC. He said that Paul Turner has been invaluable to him and his input and foresight has been invaluable, also. He said he didn't know Billy Garrett before the RAC but was particularly impressed with his commitment to the process.

C. Paul Turner: Replied that we cannot be successful in the RAC without all aspects of issues coming to the table.

C. Bill Childress: He presented them with plaques with photos of the Las Cruces District.

2:45 – FUTURE MEETING TOPICS ARE DISCUSSED

1. Dam Safety
2. Water acquisitions and adjudications
3. Future meeting date
4. Process of ACEC presentation

2:50 – BREAK

3:00 - PUBLIC COMMENT PERIOD

There were five public in attendance but no comment was presented.

3:30 – MEETING ADJOURNED

No future meeting date was set because the Las Cruces District RAC currently does not have a quorum due to members leaving and some old and new members still being vetted.

APPROVED:

/s/Tony Popp

/s/Bill Childress

**Tony Popp
Chairperson**

**Bill Childress
Designated Federal Official**