

# Wild and Scenic Rivers Suitability Report



**Carlsbad Field Office**

**Bureau of Land Management**

**November 2013**



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## **EXECUTIVE SUMMARY**

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In May 2012, the Bureau of Land Management (BLM) Carlsbad Field Office (CFO) completed the eligibility phase of a Wild and Scenic River evaluation as part of the resource management plan revision process. The eligibility study resulted in the identification of two eligible river segments in the CFO: one on the Black River and one on the Delaware River. Three segments of the Pecos River were identified in the study, but all three were determined not eligible because of the lack of outstanding remarkable values on all three segments. As a result, these three river segments were dropped from consideration by the BLM and were not studied for suitability in this report. No additional segments were evaluated or identified from other eligibility studies.

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# 1 INTRODUCTION

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The Bureau of Land Management (BLM) Carlsbad Field Office (CFO) completed the eligibility phase of a Wild and Scenic Rivers (WSR) evaluation as part of a Resource Management Plan (RMP) revision process. In May 2012, the BLM identified two segments, one on the Black River and another on the Delaware River, as eligible for inclusion in the National Wild and Scenic Rivers System (NWSRS). The BLM studied one additional river for eligibility, the Pecos River (three segments), and found that there were no segments along the river that would be eligible for inclusion in the NWSRS.

The next step in the WSR process is evaluating all eligible segments for suitability. The purpose of the suitability phase is to determine whether eligible rivers would be appropriate additions to the NWSRS by considering resource values, level of public support, and competing uses of the river corridor. This report describes the methods used, data considered, and determinations made during the eligibility and suitability phases.

## 1.1 Project Area

The project area for this suitability study includes all BLM-managed river segments determined to meet the eligibility criteria for WSRs. The CFO manages approximately 2,091,535 acres of public lands in southeastern New Mexico (Figure 1.1).

## 1.2 Why Conduct a Suitability Report and Why Now?

Section 5(d)(1) of the Wild and Scenic Rivers Act (WSR Act) (Public Law 90-542, 16 United States Code 1271–1287) directs federal agencies to consider potential WSRs in land use plans. To fulfill this requirement, whenever the BLM undertakes a land use planning effort (for example, an RMP) it must analyze river and stream segments that might be eligible for inclusion in the NWSRS.

The CFO is currently revising the RMP for the BLM-administered public lands within the planning area and completing an environmental impact statement (EIS) for the RMP. This WSR eligibility and suitability study is being conducted now because the BLM is required by the WSR Act to assess river and stream segments under its management jurisdiction as part of the RMP process.

## 1.3 What Is a Wild and Scenic River

Congress enacted the WSR Act on October 2, 1968, to address the need for a national system of river protection. As an outgrowth of a national conservation agenda in the 1950s and 1960s, the WSR Act was in response to the dams, diversions, and water resource development projects that occurred on America's rivers between the 1930s and 1960s. The WSR Act stipulated that selected rivers should be preserved in a free-flowing condition and be protected for the benefit and enjoyment of present and future generations. Since 1968, the WSR Act has been amended many times, primarily to designate additional rivers and authorize the study of other rivers for possible inclusion in the NWSRS.

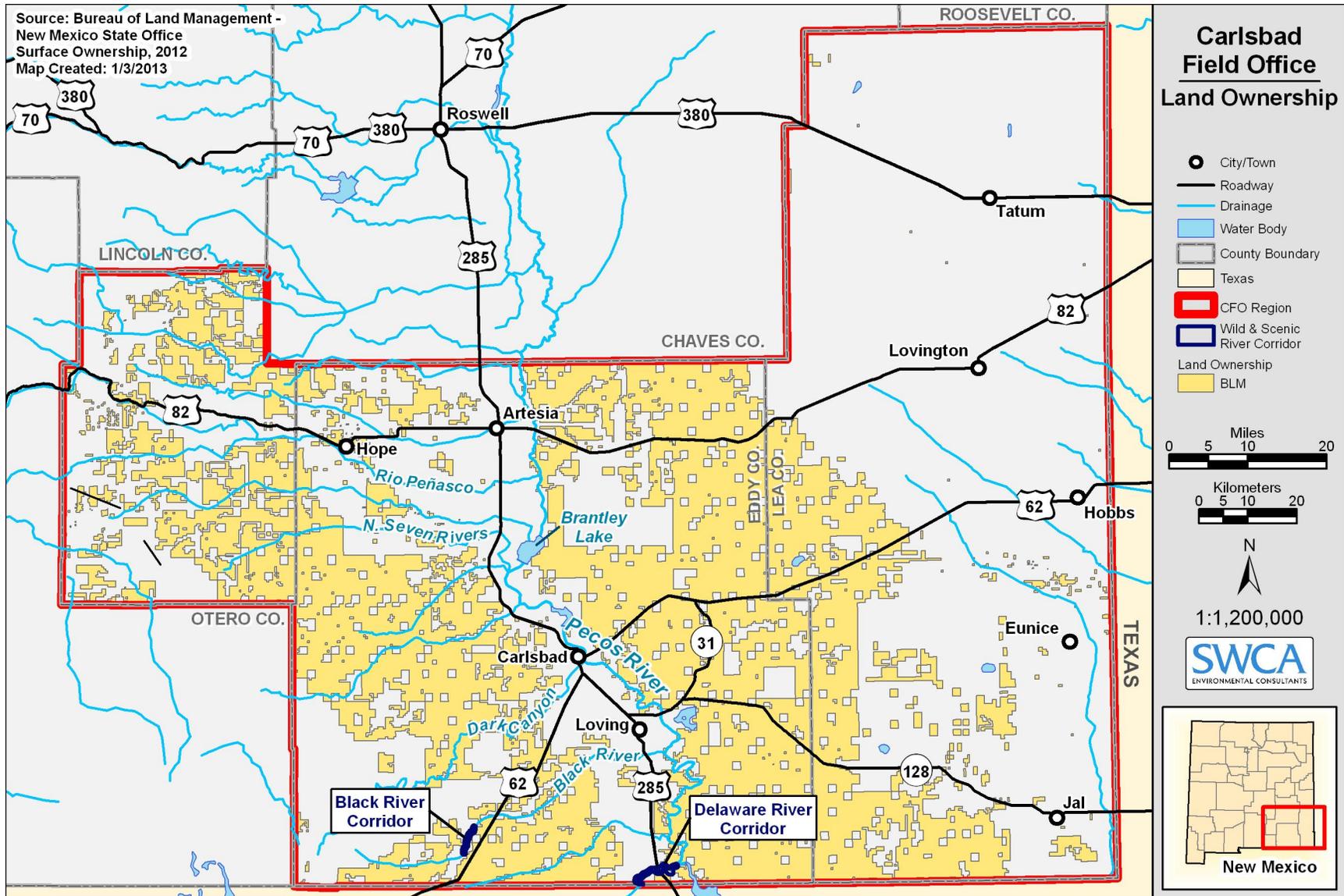


Figure 1.1. Land Ownership within the Boundaries of the BLM Carlsbad Field Office

The WSR Act seeks to protect and enhance a river's natural and cultural values and provides for public use consistent with its free-flowing character, water quality, and outstandingly remarkable values (ORVs). A WSR designation affords certain legal protection from development. For instance, new dams cannot be constructed and many development projects that might negatively affect the designated river values are not permitted within the designated segment. Where private lands are involved, the federal managing agency works with local governments and landowners to develop protective measures. However, Wild and Scenic River designation does not apply to non-federal lands.

As of April 2012, more than 12,500 miles of 203 rivers in 39 states and the Commonwealth of Puerto Rico have been protected in the NWSRS (Interagency Wild and Scenic Rivers Coordinating Council 2013). These nationally recognized rivers make up a valuable network of natural and cultural resource, scenic beauty, and recreation opportunities.

## 1.4 Steps in the Wild and Scenic Study Process

The BLM evaluates identified river segments for their eligibility and suitability for WSR designation through its RMP process (BLM 2012). WSR studies consist of the following steps:

- **Eligibility Determination:** An inventory of river features is conducted to determine which rivers are eligible (meet the required standards) to be added to the NWSRS.
- **Tentative Classification:** All eligible river segments are tentatively classified as wild, scenic, or recreation.
- **Suitability Determination:** The BLM evaluates eligible river segments in the RMP process and then recommends whether rivers should be protected by Congress through inclusion in the NWSRS.

River segments are only added to the NWSRS through an act of Congress or by an act of the legislature of the state upon submission by the governor and approval by the Secretary of the Interior.

## 1.5 Eligibility Phase

This report documents the identification of rivers and river segments to be evaluated for inclusion in the NWSRS, as well as the eligibility determination and tentative classification for those rivers and river segments.

### 1.5.1 Steps in the Eligibility Phase

The steps used for WSR eligibility evaluation are:

- Identification of which rivers and river segments to include in the evaluation;
- Evaluation of rivers and river segments for free-flowing status;
- Evaluation of rivers and river segments for the presence of ORVs; and
- Determination of the tentative classification of rivers as wild, scenic, or recreational.

### 1.5.2 Results of the Eligibility Phase

Table 1.1 and Table 1.2 identify the rivers identified for eligibility evaluation and summarize the results of the eligibility evaluation. Additional information on the results of the eligibility evaluation are provided in the paragraphs below.

**Table 1.1. Rivers Identified for Eligibility Evaluation**

River Name	Reason for Consideration	Segment Description	Total Length (miles)	Total BLM Jurisdiction (miles)
Black River	GIS layers	Headwaters to Section 25, Township 25 South, Range 24 East	3.67	3.67
Delaware River	Identified in public scoping during the RMP process	Texas State Line to confluence with the Pecos River	8.54	8.22
Pecos River Segment 1	GIS layers	Section 27, 33, and 34, Township 24 South, Range 29 East	2.4	2.4
Pecos River Segment 2	GIS layers	Sections 7 and 18, Township 25 South, Range 29 East; Sections 13, 24, and 25, Township 25 South, Range 28 East	7.12	6.44
Pecos River Segment 3	GIS layers	Section 1, Township 26 South, Range 28 East to confluence with the Delaware River	5.53	4.04

**Table 1.2. Summary of Eligibility Determination Findings**

River	Segment Length Including Non-BLM-Managed Lands (miles)	Segment Length Occurring Only on BLM-Managed Lands (miles)	Free-Flowing Determination (Y/N)	ORVs								Eligible (Y/N)
				Scenic	Recreation	Geologic	Fish	Wildlife	Cultural	Historic	Other	
Black River	3.67	3.67	Y	X		X	X	X				Y
Delaware River	8.54	8.22	Y				X	X	X		X	Y
Pecos River Segment 1	2.4	2.4	Y									N
Pecos River Segment 2	7.12	6.44	Y									N
Pecos River Segment 3	5.53	4.04	Y									N

### Free-Flowing

Free-flowing is defined by Section 16(b) of the WSR Act as “existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway.” BLM Manual 6400 further clarifies that the existence of low dams, diversion works, or other minor structures at the time the river segment is being considered does not automatically disqualify it for consideration as a potential addition to the NWSRS. In addition, the existences of impoundments above or below the segment, existing minor dams, and diversion structures within the study reach does not make a segment ineligible (BLM 1993:15–16).

#### **Black River**

The Black River has a small dam for diversion of water into an irrigation ditch. The dam was privately constructed prior to 1950 and cemented by the New Mexico Department of Game and Fish during the 1950s. Sixty acre-feet of water per year, or 19.5 million gallons, are diverted by the BLM to water nearby fields for wildlife use. This feature does not disqualify the river from being free-flowing because it has a minor effect on the natural flow of the river and the riverbank vegetation. There are no other modifications to the river flows. The Black River meets the criteria for free-flowing.

## ***Delaware River***

A dam was constructed along the Delaware River in 1922; however, it breached in 1938. Although there is evidence of the dam along the bank, the instream structures have since been removed and do not modify the flow of the Delaware River. The Delaware River meets the criteria for free-flowing.

## ***Pecos River***

The Pecos River is dammed by the Upper and Lower Tansil Dams upstream of the river segments being evaluation for eligibility. This does not affect the free-flowing nature of the segments. All segments of the Pecos River meet the criteria for free-flowing.

## **Outstandingly Remarkable Values**

### ***Black River***

#### Scenic Values

Scenic quality ratings were conducted at two locations along the Black River. Both locations received a rating of A. At the first location, the Black River has distinct pools as a result of collapsing features at the bottom of rolling gypsum hills. The blue/green color of the pools contrasts with the earth tones of surrounding vegetation and soils. Vegetation densely covers the low hills with a variety of grasses, shrubs, and even trees.

At the second location, the Black River presents a flat river bottom area that contains a deep, clear, pristine, gently flowing river. Some minor rolling hills appear in places. Lush river bank vegetation contrasts with sparser gypsum soil vegetation in the near distance. Scattered cottonwood clumps provide strong vertical lines to the riparian area. The water is clear enough to see the river bottom vegetation. There is a yellow visitor deck that provides a viewing structure to the surrounding area. Such views are not common in the geographic region. Scenic values qualify as an ORV for the Black River.

#### Recreational Values

The Black River is used for swimming, fishing, hunting, and wildlife observation, particularly at the Cottonwood Day Use Area; however, that use is local in nature. Some equestrian use occurs along the shoreline. The recreational opportunities are not unusual enough to attract visitors to the geographic region. Visitors have not typically traveled long distances to use the river resources for recreational purposes. Recreational values do not qualify as an ORV for the Black River.

#### Geological Values

The Black River is located in the Castile Formation consisting mainly of anhydrite and gypsum deposits. The headwaters of the Black River originate from the alluvium and Capitan Reef Talus of the Guadalupe Mountain chain. Erosional processes in the valley associated with the Black River are solutional in nature; the river does not erode into the bedrock, but instead the bedrock collapse precedes the river formation.

The addition of water to anhydrite changes it to gypsum. The gypsum then dissolves into water. This water aids in the collapse of bedrock, creating voids. This active process is occurring within the Black River valley. This process has created discernible sink holes in the headwaters of the Black River. This process is hypogenetic, meaning occurring from below the surface, and is not erosional by nature. Through time, this series of sink holes connected downstream and formed the Black River valley.

This process has also created the water quality and water chemistry associated with the dissolution of anhydrite and gypsum—the water is saturated with respect to calcium sulfate. This saturated water on occasion precipitates out as selenite crystals downstream from the headwaters. A similar process is thought to have formed the ancestral Pecos River some 400 to 600 years ago.

While this type of geologic process is the same as what formed the Pecos and Delaware Rivers, the fact it is still occurring is rare within the geographic region. Geological values are an ORV for the Black River.

### Fish Values

Several spring-fed pools within the area comprise the headwaters of the Black River, the source of which is the highly calcium-charged Capitan Aquifer. The river is characterized by a series of deep, elongated pools interconnected by a shallow, narrow stream with a perennial surface flow in a normal precipitation year. The Black River provides exceptionally high quality habitat for fish species indigenous to the region, including the green sunfish (*Lepomis cyanellus*), and longear sunfish (*L. megalotis*).

Several special status species are known to occupy the Black River. The headwater catfish (*Ictalurus lupus*) is a U.S. Fish and Wildlife Service (USFWS) species of concern, a BLM sensitive species, and a State of New Mexico species of greatest conservation need. This species occupies clear, temperate waters generally with a moderate gradient. In addition, the State of New Mexico listed species include two endangered fishes, gray redhorse (*Moxostoma congestum*) and blue sucker (*Cycleptus elongates*), and four threatened species, Mexican tetra (*Astyanax mexicanus*), rainwater killifish (*Lucania parva*), greenthroat darter (*Etheostoma lepidium*), and roundnose minnow (*Dionda episcopa*).

Fish values qualify as an ORV for the Black River.

### Wildlife Values

The riparian habitat associated with the Black River supports 11 known riparian-obligate species. Riparian-obligate species are those that place more than 90% of their nests in riparian vegetation or for which more than 90% of their abundance occurs in riparian vegetation during the breeding season. Without riparian vegetation in good ecological condition, these species would not occur in this area.

Fourteen riparian-dependent species occupy the Black River riparian area. These are species that place 60% to 90% of their nests in riparian vegetation or for which 60% to 90% of their abundance occurs in riparian vegetation during the breeding season. A 2006–2007 inventory of breeding birds along the Black River resulted in a total of 72 avian species (BLM 2012).

The yellow-billed cuckoo (*Coccyzus americanus occidentalis*), a USFWS species of concern and State of New Mexico species of greatest conservation need was record during the survey. The yellow-billed cuckoo is a riparian-obligate that has experienced significant declines in recent decades, particularly in the western United States. In New Mexico, the species is found in riparian zones with dense understory vegetation, most commonly in the south and along major drainages. It is vulnerable to loss, fragmentation, and degradation of riparian habitat and broad-scale clearing of exotic vegetation along the Pecos River where nesting in saltcedar (*Tamarix* sp.) is common.

Bell's vireo (*Vireo bellii*) is a USFWS species of concern and State of New Mexico threatened species and species of greatest conservation Need. Bell's vireo also is a riparian-obligate that has experienced significant declines and loss of local populations in several portions of its range, including the southwest United States. In many locations, including New Mexico, it suffers low productivity due to brood parasitism by brown-headed cowbirds (*Molothrus ater*), which in turn may be a consequence of habitat alteration.

The western river cooter (*Pseudemys gorzugi*) is a State of New Mexico threatened species and species of greatest conservation need. In New Mexico, the species appears to be uncommon within its restricted range; however, populations have likely declined. This is a result of degradation of habitat through stream-dewatering, loss of vegetation, and pollution (Schmitt et al. 1985).

Four State of New Mexico species of greatest conservation need are known to occur within the Black River segment: the barking frog (*Craugastor augusti*), Rio Grande leopard frog (*Rana berlandien*), plain-bellied watersnake (*Nerodia erythrogaster*; State of New Mexico endangered species), and western ribbon snake (*Thamnophis proximus*; State of New Mexico threatened species).

Wildlife values qualify as an ORV for the Black River.

### Cultural Values

The river segment and corridor do not contain known sites that are rare, have unusual characteristics, or have exceptional human-interest values. Cultural values do not qualify as an ORV for the Black River.

### Historical Values

The river segment and corridor do not contain known sites or features associated with a significant event, important person, or cultural activity of the past that was rare or unusual in the region. Historical values do not qualify as an ORV for the Black River.

### Other Similar Values

No similar values were identified for the Black River.

## **Delaware River**

### Scenic Values

Scenic quality ratings were conducted at two locations at the Delaware River resulting in ratings of C and B, respectively.

At the first location, the Delaware River flows through a V-shaped ditch. Vegetation provides a variety of colors, textures, and lines as it goes from thicker mat-forming grasses to bunch grasses intermixed with shrubs and trees. Vegetation is interspersed with river gravel and sand. The old dam dominates the view. At the second location, the Delaware River winds through the bottom of a 30-foot drainage. Vegetation provides a variety of shapes and sizes, varying from low grasses to cottonwoods (*Populus* sp.). Dead cottonwoods provide evidence of previous floods. Colors remain earth tones, with varying greens, whites, and yellows dominating the landscape. Views are limited to the immediate area by the drainage.

Scenic values do not qualify as an ORV for the Delaware River.

### Recreational Values

The Delaware River is used for camping, hiking, fishing, wildlife watching, picnicking, and swimming; however, most of the use is local. The recreational opportunities are not unusual enough to attract visitors to the geographic region. Visitors have not typically travelled long distances to use the river resources for recreational purposes. Recreational values do not qualify as an ORV for the Delaware River.

### Geological Values

The Delaware River was formed by the same process that formed the Black River; however, this process is no longer active. Now, the Delaware River occurs in a typical drainage pattern as it flows into the Pecos River. The Delaware River does not contain an example of a geologic feature, process, or phenomenon that is rare, unusual, or unique to the geographic region. Geologic values do not qualify as an ORV for the Delaware River.

### Fish Values

The Delaware River is fed by a series of lesser drainages originating from the limestone foothills of the Guadalupe Escarpment in Texas. The river is characterized by a series of deep, elongated pools interconnected by shallow, narrow runs with a perennial surface flow in normal precipitation years. The Delaware River has a considerably higher proportion of native species as compared to introduced species in the system. During a 2008 fish survey of the Delaware River, 98% of the total catch consisted of native species (BLM 2012).

Eight families of fish are known to be present in the river: Clupeidae (herrings), Cyprinidae (carps and minnows), Catostomidae (suckers), Characidae (tetras), Ictaluridae (catfish), Cyprinodontidae (killifishes), Poeciliidae (livebearers), and Centrarchidae (sunfishes).

Two special status species are known to occupy the Delaware River. The Mexican tetra, a State of New Mexico threatened species and species of greatest conservation need, is the only characid occurring naturally in the United States. In New Mexico, this species is now restricted largely to its key habitat areas, which are Blue Spring and the Delaware River (Sublette 1975). New Mexico constitutes the northern limits of the native distribution of this species.

The headwater catfish and channel catfish (*Ictalurus punctatus*) occur within the Delaware River (McClure-Baker et al. 2010). The headwater catfish is a USFWS species of concern, a BLM sensitive species, and a State of New Mexico species of greatest conservation need. These two species are known

to hybridize, and only two pure populations of headwater catfish remain (McClure-Baker et al. 2010). The Delaware River represents a possible conservation opportunity to secure a third population of headwater catfish since the species still occurs in this river. The species occupies clear temperate waters generally with a moderate gradient.

Fish values qualify as ORV for the Delaware River.

#### Wildlife Values

The riparian habitat associated with the Delaware River supports five known species of riparian-obligate species. Riparian-obligate species are species that place more than 90% of their nests in riparian vegetation or for which more than 90% of their abundance occurs in riparian vegetation during the breeding season. Without riparian vegetation in good ecological condition, these species would not occur in this area. Ten riparian-dependent species occupy the Delaware riparian area. These are species that place between 60% and 90% of their nests in riparian vegetation or for which between 60% and 90% of their abundance occurs in riparian vegetation during the breeding season.

A 2006–2007 inventory of breeding birds along the Delaware River identified 51 avian species. The yellow-billed cuckoo, a USFWS species of concern and State of New Mexico species of greatest conservation need, was recorded during the survey. Yellow-billed cuckoo is a riparian-obligate that has experienced significant declines in recent decades, particularly in the western United States. In New Mexico, the species is found in riparian zones with dense understory vegetation, most commonly in the south and along major drainages. It is vulnerable to loss, fragmentation, and degradation of riparian habitat. For example, nesting habitat in saltcedar along the Pecos River has decreased recently due to broad-scale clearing of exotic vegetation.

Bell's vireo is a USFWS species of concern and a State of New Mexico threatened and species of greatest conservation need. Bell's vireo is also a riparian-obligate that has experienced significant declines and loss of local populations in several portions of its range, including the southwest United States. In many locations, including New Mexico, it suffers low productivity due to brood parasitism by brown-headed cowbirds, which in turn may be a consequence of habitat alteration.

Wildlife values qualify as ORV for the Delaware River.

#### Cultural Values

There is a Traditional Cultural Property associated with the Delaware River. The area has been identified as being important to the Mescalero Apache Indian Tribe. Cultural values qualify as an ORV for the Delaware River.

#### Historical Values

The river segment and corridor do not contain known sites or features associated with a significant event, important person, or cultural activity of the past that was rare or unusual in the region. Historical values do not qualify as an ORV for the Delaware River.

#### Other Similar Values

Pleistocene mammoth and bison bones have been recovered along the eroding banks of the Delaware River. In 1999, paleontologists from the BLM and the New Mexico Museum of Natural History removed a 10,000- to 20,000-year-old mammoth tusk from the bank of the Delaware River. Other paleontology exposures along the river have been reported. Although the area is mapped as Potential Fossil Yield Class II, the entire length of the Delaware River is known to have a high potential for fossils. A BLM archaeologist recently observed paleontological deposits that appear to be in the same vicinity where the 1999 excavation occurred. This is unique within the geographic region and provides educational and scientific opportunities. Paleontological values qualify as an ORV for the Delaware River.

### **Tentative Classification**

According to BLM Manual 6400, all eligible river segments are given a tentative classification.

Classifications are:

- **Wild River Areas:** Rivers or sections of rivers that are free from impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America. Wild means undeveloped; roads, dams, or diversion works are generally absent from a 0.25-mile corridor on both sides of the river.
- **Scenic River Areas:** Rivers or sections of rivers that are generally free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads. Scenic does not necessarily mean the river corridor has to have scenery as an ORV; however, it means the river segment may contain more development than a wild segment and less development than a recreational segment.
- **Recreational River Areas:** Rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past. Parallel roads or railroads and small dams or diversions can be allowed in this classification. A recreational river area classification does not imply that the river would be managed or prioritized for recreational use or development.

### ***Black River***

The Black River is readily accessible by road at two locations, Ladder Hole and the Cottonwood Day Use Area. Two-track roads parallel the river from both accesses, although a gate prevents public access to the two-track road at the Cottonwood Day Use Area. County Road 418 also parallels the river around the Cottonwood Day Use Area. The Cottonwood Day Use Area contains a parking lot that is approximately 500 feet from the river's edge, a picnic area, and a short, paved trail leading to a wildlife viewing platform that overhangs the shoreline. Additional shoreline developments include a trail along the shoreline that is used by hikers. Other developments along the Black River include user-created features such as trails, fire pits, and ladders. The Black River has a small dam for diversion of water into an irrigation ditch.

The Black River has a tentative classification as a Recreational River Area.

### ***Delaware River***

The river is accessible at two locations, the old dam and near U.S. Highway 285. U.S. Highway 285 also crosses the river. A two-track road parallels the river that is used for vegetation treatments and may be occasionally used by the public. The two-track road is unpaved and generally not visible from the river. There are no existing impoundments along the Delaware River. Shorelines are largely primitive although there is some development in one location including a parking lot, pipe fences, a water pump, and the remains of a large dam.

The Delaware River has a tentative classification as a Scenic River Area.

## **1.6 Suitability Phase**

The purpose of the suitability phase of the study process is to determine whether eligible rivers would be appropriate additions to the NWSRS by considering resource values, level of public support, and competing uses of the river corridor. The suitability evaluation does not result in actual designation but only a determination of the river segment's suitability for designation. The BLM cannot administratively designate a stream via a planning decision or other agency decision into the NWSRS, and no segment studied is designated or would be automatically designated as part of the NWSRS. Rivers found not suitable by the managing agency conducting the suitability study would be dropped from further consideration and managed according to the objectives and specific management prescriptions outlined in the RMP.

## 2 METHODOLOGY

This section describes the method implemented to evaluate eligible segments for suitability. The criteria used to evaluate eligible river and stream segments are those described in BLM Manual 6400, *Wild and Scenic Rivers—Policy and Program Direction for Identification, Evaluation, Planning, and Management* (BLM 2012), and recommendations from the Interagency Wild and Scenic Rivers Coordinating Council (1999).

### 2.1 Suitability Criteria Use to Evaluate River and Stream Segments

The purpose of the suitability phase of the study process is to determine whether eligible rivers would be appropriate additions to the NWSRS by considering resource values, level of public support, and competing uses of the river corridor. Suitability considerations include the environment and economic consequences of designation and the manageability of a river if Congress were to designate it.

A suitability study is designed to answer these questions:

1. Should the river's free-flowing character, water quality, and ORVs be protected, or are one or more other uses important enough to warrant doing otherwise?
2. Would the river's free-flowing character, water quality, and ORVs be protected through designation? Is it the best method for protecting the river corridor? In answering these questions, the benefits and impacts of WSR designation must be evaluated, and alternative protection methods considered.
3. Is there a demonstrated commitment to protect the river by any non-federal entities that may be partially responsible for implementing protective management?

With the above guidance from the Interagency Wild and Scenic Rivers Coordinating Council (1999) in mind, the following eight suitability criteria factors, identified in BLM Manual 6400 (BLM 2012), were applied to each eligible river segment in the suitability study:

1. Characteristics that do or do not make the area a worthy addition to the NWSRS.
2. Status of landownership, minerals (surface and subsurface), use in the area, including the amount of private land involved, and associated or incompatible uses. Jurisdictional consideration (administrative role and/or presence) must be taken into account to the extent that management would be affected. In situations where there is limited public lands (shoreline and adjacent lands) administered by the BLM within an identified river study area, it may be difficult to ensure those identified ORVs could be properly maintained and afforded adequate management protection over time. Accordingly, for those situations where the BLM is unable to protect or maintain any identified ORVs, or through other mechanisms (existing or potential), river segments may be determined suitable only if the entity with land use planning responsibility supports the finding and commits to assisting the BLM in protecting the identified river values.

An alternative method to consider these segments is for state, local governments, or private citizens to initiate efforts for designation under Section 2(a)(iii), or a joint study under Section 5(c) of the WSR Act. In certain cases, there might be existing or future opportunities for the BLM to acquire river shoreline or where landowners are willing to donate, exchange, transfer, assign, sell, or sign an easement. Wherever appropriate, the BLM would encourage the state, responsible federal agency, or other entities to evaluate segments where the BLM lacks sufficient jurisdictional control, and the BLM would provide technical assistance concerning the WSR studies, as well as information concerning public lands within the study corridor. The BLM would continue to protect and, wherever possible, enhance any ORVs identified in the RMP process which are associated with lands under the BLM's jurisdiction.

3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and the values that could be foreclosed or diminished if the area is not protected as part of the NWSRS.
4. Federal, public, state, tribal, local, or other interests in designation or non-designation of the river, including the extent to which the administration of the river, including the costs thereof, may be shared by state, local, or other agencies and individuals. Also, the federal agency that would administer the area should it be added to the NWSRS.
5. Estimated cost, if necessary, of acquiring lands, interests in lands, and administering the area if it is added to the NWSRS. Section 6 of the WSR Act outlines policies and limitations of acquiring lands or interests in land by donation, exchange, consent of owners, easement, transfer, assignment of rights, or condemnation within and outside established river boundaries.
6. Ability of the agency to manage and/or protect the river area or segment as a WSR river, or other mechanisms (existing and potential) to protect identified values other than WSR designation.
7. Historical or existing rights that could be adversely affected. In determining suitability, consideration of any valid existing rights must be afforded under applicable laws (including the WSR Act), regulations, and policies.
8. Other issues and concerns, if any.

In addition to the criteria described above, two suitability factors were considered, as suggested by the Interagency Wild and Scenic Rivers Coordinating Council (1999):

1. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development. This evaluation may result in a formal finding that the local zoning fulfills Section 6(c)'s requirements, which in turn preempts the federal government's ability to acquire land through eminent domain if the river is designated.
2. Consistency of designation with other agency plans, programs, or policies and in meeting regional objectives. Designation may help or impede the "goals" of other tribal, federal, state, or local agencies. For example, designation of a river may contribute to state or regional protection objectives for fish and wildlife resources. Similarly, adding a river which includes a limited recreation activity or setting to the NWSRS may help meet statewide recreation goals. Designation might, however, limit irrigation and/or flood control measures in a manner inconsistent with regional socioeconomic goals.

## 2.2 Data Sources and Methodology

The BLM relied on several sources, including geographic information systems (GIS) data, CFO resource specialists, informational sources, and other agencies. The result was a compilation of data applicable to the suitability criteria. These data were then used to determine the suitability determination.

### 2.2.1 Geographic Information Systems

GIS data compiled by the U.S. Geological Survey were used to generate a table of all the perennial stream segments that contain BLM-administered land adjacent to at least one bank of a stream. In addition to U.S. Geological Survey data, the BLM also used its corporate GIS data.

### 2.2.2 BLM Resource Interdisciplinary Team

The BLM interdisciplinary team consisted of four resource specialists from the CFO. The interdisciplinary team provided information pertaining to the suitability criteria factors and also reviewed data from additional sources, such as agency and public input, for accuracy. Once all available data were compiled, the team evaluated each segment and made a suitability determination.

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### **2.2.3 Information Sources**

The BLM used a number of informational sources and publications to evaluate segments for suitability. These sources included:

- BLM Manual 6400;
- U.S. Geological Survey minerals maps;
- U.S. Geological Survey stream gage data;
- Land status maps;
- Agreements with other agencies;
- Other agency management plans;
- Water stakeholders;
- Land use planning and zoning documents for local and county governments;
- Descriptions of current and proposed water projects provided by water management agencies;
- Published books;
- Scientific journal articles
- River guides;
- Tabulations of water rights; and
- Input from cooperating agencies.

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### **2.2.4 Other Agencies**

Additional information was gathered from other federal and state agencies from scoping letters, stakeholder outreach, and existing documents. The following other agencies were contacted in order to assess suitability:

- New Mexico State Engineer water rights database; and
- Counties

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### **2.2.5 Public Input**

Public involvement for the CFO WSR evaluation process began during the eligibility phase as part of the RMP revision process. Scoping on the Carlsbad RMP revision was conducted in 2010 to solicit input from the public, stakeholders, and interested agencies. Letters were sent to potential stakeholders and information was available on the CFO websites. Five public open houses were held in mid-July 2010 in Artesia, Carlsbad, Hope, Jal, and Hobbs, New Mexico. The public was invited to submit comments via U.S. mail, facsimile, or e-mail, and comments were accepted until August 20, 2010. One comment on potential WSRs was received during the public comment period. That comment was incorporated into the eligibility study.

The CFO also discussed the WSR eligibility and suitability process in the RMP Newsletter 2 and provided the eligibility report on the CFO planning website. No comments were received on either of these documents.

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## **2.3 Suitability Determinations**

Each of the two individual eligible segments was evaluated to assess whether it would be suitable for inclusion in the NWSRS. The determination was made based on the suitability criteria factors described previously. When the Draft RMP/EIS is published (tentatively scheduled for 2014), the public will have 90 days to comment on the draft suitability determinations.

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## **2.4 Interim Management of Suitable Segments**

The WSR Act and BLM guidance require that interim management be developed and followed to protect the free-flowing nature, water quality, ORVs, and recommended classification of suitable segments until congressional action regarding designation is taken. Interim protections for suitable segments are

provided administratively by the management agency and are not legislative protection under the WSR Act. Legislative protection is provided only by formal designation by Congress. Guidelines for managing suitable but not designated rivers, as adapted by the Interagency Wild and Scenic Rivers Coordinating Council from the WSR Act, are included in Table 2.1. Once final determinations have been made, the BLM would draft protective management measures for each suitable segment.

**Table 2.1. Guidelines for Management of Suitable Rivers**

Study boundary	<ul style="list-style-type: none"> <li>• Minimum of 0.25 mile from the ordinary high-water mark.</li> <li>• Boundary may include adjacent areas needed to protect identified values.</li> </ul>
Preliminary classification	<p>Section 2(b):</p> <ul style="list-style-type: none"> <li>• Three classes—Wild, Scenic, and Recreational, defined by statute.</li> <li>• Criteria for classification described in Interagency Wild and Scenic Rivers Coordinating Council guidelines.</li> <li>• Manage at preliminary classification.</li> </ul>
Study report review procedures	<ul style="list-style-type: none"> <li>• Notice of study report/Draft EIS published in <i>Federal Register</i>.</li> <li>• Comments/Response from federal, state, and local agencies and the public included in the study report and Final EIS.</li> </ul>
Private land <ul style="list-style-type: none"> <li>• Administration</li> <li>• Acquisition</li> </ul>	<ul style="list-style-type: none"> <li>• Affects private land uses through voluntary partnership with state and local governments and landowners.</li> <li>• No regulatory authority.</li> <li>• No ability to acquire interest in land under the WSR Act's authority before designation.</li> <li>• Typically, an evaluation of the adequacy of local zoning and land use controls is a component of suitability determination.<sup>1</sup></li> </ul>
Water resources project	<ul style="list-style-type: none"> <li>• A river's free-flowing condition is protected to the extent of other agency authorities, not under the WSR Act.</li> </ul>
Land disposition	<ul style="list-style-type: none"> <li>• Agency discretion to retain lands within river corridor in federal ownership.</li> </ul>
Mining and mineral leasing	<ul style="list-style-type: none"> <li>• Protects free flow, water quality, and ORVs through other agency authorities.</li> </ul>
Actions of other agencies	<ul style="list-style-type: none"> <li>• Affect actions of other agencies through voluntary partnership.</li> </ul>
Protect ORVs	<ul style="list-style-type: none"> <li>• No regulatory authority conferred by the WSR Act; agency protects through other authorities.</li> <li>• Section 11(b) 1: Limited financial or other assistance to encourage participation in the acquisition, protection, and management of river resources.<sup>2</sup></li> </ul>

<sup>1</sup>For an agency-identified study river that includes private lands, there is often the need to evaluate state and local land use controls and, if necessary, to assess the willingness of state and local governments to protect river values.

<sup>2</sup>Section 11(b)1 authorizes the Secretary of the Interior and Secretary of Agriculture or the head of any other federal agency to provide for "limited financial or other assistance to encourage participation in the acquisition, protection, and management of river resources." This authority "applies within or outside a federally administered area and applies to rivers which are components of the [NWSRS] and to other rivers." The recipients of federal assistance include states or their political subdivisions, landowners, private organizations, or individuals. Some examples of assistance under this section include riparian restoration, riparian fencing to protect water quality and riparian vegetation, and vegetative screening to enhance scenery and the recreation experience.

Source: Interagency Wild and Scenic Rivers Coordinating Council 1998.

### 3 SUITABILITY CRITERIA-BASED DATA AND DETERMINATIONS

#### 3.1 Introduction

The suitability determinations below present the data collected for each eligible segment in a narrative format and includes the resulting BLM determination of suitability. Data collection was guided by the 11 specific criteria described in Section 2.1, and data are presented for each segment in the order below:

1. Characteristics that do or do not make the river a worthy addition to the NWSRS;
2. The status of landownership and minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses;
3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated;
4. Federal, state, tribal, local, public, or other interest in designating or not designating the river;
5. Estimated cost of acquiring necessary lands, evaluating interests in lands, and administering the area if designated;
6. Ability of the agency to manage and protect the river area or segment as a WSR or other means to protect the identified values other than WSR designation;
7. Historical or existing rights that could be adversely affected with designation;
8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development;
9. Consistency of designation with other agency plans, programs, or policies;
10. Contribution to a river system watershed or basin integrity; and
11. Other issues and concerns, if any.

Impacts that would occur from designating or not designating the suitable river segments would be analyzed in the EIS associated with the RMP. The BLM would consider public review and comment on suitability determinations included in the Draft RMP before making final suitability determinations. Maps have been included only for those segments preliminarily determined to be suitable; maps of all eligible segments were included in the *Final Wild and Scenic River Eligibility Report for the Carlsbad Field Office, New Mexico* (BLM 2012).

#### 3.2 Carlsbad Field Office Suitability Data and Determinations

The BLM assesses the 11 suitability factors in relation to each of the two river segments determined to be eligible in the *Final Wild and Scenic River Eligibility Report for the Carlsbad Field Office, New Mexico* (BLM 2012). The following river and stream segments were evaluated for suitability within the CFO. Figure 3.1 and Figure 3.2 below show the aerial imagery view and the surface land status along both river segments.

- Black River (one segment)
- Delaware River (one segment)

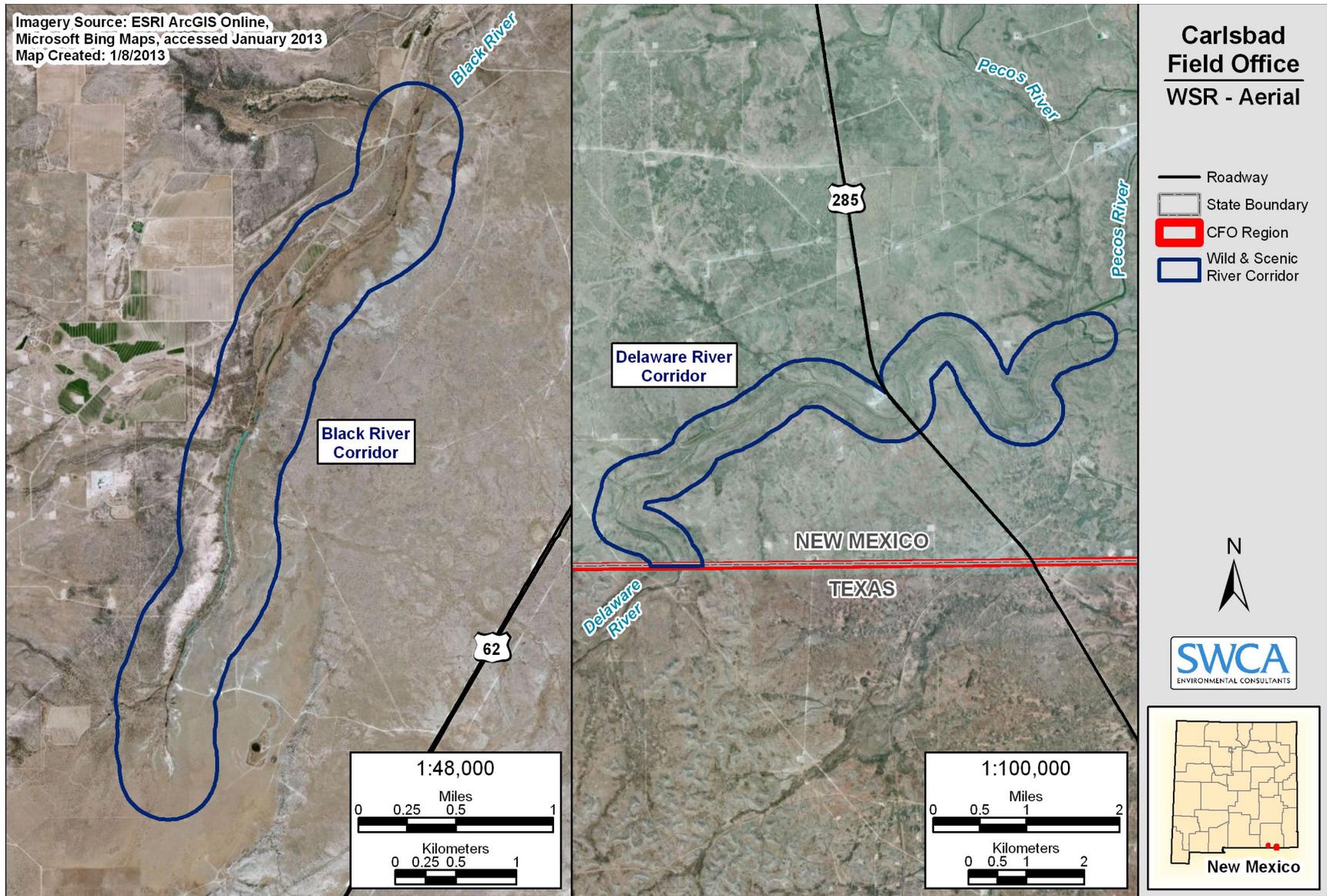


Figure 3.1. Aerial Imagery View along Eligible Segments of the Black and Delaware Rivers

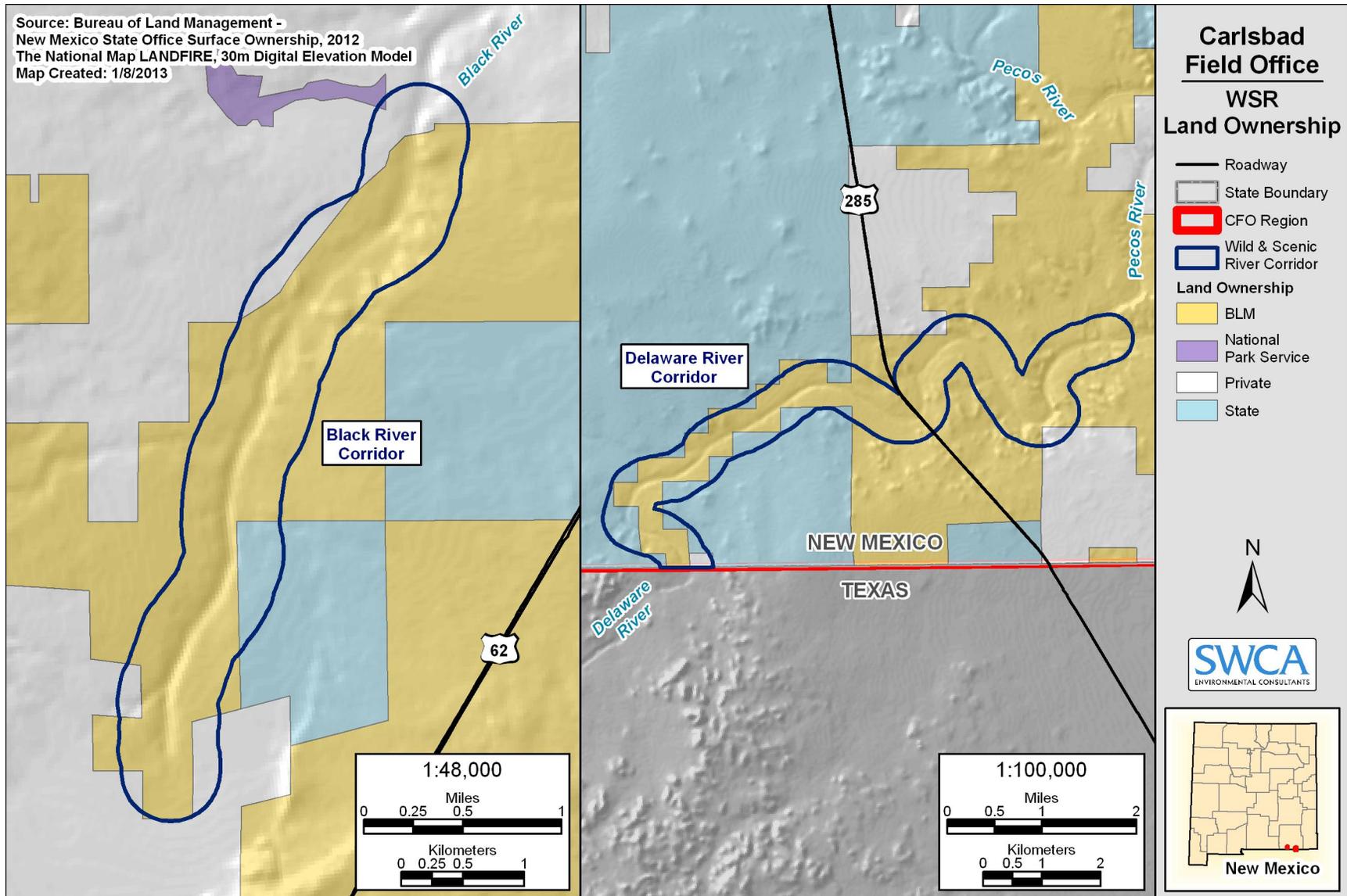


Figure 3.2. Surface Land Ownership along Eligible Segments of the Black and Delaware Rivers

### 3.2.1 Segment Name: *Black River*

Description: The perennial portion of the Black River from the headwaters to where the river exits BLM-managed lands at Section 25, Township 25 South, Range 24 East.

Total Segment Length: 3.67 miles                      Total Segment Area: 1,296.13 acres

Length on BLM Land: 3.67 miles                      Area on BLM Land: 1,029.72 acres

Preliminary Classification: Recreational

ORVs: Scenic, Fish, Wildlife, Special Status Species, Geology

#### Suitability Criteria

##### 1. Characteristics that do or do not make the river a worthy addition to the NWSRS:

One of the most unique characteristics is the rarity of water in the Chihuahuan Desert ecosystem. Much of the area in the ecosystem is desert terrain and riparian habitat is rare. The riparian area along the river provides habitat for wildlife and special status fish species and contributes to the scenic qualities along this river segment. Inclusion of the Black River into the NWSRS would protect some of the riparian habitat along the river. Another important characteristic and one of the identified ORVs is the geology of the river. The Black River is located in the Castile Formation consisting mainly of anhydrite and gypsum deposits. The addition of water to anhydrite changes it to gypsum, and then dissolves into water. This water aids in the collapse of bedrock, creating voids. This process has created discernible sink holes in the headwaters of the Black River. This process is occurring from below the surface and is not caused by erosion. Through time, this series of sink holes connected downstream and formed the Black River valley. While this process has formed other river valleys in the CFO, this situation is unique to the Black River, in that this process is still occurring in the area.

The Black River corridor contains two natural gas pipelines, two water wells, and two minor roads. In addition, there is a low dam on the Black River. During the eligibility phase of the WSR process, discussions between the CFO and the BLM Washington, D.C. office determined that the dam did not hinder the free-flowing status of the river.

##### 2. The status of land ownership, minerals (surface and subsurface) development in the area, including the amount of private land involved, and associated or incompatible uses:

For the surface estate, the BLM manages approximately 1029.7 acres (79.4%) within the proposed Black River corridor. Private landowners own 193.3 acres (14.9%), the State of New Mexico owns 72.2 acres (5.6%), and less than 1 acre is part of the Carlsbad Caverns National Park (less than 1%).

A large portion of the subsurface rights underneath the Black River corridor is not owned by the federal government. Over 924 acres is in private or state ownership. The BLM administers the subsurface rights to approximately 372 acres. The BLM has leased mineral rights within the Black River corridor to three companies, totaling 251.9 acres. Some of those leases are part of a gas storage lease (storing natural gas underground until pricing benefits the mineral lessee). The terms of the gas storage lease restrict surface development to protect the storage area. Approximately 0.25 mile of the Black River corridor is within the gas storage lease area.

The BLM has some water rights along the Black River, primarily to irrigate lands for wildlife habitat. However, the majority of the associated water rights are under private ownership.

**3. Reasonably foreseeable potential uses of the land and related water that would be enhanced, foreclosed, or diminished if the area were not designated:**

The Black River segment has low potential for oil development based on the CFO Reasonable Foreseeable Development (RFD) scenario (BLM and New Mexico Tech 2013). Consequently, the river corridor is not part of an active area for subsurface development. A portion of the corridor is part of a gas storage lease that further restricts surface development. In addition, much of the federal surface estate is already designated as a Special Recreation Management Area, the Cottonwood Day Use Area.

The Black River corridor has four grazing allotments within its boundaries. WSR designation would not have any effects on grazing allotments.

**4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:**

During scoping for the CFO RMP revision, the Black River was not externally nominated for consideration as a WSR. The BLM identified the Black River for analysis in the eligibility report in a review of GIS layers of lands within the CFO planning area. In addition, no comments were received on the eligibility report or CFO RMP Newsletter 2 regarding the Black River.

It is anticipated that public interest in designating this segment would be divided. Members of the public who enjoy the segment and the ORVs exhibited on this stretch would be interested in designating the segment as a means of ensuring BLM ownership. Other members of the public may be opposed to designation based on concern over water rights or land ownership.

**5. Estimated cost of acquiring necessary lands, evaluating interests in lands, and administering the area if designated:**

Acquiring private surface lands adjacent to this segment are not necessary under current private land ownership and management. If private ownership or management practices were changed to the detriment of the ORVs, acquisition of lands could become necessary. The cost of administering the segment if designated would be minimal under current ownership and management of adjacent private lands does not affect the ORVs identified for the segment. No detailed cost analysis or estimate was prepared as part of this study.

**6. Ability of the agency to manage and protect the river area or segment as a WSR or other means to protect the identified values other than WSR designation:**

Since much of the corridor is already in federal ownership, the BLM has some ability to manage and protect the ORVs of the Black River. As discussed above, much of the federal surface estate is designated as a Special Recreation Management Area, the Cottonwood Day Use Area, which already affords some protection from surface development. However, protecting the ORVs on non-federally owned portions of the surface or subsurface estate depends on a number of factors that are outside the BLM's control, including water rights, agricultural management practices, housing development, and road construction and maintenance.

**7. Historical or existing rights that could be adversely affected with designation:**

While existing water rights would not be adversely affected, future development not covered by existing water rights have the potential to be affected if sufficient water levels cannot be maintained to protect the ORVs in the segment.

**8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:**

The only known local land use controls along the Black River is Eddy County's Flood Plain Management Ordinance (44) (2003). This ordinance designates floodplain areas in Eddy County and allows structures to be built within floodplain areas at the discretion of the Floodplain Administrator, upon issuance of a Floodplain Use Permit. Owners of new or substantially improved

buildings in floodplain areas must get a Federal Emergency Management Agency (FEMA) Elevation Certificate or a FEMA Floodproofing Certificate before a Certificate of Occupancy would be granted. This ordinance also sets forth a provision for flood hazard reduction detailing specific standards to be met by all types of development, including the placement of manufactured homes, in floodplain areas. While the county ordinance reduces the likelihood of residential development along the river corridor, the ordinance does not prevent other development along the river corridor or provide any protection of the ORVs of the Black River.

**9. Consistency of designation with other agency plans, programs, or policies:**

There are several plans, programs, and policies affecting this segment. The State of New Mexico manages lands under its control for resource development and use, particularly oil and gas development. The Eddy County government has no specific policies for this area, other than to reduce residential development within the floodplain. Because State and County plans, programs, or policies are to provide for economic development and growth, this may conflict with designation of this segment of the Black River as a Wild and Scenic River.

**10. Contribution to a river system watershed or basin integrity:**

The Black River is a tributary of the Pecos River. The headwaters of the Pecos River were designated as a WSR in 1990. No other segments or tributaries of the Pecos River have been designated as a WSR.

**11. Other issues and concerns, if any:**

None.

***Preliminary Determination***

The Black River has been preliminarily determined to be suitable as a WSR with a tentative classification as recreational.

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**3.2.2 Segment Name: Delaware River**

Description: The entire stretch of the Delaware River from the Texas State Line to confluence with the Pecos River.

Total Segment Length: 8.54 miles                      Total Segment Area: 2,738.63 acres

Length on BLM Land: 8.22 miles                      Area on BLM Land: 2,221.53 acres

Preliminary Classification: Scenic

ORVs: Scenic, Wildlife, Special Status Species, Geology

**Suitability Criteria**

**1. Characteristics that do or do not make the river a worthy addition to the NWSRS:**

One of the most unique characteristics is the rarity of water in the Chihuahuan Desert ecosystem. Much of the area in the ecosystem is desert terrain and riparian habitat is rare. The riparian area along the river provides habitat for wildlife and special status fish species and contributes to the scenic qualities along this river segment. Inclusion of the Delaware River into the NWSRS would protect some of the riparian habitat along the river.

Another important characteristic and one of the identified ORVs is the cultural and paleontological resources along the Delaware River corridor. For cultural resources, there is a Traditional Cultural Property associated with the Delaware River. That area has been identified as being important to the Mescalero Apache Indian Tribe. For paleontological resources, Pleistocene mammoth and

bison bones have been recovered along the Delaware River. Other paleontology exposures along the river have been reported. Although the area is mapped as Potential Fossil Yield Class II, the entire length of the Delaware River is known to have a high potential for fossils.

The Delaware River corridor contains two natural gas pipelines, 10 water wells, two roads (including U.S. Highway 285, the Pecos Highway), and a portion of the Burlington Northern Santa Fe railroad. In addition, there are remnants of a large dam along this river segment. The dam has long been demolished and is not affecting the free-flowing status of the river.

**2. The status of landownership, minerals (surface and subsurface) development in the area, including the amount of private land involved, and associated or incompatible uses:**

For the surface estate, the BLM manages approximately 2,221.5 acres (81.1%) within the proposed Delaware River corridor. Private landowners own 70.5 acres (2.6%) and the State of New Mexico owns 446.8 acres (16.3%).

A large portion of the subsurface rights underneath the Delaware River corridor is not owned by the federal government. Over 2,016 acres is in private or state ownership within the Delaware River corridor. On behalf of the federal government, the BLM manages all of the subsurface rights to approximately 574 acres. The BLM has leased mineral rights on two parcels on the Delaware River corridor to two companies, totaling 470 acres. The BLM has some mineral rights, excluding coal, oil, or gas, to an additional 143 acres within the corridor.

The BLM has some water rights along the Delaware River, primarily to irrigate lands for wildlife habitat. However, the majority of water rights are under private ownership.

**3. Reasonably foreseeable potential uses of the land and related water that would be enhanced, foreclosed, or diminished if the area were not designated:**

The Delaware River has high potential for development, in large part because it is located along an active natural gas shale play and has significant subsurface mineral potential. The State of New Mexico is currently developing natural gas within a shale play adjacent to the river corridor. This development would likely increase noise and dust along the river corridor. There is also a gravel pit within the Delaware River corridor that is operated by a private mineral owner.

The Delaware River corridor has two grazing allotments within its boundaries. WSR designation would not have any effect on grazing allotments.

**4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:**

During scoping for the CFO RMP revision, the New Mexico Wilderness Association recommended the Delaware River for consideration as a WSR. No comments were received on the eligibility report or CFO RMP Newsletter 2 regarding the Delaware River.

It is anticipated that public interest in designating this segment would be divided. Members of the public who enjoy the segment and the ORVs exhibited on this stretch would be interested in designating the segment as a means of ensuring BLM ownership. Other members of the public may be opposed to designation based on concern over water rights, mineral rights, or land ownership.

**5. Estimated cost of acquiring necessary lands, evaluating interests in lands, and administering the area if designated:**

Acquiring private lands adjacent to this segment are not necessary under current private landownership and management. If private ownership or management practices were changed to the detriment of the ORVs, acquisition of lands could become necessary. In addition, State lands are currently being developed for oil and gas along the river corridor. The development currently occurring on these lands are not compatible with the ORVs along this segment. If additional impacts to the river corridor and the ORVs from mineral development begin to occur, the BLM may seek to acquire private mineral rights along the corridor to protect the ORVs. BLM does not

have ability to acquire State lands along the river corridor. The cost of administering the segment if designated would be minimal under current ownership and management of adjacent private lands does not affect the ORVs identified for the segment. No detailed cost analysis or estimate was prepared as part of this study.

**6. Ability of the agency to manage and protect the river area or segment as a WSR or other means to protect the identified values other than WSR designation:**

Since much of the corridor is already in federal surface ownership, the BLM has some ability to manage and protect the ORVs of the Delaware River. However, protecting the ORVs on non-federally owned portions of the surface or subsurface estate depends on a number of factors that are outside the BLM's control, including water rights, oil and gas development, agricultural management practices, housing development, and road construction and maintenance.

**7. Historical or existing rights that could be adversely affected with designation:**

Because of the high potential for oil and gas and other mineral development along the river corridor, WSR designation would adversely affect mineral extraction along the river corridor. In addition, while existing water rights would not be adversely affected, future development not covered by existing water rights have the potential to be affected if sufficient water levels cannot be maintained to protect the ORVs in the segment.

**8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:**

The only known local land use controls along the Delaware River is Eddy County's Flood Plain Management Ordinance (44) (2003). This ordinance designates floodplain areas in Eddy County and allows structures to be built within floodplain areas at the discretion of the Floodplain Administrator, upon issuance of a Floodplain Use Permit. Owners of new or substantially improved buildings in floodplain areas must get a FEMA Elevation Certificate or a FEMA Floodproofing Certificate before a Certificate of Occupancy would be granted. This ordinance also sets forth a provision for flood hazard reduction detailing specific standards to be met by all types of development, including the placement of manufactured homes, in floodplain areas. While the county ordinance reduces the likelihood of residential development along the river corridor, the ordinance does not prevent other development along the river corridor or provide any protection of the ORVs of the Delaware River.

**9. Consistency of designation with other agency plans, programs, or policies:**

There are several plans, programs, and policies affecting this segment. The State of New Mexico manages lands under its control for resource development and use, particularly oil and gas development. The Eddy County government has no specific policies for this area, other than to reduce residential development within the floodplain. Because State and County plans, programs, or policies are to provide for economic development and growth, this may conflict with designation of this segment of the Delaware River as a Wild and Scenic River.

**10. Contribution to a river system watershed or basin integrity:**

The Delaware River is a tributary of the Pecos River. The headwaters of the Pecos River were designated as a WSR in 1990. No other segments or tributaries of the Pecos River have been designated as a WSR.

**11. Other issues and concerns, if any:**

None.

***Preliminary Determination***

The Delaware River has been preliminarily determined to be suitable as a WSR with a tentative classification as scenic.

## 4 LIST OF PREPARERS

An interdisciplinary team of resource specialists from the BLM CFO prepared this report. A contractor, SWCA Environmental Consultants, assisted the BLM.

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# **APPENDIX A**

## **Public Comments on Wild and Scenic Rivers**

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Public scoping was conducted upon initiation of the Carlsbad RMP revision in 2011. The following are public comments on WSR in the planning area:

- Wells are too close to the river.
- One commenter felt that riparian lands have the highest value and should be obtained whenever possible. The commenter believed BLM acquisition of much of the Delaware River and upper Black River has served to protect vital riparian habitat.
- One commenter would like to see the Pecos and Delaware River corridors closed to cross-country motorized vehicle use.
- An ACEC proposal for the Delaware watershed west of Yeso Hills Research Natural Area will be forthcoming. This proposal will include several springs and expanses of gypsum soils. The Delaware River-Yeso Hills ACEC proposal will include a large variety of plants and over 200 vertebrate species. While the majority of the land is BLM-administered land, there is some state land to the north and south of Delaware River. These lands should be obtained through exchanges with the New Mexico State Land Office. Blocking this area under BLM administration will make management easier and help secure adequate habitat and good management for a wide variety of threatened and endangered species and other species of concern.
- The following protections should be in place for the Delaware River-Yeso Hills, whether or not the ACEC is designated:
  - Abandoned oil pads and roads need to be reclaimed. When oil leases expire, the lease needs to be retired.
  - Exotic species need to be surveyed and an aggressive program to eliminate or at least control them needs to be developed.
  - Biodiversity at all springs need to be inventoried.
  - All springs need to be fenced to prohibit cattle from accessing them.
- Cattle need to be removed permanently from the riparian area of the Delaware River. If cattle are not removed immediately by the lessee, the BLM needs to remove the cattle for sale at auction. BLM should work to obtain as much of the riverfront on the Pecos River and lower Black River as they have on the Delaware River.
- The Delaware River should be nominated for inclusion into the NWSRS. It has no dams on the New Mexico portion of the river. The Delaware River is not only rich biologically, there is a great deal of history associated with the river. This includes the Pope expedition in 1854 followed by his construction of Pope's Well, settlement in the late 1800s, and historic farming and dam construction.
- A commenter wanted grazing to be eliminated in high erosion areas, especially near drainages and riparian areas. Increased erosion has greatly altered streams, rivers, and springs across the Southwest and southeastern New Mexico.