

**LAS CRUCES DISTRICT
RESOURCE ADVISORY COUNCIL
MEETING & FIELD TRIP
LAS CRUCES, NEW MEXICO
TUESDAY, APRIL 5, 2016**

9:00 AM: Tony Popp – Calls meeting to order. He welcomed and introduced the council members.

9:05 AM: Bill Childress - He provided opening remarks and updates on the following:

1. Dripping Springs/Baylor Canyon Road Project – Stated that the work progress is going well and the road is expected to be paved by the end of April 2016.

2. Soledad Canyon – Project has been approved. The plan for the road is to be resurfaced and widened. The BLM will be working with the Federal Highway Administration to begin the NEPA process to evaluate alternatives for establishing a better surface on Soledad Canyon Road.

Q. Tony Popp – Are there any problems with right-of-ways to expand the road?

A. Bill Childress – Answered that this is part of the National Environmental Policy Act (NEPA) process.

Q. H. Bartow – Asked where Soledad Canyon is located?

A. B. Childress- Answered that it located parallel to Dripping Springs Road.

3. Update: Spaceport – Work is progressing on the Southern Road Environmental Assessment (EA). Upton Road EA is currently open for public comment.

4. Update: Prehistoric Trackways – The management plan has been completed.

5. Update: New Mexico Copper Flat Mining Project – The comment period ended April 4, 2016. There were 110 comments received. They will be reviewed and analyzed.

Q. Peter Ibarbo – He asked what the timeframe is for the EIS on Copper Flat?

A. B. Childress – Replied that the EIS will be completed by the fall, possibly sooner.

6. Update: Afton Pipeline – The Record of Decision is currently being reviewed.

7. Update: Afton Solar Project – A mitigation plan is in the process of being developed. The goal is to have something for review by the middle of summer. The project is 30,000 acres in size, the second largest in the BLM. An all-day public workshop will be held on May 3, 2016, at the Doña Ana Government Center on Motel Blvd., in Las Cruces.

Q. T. Popp – Asked if there is something to be decided in the Southline Transmission Project by the state of Arizona?

A. B. Childress – He replied BLM is moving forward with a Record of Decision, which will be signed in the next month or so.

Q. J. Hyatt – He asked if there will be competitive bids for the Afton Solar Energy Zone?

A. B. Childress – He answered yes, there will be a competitive bid process for all leases.

Q. J. Hyatt – Asked what the fees will be?

A. B. Childress – Replied that the lease fees will be determined in the competitive process.

Q. M. Quintana – Asked if the bids would be sealed?

A. B. Childress – Answered that yes, it is a sealed bidding process.

Q. P. Ibarbo – Asked where the largest solar installation area is for the BLM?

A. B. Childress – He answered that it is located in the state of Nevada.

Q. K. Pettitt – Asked if this area has been fully developed?

A. B. Childress – Answered that it has not been fully developed.

8. Update: El Paso Power Line – The EA is close to completion and El Paso Electric will be able to develop roads to replace old poles from Oro Grande to Roswell.

9. Update: Three Rivers Event – There will be a public event to celebrate the completion of the new Information Center on May 26, 2016 from 10 to 11 a.m. The RAC will receive invitations.

10. Update: Public Lands Foundation (PLF) – Their annual meeting will be held here in Las Cruces in September of this year. In addition, the PLF is hosting a Student Congress the week before, which will include 20 to 30 college students interested in natural resource management.

Q. M. Levy – Asked how the bidding prices are developed for lease fees for solar acreage?

A. A. Hom – Answered that it is done by a competitive lease process.

Q. T. Popp – Asked if it is a national base rental and what determines the rental fee?

A. A. Hom – Answered that it is based on the area and what the lease fees are.

Q. M. Quintana – Asked if the BLM determines the base fees?

Q. K. Newtonson – Asked if the BLM will be using baselines from Nevada to set fees?

A. A. Hom – Replied that no, it is based on national and local area data, including what the site specific issues are, and cultural, water, land issues specific to Afton.

11. Update: Right-Of-Way for Border Patrol – There is a road improvement project for the Border Patrol underway. It will give them better access to roads close to the international border, for enhanced access and patrol, primarily in the Bootheel area.

Q. H. Bartoo – Asked if the Border Patrol is paying to use this land?

A. A. Hom – Answered, no.

Q. T. Popp – Asked if the BLM pays for the road improvements and maintenance, and are there roads there now?

A. B. Childress – Answered No, the BLM does not pay for the road and yes there are roads there now and are accessible by the public.

12. Update: Organ Mountain Desert Peaks Monument Plan – There is still no word on when the BLM will receive funding to start developing the plan. When get the funding, BLM will begin some of the contract work for various studies, i.e. cultural inventories, etc.

Q. T. Popp – Asked if the BLM now has funding for the monument?

A. B. Childress – He answered that there is funding for the new monument manager, but not for managing and developing the plan. We will get additional funding to actually develop the plan.

Q. T. Popp – Asked if the money will come before October 1?

A. B. Childress – Yes, we should receive it before then.

13. Update: TRI-County Plan – There are no additional updates. The foreseeable use analysis is complete. The USGS has been hired to perform a hydroelectric analysis. They did some field work last week to look at some of the resources and what the Salt River Basin looks like. We have made good headway with the inventory of the lands with wilderness characteristics.

Q. T. Popp – Asked if the two main areas of concern in the supplement EIS are mineral development and wilderness characteristics?

A. B. Childress – Answered that is correct.

14. Update: By Don McClure, on the JLUS, the Joint Land Use Committee, with the military. We have been emphasizing the work groups. The work groups have been having conference calls every month. The county hired a manager to bring more structure to the committee. It is really an advisory committee.

C. D. Stevens – Commented that with the structure, they are also setting up a website that will highlight the activities of the committee. Information for the public will be posted on that website.

Q. T. Popp – Asked who is included in this committee?

A. B. Childress – Replied that the military, the county, the BLM, Socorro County, Lincoln County, Sierra County, and Dona Ana County are involved, including any cities within close proximity. The goal is to insure that these counties and cities do not interfere with the military's ability to conduct exercises.

Q. T. Popp – Asked if the committee was put together because the military wanted it or was it the initiative of the counties?

A. B. Childress – Answered that the committee was formed through a group exercise. Initially they had a policy committee and a technical committee.

Q. T. Popp – When were these committees formed?

A. B. Childress – The JLUS has been a three-year endeavor and the sub-committees were formed a year ago.

C. D. Stevens – Commented that the JLUS strategy has been used in other parts of the country with great success.

Q. J. Cornell – Asked how much of the land has been inventoried in Otero Mesa?

A. B. Childress – Replied that over ½ million acres have been inventoried in Otero Mesa.

UPDATES COMPLETE

C. B. Childress – Opened up the floor to the committee for questions.

Q. T. Popp – Asked if there were any other questions from the committee.

Q. J. Cornell – Asked if there were any updates on the exploratory holes on Wind Mountain and the mining possibilities in the Floridas?

A. B. Childress – Responded that there is nothing on either, but we have approved a notice of intent to conduct exploratory holes. As far as the Floridas, we haven't heard anything in about a year.

Q. Public – Asked if there is any information published on the Organ Mountains-Desert Peak resources and what they will be used for?

A. B. Childress – The best source is our national BLM external website. We have a place on the New Mexico website that is also a good source. You can also get information from the Presidential Proclamation.

0945 – BREAK

1005 – MEETING RECONVENED

PRESENTATION: Rusty Stovall – Information on the Dona Ana Mountains ACEC

Provided background on the ACEC and some of the environmental concerns in the area and what the RAC would be seeing on the field trip that afternoon.

PRESENTATION: Don McClure – Allotment Portions of the Doña Anas and the Organ Mountains-Desert Peaks Monument (Monument).

He addressed what adjustments have to be made to the grazing operations in the Doña Ana area of the Monument.

Q. T. Popp – Asked about the increase of vandalism in the area in the eastern area?

A. D. McClure – He replied that access in that area is not easy for the ranchers, so it may not be easy for the public either, but damage does occur.

Q. Nathan Small – Asked if the BLM knew who was doing the damage to range improvements and vandalism on the east side of the Doña Anas. He also asked who the Memorandum Of Understandings are with and who is responsible?

A. D. McClure – Responded that the MOUs are with White Sands Missile Range.

A. B. Childress – He responded that we do not know who is responsible for the vandalism. This is a situation where we have scattered ownership with private land near public land. Residential development increases damage and vandalism to public land.

Q. R. Gray – Asked if it was correct that in 2003 there were 250 cattle in the Doña Anas?

A. D. McClure – That is correct.

Q. R. Gray – Asked if the reduction the rancher has made was based on a BLM ruling?

A. D. McClure – Answered no, it is based on what the rancher can realistically run and his level of access and range improvements.

Q. H. Bartoo – Is drought a reason also?

A. D. McClure – Yes, drought is also a factor.

PRESENTATION: Dave Legare spoke about the cultural attributes in the Doña Ana Mountains, and what its prehistory and historical use has been.

Q. K. Pettitt – Asked for confirmation that there are nine known sites within the Doña Anas?

A. D. Legare – Yes, that is correct.

Q. Public – What constitutes a site?

A. D. Legare – Responded that it doesn't take much to make it a site. The main question is whether it is significant or important.

PRESENTATION: Jessica Knopic – Maintenance of the trails in the Doña Anas

J. Knopic displayed examples of erosion on the trails.

Q. J. Hyatt – Asked if mechanical equipment can be used to stop erosion?

A. J. Knopic – Yes, it depends on what the trail is used for.

Q. Public – If the BLM is not maintaining these trails, who has liability if the public gets hurt?

A. B. Childress – Responded that theoretically, anyone can sue the government. They can file a tort claim. Most recreational users understand that if they are using a trail, they are taking a risk and have to assume some personal responsibility.

C. Public – If you say you are not maintaining the trails and the public is hurt, you are opening yourself up for liability.

A. B. Childress – Responded by saying, yes, potentially.

Tony Popp – TOPICS FOR FUTURE MEETINGS

1. D. Stevens – Call for RAC Nominations is open until April 28. RAC applications can be accessed through the BLM website.
2. B. Childress – Recommended another field trip to the Robledos and the Potrillo Mountains in September or October.

1100: T. Popp – Opened the floor to comments from the Public.

PUBLIC COMMENT PERIOD –

1100: David Haliburton (Horny Toad Mountain Bike Race director) Presented comments on the mountain bike community and trail use by mountain bikers in the Doña Ana Mountains.

1105: Public Comments completed.

1110: MEETING ADJOURNED

1300: COUNCIL MEMBERS AND INTERESTED PUBLIC TO MEET AT DONA ANA TRAIL HEAD PARKING FOR PUBLIC FIELD TRIP IN THE AFTERNOON.

Presentation Complete

8. South Road/Upton – This is the road leading to the Spaceport. EA is being performed for graded road to gravel and possibly paved in the future.

9. Restore New Mexico – Review underway for potential application areas.

10. Permit Renewals – Completing up to 80 permits by the end of FY 2016.

11. New Mexico Copper – Released draft EIS. There were a variety of opinions and perspectives. There was a lot of support and some concerns. We are still receiving comments. The comment period has been extended 45 days.

12. Freeport-McMoRan, Chino, and Cobre Mines – Mining plans have been offered. Bonds must be posted. At that time a mining plan of operation will be then be in place.

13. Sun Zia – In holding pattern. The BLM has signed the Record of Decision. BLM Arizona is looking at a variety of options.

14. Southland Project – The final EIS has been published. A decision will be made in April or May 2016.

15. AIP – El Paso Electric has submitted an application to reemploy existing roads to replace poles.

Q. R. Gray – Where are the Army Corps of Engineers removing old bombs?

A. J. Montoya – Near Copper Flats outside of Hillsboro.

A. B. Childress – He stated that it was an old bombing range. There are several WWII ranges in the Las Cruces BLM district. We have asked them to leave the rings and the exploded ordinance in place for the public to view. The project will take 3 to 5 years to complete.

Q. J. Cornell – Asked if there were any bombing sites within the monument.

A. B. Childress – He answered that yes, there were. They will be taken care of.

Q. J. Cornell – Asked why they chose the Copper Flat are first.

A. B. Childress – He replied that it was scoped first and it is easier to access.

Q. T. Popp – Asked why there were no appeals on the Record of Decision on the monument.

A. B. Childress – He answered that he didn't expect any.

0930 – B. Childress completed the update.

Q. K. Keeton-Pettitt – Asked if there is no appeal, what is the process for improving the Trackways?

A. B. Childress - He answered that we need to get funding to put everything in place. Our budget has not been posted, so we don't know what our funding will be for the Trackways at this point. It will take some time to implement these projects.

Q. K. Keeton-Pettitt – Asked how partnerships with user groups and clubs are developed with these projects.

A. B. Childress – We encourage and invite local user groups to help. We are very open to that.

Q. H. Bartoo – Have you had any protests on the Spaceport?

A. B. Childress – We are in the comment period. We don't think a public meeting is required. We have not issued a decision at this time. After a decision is issued, there will be an appeal period.

Q. H. Bartoo – He stated that the City of Truth or Consequences and Elephant Butte voted to support the copper mine. He asked how this affected the BLM's decision.

A. B. Childress - He answered that their vote has an influence, but it is weighed the same as other considerations.

Q. J. Cornell – Asked how much of the Spaceport is in Dona Ana County.

A. B. Childress – He replied the majority of the Spaceport is in Sierra County.

Q. J. Cornell – Asked who is funding the Spaceport.

A. B. Childress – Sierra County and Dona Ana County is funding it.

C. L. Ellins – Commented that if there is a meeting on the Spaceport, most residents of the counties would not support it.

C. B. Childress – He asked Deborah Stevens to provide an update on the RAC board membership.

C. D. Stevens – She stated that for new members, their 3 year term has begun. Outgoing members can reapply. She suggested that anyone knows someone who could be a good candidate for the board, invite them to participate. She also stated that Lynn Ellins' term ends December 31st 2016. It will be necessary to hold elections for the Chair and the Vice-chair in April, 2016. She stated that she will send news releases to RAC members as they come out.

C. T. Popp – Stated that the RAC may want to have an orientation for new members.

C. B. Childress – He commented that he agreed that it would be a good idea. The orientation will be conducted before the next meeting in April.

Q. T. Popp – He asked if there were any other procedural items to address. There were none.

0945 – BREAK

1000 – MEETING RECONVENED

PRESENTATION – Bill Childress gave a presentation on the Organ Peaks National Monument , the Trackways Monument, and the makeup of the BLM Las Cruces District land area.

Q. T. Popp – He wanted confirmation that the cooperating agencies were not private organizations.

A. B. Childress – He replied that is correct. However, he stated, that the BLM will communicate with non-cooperating agents.

Q. T. Popp – Asked if there are questions during the protest period, how are they resolved?

A. B. Childress – He responded that issues can be addressed and if necessary, do additional analysis. However, you can't wait until the end of the process. The issues have to be addressed in the draft phase.

C. J. Montoya – She commented that the protest period is the time where outside groups can address issues or errors in the decision. Protest issues go to the agency, our director.

Q. L. Ellins – Asked who is the appellate body. Who would the appeal go to?

A. T. Phillips – Answered that appeals go to the DOI appeals board.

A. B. Childress – Said that if necessary, it could go to District Court, the 10th District Court of Appeals, and possibly, to the Supreme Court. He further stated that we need to develop good descriptions of our resources, **objects (?)**, and values to the National Monument. We have a good idea what they are and they will be part of the plan.

Q. T. Popp – Asked if he could be given an example.

A. B. Childress – He stated that old adobe buildings, archaic resources, petroglyphs, or social trails that are prehistoric in nature.

Q. T. Popp – Asked what an object is and what is the difference between a resource and an object.

A. J. Montoya – Replied that they are all considered the same, paleo, geological, ecological, prehistoric, and historic.

Q. L. Ellins – Asked what is the value?

A. B. Childress – Answered that it depends on the area and habitat. It is very broad in nature and scope.

Q. R. Gray – Stated that with the Tri-County, the Monument was designated. He asked that when the BLM produces an RMP, do you consider the ROVS?

A. B. Childress – Replied that we don't use those terms. All of the decisions we will make address how those activities will affect the ROVS.

Q. R. Gray – Asked if we are looking at a long period before the Monument is fully actualized?

Q. K. Keeton-Pettitt – Asked when a plan is created, will all four sites be managed the same?

A. B. Childress – (Answering both questions): The plan is in place and is being implemented. The plan will address actions for all four sites according to one standard.

Q. K. Keeton-Pettitt – Any change to the WSA have to come through Congress?

A. B. Childress – Yes, that is correct.

Q. T. Popp – Asked if it would be easier on the District if we managed the sites the same as a WSA. Would it make the planning more difficult?

A. B. Childress – Replied, No. It would not be more difficult.

Q. L. Ellins – Has or will these remote areas be eyeballed or inventoried?

A. B. Childress – He answered, Yes, in time the entire monument area will be inventoried. We will enlist the university to engage and assist us. We also have 2 student conservation associates to go out and learn about our resources and to do some of our ROV inventory work as well. It is a huge task.

1030 – PRESENTATION COMPLETED

1035 – PRESENTATION

Doug Haywood and Treaver Ashby gave a presentation on the Afton Solar Energy Zone Plan and Project.

C. J. Montoya – Commented on the desire to develop the Afton area. She stated that all the solar energy zones are going through the process of mitigating impact on the environment.

Q. R. Gray – Asked if this area is specifically for solar. Are there any wind projects?

A. B. Childress – He responded, Yes, it is specifically solar. This area does not accept applications for wind. A permit will not be issued for wind in a solar energy zone.

Q. T. Popp – Asked if there will be a minimal bid for solar projects?

A. J. Montoya – Yes, it is a competitive bidding process.

Q. H. Bartoo – Asked if regarding Las Cruces, as the city grows, is the growth and land availability a consideration?

A. B. Childress – He answered, Yes.

Q. L. Ellins – Asked what is the market value of the land?

A. T. Ashby – Responded that is fair market value based on an appraisal for the interested use of the land. Once they look at potential impacts, they look at a prorated value to set the compensation and mitigation amounts.

C/Q. T. Popp – Stated that he assumed this is all leased land used by ranchers. There will be no cattle. What happens to the cattle?

A. D. Haywood – Replied that there are six (6) allotments and the ranchers will have to be compensated or an alternative plan is implemented.

A. B. Childress – Stated that the land would not be available for development.

1110 – PRESENTATION COMPLETED

1115 – FUTURE MEETING TOPICS

C. T. Popp – Opened the floor for future meeting topics.

C. R. Gray- Said that this would be a good area for a future field trip to see how this area was chosen. Also, it would be good to get an update on the Organ Peaks National Monument at each meeting.

C. H. Bartoo – Suggested a visit to Dona Ana Mountains (field trip).

Q. L. Ellins – Asked what the political ramifications are for the BLM from the issue with grazing rights and fees.

A. B. Childress – Responded that the issues occurring in Oregon does not affect us here. It does not mean that it may not in the future.

Q. R. Gray – Asked what the government is doing to help the public understand what public lands are?

A. B. Childress – Replied that each time we speak to the public, we educate and explain to them what public lands are. We also work with local users and they understand what public lands are.

Q. M. Levy – Asked where in the Pena Blanca area do you involve the local indigenous people?

A. B. Childress – Answered that the BLM does that through the planning process and we consult with each tribe and the culture representative for the State of New Mexico.

NEXT MEETING SCHEDULED – 14 April, 2016 (Tentative)

11:30 – Tony Popp moved to adjourn the meeting. The motion was accepted and the meeting was adjourned.

1130 AM – MEETING ADJOURNED

AUDIENCE/PUBLIC:

Ben Gabriel – FOMDP

Kenton Martin – El Paso Electric

Maxine Levy – Las Cruces 4-Wheelers Group

Mike and Lisa Herring – Land Owners

Wayne Zatkalik – Retired Citizen

Leticia Lister – BLM Las Cruces

Lane Hauser – BLM Las Cruces

Don McClure – BLM Las Cruces

Tom Phillips – BLM Las Cruces

Jennifer Montoya – BLM Las Cruces