

**SUMMARY MINUTES
PECOS DISTRICT RESOURCE ADVISORY COUNCIL
APRIL 11-12, 2012
ROSWELL, NM**

RAC Members Present:

Jack Callaway
Steve West
Neal Christopher
Tish McDaniel
George Veni (Alternate)
Stephen Peerman
Alisa Ogden
Don Mayberry

RAC Members Absent:

Gregory Fulfer
George Farmer
Reginald Richey
Joe Stell (Alternate)
Michael J. Hillman (Alternate)

Federal Official:

Douglas J. Burger, District Manager

BLM Staff

Chuck Schmidt, Roswell FO
George MacDonell, Carlsbad FO
Howard Parman, Roswell FO
Jim Stovall, Carlsbad FO

F&W/L Staff

Clay Nichols, Roswell FO
Ty Allen, Carlsbad FO

Scribe:

Betty Hicks

Public

Lynn Ditto	Zach Riley
Beverly Allen	Julia Bergman
Tom Ruiz	Roy Todd
Will Johnson	

APRIL 11, 2012

RAC MEETING

CALL TO ORDER, WELCOME & OPENING STATEMENTS

Chairman West called the meeting to order and all attendees introduced themselves. As a quorum was not present no action was taken on approval of the minutes of the January meeting.

Doug Burger welcomed all, acknowledging the difficulties of all to make all meetings. He reviewed the agenda, explaining that the tour on the 12th would focus more on the chicken/lizard viewing and habitat and restore issues would be secondary. He stated that the agenda would be reversed as far as presentations, with Restore in the morning and "Chicken" in the afternoon. Housekeeping issues were addressed and the logistics of the tour.

Restore NM Processes: - Doug Burger

Doug explained that BLM will hit its one millionth acre just within the Pecos District. The Pecos District leads the charge in NM and probably most other states, as well. It officially began in 2005, under the former State Director, continuing with present State Director and the new Associate State Director, just hired.

The concept was built on relationships and improvement of water and other resources will be protected. Habitat is also an issue for land health and will help species who inhabit these areas.

Erosion is an issue that the general public is not fully aware of. Landscape is altered by this and sediment loads present problems as well. It affects water, stock tanks, etc.

Wildlife – there was a record fire season last year. The goal is to be able to stop catastrophic wild fire.

Reducing invasive species – not just exotic but native species out of balance with landscape. These are Mesquite (the biggest), juniper, and creosote, all native and salt cedar, non-native.

Oil and gas reclamation is a large issue being worked on by that industry. Caliche roads is an issue here.

Mesquite – migrates over time. When it invades species habitat becomes a concern. It is a competitive plant with a massive tap root, some 35-40 feet using water not available to other needs. Grass roots are sponge like and this helps recharge water aquifers and feed other plants. This is what we want to see.

A 73-year invasion of mesquite was shown. BLM tries not to look at land ownership, just landscape. Shape files are created and put on a CD and this is plugged into aircraft so that herbicide can be applied accurately. Pictures of these shape files were shown and it was explained how technology allows putting herbicide where needed and turned off where not.

When areas to be excluded are found, it is put into the file so the pilot sees “leave out” areas. Fly by light, if colored lights appear, he is off course and he comes back to where he should be. These tell how many feet are out of course and he corrects accordingly. The cost is between \$22-25 an acre for mesquite, creosote is \$35 this year.

Defoliation occurs in about 90 days. Shinnery Oak can be browned, but is not killed. This also does not kill some other species.

If ranchers participate, they must go two (2) years without grazing and cannot increase numbers. Involvement produces higher calf weights.

More photos of different years depicting pretreatment and years later of grass coming in slowly to an area were shown. A graph was shown showing percentages of grasses and shrubs before and after treatments. After treatments nine grasses were found where there were only two prior to treatments.

Helicopters and crop dusters are methods of treatment. Doug explained that this venue catches most of one side. The electrostatic process allows treatment to achieve a better “kill” rate, spraying both sides of the plant. It also allows planes to stay longer in the air and less use of fresh water.

Question: Is oil added to process,

Answer: No, just water, using less.

Prescribed fire was discussed. In the past, chemicals were not desired by many groups. Committed to use chemical application once, do maintenance with prescribed fire. After initial treatment influence of grasses allow fire to be used.

Old mesquite is not affected by fire, young is. It also has effect on other species and will set back many. Fire should not be used sooner than five (5) years to assure that tap roots have died and new sprouting cannot occur.

Steve Peerman - when documenting Ft. Stanton military road one of the ways to find the trail was to find where the mesquite was.

Alisa Ogden – the Jornada area could be seen by the trail of mesquite brought by Spaniards to feed their cattle.

Juniper is also a species that can get out of control, denser than it should be. Doug discussed photos taken by Hollis Fuchs – showed a 1934 and again in 1996. The area was taken over by Juniper.

One of 1917 and 1997, showing landscape with people and then landscape covered with Juniper. Juniper was used for heating and fence building, but when other means became available, Juniper invaded areas.

A 1912 – 1997 photo was shown. Then a photo of an area with a future look - how it would look with Juniper encroaching over time.

Bare ground is predominate under juniper trees, allowing much erosion. Where it has been cut and removed, photo now shows all new grasses that have come out.

Creosote – a scourge on the land if dense. Will weep chemical on the ground and sterilizes the soil and other vegetation is unable to grow. Treatments were shown, 1 year and 3 year. One year shows dark skeletons of creosote and 3-year treatment shows much grass filled into the area.

Reasons for not treating draw bottoms were explained. Many wildlife species inhabit these areas.

Salt Cedar – invades riparian areas and consequences are dire. We must treat with a chemical that can be used over water, called “Habitat”.

Dead material is removed by terra torch from the air and firefighters in the District going in and firing by hand. Another method is to extract mechanically. If burned or pulled, re-sprouting does occur. Follow-up treatments must be done. Photos of a restored riparian area were shown.

Question – estimated cost on salt cedar

Answer - \$280 on spraying, extraction \$500, by hand \$40 or 50/per acre.

Question - How long are treatments on salt cedar good for.

Answer - Probably 15 years with follow up.

October to February is the optimum time for creosote treatment.

Question asked about relationship with other agencies.

Answer - When monies available from NRCS, BLM gets most of the dollars. Forest Service doesn't have their projects ready and BLM does.

Mr. West relayed that some treatment has occurred in wilderness areas, but great controversy occurs in this type of discussion.

Chuck Schmidt relayed that there is a partnership along the Rio Bonito in place to enhance land health.

Question – what concern is there about monitoring of chemical entering the water systems.

Answer - some is known but not all.

Oil and gas activity in the area was discussed. There is a large workload in the Carlsbad area. It is a very busy program. Oilfield reclamation in the south is an issue. There is much activity going on. Today the reclamation standard has changed and must be adhered to. Previous practice required breaking up caliche and sprinkling grass seed.

The new practice is requiring caliche to be removed. We want to have top soil available for new growth to occur. BLM does not tell industry how to remove, just remove. Dirt work is reseeded, vegetative treatment is not.

Question: is the re-putting of caliche in the ground monitored for contamination

Answer - Yes.

Abandoned well pads were viewed showing the reclamation being done. Reseeding will occur and new growth is obvious.

Cliche pits – during reclamation top soil drug back in. Custodians of the land must make landscape better than when they arrived.

Cumulatively 2450 sq. miles and 1.5M acres have been restored to date. NM Partnerships together have 29M for restoration to date. Partnerships have allowed much to be done and the focus is to allow large projects to occur.

Doug explained that multiple use management is a difficult task but Pecos District has become the best in the nation at getting this done.

Lesser Prairie Chicken/Dune Sagebrush Lizard/CCA – Doug Burger

A power point presentation was given, showing a picture of the Dune Sagebrush Lizard (DSL) a map of the range, 540,000 acres in NM, about 1/2 is federal land and 1/2 is state and private. Mineral ownership is about 65% federal land. Crescent shaped blowouts among the dunes are where they live. A home area is 75' x 75'.

A picture of the chicken was shown. It is a beautiful bird, related to grouse. The Lesser prairie chicken (LPC) area covers 5 states – TX, OK, KS, NM, KS. The range is largely federal land.

The Fish and Wildlife Service will put out a proposal this fall for the chicken. The historic range is 14.6 M acres; the current range is 2M. The habitat looks much like that of the lizard. The two species overlap the territory.

Threats were listed and analyzed when proposed rule is put out.

A photo of an ecological site condition without any treatments under Restore New Mexico was shown as well as one after treatments. Oilfield issues will be discussed, as well as potential from OHVs.

A photo of a healthy dune area was shown. When invaded by mesquite it was completely covered. When sand cannot move the area cannot be used by lizards anymore. It becomes unusable habitat. Once an area is altered it is very hard to reclaim. It is difficult to prove what treatment would prevent this.

Oil & Gas – exploration occurring since 1920s. This area is one of the most active in the US with 30,000 operations in this area, half federal and half state and private land. 5000 acres are in the DSL polygon.

When oilfield accidents happen and are found, the company must remediate this. Maintenance issues are also a problem. There are many above ground pipelines in this part of New Mexico. Inspectors require the standards of reclamation currently in place.

One practice being used is “twinning”, using the same pad for more than one well. This also reduces the footprint on the ground.

A picture of a well pad being reclaimed to match the dunes was shown. Interns in the field counting lizards were also pictured.

Horizontal wells is an option in the areas of dunes habitat. BLM provides a disk with GIS data of where they do not want wells located. Many photos were shown of wells being placed in areas where there are dunes but all dunes have been avoided.

Surface locations are sometimes moved to horizontally drill. A company moved a location and drilled four (4) wells, using spacing patterns for 16 wells .

To avoid the issue of predation, markers are cut off at ground level and metal plates with all the information are located on the ground and attached to what is left in the ground.

If LPC are breeding, the noise factor is a large concern. There is a 75- decibel @ 30 feet requirement.

An area where our employees had cleared 42 acres of defragmented ground was shown.

LPC have issues with the fences. Fence modifications have been made with small markers being put on the fences. The mortality dropped to “0” after marking. Bird escape ramps in water troughs have also been implemented. All water collectors must have escape routes. Several ideas were shown.

When the RMP was done, the decision was made that wind and solar would not be allowed on 871K acres. There is surface impact with every form of energy development. The area is closed to wind and solar unless can prove will not impact the LPC. On Federal land we can plan and put practices in place that must be abided with.

Wind is a large issue in other states. Distribution is a larger issue than transmission. Buried powerlines can run 10 to 50K.

Feral pigs is a large issue - destruction. This will be a huge issue of predation to chickens and lizards. Research is being done on this problem.

OHV – there is concern they might impact lizard habitat. In the 2008 Plan on Special Status Species, will accommodate only on existing roads and trails.

The planning area has 1,145M acres of Federal minerals. The core management area and primary habitat areas were shown. Five hundred seventy eight (578) square miles of federal minerals is closed to new leasing, but there are 353 square miles unleased and will remain unleased.

The highest oil and gas development area was shown (951 square miles). Fifty one percent has no oil and gas wells and there are 119 square miles with 1-4 wells. A well pad cannot be put on top of a dune complex.

Acquisition of Critical Habitat – The Sand Ranch –ACEC
Ninety (90) square miles, 58K acres are closed to oil and gas in the core management area. (White Lakes Crosby) and Sand Ranch.
17K is now in federal ownership.

CCA – Candidate Conservation Agreement – is important - the only way to get something accomplished. This developed tool is state of the art, one of the best out there. It applies to federal land or minerals. It can only be signed up for on federal land with minerals. If there are non-participants and the species is listed, they must go through a Section 7 Consultation. Participants sign the certificate, implement some measure and RMP stipulations.

For private surface only, there is the CCAA. If have both state and federal land can have a combination of the two.

Signed up are 29 companies with 816 , 565 acres and 23 companies with 241,802 acres on State & Fee land.

Relationships and trust in Southeast New Mexico have been developed and large strides have been made.

For Ranching, what to do and don't do; for oil and gas, the same plus dollars to improve/restore the habitat. .

89% in just New Mexico is enrolled under mineral conservation of some type.
96^% in some kind of conservation.

O&G – enroll and agree to 3yrs and the cost is \$2/acre to enroll. Minimum of \$20,000

New fees were listed: If a well is drilled in one of the five (5) habitat areas, money is debited from their account.

LPC Conservation Measures were summarized. Listed the “building blocks” including timing stipulations, noise restrictions, right-of-way exclusion, set acceptable levels of livestock areas, etc..

It is similar for DSL, (stay out of dunes and won't have problems).

Question - What is a lek

Answer – A sparsely vegetated area where booming takes place for breeding

Question - When visited by the President, did BLM shut down oil fields?

Answer - Only 2 square miles for safety purposes, and BLM had worked with companies.

There is a backlog of 900+ not drilled but approved.

Question – is there likelihood of either one being listed?

Answer – we can demonstrate strong work on the lizard, but need many more landowners to come together on the chicken.

Mr. West stated that the problem with endangered species is timing for a management plan and implementation could be a long time.

Doug – those that have worked with BLM have protection of the CCA/A

Question asked if the group with Tish McDaniel had impact

Answer - yes, very influential.

Allowed use of livestock as management tool, and now have an area where can use many tools.

It was suggestion that this point should be made in any future presentations, that it is a tool, not a given.

Question – will oil and gas voluntarily not drill

Answer – they understood and supported the need to not drill in that area.

Leases do exist in these areas and they are honored there. Of the 370K acres, 221K are unleased (60%). The other 40% may expire over time, (the leases are good for 10 years or under production). If not drilled and the lease expires, it will go into the 221K acres unleased and will not be leased.

Doug relayed that if anyone has a project that will benefit the lizard or the chicken, BLM will help develop a write-up with monies available. Grants from the Center of Excellence for Habitat Management (CHEM) can also be applied for.

Question – does a company do research independently or does someone else.

Answer - they typically work through NMOGA and others

An annual report is put out by CHEM that companies can watch for use of their monies.

Tish McDaniel stated that an environmental group out of Wyoming will be doing surveys on lizards. She will forward the letter to Doug.

Doug asked the Council if they hear something that they don't completely understand, call and ask for research and an answer.

Question - asked about why the lizard is so important and how to explain it to others.

Answer - something that is starting to disappear; (chicken) something has changed on landscape to make numbers drop

Question - Can these plans work anywhere/everywhere?

Answer - on the day they become listed, too late for signing up.

It was suggested that the CCA/CCAA concept would work in many areas, with many entities. Supporters of the Endangered Species Act come from many areas, including those that feel it has been abused.

Question - Is there a plan to follow populations with Restore NM

Answer – it is difficult to know numbers

Question - If the chicken is listed, would New Mexico's CCA have an effect on how managed?

Answer – Guess is “no”

It was stated that a possibility would be to expand the concept. Money is available to establish data so that cooperative efforts could be seen.

Doug stated that there are many questions, not data on all issues.

Ms. Ogden stated that watershed health is the number one benefit of Restore New Mexico. It touches all land surfaces.

Public participation:

Lynn Ditto, Senator Jeff Bingaman's office distributed copies of a Grant.

Beverly Allen from Senator Udall's office stated that even though asked, Congressionals cannot change the Endangered Species Act. It is a misconception among the public that this can be done.

The next meeting date, possibly in July, was discussed. Topics of interest for the agenda were listed. These included:

- Cave management in general
- Vegetative treatments
- Snowy River
- Acquired lands
- White nose syndrome
- Protection of caves/voids from drilling
- Wildfire

After further discussion Cave management/snowy river presentation and a tour of the acquired lands and vegetative treatment issues was decided upon. The meeting date was set for the week of July 18, on Fort Stanton.

A tour took place on April 12 with the Field Manager and three RAC members present. A lek was visited for LPC viewing and then on to see restore and reclamation work done by the District.

Approved:

/s/ Steve West
Steve West
Chairman

18 July 2012