

**SUMMARY MINUTES
PECOS DISTRICT RESOURCE ADVISORY COUNCIL
MARCH 12, 2014
ARTESIA, NM**

RAC Members Present:

**Steve West
Robert Armstrong
Reginald Richey
Greg Fulfer
Alisa Ogden
George Farmer
Tish McDaniel
Steve Peerman**

BLM Staff/Meeting Support

**George MacDonell
Christopher Brown
Howard Parman
Steve Caffey
Christopher Brown
Adam Ortega
Jerry Dutchover
Matt Mathis
Doug Lynn
Emily Wirth
Whit Storey
Robert Wachter**

RAC Members Absent:

**Jack Callaway
Neal Christopher**

**Scribe:
Betty Hicks**

**Public
Gordon Yahney
Lacy Levine
Zack Ponce**

Federal Official:

Chuck Schmidt, Acting District Manager

MARCH 12, 2014

CALL TO ORDER, WELCOME & OPENING STATEMENTS

Mr. West called the meeting to order. A quorum was present and all were thanked for coming. As several members will be rotating off, Mr. West told those that might be interested in reapplying should get their applications in by the end of March. Members whose terms are expiring are Jack Callaway, Steve West, George Farmer and Reginald Richey.

Chuck Schmidt, Acting BLM District Manager explained the application process and Mr. West asked those not intending to reapply to make it known so as to facilitate the process. He advised the RAC members that District Manager Jim Stovall had relocated to Roswell in late December but has been detailed to Twin Falls, Idaho for several months.

George MacDonell is now the Field Manager in the Carlsbad Field Office. Both he and Chuck Schmidt are filling two positions for the time being due to budget constraints. He also introduced Steve Caffey from the Hobbs BLM office.

ELECTION OF COUNCIL CHAIR

Mr. West explained he had been the Chair for the past three years and would be pleased to turn it over to another member who might be interested. A motion was made to keep the current slate of officers, seconded by Mr. Armstrong and was passed by acclamation.

NEW MEXICO BLM'S ROTATIONAL SCHEDULING OF OIL & GAS LEASE SALES

Mr. Armstrong stated that in New Mexico there are four (4) quarterly oil and gas lease sales covering Pecos District, Texas (includes Oklahoma and Kansas), Farmington and Las Cruces. Recently the New Mexico State Office (NMSO) announced a rotational sale, each area having a sale once a year. The Pecos District's will be July. He relayed that the impact will be significant on the State of New Mexico. Revenue generated (48/49%) comes back to New Mexico. It accounts for about 31% of the general budget, and public education, as well as other entities. With only one sale a year for the Pecos District and it being the largest area involved, oil and gas industry's concern is that it will delay funding for the State.

He told the members that the IPANM met with personnel in the NMSO regarding this proposal and they understand the concern but personnel and funding is not available to support the sales four times a year that involves all areas. Funding from the Washington Office is not coming to BLM State office to help with this process.

The last BLM sale was in Feb. 2013, resulting in about \$31 million. This is substantial income to the State. NMSO would like to have more funding and personnel to be able to continue with more sales during the year. The suggestion was made to consider combining Las Cruces and Pecos and have a sale twice a year.

It was recommended that the Industry work with the delegation in Washington, which has been done, and they seem to be supportive of this initiative in discussions with the NM State Director.

Mr. Armstrong asked for input from the RAC and the BLM staff as to their feelings on this issue.

Chuck Schmidt relayed that the level of work has changed over the last years to including NEPA analysis on the leasing process. The increased workload is greatly impacted by the funding and budget issues. The NMSO is trying to work with the personnel shortages and lack of funding to deal with this issue. He stated that oil is very key in the Pecos District currently and asked for the Carlsbad and Roswell personnel to explain the oil and gas process.

It was explained that there are 30 parcels on each statement of interest and many are the ones that come up in the potash or LPC areas, where leases are currently being held off on.

Current workload is great, looking at each parcel and making decisions regarding leasing. The Carlsbad Field Office (CFO) received 900 APD's last year and 800 were approved. Since October they have been averaging over 100 APDs a month. The staff is getting smaller (18 vacancies currently). The need to increase lease sales is understood and appreciated and two sales a year could be a possibility.

Question: Where did the increased requirements originate?

Answer: They had been being done, even before the requirements came out nationally.

Chuck explained that Roswell and Carlsbad are working together to accomplish processes.

Steve Caffey, BLM Hobbs, discussed all the APDs being submitted in anticipation of future development. The on-hold volume is great.

Ms. Ogden asked if it would be appropriate for the Committee to make a recommendation to combine with Las Cruces for a twice year lease sale.

Mr. Richey relayed working on a major development and how getting things accomplished is done. Private entities were hired to do much of the work for the area doing the developing. In this case Industry would be the developer and the BLM the owner. He suggested recommending this type of process be done for this issue.

Question: What outside parties are allowed in the process?

Answer: Some NEPA is done outside but reviewed by the BLM.

The process of private entities contributing to do governmental work was discussed. It was explained that there must be a process that addresses conflict of interest and other issues having to do with working with the government.

Mr. West agreed that both suggestions had merit and that if a letter is written from the RAC it should include these issues.

Mr. Fulfer stated that from the County side the process has been being watched. It affects the economy of the County significantly. The competition aspect is needed back in New Mexico and will be watched closely.

Mr. Farmer stated that with IT, data is being made available to the State as a whole and this will have some positive aspects of getting the work done.

Mr. Armstrong emphasized that the Industry is not critical of work being done by the offices due to requirements and lack of funds. When requests are made response is being handled efficiently.

Mr. MacDonell stated that hiring and keeping qualified personnel, as well as being able to find adequate living conditions in the Carlsbad area is having a significant impact.

Question: What is the best way to handle this process?

Answer: The RAC could make a recommendation or write a letter that would be sent to the State Office and the Washington Office. They can also write directly to the Congressional delegation.

A motion was made that the Pecos District RAC support leasing of the Pecos District twice a year, in January and July, and support the filling of vacancies in both offices and support the use of outside entities to do some of the work necessary.

The motion was seconded and passed by acclamation.

Bob Armstrong and Steve West and Reginald Richey will work on drafting a letter for the RAC's approval to be sent to the WO, NMSO and the Congressional delegation.

Question: When there are questions on regulation requirements, can these be addressed in the local area?

Answer: Conditions of Approval may be altered to address conditions of the area.

A power point was shown giving an update on the lease sale and its background. These included reasons why the policy is being implemented which brings it in line with the national office policy. Funding was shown by program for the years 2011-2013. Changes were listed and a comparison to the BLM-wide oil and gas budget.

April 16 will be the first one on this quarterly sale with KS OK and TX. The schedule for the rest of the year was shown and CFO and RFO will be in July.

Screening expressions of interest (EIOs) and timeframe reviews will continue to be addressed.

Break:

THE ROB JAGGERS CAMPGROUND BUSINESS PLAN-FORT STANTON NCA

Chris Brown, Roswell Field Office, reviewed the discussion held at a previous meeting on a proposed fee schedule for the use of the facilities at the Ft. Stanton camping area. He explained that he would be sharing comments received from user groups and individuals who read about it in newspapers, and the *Federal Register*. Copies were distributed to the members.

Mr. Brown explained that the RAC was involved with the development of the plan and had recommendations after the plan was developed.

One theme was the concern of electricity being included in the fee for the group shelter. It should be listed decisively about whether or not the cost includes this or if it should be increased. Some felt the fee was higher than other areas.

Some comments came from one group that uses the area for the longest duration. They were instrumental in the development of the area. The plan was distributed at their event and comments were received after the event. Reduced or no fee was suggested for the members of the group involved with the infrastructure development. Discussion was heard on the feeling of the BLM that volunteer time is donated time.

Mr. Farmer stated that he did not feel that dumping should be charged for, as many places provide the service for free. Also, waive the fee for those volunteering while using the facility.

Question: Will someone stopping to just water a horse or a water bottle be charged?

Answer: This is not intended and should be clarified in the plan.

Mr. Richey discussed the use by the group using the facility for a long period of time and that they should be charged a fee for this use.

Question: How will the fees be enforced?

Answer: If the Plan is approved it will be published in the *Federal Register* and the BLM Ranger can enforce the fees.

Mr. Brown explained that he would be looking to the RAC to make a recommendation in the form of a letter in regard to the Business Plan. There was discussion of an amendment addressing small water usage, not charging a fee while volunteering and the charge for the dump station.

Following this discussion, a motion was made that the RAC endorse the Business Plan with suggested amendments referencing the water usage and no fee while volunteering. The motion was seconded and passed by acclamation.

The RAC will submit a letter to this affect.

CVE OFFICE'S GREEN TECHNOLOGY –

Mr. Dennis Hembd addressed the RAC and explained he would be discussing the CVE building's energy efficiency. The building was built and designed as would be done for a "lead" building, for energy efficiency and sustainability. A major design included a geothermal system for heating and cooling.

He explained that there are 128 underground wells, each 305 feet deep. These are all connected with a piping system coming into pumps in the building. Heat pumps, 129, are all controlled by a computer that controls the temperature. The heating system shuts down at 6:00 pm, and back on at 6:00 am. If the temperature gets below 55°, it will turn on.

An explanation was given of how the ground water temperature influences the liquid that flows to the heat pumps in the building. All windows are tinted and sunshades and awnings are used for efficiency. LED lighting is used throughout the building. Skylights are also used.

There are 16 wells on a loop section of pipe. It is a continuous loop. A well permit was obtained from the State Engineer and depth was determined based on the depth of the sub-surface ground water.

The system should last forever unless there is a catastrophic occurrence.

A tour of the 33,000 sq. ft. facility followed, as well as a site visit to the pump station.

Lunch

POSSIBLE EFFECTS ON PUBLIC LAND OPERATIONS SHOULD THE LESSER PRAIRIE CHICKEN BE LISTED AS A THREATENED SPECIES

Howard Parman, Roswell Field Office distributed an informational folder to all and showed a power point on the subject. Howard explained that on or about March 31 the Fish and Wildlife Service (FWS) will publish their Final Rule in the *Federal Register*. May 1 will be the day of implementation. An announcement will probably be made prior to March 31 concerning their decision. There are four other states involved in the decision and probably those states are not as ready to protect the species as is New Mexico.

The process of a Section 7 consultation was discussed, including the occurrences that cause this to take place.

A map of the estimated occupied range was shown and the anticipated area for consultation was depicted. There is also a 10-mile buffer to be considered. The assumption is that we will focus on the area defined in the Resource Management Plan Amendment (RMPA). If an area is enrolled in a CCA, BLM does not have to be involved in a consultation.

There are 872,000 acres in the planning area, and 52 allotments enrolled, with 670,000 acres in CCA.

Oil & Gas CCAs – 1.24 million acres in the Planning Area, 32 companies, 656K acres enrolled. Other acres may be added.

Two hundred fifty seven thousand (257K) are closed to new listing. Consultation only on 327K acres that are not enrolled.

BLM can't approve new permits or applications unless a Section 7 consultation is completed. A Section 7 can be done by individual project or on a program level.

Three program levels are anticipated. The process is to write a Biological Assessment, which includes management prescriptions, mitigation, and implementation of a land use plan.

Three determinations are available: no effect; may effect, and not likely to adversely effect; and may effect. After submission to FWS they issue a Biological Opinion. This usually contains reasonable and prudent alternatives for management of the species. The length of the process depends on the workload of the FWS.

ABOVE HIGHLIGHTED SENTENCE IS NOT CLEAR—IT SAYS THERE ARE THREE DETERMINATIONS AND FOUR ARE LISTED. WHATEVER THE CORRECT NUMBER IS, THE STATEMENT NEEDS TO BE CHANGED.

Question: Do you have any indication of how it will go?

Answer: Feel it will be listed.

George Farmer relayed that New Mexico is very far out front of the other states in developing conservation measures.

Question: If a company is enrolled and drills a well, then needs to lay a pipeline. How do you get it done?

Answer: All companies are all covered if the oil company is enrolled in a CCA.

Doug Lynn of the Center of Excellence and staff discussed that grazing is important in the management of chicken habitat. Indicators are all leaning toward listing. Populations are down and have been for several years, to a level where recovery is unlikely.

For an action to receive a consultation if not enrolled it could take about 200 days for a decision to be reached. These are voluntary agreements (CCA/CCAA). Over 3M acres are already enrolled and the acreages include both ranching and oil and gas.

When an enrollee agrees, they must live by the agreement. Most of what must be done has already been agreed to when the document is signed. Conservation measures are also in the document.

Private industry funding is able to be used on any lands. All projects are ranked and scored for funding. When funding is in place the system has no affiliation and is used "first in/first out". All dollars go to benefit of the species in many varied ways.

CCA programs were instrumental in the non-listing of the sand dune lizard. Voluntary conservation measures can be used as agreed to.

Question: In dealings with other states, what is the major push back?

Answer: Other states have much to catchup on.

Drought is the predominant damage on the species at this point.

Conservation Easements are not encouraged.

Question: What happens to allottees currently grazing and not signed up?

Answer: These allotments will have to go through consultation.

Question: Does BLM see need to do another EIS or EA?

Answer: Not at this time.

RAC INPUT FOR MANAGING THE LESSER PRAIRIE CHICKEN AREA OF CRITICAL ENVIRONMENTAL CONCERN

Chuck relayed developing an ACEC out east of Roswell. Grazing has been retired under the Taylor Grazing Act but there are still some active allotments in the area. BLM would like to use grazing to manage some of the area and would like to see a sub-committee formed within the RAC to provide input. This committee would consist of at least two RAC members and any members of the public that they so choose. Notification thru the *Federal Register* of any meeting dates must occur.

Chuck requested the RAC to initiate such a committee and to have at least two members on same. Mr. West asked for volunteers and George Farmer and Tish McDaniel responded. These members will recruit others.

Adam Ortega, Roswell Field Office did a power point on the issue, depicting the area about 45 miles east of Roswell. A handout of the ACEC Management Goals was distributed and discussed. These goals include acquisition of non-federal lands, how grazing/vegetation management would be managed and recreation.

Expectations of the Committee were listed regarding the subject of grazing within the ACEC. These included addressing questions of who, what, where, when and why.

Question: Is the Range Improvement Task Force used on these types of Committees?

Answer: They mostly get involved after decisions are made.

Chuck reiterated that this Committee would greatly benefit the BLM in management of the LPC/SDL habitat and urged that the decision, whichever way it may decide, be backed up with rationale.

Question: How many LPC in the area?

Answer: The numbers did not go down in this particular area.

Doug Lynn volunteered the services of his group to the Committee if appropriate and this was accepted.

Public Comment Period –

The public comment period was called as scheduled and there were none.

Next Meeting Date:

A suggestion was made to set a tentative meeting in late June and if new/returning members are not in place, set up another meeting in July. Steve Peerman suggested a meeting in the NCA area at Ft. Stanton. It was agreed that June 24, 2014, would be a tentative date, with July 30 as a backup if necessary.

Steve West

11/12/14

BLM PECOS DISTRICT ADVISORY BOARD
2909 West Second Street
Roswell, New Mexico 88201

1 May 2014

Bureau of Land Management
2909 West Second Street
Roswell NM 88201

Attention: Charles Schmidt, Roswell Field Office Manager

Dear Mr. Schmidt

The Roswell Field Office has proposed expanded amenity fees for services at the Rob Jagers Camping Area located at the Fort Stanton National Conservation Area. The Business Plan was brought before the Pecos District Resource Advisory Committee (RAC) in the spring 2013, and was available for a six month comment period in the fall 2013.

The proposed fee schedule is \$5.00 per day for electric hookup, \$5.00 water hookup, \$25.00 per day for exclusive use of the group shelter, and \$15.00 for dump station use. On March 12, 2014 the RAC reviewed all the public comments and then formally recommended the Business Plan and the fee schedule move forward as proposed with the following two amendments.

First: Whenever an individual or group is serving as an approved volunteer at the Rob Jagers Camping Area the fees will be waived.

Second: Limited water use for immediate consumption by a visitor or pet will not incur a fee.

We appreciate the time and consideration put into this matter.

Respectfully submitted,

Steve West

2014 MAY -6 AM 9:50

RECEIVED