

TAOS RESOURCE MANAGEMENT PLAN

RECORD OF DECISION

May 2012

New Mexico • Taos Field Office





United States Department of the Interior



BUREAU OF LAND MANAGEMENT

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In Reply Refer To:
1610 (F0200)

May 2012

Dear Reader:

I am pleased to announce the availability of the Bureau of Land Management (BLM) Taos Resource Management Plan (RMP), completed after several years of hard work and collaboration. The approved Taos RMP will provide broad-scale direction for the management of public lands and resources administered by the BLM Taos Field Office in northern New Mexico. The area includes public lands comprised of about 594,700 surface acres and 1.5 million acres of mineral estate within Colfax, Harding, Los Alamos, Mora, Rio Arriba, San Miguel, Santa Fe, Taos, and Union Counties.

The enclosed Record of Decision (ROD) and approved Taos RMP have been prepared in accordance with the Federal Land Policy and Management Act of 1976 and the National Environmental Policy Act of 1969. The ROD affirms the decisions presented in the Proposed RMP/Final Environmental Impact Statement (EIS), released for a 30-day public protest period on December 2, 2011. All proposed planning decisions protested by the public have been appropriately reviewed and resolved by the BLM Director and his staff at the BLM Washington Office prior to my decision to approve the Taos RMP. A summary of the protest resolution process, which led to the revision of one planning decision in the approved RMP, is provided in the ROD. A discussion of other minor modifications made to the approved RMP subsequent to the release of the Proposed RMP/Final EIS is also provided.

The BLM greatly appreciates all those who contributed to the completion of the Taos RMP, particularly its cooperating agencies, New Mexico Department of Game and Fish, Ohkay Owingeh Pueblo, and Santa Fe County. The extensive public interest and involvement in this planning effort has ensured that the Taos RMP is of substantial quality and will provide for the continued use and enjoyment of public lands and resources by present and future generations.

Hard and CD copies of the Taos RMP are available by request at the Taos Field Office at 226 Cruz Alta Road in Taos, New Mexico, or at the BLM New Mexico State Office at 301 Dinosaur Trail in Santa Fe, New Mexico. The approved RMP is also available at: www.blm.gov/nm/taos

Sincerely,

Jesse J. Juén
State Director

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RECORD OF DECISION

Taos Resource Management Plan

1. Introduction

This Record of Decision (ROD) documents the approval of the Taos Resource Management Plan (RMP). The approved RMP is prepared to provide broad-scale direction for the management of public lands and resources administered by the Taos Field Office of the Bureau of Land Management (BLM) in accordance with the National Environmental Policy Act of 1969 and under the provisions of the Federal Land Policy and Management Act (FLPMA) of 1976.

This ROD provides the background for the development of the Taos RMP, the BLM's rationale for selecting the management decisions that comprise the approved RMP, as well as an explanation as to why other alternatives considered and evaluated in the Final EIS were not selected. The decision-making process for approving the RMP is also described in this record and includes the BLM's resolution of public protests of the proposed planning decisions contained in the Final EIS.

2. Planning Area

The planning area—the area encompassing the public lands administered by the Taos Field Office that are subject to the approved RMP—includes approximately 15.5 million acres of mixed ownership in northern New Mexico. It includes lands within Union, Mora, Colfax, San Miguel, Los Alamos, Harding, Taos, and Santa Fe counties, and the eastern half of Rio Arriba County. The planning area provides a regional context for management decisions and establishes a framework for collaborative planning with various governmental or tribal jurisdictions and the public.

The decisions contained in the RMP affect approximately 594,700 acres of public surface estate and approximately 1,517,850 acres of Federal subsurface minerals and applies only to BLM-administered surface and mineral estate (see Maps 1 and 2 in the Taos RMP, respectively).

The distribution of the public lands has an important influence on land management options. The public lands are fairly well consolidated in Taos, Santa Fe, and Rio Arriba counties, while scattered or isolated ownership patterns predominate over much of the remaining planning area.

3. Decision

The Taos RMP—described in detail and attached to this ROD—is hereby approved. The approved RMP, with few minor revisions, carries forward the land use planning decisions presented as the Proposed RMP in the Final Environmental Impact Statement (EIS) released to the public on December 2, 2011. The approved RMP makes substantive revisions to management under the previous land use plan prepared in 1988, particularly with its decisions regarding the resources, programs, and opportunities summarized below.

The approved RMP represents the BLM's best effort to provide the optimum combination of management decisions to meet the purpose and need for this land use plan in consideration of the planning issues and management concerns identified through the planning process. Management under this alternative seeks

to provide an overall balance between the protection, restoration, and enhancement of natural and cultural values, while allowing resource use and development.

The approved RMP presents desired outcomes—expressed in terms of goals and objectives for resource conditions and uses—and establishes the allowable uses, management actions, and special designations that will enable the BLM to achieve the desired outcomes. These management decisions are made in accordance with principles of multiple use and sustained yield, as mandated by the provisions of FLPMA, which establishes public land policy and sets forth the requirement for the BLM to develop, maintain, and, when appropriate, revise or amend land use plans—such as the approved RMP—for the management of public lands. The approved RMP will guide the Taos Field Office in its implementation of all subsequent management actions and site-specific activities.

BLM regulations require that existing land use plans be revised when necessary to address current resource conditions, evolving demands on resources, and new and revised national-level policy (43 CFR 1610.5-6). Since the 1988 land use plan and subsequent amendments were completed, new information, revised laws and policies, emerging issues, and changed circumstances and resource conditions generated the need for a revised land use plan. Resolving the planning issues—the conflicts and management problems largely defined through public input—was the Taos Field Office’s primary objective in revising its land use plan.

While planning decisions to address management concerns regarding various other resources and resource uses are also contained in the approved RMP, the resources, programs, and opportunities of which the previous land use plan was particularly antiquated include land tenure adjustments, land use authorizations, mineral resources, recreation, renewable energy, travel management, visual resources, and special designations. The following summarizes the approved management decisions regarding these resources and resource uses:

LAND TENURE ADJUSTMENTS

The approved RMP identifies specific lands available for both disposal and acquisition. Lands available for disposal through the various means provided under BLM regulations total approximately 69,729 acres. Acquisition of lands that provide for the consolidation of public lands, more effective management of resources, or greater protection for sensitive resource values may include up to approximately 140,268 acres identified in the plan.

LAND USE AUTHORIZATIONS

The approved RMP establishes rights-of-way corridors where multiple utilities and other infrastructure may be consolidated. Areas where rights-of-way are excluded total approximately 162,243 acres and coincide with special designations such as wild and scenic river corridors, designated wilderness, wilderness study areas, and certain areas of critical environmental concern (ACECs) where greater protective management is warranted. Other areas where special stipulations may be applied to land use authorizations are identified as avoidance areas.

MINERAL RESOURCES

As indicated above, the Taos Field Office administers approximately 1.5 million acres of subsurface mineral estate, of which approximately 35,590 acres is closed non-discretionarily to mineral exploration and development. Allocations for leasable minerals consist of 648,660 acres open with standard terms, 343,450 acres open with moderate or major constraints, and 525,740 acres discretionarily closed. Approximately 268,100 acres are withdrawn from locatable minerals, while about 511,100 acres are closed to salable mineral disposal.

RECREATION

The approved RMP establishes 11 special recreation management areas (SRMAs) totaling 185,405 acres, where special consideration is given to recreational opportunities and infrastructure, while the remainder of public lands in the planning area are managed within extensive recreation management areas. Management decisions in the 2000 Rio Grande Corridor Final Plan are carried over into the approved RMP.

RENEWABLE ENERGY RESOURCES

Wind energy development is excluded from nearly 500,000 acres, primarily to protect viewsheds from the multiple communities adjacent to public lands and the avian migration corridors along the Rio Grande and Rio Chama. Solar energy development is excluded from approximately 413,360 acres. The remaining acreage is either open to wind and solar energy development under standard terms and conditions or would have special stipulations applied to wind and solar energy developments to mitigate potential impacts to sensitive resources if such developments cannot be avoided.

TRAVEL MANAGEMENT

Decisions in the approved RMP regarding transportation and access include allocating lands as *limited* or *closed* to off-highway vehicle (OHV) use. Approximately 75,425 acres, predominantly within wild and scenic river corridors, designated wilderness, and wilderness study areas, are closed to OHV use. The remaining 520,000 acres is limited to designated routes and, in certain wildlife habitats, limited with seasonal travel restrictions. Subsequent travel management planning will be completed to determine specific transportation and access networks, with El Palacio, Sombrillo, and West Santa Fe areas being the top priorities for completion.

VISUAL RESOURCE MANAGEMENT

The approved RMP allocates visual resource management parameters for all public lands within the planning area according to management classifications. From most to least restrictive, class I is applied to 110,026 acres, class II to 394,837 acres, class III to 52,823 acres, and class IV to 37,003 acres.

SPECIAL DESIGNATIONS

While management for the congressional designations, such as the Rio Grande and Rio Chama Wild and Scenic Rivers, Sabinoso Wilderness, the National Historic Trails, and archaeological sites in the Galisteo Basin, are largely established by their respective legislation and associated mandates, the BLM has discretion to designate areas of critical environmental concern (ACECs). The approved RMP designates, expands, or retains 11 ACECs, totaling over 400,000 acres of public lands, for the protection of relevant and important cultural, historic, paleontological, scenic, ecological, and other similar resource values. The Taos Plateau ACEC is the most substantial new designation, accounting for 222,500 acres for the protection of values associated with wildlife habitat, special status species, water quality and quantity, wetlands, and scenic quality.

In addition to the planning decisions addressing the resources and resource uses summarized above, the approved RMP also addresses management concerns—typically concerns identified internally—relating to other program-specific decisions and their effectiveness in meeting the BLM’s goals and objectives, as determined through years of monitoring and observation. Because these varied programs contribute substantially to meeting the collective goals and objectives in the approved RMP, the Taos Field Office carefully considered every resource, use, and opportunity and their respective land use plan decisions for improvements to their management.

Also important to note is that the planning decisions in the approved RMP apply only to Federal surface and subsurface estate administered by the BLM and recognizes all valid existing rights.

4. *Considerations in Selecting the Taos RMP*

As indicated above, the approved RMP seeks the best combination of management decisions to meet the purpose and need for a land use plan in consideration of the planning issues and management concerns identified through the planning process. It is prepared to ensure that the public lands in the planning area are managed in accordance with FLPMA under the principles of multiple use and sustained yield. Section 103 (c) of FLPMA defines “multiple use” as “management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people. . . .” The combination of planning decisions is driven by the diverse resources values on the public lands and how to best realize the broad spectrum of available opportunities. This combination of decisions also recognizes the limits of the ecosystems’ sustainability and is within the constraints of applicable laws and regulations.

The approved RMP also addresses how best to resolve the planning issues, management concerns, and associated conflicts primarily through the allocation of uses, fully recognizing the often necessary trade-offs resulting from the decisions. The BLM’s allocation of uses, often perceived as contrary to its multiple use mandate, is specifically provided for under FLPMA, which further defines multiple use as the “most judicious use of the land for some or all of these resources . . .” and “the use of some land for less than all of the resources” The trade-offs resulting from the allocation of resources were fully analyzed and disclosed in the Final EIS, providing for an informed decision that acknowledges their consequences on the human environment.

Examples of trade-offs presented in the Final EIS include limiting the development of salable minerals in the San Pedro Mountains where quality mineral materials are in reserve. The decision to preclude the opportunity to develop much of these resources is made judiciously to provide for the protection of other resources and uses in the area and to mitigate any potential impacts to the Turquoise Trail National Scenic Byway. Likewise, oil and gas leasing in the Galisteo Basin, where potential reserves are high, is precluded under the approved RMP to preserve open space, viewsheds and their scenic quality, and cultural resources and their associated landscapes in coordination with Santa Fe County objectives for the area. In these examples, consideration is also “given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return,” as is another provision under FLPMA’s definition of multiple use.

On the other hand, substantial allocations of uses that preclude development across large tracts of public lands are made with little, if any, trade-offs. For example, rights-of-way and renewable energy development are excluded from large portions of the Ojo Caliente planning unit. However, as the analysis demonstrates, these decisions don’t result in trade-offs or forego important opportunities because the area’s topographic features, wind potential, and other practical factors are not conducive to those opportunities, and in the case of rights-of-ways, designated corridors readily provide practical options. Similarly, the decision to preclude oil and gas leasing in the Taos Plateau ACEC, which accounts for nearly 50 percent of total leasing closures, appears to be a substantial curtailment of opportunity. In this case, however, the development potential for oil and gas reserves underlying the ACEC is low.

Another important component of multiple use under FLPMA is accounting for “the long-term needs of future generations for renewable and non-renewable resources” These needs will be provided for through management actions included in the approved RMP designed to meet the RMP’s goals and objectives for sustainable productivity of renewable resources and healthy ecosystems, habitat, and waters. Decisions providing for the maintenance of visual quality, wilderness characteristics, and recreational opportunities also account for future generations. Even in cases where development of non-renewable resources—minerals resources, for example, in the San Pedro Mountains and Galisteo Basin—

are foregone under the approved RMP, the opportunity to develop those resources is not an irreversible commitment of resources, but may be reconsidered in future planning undertaken by future generations.

Multiple use under FLMMA also provides for the “coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment” The approved RMP provides for the best combination of management of resources and resource uses in any given portion of the planning area where they are not exclusive of one another. For example, El Palacio is recognized as an important OHV riding destination. The area is also rich in cultural and paleontological resources requiring special management allocations. The approved RMP addresses potential conflicts by providing for a network of route designations based on certain criteria intended to mitigate any potential adverse effects to the irreplaceable resource values of the area. This is also the case within the Taos Plateau ACEC where transportation and access are critical for fuel wood gathering, livestock grazing, and other uses. But, because of the area’s importance—recognized as nationally significant—for big game winter range and migration, judicious limitations are necessarily placed on travel management.

Management decisions in the approved RMP are also consistent with section 102 (8) and (12) of FLPMA, which directs the BLM to manage public lands “in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; that will provide for outdoor recreation and human occupancy and use . . . and in a manner which recognizes the Nation’s need for domestic sources of minerals, food, timber, and fiber from the public lands” The approved RMP identifies allocations and management actions, in addition to goals and objectives, providing for the protection, preservation, or use of each of these disciplines, respectively.

Management decisions in the approved RMP are made compatible and consistent with the existing plans and policies of adjacent local, State, and Federal agencies and local Native American tribes to the extent consistent with the purposes, policies, and programs of Federal law and regulations applicable to public lands. A 60-day consistency review period of the Proposed RMP and Final EIS was provided to Governor Susana Martinez beginning December 2, 2012. A response from Governor Martinez was received on February 23, 2012 that did not indicate any inconsistencies between the Proposed RMP and State of New Mexico plan, policies, or programs. The response letter did, however, express support for mineral development opportunities in the San Pedro Mountains, a position that warranted further consideration by the BLM prior to this decision.

The approved RMP was prepared in partnerships with its formal cooperating agencies, New Mexico Department of Game and Fish, Ohkay Owingeh Pueblo, and Santa Fe County, and all issues and concerns raised by the cooperating agencies over the course of the planning process are adequately resolved in the approved RMP.

As discussed in more detail below, the BLM appropriately completed consultation requirements with the New Mexico State Historic Preservation Office and U.S. Fish and Wildlife Service regarding potential impacts to cultural resources and federally listed species, respectively. The BLM will continue to work cooperatively and collaboratively with government agencies—as well as with interested groups and individuals and other members of the public—in implementing the land use plan. The BLM will also continue to provide for ongoing consultation with Native American tribal governments and strategies for protecting recognized traditional uses.

In addition, extensive public involvement was provided throughout the development of the approved RMP and EIS in compliance with the National Environmental Policy Act (NEPA) of 1969, as described below.

5. Alternatives Considered

In selecting the approved RMP, the BLM gave careful considering to a range of management options provided for under three other alternatives evaluated in detail in the EIS. Each of the alternatives analyzed in the EIS in comparative form with the approved RMP is summarized below, and a rationale is provided for why they were not selected as the approved RMP.

NO ACTION ALTERNATIVE

The no action alternative, often referred to as the existing management situation, is required by NEPA to serve as a baseline for comparison of the potential environmental effects that could result from each alternative (40 CFR 1502.14 (d)). It would have retained the current management under the 1988 land use plan, subsequent plan amendments, as well as current BLM policy and guidance. Resource uses and values would have received emphasis at previous levels, and previous management strategies would have continued to be applied.

Since the need for the RMP revision includes updating the current resource management plan to address changed resource conditions, evolving demands on resources, and new and revised national-level policy, the no action alternative would not have met the purpose and need for the approved RMP. Nor would the planning issues and management concerns have been resolved.

ALTERNATIVE B

Alternative B—which may be considered the “environmentally-preferred alternative” per 40 CFR 1505.2 (b)—would have maximized efforts to protect, maintain, restore, or improve components of the ecosystem using natural processes. This alternative would have also provided for greater protection and preservation of cultural and heritage resources. The Alternative B approach would have been achieved primarily through increased management emphasis on protection of resource values associated with special designations, fish and wildlife habitat, and special status species. In some areas, commodity production or resource uses would have been excluded to protect sensitive resources.

Though the approved RMP does lean heavily towards the management approach provided under Alternative B for many of its allocations, Alternative B would have been unnecessarily restrictive with certain decisions to the exclusion of some critical resource uses. For example, if all lands inventoried to possess wilderness characteristics were managed for the protection of those characteristics—as proposed under Alternative B—fuelwood harvesting areas critical to local communities would have become unavailable for that use and would have hindered the BLM’s management objectives for that resource. Also, greater limitations and restrictions associated with mineral resource development, visual resource management, and special designations would have further tightened uses on public lands to an excessive degree for meeting the goals and objectives in the Approved RMP. Certain restrictions under Alternative B would simply not have been judicious.

ALTERNATIVE C

Alternative C would have emphasized resource uses and commodity production, as well as maximized recreation opportunities, over the protection and preservation of other resource values. Constraints on commodity production would be the least restrictive, while still complying with applicable laws, regulations, and BLM policies.

Because the overall management of certain resources and uses under Alternative C would have differed only slightly from the no action alternative, this alternative would not have adequately resolved the planning issues and management issues to the satisfaction of the BLM, its cooperating agencies, and other public entities. Important sensitive resource values inventoried on public lands in the planning area would not have been provided the management attention necessary for their continued well-being, preservation, or productivity. In addition this alternative would not have provided for “a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations” (FLPMA Sec. 103 (c)).

6. Alternatives Considered But Dismissed From Detailed Analysis

The Council on Environmental Quality (CEQ) regulations for implementing NEPA requires Federal agencies to analyze all “reasonable” alternatives that substantially meet the purpose and need for the proposed action. Also, for alternatives considered but eliminated from detailed analysis in an EIS, CEQ regulations require a brief explanation as to why they were eliminated (40 CFR 1502.14).

An alternative that proposes to make all BLM-administered lands within the planning area unavailable for livestock grazing was considered but dismissed from detailed analysis because it would not have met the purpose and need of the approved RMP. As discussed above, FLPMA requires that public lands be managed on a "multiple use and sustained yield basis" (FLPMA Sec. 302 (a) and Sec. 102(7)) and includes livestock grazing as a principal or major use of public lands. While the multiple use objective does not require that all lands be used for livestock grazing, complete removal of livestock grazing on the entire planning area would not have been consistent with the principle of multiple use and sustained yield.

In addition, NEPA requires that agencies study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources (NEPA Sec. 102 (E)). Since no issues or conflicts were identified during the planning process which requires the complete elimination of grazing within the planning area for their resolution, this alternative would have been arbitrary.

Where appropriate, the preclusion or adjustment of livestock grazing within an allotment or area is incorporated into the approved RMP to address specific issues identified through the planning process. Since the BLM has considerable discretion through its grazing regulations to determine and adjust stocking levels, seasons of use, and grazing management activities, and to allocate forage to uses of the public lands in land use plans, the analysis of an alternative that precludes grazing from the entire planning area was not necessary.

Aside from a no grazing alternative, no other alternatives were considered internally or submitted to the BLM for consideration but eliminated them from detailed analysis in the Final EIS.

7. Planning Process

The BLM used a multi-step process to develop the approved RMP in compliance with NEPA and FLPMA. While FLPMA provides a charter for the BLM’s management of public lands, NEPA requires Federal agencies to prepare a detailed EIS to evaluate the environmental consequences of major Federal actions. Since approval of an RMP is considered by regulation to be a major Federal action significantly affecting the quality of the human environment, an EIS was required as part of this planning process.

A Notice of Intent was published in the *Federal Register* on May 26, 2006 notifying the public of the BLM’s intent to prepare an EIS for the RMP revision, initiating a 60-day public scoping period (which

was extended to August 31, 2006). Following scoping, the BLM developed an appropriate range of management options, the alternatives presented above, to address and resolve the planning issues identified by the public, local, State and tribal governments, and other Federal agencies. An analysis was then prepared which evaluated the environmental impacts of the alternatives, and released to the public as the Draft Taos RMP/EIS on June 11, 2010, for a 90-day public review and comment period.

During the public review and comment period, the Taos Field Office received approximately 94 comment letters, emails, or comment forms completed during one of the public open house meetings. Each submission was carefully reviewed to identify substantive comments. In accordance with CEQ regulations, all substantive comments must be addressed in the Final EIS (40 CFR 1503.4). While certain criteria were used as a guide for the evaluation of comments submitted by the public, the Taos Field Office made every effort in its comments analysis to be inclusive such that this criteria was applied loosely in order that the public would be provided the greatest opportunity to have their comments acknowledged and considered as part of the Final EIS. In total, the Taos Field Office identified 480 individual substantive comments.

The Proposed RMP/Final EIS was then prepared, which provided specific responses to each substantive comment, many of which led to refinements to the Proposed RMP and the analysis of potential impacts. The Proposed RMP/Final EIS was released on December 2, 2012 for a 30-day protest period, the results of which are discussed below.

8. Consultation and Coordination

PUBLIC PARTICIPATION

Throughout the development of the approved RMP, formal and informal efforts were made by the Taos Field Office to involve Native American tribes, other Federal agencies, State and local governments, organizations and interest groups, and other members of the public to ensure that all governmental and public concerns were considered and incorporated into the planning process and that the most appropriate information had been gathered and used for the analyses in the EIS.

With the initiation of public scoping in May 2006, the Taos Field Office held a series of public meetings to engage the public and solicit input on planning issues and alternatives. The meetings were held in Española, Las Vegas, Taos, and Santa Fe. BLM staff participated in numerous other meetings with local governments, interested groups, and other parties throughout the planning process to share information and discuss the issues and concerns relevant to the planning process. For example, meetings were held with the New Mexico Wilderness Alliance, Turquoise Trail Preservation Trust, San Pedro Neighborhood Association, New Mexico Gold Miners Association, New Mexico Trials Association, members of the New Mexico Off Highway Vehicle Alliance, and other groups. Several meetings were also held in the La Puebla and Dixon areas regarding OHV and other issues.

At each milestone of the planning process, notices were mailed to an extensive list of nearly 1,000 interested parties and press releases were issued broadly to various media outlets. Also, to facilitate continuous communication with interested parties, the BLM established a webpage for the planning effort (http://www.blm.gov/nm/st/en/fo/Taos_Field_Office/taos_rmpr.html).

During the scoping period, two Economic Profile System workshops were held primarily to develop a common basis of understanding about local economics and the role of public lands and resources in the specific economies of certain counties. A workshop was held in Espanola with focus on the economies of Taos and Rio Arriba Counties, and another workshop was held in Santa Fe focusing on the Santa Fe County economy. Participants in the workshop included county planners and citizens, local organization representatives, tribal representatives, and BLM and other agency representatives.

COOPERATING AGENCIES

Also, as indicated above, the Taos Field Office enjoyed the effective cooperation of New Mexico Department of Game and Fish, Ohkay Owingeh Pueblo, and Santa Fe County as formal cooperating agencies. Under the provisions of NEPA, these government entities have jurisdiction by law or special expertise with respect to potential impacts (40 CFR 1506.1). These cooperators provided valuable input during periodic meetings and through detailed correspondences that contributed substantially to the quality of the EIS and the selection of the approved RMP.

NATIVE AMERICAN TRIBES

Eleven tribes have lands located within the planning area. These include the northern Tiwa Pueblos of Taos and Picuris; the Tewa Pueblos of Nambe, Pojoaque, San Ildefonso, Ohkay Owingeh, Santa Clara and Tesuque; the Keresan Pueblos of Cochiti and Santo Domingo; and the Jicarilla Apache Nation. As part of the scoping process, Taos Field Office contacted these tribes to initiate consultations in accordance with the NHPA and to extend the opportunity to participate in the planning process. A scoping presentation was made at an Eight Northern Pueblos Council meeting to update the Governors of the eight pueblos on potential RMP issues and the planning schedule.

Other tribes with lands located outside the planning area boundaries were contacted with information on the planning process, because of their possible interest in resources within the area. These contacts included the following tribes: the Navajo Nation, Acoma Pueblo, Isleta Pueblo, Jemez Pueblo, Laguna Pueblo, San Felipe Pueblo, Sandia Pueblo, Santa Ana Pueblo, Zia Pueblo, Zuni Pueblo, Hopi Pueblo, and the Southern Ute Tribe.

The BLM provided the tribes with information for developing the cultural resource component of the approved RMP and requested that they identify any traditional cultural places and resources that should be considered.

Of the tribes, Ohkay Owingeh was particularly interested in participating in the RMP process. In addition to quarterly meetings with the Governor of Ohkay Owingeh and the Tribal Council, the BLM made on-site visits to ancestral lands with representatives of the Tribe to coordinate on issues regarding travel management and land tenure. Subsequent to the publication of the Draft RMP/EIS, Ohkay Owingeh became a formal cooperating agency to better facilitate more active participation in the remainder of the planning process. They were the only Tribe to provide comments on the Draft RMP/EIS.

The Taos Field Office intends to continue consultation with Native American tribes on a government-to-government basis throughout implementation of the approved RMP. The Taos Field Office will continue to seek opportunities to develop cooperative management partnerships with tribes where appropriate.

INTERGOVERNMENTAL COOPERATION AND COLLABORATION

The BLM made every effort to contact all potentially interested agencies or governments to ensure that they are aware of the BLM's RMP revision process. A list of all agencies contacted is provided in section 5.2.2 of the Proposed RMP/Final EIS.

The BLM consulted with several State agencies at various times throughout the planning process to address specific resources. Consistent with legislation protecting State-listed species, the New Mexico Department of Game and Fish and the New Mexico Energy, Mineral, and Natural Resources Department were contacted regarding the presence (or potential presence) of State-listed threatened and endangered plant and animal species in the planning area.

In accordance with the New Mexico Protocol Agreement and the BLM National Programmatic Agreement, the BLM notified the New Mexico State Historic Preservation Office (SHPO) of the undertaking of the integrated planning and NEPA process. In 2006, the BLM conferred with SHPO regarding the extent of the area of potential effect, data sources, and appropriate tribal consultation. The BLM solicited comments from the SHPO throughout the process, and, in accordance with the BLM National Programmatic Agreement and New Mexico Protocol, will continue to consult about undertakings to implement the approved RMP.

The Fish and Wildlife Coordination Act of 1934, as amended, and the Endangered Species Act of 1973 require consultation with the U.S. Fish and Wildlife Services (USFWS) prior to the initiation of any BLM project that has potential to affect any federally listed special status species or its habitat. Since approving an RMP is considered a major Federal action, consultation with USFWS was initiated by the Taos Field Office early in the planning process. While informal consultation began as early as 2005, official consultation did not begin until the submission of a biological assessment (BA) to USFWS with the Draft RMP/EIS. The BLM submitted the BA—a stand-alone document containing an assessment of potential impacts to special status species—to the USFWS at the time the Draft RMP/EIS was published and asked for concurrence on its findings. By memorandum dated June 17, 2010, USFWS provided their concurrence with the BLM’s determination in the BA of “may affect, not likely to adversely affect,” particularly regarding the Southwestern willow flycatcher. The BA and associated correspondence is on file at the Taos Field Office.

9. Proposed RMP Protest Resolution

Pursuant to BLM’s planning regulations at 43 CFR 1610.5-2, any person who participated in the planning process for the Taos RMP and has an interest that may be adversely affected by the planning decisions may protest proposed planning decisions within 30 days from the date the Notice of Availability of the Proposed RMP/Final EIS is published in the *Federal Register*. Thirty four letters of protest, summarized below, were received by the BLM’s Washington Office, the office responsible for resolving the protests on behalf of the BLM Director. Of the 34 protesters, 28 were determined to have standing as participants in the planning process.

Many of the protest letters expressed opposition to closing most of the San Pedro Mountains to salable mineral development, which precludes a proposal to develop a source of Madera limestone, as well as concerns that establishing a SRMA in the area would compromise existing opportunities for locatable mineral prospecting and mining.

In El Palacio, adjacent to Ohkay Owingeh Pueblo lands, the New Mexico Off Highway Vehicle Alliance protested the proposal to make a portion of the lands available for disposal, potentially through a land exchange with the Pueblo. Their primary concern was that a potential land exchange could eliminate a key staging area and established OHV routes. Another concern was that management of the Sombrillo ACEC to protect cultural, paleontological, and scenic values would impose excessive restrictions in an area where OHV use has been recognized as the primary use by the BLM. The protest letter also pointed out that, within the Santa Fe Ranch ACEC, limiting OHV route designations from within one mile of private lands would equate to an OHV closure of a substantial portion of the ACEC, including the Buckman area, a destination for OHV users.

Several protest letters regarded the proposed management of the Santa Fe River canyon and the La Cienega ACEC. The protesters expressed concerns that riparian restoration projects reduce the available water flows into acequias, primarily due to the indirect consequence of increased beaver activity, which is perceived to limit stream flow. They were also concerned about the potential for access to water and

livestock grazing lands to be impaired, compromising a “traditional” Hispanic agrarian culture. Concerns were also expressed that access within La Cienega ACEC would degrade cultural resources and increase soil erosion.

With regards to the Ojo Caliente ACEC, one protester expressed concerns that the designation and its protective management would hinder, if not preclude, mining opportunities and use of existing roads and that the RMP did not recognize existing mining operations and their access.

Another letter protested that the proposed plan would not provide adequate, specific protective management of the Old Spanish National Historic Trail and its associated resources.

The BLM has resolved each of these protests and others, the results of which are provided in the *Director’s Protest Resolution Report for the Taos Resource Management*, prepared by the Washington Office. This report is being distributed to each protestor and is available online at www.blm.gov/nm/taos.

One item protested by the New Mexico Off Highway Vehicle Alliance resulted in a change to the approved RMP. The BLM agreed that the measure within the Santa Fe Ranch ACEC that would preclude route designations in a mile-wide buffer from private property boundaries would have rendered a substantial portion of the area unavailable to OHV travel, such that the measure would have essentially equated to a closure. Since this measure was intended by the BLM to serve as a guide for future travel management planning rather than a stringent condition, and since the analysis of potential impacts from the decisions on transportation and access did not reflect this condition, this measure was not carried forward into the approved RMP. Instead, consideration of route designations in close proximity to private lands will be made on a case-by-case basis during subsequent travel management planning for the area.

10. Corrections and Modifications to the Approved RMP

In its conversion from the Proposed RMP in the Final EIS to the approved RMP, the presentation of decisions was reformatted to combine and organized all related planning decisions into their respective sections. For example, the Final EIS presented management decisions that were common to all alternatives under section 2.4, and the decisions specific to the Proposed RMP were presented under section 2.6. These sections were consolidated in the approved RMP. Similarly, many of the resource- or resource use-specific decisions under section 2.6 referenced certain elements of the no action alternative that are carried over into the approved RMP. Those elements are also now combined under the approved RMP. As necessary, the text was revised to reflect these formatting changes as well as the now approved status of the land use plan decisions.

Several modifications are also made to ensure that decisions affecting or relating to more than one resources or resource use is cross referenced or appropriately acknowledged under the respective sections. For example, in the approved RMP a decision under section 2.1.3.2, Wildlife, limiting OHV use within certain big game winter range to a specific season of use will also appear under section, 2.2.8, Transportation and Access.

Throughout the approved RMP, other minor edits and modifications are made for clarification, to improve readability, or to correct grammatical mistakes.

11. *Plan Evaluation and Maintenance*

EVALUATION

In accordance with the BLM's *Land Use Planning Handbook* (H-1601-1), the approved RMP will be evaluated periodically—typically every five years—to determine whether the land use plan decisions and NEPA analysis are still valid and whether the plan is being implemented effectively. More specifically, the RMP will be evaluated to determine if (1) the decisions remain relevant to current issues, (2) decisions are effective in achieving or making progress toward achieving the desired outcomes specified in the plan, (3) any decisions in need of revision, (4) any decisions that need to be dropped from further considerations, and (5) any areas requiring new decisions.

In making these determinations, the evaluation will consider whether mitigation measures—such as those presented in appendix B and C of the approved RMP—are satisfactory, whether there are significant changes in the related plans of other entities, and whether there is significant new information.

In addition to periodic evaluations, an RMP evaluation will be completed prior to any major amendments or revisions. Special evaluations may also be required to review unexpected management actions or significant changes in the related plans of Native American tribes, other Federal agencies, and State and local governments, or to evaluate legislation or litigation that has the potential to trigger an amendment or revision to the RMP.

Evaluations may identify resource needs and means for correcting deficiencies and addressing issues through plan maintenance, amendments, or revisions. They should also identify where new and emerging issues and other values have surfaced.

MAINTENANCE

Land use plan decisions and supporting components may be maintained to reflect minor changes in data, per the BLM regulation at 43 CFR 1610.5-4. Maintenance is limited to further refining, documenting, or clarifying a previously approved RMP decision. Maintenance must not expand the scope of resource uses or restrictions or change the terms, conditions, and decisions of the approved RMP.

Maintenance actions may include corrections to minor data or mapping errors in the RMP after the decisions have been made. Maintenance may also include adjustments to delineated features such as boundaries or polygons to reflect improved or changed data on resources. For example, adjusting the parameters of special status species habitat based on new inventory information or adjusting fire management polygons due to changes in fuel source or urban interface patterns would be reasonable maintenance actions.

Maintenance may be especially necessary to update acreage figures presented throughout the RMP. Acreages are based on geographical information system (GIS) data, which is subject to constant refinement. Any potential discrepancies within the acreage figures or future refinements in the data may be corrected or updated in the RMP through plan maintenance.

12. *Availability of the Taos RMP*

Hard and CD copies of the approved RMP are available by request at the Taos Field Office at 226 Cruz Alta Road in Taos, New Mexico or at the BLM New Mexico State Office at 301 Dinosaur Drive in Santa Fe, New Mexico. The approved RMP is also available online at www.blm.gov/nm/taos.

13. Approval

The Taos RMP is hereby approved by the following signees:

/s/

Sam DesGeorges, Taos Field Manager

May 24, 2012

Date

/s/

Dave Evans, Farmington District Manager

May 24, 2012

Date

/s/

Jesse Juen, State Director

May 24, 2012

Date