# Summary Minutes
# Farmington District Resource Advisory Council Meeting
# February 25 and 26, 2015
# Farmington, New Mexico

## February 25 attendees

| RAC Members Present: | BLM Staff /Support Present: | Visitors Present: |
|---|---|---|
| Norman Norvelle (Category 3) | Victoria Barr, FD | Roger Pattison |
| Jude Gabaldon (Category 1) | Esther Willetto, FFO | Mick O'Neill |
| Jerry Sims (Category 2) | Scott Hall, FFO | Hannah Grover |
| Kathy McKim (Category 3) | Jeff Tafoya, FFO | Cal Corriey |
| Steve Wamel (Category 1) | Amanda Nisula, FFO | Wendy Hageman |
| Nickie Vigil (Category 3) | Maureen Joe, FFO | John Austria |
| Anthony Benson (Category 3) | Craig Townsend, FFO | |
| Martha Brown (Category 2) | Christine Horton, FFO | |
| Barbara Kipper (Category 2) | Kristin Langenfeld, Scribe | |
| Myke Lane (Category 1) | Richard Fields, TFO | |

## February 25 Morning Session (9:00 a.m. - 12 noon)

## Call to Order, Introductions

RAC Chair Kathy McKim called the meeting to order at 9:00 a.m. RAC, BLM staff, support personnel, and visitors introduced themselves. Minutes of last meeting approved by email. No further action necessary.

## Election of Chairperson

Kathy McKim asked for nominations for RAC Chairperson, a topic held over from last meeting. Barbara Kipper nominated Myke Lane; second by Jude Gabaldon. Discussion: Kathy asked if there was interest from anyone else in being chair. None was heard. Myke stated he would take the position if the group wants him to. Motion passed unanimously.

## Introductory Remarks

Myke Lane reminded RAC members that meeting minutes were approved by email. This process seems to work well. He reminded the audience that members of the public address the RAC only during the designed public comment portion of the meeting, which is scheduled for 2 p.m. tomorrow; however, he encouraged visitors to talk to RAC members during breaks and lunch. The agenda was approved.

Victoria Barr, Farmington District Office Manager, in her first meeting with the Farmington District RAC since assuming her position in November 2014, introduced herself, discussed her professional

background, her work with the various RACs, and experience in RAC issues related to wild horses, recreation, and energy development in southern Nevada.

Kathy McKim asked if the BLM had specific requests of the RAC for this meeting. Victoria indicated that in addition to getting a feel for the interests of this RAC, she would like RAC input on achieving balance between off-road vehicle (ORV) and other interests in the Glade Run Recreation Area. At a later time in the process, she would like comments on the Mancos Shale resource management plan amendment (RMPA). Concerning Taos Field Office (TFO), Rick Fields indicated that Brad Higdon would address TFO requests in his presentation tomorrow.

Myke asked for Victoria's thoughts on BLM balancing of minerals and oil and gas development with other resources. Victoria replied that she supports multiple use and working with stakeholders to achieve balance. For example, forthcoming onshore orders and guidelines on fracking will provide the BLM guidance for decisions going forward.

Anthony Benson asked how the drop in oil prices has impacted BLM-FFO activity. Victoria answered that there has been a slowdown, with fewer applications for permits to drill (APD) and rights-of-way (ROW). Oil and gas permitting, special recreation permits, and timber sales have been challenged by sequestration. Secretary Jewell spoke this week to the issue of BLM's ability to process permits. Of the $5,500-$9,500 APD cost, 15 percent can go to the field office. The state office can determine how much of the 85 percent that they receive can be sent to a field office that needs more help with the permitting process. Myke Lane asked if there has been a study to examine how the 20 to 30 percent increase in permitting costs has affected the cost of drilling a well and does it take into effect the fact that permittees pay for NEPA. Victoria noted that federal law requires the agency to meet NEPA requirements in order to permit an undertaking but that cost of recovery agreements and fee structures for private/corporate use of public lands are also part of the equation.

## Farmington Field Office Updates and Ongoing Planning Efforts—Victoria Barr

- Oil and gas leasing—three parcels totaling some 2,100 acres scheduled for October 2015 lease
- San Juan Basin Energy Connect environmental impact study (EIS)—draft EIS completed February 2014; Southern Ute Indian Tribe (SUIT) requested realignment on tribal lands; a supplemental EIS will analyze the alternatives. The supplemental EIS will address Ute lands; there may be minor modifications to the project on BLM lands adjacent to SUIT lands. No realignment is finalized at this point.
- Navajo-Gallup Water environmental analysis (EA)—currently finalizing ROWs; one granted, five pending, two to be completed by Rio Puerco Field Office.
- Other FFO projects, including the Pinon Pipeline EA, Wild Horse EA, Glade Run EA, and Manco Shale RMPA EIS, will be updated individually during this meeting.
- FFO is in the process of hiring for several positions, including a permanent full-time outdoor recreational planner, petroleum engineer, and realty specialist, among others.

### Discussion

Jude Gabaldon asked Victoria to comment on a more general topic, regarding her experience and interaction with RACs. He noted that this RAC has seen its role as being able to communicate with the Secretary of the Interior as well as with the state office, and has sent communications to both. Victoria stated that in her experience a RAC provided advice, sometimes in the form of letters to district or state office, but not to the delegation because the RAC wasn't viewed as a lobbying entity for change in law. Its role was to provide comments to the agency within the scope of their regulations. Nevada RAC, for

example, provided an advisory letter to the National Wild Horse and Burro advisory council and provided a support letter for a project involving the BLM and the International Mountain Biking Association. Nevada RACs would meet together once a year to discuss statewide issues.

## Jicarilla Wild Horse Update—Jeff Tafoya, Amanda Nisula, and Craig Townsend

Jeff Tafoya began the PowerPoint presentation with a brief summary of the wild horse EA process that began in 2012 and had scoping and a preliminary EA in 2013 that resulted in over 3,600 comments to be analyzed and incorporated.

Recent activities associated with the EA include:

- A presentation at the Society for Range Management (SRM) summer meeting in July 2014. Because wild horses have been a statewide topic, the SRM requested that FFO and Forest Service Jicarilla Ranger District (JRD) make a presentation on their management activities. This included a tour of the feral/trespass horses in the Placitas area and discussion with activists, which Jeff characterized as productive. Tony noted that wild horses were a wide-ranging concern, as in TFO there are issues with wild horses near the Colorado state line. Jeff added that all tribes and most areas of New Mexico are experiencing problems with feral horses.
- A 2014 Excellence in Range Management award presented to BLM-FFO and JRD by SRM for the collaborative partnership in managing the feral horses on the Jicarilla Joint Management Area (JJMA).
- An upcoming population survey on the JJMA, with a planned implementation in late March 2015. Since the most recent (2011) direct-count helicopter survey, which did not account for unseen horses, the heard size has been estimated. Current estimate is 370 horses. The upcoming population survey will employ a newly required methodology, developed by the United States Geological Survey (USGS) for the Wild Horse and Burro Program (WH&BP)—it incorporates a simultaneous double-observer method of counting, along with a statistical analysis to account for unseen horses and which provides a confidence range for herd size. Craig Townsend attended USGS training on the technique and explained the methodology, which is now the only one funded for wild horse counts and which is a form of mark-resight abundance estimation. It uses a number of covariates to account for unseen animals. Covariates include survey duration, weather conditions, vegetation cover, and more. The simultaneous double-observer method relies on a single pass in a helicopter, with observers broken into two groups, one serving as "mark" group and one as "resight" group. Once independent observations are completed, another pass can be made to allow observers to converse and complete data sheets. Craig provided a map of the area showing the proposed flight path transects over the JJMA.

### Discussion

RAC members had a number of questions and comments regarding the new methodology. Kathy McKim asked how many hours were planned to fly the proposed lines, what time of year was chosen for the count, and what is the elevation of the flight. Craig answered that the estimate is one day, noting the USGS-cited advantages of a single-day count. Late March is the preferred time because the presence of snow in the project area pushes horses to canyons, where they are easiest to find and see. Foaling occurs between April 1 and June while gathers cannot take place during this time, there are no restrictions on surveying during foaling

season. The flying height for the count depends on hazards; in general it is much the same as for wildlife counts.

Steve Wamel asked about video capability on the helicopter as a backup for head count. Craig answered that the plan includes digital photography and GPS waypoints are utilized during the count.

Jerry Sims asked what the herd size should be at this time and what is the current condition of the horses. Craig answered that the count is now 370 (which may or may not be correct); the estimated appropriate management levels (AML) are 23 head for BLM land and 50-105 head for FS land based on conditions, totaling an AML range of 73-128 head in the JJMA. Jeff Tafoya noted the horses are in really good shape.

Norman Norvelle asked about the herds' typical range. Jeff responded that there has been no study on the travel and migration, but field observations indicate that bands seem to have their areas, and move from those areas when resources are lacking. Interestingly, horses have not been observed at Navajo Lake.

Amanda Nisula presented an update on the status of the Wild Horse EA. She indicated that of the over 3,600 comment letters on the preliminary EA, some 650 individual comments were identified and classified into 45 topics. Helicopter operations and impacts-related comments were the most common. The EA is currently in internal review. March or April 2015 is the anticipated release date for the final EA. The RAC and interested parties will be notified of the release of the final EA.

## Discussion

Concerning the many comments on helicopter use, Jude Gabaldon asked whether people are more concerned with helicopter use in horse counts or gathers. Amanda answered that the comments refer to both.

Myke Lane asked for more explanation of sources of data for the predator control alternative, which the BLM eliminated from consideration in the EA. Jeff answered that BLM had discussions with New Mexico Game and Fish regarding the possibility of mountain lion/horse predation, and consulted on work in Nevada on mountain lion predation on horses. Based on their research, they eliminated the alternative as unfeasible.

Myke voiced concern about rangeland in the JJMA, and asked how BLM was evaluating impacts of horses against other interests, such as wildlife and grazing, and whether balance was seen. Jeff answered that there is no balance at this time. A supplemental estimated forage utilization report included with the EA estimates forage production and shows imbalance and overutilization of resources. Myke asked if one tool might be to leave the herd and eliminate grazing. Jeff indicated that it was not a consideration of the EA. Amanda added that considerations of grazing allocations must be done in a RMP and would require undertaking a plan amendment. Because BLM felt the original plan decisions were still valid, the EA was chosen instead. The alternative of no grazing was considered and eliminated and this is discussed in the EA.

Other points made during the discussion were as follows: There is one permittee in the BLM side of the JJMA, six on the Forest side, and three outside the JJMA; the WH&BA states that wild horses on private land must be removed if the landowner requests it (BLM gathered horses two years ago at the request of three landowners outside JJMA); BLM-FFO is still using the area north of U.S. Highway 550 to hold horses; 44 horses taken to Mustang Camp after a gather were adopted and perhaps 60 more adopted from the FS in the last two years; drought prediction translates to loss of habitat and will impact management (three years of decreased moisture if coupled with a lack of spring moisture could escalate the issue).

Victoria spoke about the national wild horse program, noting the following: long-term holding contracts have expired and it has proven more profitable for ranchers to have cattle than horses in long-term pastures and thus, the bureau is looking for different holdings; over the lifecycle of the approximately 47,000 horses in long-term holding, some 20 billion dollars will be spent; currently no horse management areas (HMAs) can be gathered down to AML except in emergency situations and through court orders because there is nowhere to put the horses; riders attached to each annual bureau budget appropriation that prevent BLM from euthanizing healthy animals and sale without limitation reduce the available management tools.

In answer to a question regarding recent actions, Victoria said that a Nevada horse gather was stopped by a judge's ruling that the NEPA analysis was inadequate to fully analyze the effects of the birth control method PZP.

Myke Lane asked about methods to balance horse health with wildlife health. Victoria provided an example from the Nevada Silver King HMA, where an effect on the healthy elk population was seen. The Nevada Department of Wildlife responded by putting out more elk hunting tags. This is not a tool that BLM has. She emphasized that it is not the WH&BA that limits the ability of the bureau to seek management options, but rather it is the riders to each budget appropriation.

Barbara Kipper commented that the birth control method PZP has been available for 20 years but BLM and FS nationwide have been ineffective in using it at the volume it would take to manage herds. Victoria noted that in addition to cost, litigation is currently a factor. Another factor is that a mare that has had PZP birth control for two years may be quite healthy and when the drug is stopped she may be more likely to foal and to raise that foal to reproductive age. Discussions have included permanent sterilization, although spaying a mare can be very risky; bacterial methods to keep mares infertile without harm to the rest of the body; vasectomizing rather than gelding stallions in order to avoid potential damage to family structure. There has been a national call to develop a good strategy for population control. A request for proposals was released last year for population growth suppression growth methods.

Barbara Kipper provided an update on the collaboration among Evert Oldham's group, San Juan College, several members of the RAC, and wild horse advocates in securing a grant for the development and use of drones to support better wild horse counting systems and better use of PZP. In January, Dean Bolstad, senior advisor for BLM Wild Horse and Burro Program, indicated that grant applications were still being evaluated and that BLM will announce awards. No formal announcement has been made. Word is that BLM is also considering development of a "prize challenge," which would allow local monies to be channeled to various projects in district offices. With regard to drone research specifically, there is no word.

The group discussed the letter that the RAC sent to the BLM last year. Myke indicated that the goal of the letter, as he saw it, was creation of a national consortium to drive consensus that would allow BLM to expedite the NEPA process at the local level and use tools to manage herds. Jeff indicated that the letter suggested bringing advocate groups together at the national level to start hashing out how to get somewhere. Myke noted that tens of thousands of dollars, not counting person hours, invested in the NEPA analysis is hung up in differing parties' challenges through the courts or through the comment process. Moreover, what is spent on long-term care for horses is roughly equivalent to 40 percent of the bureau's annual budget. With this amount of money involved one would think that the Secretary of the Interior would bring groups to the table, because the situation is not sustainable. Victoria said that the National Wild Horse and Burro Advisory Committee, made up of advocates, veterinarians, ranchers, and others, tries to get holistic representation and develop consensus on a national level. Nonetheless there are groups so philosophically diverse that the challenges are great and it will take time. This council's objective is to achieve consensus and this is the same thing the RAC was driving at in their letter.

Victoria mentioned that a National Academy of Sciences report of 18 months ago recommended letting nature take its course in controlling wild horse populations. How a recommendation of this type affects other plants and animals in the ecosystem is an important consideration from a multiple-use standpoint.

Jerry Sims suggested that the local RAC should bring local horse groups together to attempt a local solution. If something were to be achieved locally, it could spread nationally. Further, he suggested a letter explaining the situation to congressmen, looking for a solution on a state level.

Jude asked if 10 years of PZP is what is required to curtail population growth. Staff responded that there are many variables. Jeff indicated that it depends on horse's response to PZP and how thorough the treatment is, among other things. Victoria added that it is often impossible to trap mares after the first or second time. This is one of the reasons that PZP is not necessarily totally effective. As an example, she cited a case of wild horses experiencing starvation but so timid they would not approach artificial sources of food and water.

Martha Brown asked how long PZP lasts. Jeff responded there are two types, a 1-year that requires a booster (which is another challenge), and a one-time 22-month dose.

The group spent some time discussing pros and cons of PZP and the potential for its use locally. Barbara noted that there is momentum in the FS to go ahead with PZP; it is in their EA and they are using it. Volunteers are a large part of what is needed to expand that program. Myke suggested that the group use the afternoon work session to sort out whether this is an initiative the RAC wants to move forward with and, if so, how it should be shaped. He further suggested that the time remaining in this morning session be used to ask questions of the staff who might not be available later in the day.

Jude asked which tool is most useful for managing wild horse populations appropriately. Victoria answered that there may be no single tool. A variety of solutions has been suggested; for example, a permittee might manage wild horse populations on their permit through a combination of humane euthanasia and sale. She indicated it would depend on what comes forward from legislation. Tools that become available through this process are ones BLM will work to implement.

Myke believed that because of the large amount of money spent on wild horses, a national-level conversation has to happen. National consensus would allow BLM locally to reference it in NEPA analysis. Jeff noted that, with regard to starting at the top, along with the requests for proposals for methods of population growth suppression (PGS), and pending review of potential methods, there has been some consideration of doing an EIS at the national level, which would provide FFO with something to tier to when doing an EA.

Martha Brown asked how slaughter fits in the equation. Jeff answered that over the last several years he had learned that some advocates believe in harvesting meat, while others are diametrically opposed. The national advisory board struggles to bring diverse points of view together.

Jerry Sims asked what would BLM like to see the RAC do with regard to wild horses. Jeff requested support for BLM or, in the case of nonsupport, what can BLM do to get RAC support.

## Glade Run Recreation Area (GRRA) Recreation and Travel Management Plan—Amanda Nisula

This presentation provided an update to the RAC on the plan, which is nearing the end of the planning process, and an opportunity for RAC questions.

The plan amendment was necessary to address recreation and travel management in the GRRA, specifically boundary adjustment. Milestones include publication of Notice of Intent (January 2011),

project scoping, publication of the draft EA (February 2013), and publication of the final EA (September 2014). Staff is currently working through a protest period, which concerns allocations, travel designations, and designations for RMZ leases. One protest, which had four points, was received. The protest is in Washington with a team that works through protest resolution. Staff anticipates the resolution report in coming weeks.

BLM's proposed alternative seeks to provide balance between current recreation activities and resource protection through the creation of three recreation management zones (RMZs) that allow nonmotorized travel only (RMZ 1), both motorized and nonmotorized travel (RMZ 2), and open area (RMZ 3) (Figure 1). There is also an area proposed to be available through the Recreation and Public Purposes Act to allow the City of Farmington to develop and manage mountain biking trails.

Next steps include protest resolution and any changes that may be required, to be followed by the issuance of a decision record. The project then enters an appeals period, during which time implementation actions can be appealed.

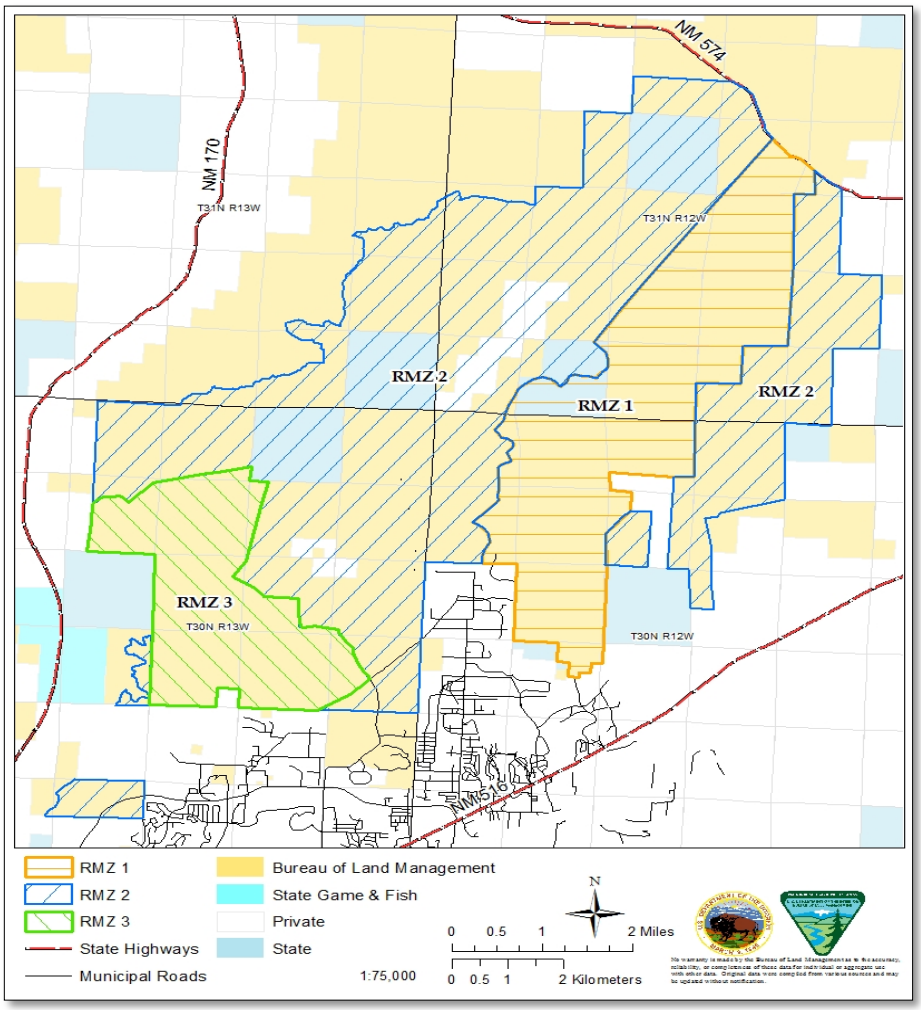


Figure 1. GRRA RMZs.

## Discussion

Norman asked what is being done with the Old Spanish Trail in the GRRA. Amanda answered that it is being buffered. There is specific wording in the document regarding the Trail.

Myke asked whether hikers and horseback riders need to stay on designated trails in RMZ 1 and 2. Amanda said those restrictions are for motorized or mechanized use.

The RAC talked for a time about the number of existing routes. Part of the challenge had been to limit unregulated travel and achieve balance. What constitutes an existing route? Myke Lane gave the example of a parcel of state land located between two of the RMZs and which has been decimated by off-road travel. Victoria talked about opportunities during the implementation phase to work with volunteer groups to rehab nondesignated routes, post signage, fill kiosks with information, do cleanups, reseed. This will help get a handle on OHV use. Kathy McKim asked if closing and rehabbing would include barriers of some type (e.g., rocks, large objects) to keep people out. Staff indicated there are many tools available for this purpose. Victoria added that successful communication can get users to take ownership in the strategies being employed by BLM and they can help with compliance.

Myke asked about enforcement capabilities, given that users are the public rather than permittees; what kind of penalties would there be; are there options to require reclamation in lieu of a fine? Amanda pointed out that the plan must be in place before enforcement can occur and that fact was a driver in moving the plan forward. You have to have routes designated through the NEPA process before you can enforce their use. Penalties can range from warnings to fines (currently $225 for a first offence for off-route OHV). If community service would be required, then BLM staff would have to supervise.

Martha Brown asked about safety issues with the mixture of motorized and nonmotorized recreation in the same area. Amanda answered that there are no records of injuries but it was a concern voiced during scoping and during comments on the draft. It drove the creation of RMZ 2.

Myke asked if there was anything that staff envisioned the RAC doing at this point in the process. Amanda noted there was nothing during the upcoming phases, but during implementation the RAC can perform an important function by communicating with stakeholders.

Jerry asked when the plan will be implemented. Amanda answered that it depends on the appeals and their merits; it is impossible to estimate. A good sign is that there was only one protest.

## February 25 Afternoon Session (1:15-4:00 p.m.)

### Pinon Pipeline—Scott Hall

Scott Hall introduced the proposed Pinon Pipeline project to the RAC. Saddle Butte San Juan Midstream, LLC, a Colorado-based company formed in 2008 specifically for this project, is the proponent. They propose a 130-mile gathering and outlet pipeline to transport crude oil from Lybrook to a rail facility in Milan, or alternatively Prewitt, NM (Figure 2). The project consists of Lybrook area laterals to existing wells and central delivery points, a Lybrook terminal, and the outlet lateral to Milan or Prewitt. Storage would be incorporated into both the Lybrook terminal and the Milan and Prewitt facilities.

The application was submitted to BLM in July 2014; kickoff meeting in August 2014; cost recovery account set up September 2014, with an estimate of $255,000 for full recovery; scoping in December 2014, with additional scoping in January 2015 because of public requests. Scott's PowerPoint presented details of each of the scoping meetings, listing location, attendance, format, and number of comments received. Only a very small percentage of people attending the scoping sessions support the project. Topics from comments included:

- Project needs an EIS
- Project needs an RMPA first because fracking is not covered in the 2003 RMP

- Impacts to Chaco Canyon
- Will cause an increase in fracking and earthquakes
- Impacts to local communities and water supplies
- Impacts to ancient fossil sites
- Air pollution
- Increase greenhouse gas emissions
- Need more investment in solar and wind power

A Freedom of Information Act (FOIA) request was received in mid-January 2015.

The EA will analyze resources including air, soils, water, vegetation, wildlife, cultural, paleontological, visual, and more.

Next steps: sort through the some 30,000 comments received on the project; respond to those that are substantial; complete onsite field inspections; identify cultural and biological issues; complete fieldwork; plan on draft EA complete and ready for comment late summer 2015.

The PowerPoint included two pages of frequently asked questions.

In closing the presentation, Victoria noted that although only 14 percent of the lineal project is located on BLM lands, and a variety of land statuses are involved in the project, BLM has agreed to be lead federal agency on NEPA. At the decision level for the NEPA EA, it could go a couple ways: if the bureau cannot get to a finding of no significant impact (FONSI) then the project may go to an EIS. Although this is a controversial project, it would not be the only pipeline in the San Juan Basin authorized through an EA. Additionally, because almost 80 percent of the project is in disturbed areas, an EA seems an appropriate level of analysis. Other concerns regard due diligence in consultation with tribes and Section 106 consultation of cultural resources in the APE.

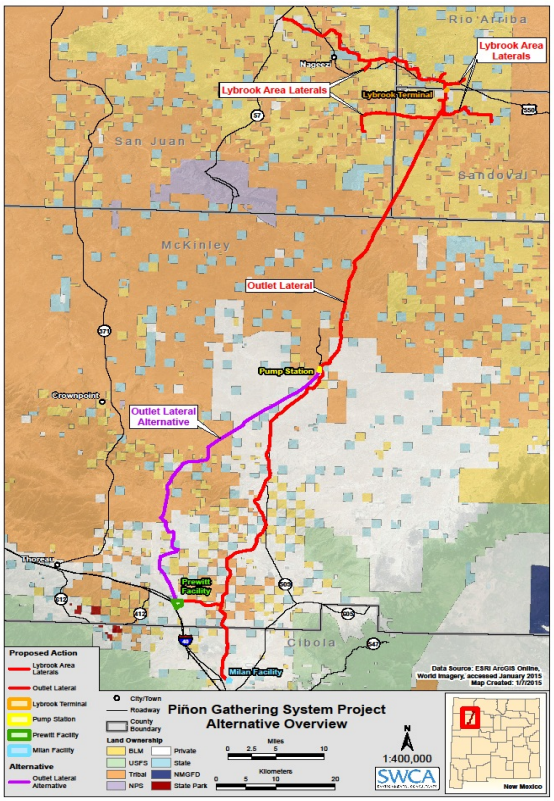


Figure 2. Pinon Pipeline route as currently proposed.

## Discussion

Norman Norvelle talked about the size of the pipeline and the fluids that would be transported. Scott noted that some commenters felt that the large oil pipeline (capable of carrying 15,000 barrels of oil a day) would promote the drilling of wells. Norman noted that from a safety point of view it seems better to transport this oil in a pipeline rather than transport it in trucks. A pipeline will significantly reduce truck traffic.

Anthony Benson asked who had final authority on the project. Staff answered that BLM is lead, but individual land managers will issue ROW grants, and the company will need to negotiate with private land owners along the route.

In answer to a question of how much the EA will cost, Scott indicated that the $255,000 figure is the BLM portion and is determined by a cost-recovery program that goes into effect for processing a NEPA action when a for-profit company proposes a project; taxpayers do not pay to process the regulatory requirements. The RAC spent a few minutes talking about the idea that the federal government makes money on royalties from extractive activities, so in one sense private companies work as "service companies" for the federal government.

Anthony asked how much of this project is based on product from the Mancos Shale and what impact reduced oil prices have had on the project. Scott indicated that this project is geared toward the development of the Mancos Shale oil. The company is taking a hard look at economics of the project given that the price of oil is less than half of what it was when they applied to the bureau.

Myke noted that no scoping meeting was held in Milan, where a portion of the project will be located, but a scoping meeting was held in Santa Fe. Staff indicated that environmental groups asked for the Santa Fe location. Another point is that a lot of the southern portion of the project crosses private lands, where landowners will be compensated.

In response to a question about where the comments were coming from (geographically speaking relative to the project), Scott indicated that comments had been received from all 50 states and outside the county. Amanda Nisula pointed out that the bureau is prevented from weighing comments based on location. Victoria added that the environmental justice portion of the analysis deals with the impacts of the project on the community. This comment led to a brief discussion of environmental justice on a larger scale, and what some of the considerations of the analysis could or should be with regard to affected populations.

In response to RAC questions, Scott indicated the pumping station might be powered by electricity and that the pipe would be buried at least 4 feet deep with a 40-foot-wide ROW and temporary easements of up to 35 feet. Steve Wamel calculated approximately 600 acres of disturbance, which equals a lot of people to talk to. Saddle Butte would like to start construction at the end of this year, but probably realistically more likely spring 2016.

Myke asked how allottees, tribes, Eastern Agency, Navajo Tribal Council, etc. view the project. Scott said there was a variety of opinions at the chapter house meetings; in his opinion roughly evenly split in favor and against. There were some comments regarding compensation for surface damages from allotment owners. Eastern Agency seems to want the process to go forward in looking at and analyzing alternatives.

Myke asked if the BLM absorbed the cost of the FOIA request. Scott indicated that this is looked at from an administrative viewpoint as well as charging to Saddle Butte. Victoria added that in this case it would depend on the terms and conditions of the memorandum of agreement between the bureau and the project proponent. Anthony noted that some of the agencies he works with charge the requesting party $1 a page. Victoria said with the bureau it depends on who is requesting the information and what the purpose of the

request is. There are FOIA criteria under which the justification threshold for a fee waiver can be met. When charges are applied, they are based on a specific fee schedule.

Scott noted that the line as shown is not the final alignment; as different resources issues are identified the route changes.

Myke asked if threatened and endangered and cultural studies on private lands are incorporated into the document. Scott replied that because the project has a federal nexus, the EA incorporates all data, private land not excluded. This prompted a discussion of loss of property value when threatened and endangered species are found during a survey the landowner has no desire to have done. Victoria noted that the agency has some options for how to handle this on a case-by-case basis.

## Committee Work Session

The work session had no set agenda, but covered the topics listed below and included three motions.

### Wild Horse and Burro Discussion

Myke referenced four handouts on wild horses provided by Jeff Tafoya and which Myke feels help provide perspective on the tone and complexity of the issue.

Barbara requested to do the lead in to the discussion. She stated that as a wild horse advocate, her work with the RAC has forced her to look at other aspects of the issue, such as impacts to range, wildlife, and habitat. She has finally come to terms with the fact that each one of us is really in quite a struggle as we try to defend our own beliefs. She has said many times that wild horse advocates have long been a frustration. Why can't wild horse advocates get on the same page? It comes down to personal beliefs and there is no compromise in sight. Before the session Barbara spoke with Victoria regarding her requests for BLM budget priorities and a meeting between FS and BLM to evaluate options for the wild horses that never came to fruition. Barbara was told that the RAC can have a subgroup that can make recommendations to the RAC, who can then make recommendations to the BLM.

(Before moving on with the wild horse issue, there was an extended discussion of how the group understands what they can and cannot do in the absence of a quorum and of noticing. Barbara said she understood that the BLM and FS could not meet with the RAC outside the noticed meeting. Yet, she further understood that a RAC working group could meet with the BLM and FS and then bring recommendations to the RAC. Christine Horton said that individual RAC members representing interests can meet so long as they do not come to a decision or make formal comments. She further clarified a RAC quorum: two people from Category 1, two from Category 2, and three from Category 3. Norman suggested using the term "working group" and emphasized that such a group concentrates on one specific item. Myke added that whatever the working group brings to the RAC must be done as an agenda item so that it meets public notice. Then the RAC, with a quorum, can act and create an official deliverable. Nicki Vigil noted that the member responsibilities document states that members may also serve on/represent the advisory committee on subcommittees to study and develop recommendations on selected issues for consideration by the full advisory committee. This ended the discussion of process and the group returned to the wild horse issue.)

Barbara noted that in the past this RAC has gone to the highest level, and while it is ultimately at the national level that the wild horse problem is going to get solved, perhaps it is not best to fight for slaughter or euthanasia or anything not currently allowed or supported. Rather, fight for what the law currently supports so that the BLM can work within the scope of their regulations.

Barbara spoke to the state of the nation for wild horses. The primary bait trapper has been unable to work due to health issues. The BLM and FS have neither plans nor means for gathers of any type for 2015. Therefore, the horse numbers will grow. Although they are not starving each year their condition declines.

Jerry Sims asked about AML for the JJMA. Barbara answered that for years an AML has been listed. The range has supported 300 or more horses for years; the net is if the count can be validated then we will know how many horses there really are.

Kathy expressed concern that BLM will not be able to do the count in a day, or they will not get an accurate count in one day. She cited Game and Fish Department wildlife surveys that she was involved in over the years.

Myke suggested that it would be constructive to have a clear goal and strategy for the working group. Barbara's goal would be to find out from the BLM and FS if they can pull together a group of volunteers to help identify where to concentrate efforts, to pull in people to administer the PZP. Kathy added that since one must be certified to administer PZP that the working group should ask the agency to get volunteers certified. Another suggestion was for the working group to have two objectives: find out from BLM and FS, within what they are allowed to do, where volunteers would best fit their needs; approach wild horse advocate groups and ask them to meet with the working group to look for common ground. If common ground exists, then the RAC could introduce it to the BLM. Jude suggested that if the BLM allows the use of PZP, then the RAC have a working group for the purpose of getting volunteers to administer the drug and request funding to get volunteers certified in PZP administration.

The group touched on a number of issues and items including getting horses back into the adoption stream, advocate groups that might donate money for PZP, the certification process for PZP administration, whether certified volunteers could mix drugs for other volunteers and the potential liability of doing so, comparison of the local herd/conditions to the oft-cited Aasatreague Island horses, whether Colorado-based PZP practitioners are allowed to work in New Mexico, etc. Deciding that many of these were issues better handled at the working group level, the topic of deliverables was brought back to the fore.

Is there a deliverable that the RAC want to provide Jeff today or tomorrow and if so, what would it look like? Is putting the working group together enough of a sign that the RAC is moving? Is there a way to support Jeff and ask for more than just the working group (e.g., that BLM provide certification training)? Is there consensus for a working group to build their own agenda and work with FS and BLM, then bring recommendations to the full RAC?

### Motion #1

Jude Gabaldon moved that the RAC write a letter encouraging, in preparation for the EA implementation, the certification and recertification of PZP practitioners so that volunteers may be able to assist with the horse herd problem. Seconded by Barbara Kipper.

Discussion on the motion ensued. Could have two volunteers, one from the horse advocate side and one from the wildlife side, who are both certified and they could bring in additional volunteers from both sides of the aisle. There was some discussion of how funding might be accomplished. The letter should be supportive and focused on suggesting that BLM support volunteers. Discussion ended, the chairman called for the vote. Motion passed unanimously.

Before leaving the topic of the letter, the group reiterated that the purpose is to ask that in preparation for BLM's EA, BLM support certification/recertification of volunteers as PZP practitioners. There was a brief discussion of the letter content and length. Jude was asked to prepare a draft for action tomorrow.

The discussion moved on to the composition and role of a working group, including the number of members (three people at most?), RAC representative, determining how many mares need PZP treatment and the attendant cost.

### Motion #2

Nickie Vigil made a motion to create a Wild Horse and Burro Working group with Barbara Kipper as chairman and that Barbara have the authority to recruit other members. Seconded by Norman Norvelle. There being no further discussion, Myke called for a vote. Motion passed unanimously.

### Rio Grande del Norte National Monument Discussion

Anthony Benson noted that TFO will update the RAC on the Rio Grande del Norte National Monument tomorrow. The BLM-TFO lead for the monument plan would like to begin early discussion with monument advocates and activists, many of whom are associated with the Taos Friends group. A working group of the RAC could play an important role in the discussions.

### Motion #3

Anthony Benson made a motion to set up a RAC working group with Taos Friends as participants to discuss alternatives on the Rio Grande del Norte National Monument Management Plan. Seconded by Kathy McKim. Discussion: Tony outlined some of the issues involved in the plan, including public comments, 17 natural resources areas to be addressed, 70 goals and objectives that will each have alternatives, wilderness characteristics, visual resources, etc. Some of these will be contentious. He believes it will take a lot of time to make. By the next RAC meeting he may be able to give an update on major issues. Kathy indicated that she would like to attend some of the working group meetings. Tony would be chairperson. There being no further discussion, Myke called for a vote. Motion passed unanimously.

### Other Business

Myke summarized the motions that had been acted upon and asked each member if they had any additional business today.

Jerry suggested contacting U.S. Representatives who might be able to help with the horse and burro issue at the federal level. Because of time constraints, Myke asked Jerry to bring the topic to tomorrow's work group.

Tony suggested items for a future agenda: oil and gas restoration in the San Juan Basin and Restore New Mexico; BLM participation in watershed thinning, FireWise, and forest thinning projects that are currently gaining momentum.

## Adjournment

There being no more business, Jerry Sims made a motion to adjourn. Seconded by Kathy McKim. Meeting adjourned at 4:00 p.m.

## February 26 attendees

| RAC Members Present: | BLM Staff /Support Present: | Visitors Present: |
|---|---|---|
| Norman Norvelle (Category 3) | Esther Willetto, FFO | Hannah Grover |
| Jerry Sims (Category 2) | Amanda Nisula, FFO | Cal Corriey |
| Kathy McKim (Category 3) | Christine Horton, FFO | Wendy Hageman |
| Steve Wamel (Category 1) | Kristin Langenfeld, Scribe | Brandon Velivis |
| Nickie Vigil (Category 3) | Peggy Deaton, FFO | Collette Brown |
| Anthony Benson (Category 3) | Victoria Barr, FD | Matt Zabka |
| Martha Brown (Category 2) | Joe Hewitt, FFO | Larry Van Ryan |
| Barbara Kipper (Category 2) | Richard Fields, TFO | Pete Valencia |
| Myke Lane (Category 1) | | Joshua Brown |
| | | Gloria Lehmer |

# February 26 Morning Session (9:00 a.m.-12 noon)

## Call to Order, Introductory Remarks

Chairman Myke Lane called the meeting to order at 9:05 a.m. He asked if there was any necessary follow-up from yesterday's session. None was brought forward. He asked if there were any changes to today's agenda. No changes presented. Myke noted that Taos members will leave the meeting by 2 p.m. and before that time the RAC should try to establish the next meeting date. He reminded the audience that the public comment period was set for the period between 2-2:30 p.m.; those who wish to speak must be signed in. The public comment period is the only time members of the audience can address the RAC during this meeting.

## Mancos-Gallup Shale RMPA/EIS—Peggy Deaton

Peggy Deaton explained that an RMP is a blueprint for managing land in the foreseeable future and containing goals, objectives, and land-use planning. The current RMP was developed in 2003; the plan amendment addresses changes in technology, such as fracking, that have taken place since that time. Using the map reproduced below (Figure 3), she pointed out the area of reasonable foreseeable development (RFD) and the planning area, specifically lands that are managed by the BLM for surface or for federal minerals. The planning area is where most development is actually taking place; whereas the RFD captures the Mancos-Gallup Shale geology.

Planning issues are defined as points of disagreement, debate, or dispute with the proposed action based on some anticipated environmental impact. Mancos-Gallup RMPA planning issues are four: oil and gas development, lands and realty, vegetation management, and lands with wilderness characteristics. In the FFO office lands and realty are closely tied to oil and gas development. Lands with wilderness characteristics were not addressed in the 2003 plan. A number of decisions will be made for each of the four issues.

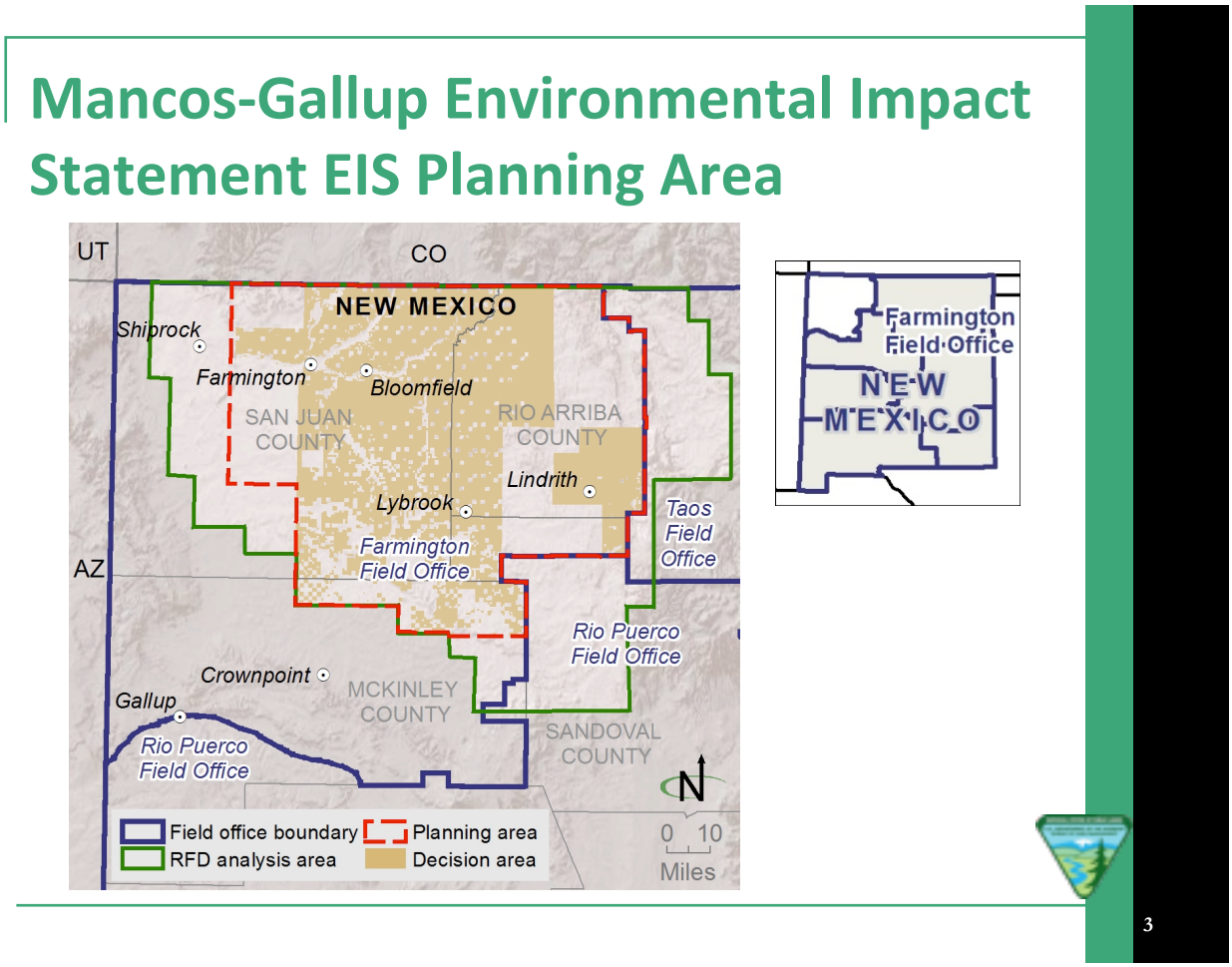


Figure 3. Mancos-Gallup EIS planning area.

Oil and gas decisions will include: areas to be open to leasing (with differing levels of constraints); areas closed to leasing; lease stipulations; circumstances for granting exceptions and waivers; and long-term resource condition objectives for areas currently under development.

Lands and realty issues primarily cover where ROWs should and shouldn't go, terms and conditions that may apply to areas where ROWs can go, and in the case of this amendment, areas available for land tenure transactions as mandated by the Chaco Protection Act. Within this context, Myke Lane asked whether lands outside the boundaries of Chaco Canyon National Park that are acquired by the National Park Service (NPS) would undergo NEPA analysis. Staff answered yes, but the goal here was consolidating and maintaining the integrity of the park, not park boundary expansion per se.

Vegetation management decisions include desired outcomes for vegetative management and priority plant species habitat.

The planning issue of lands with wilderness characteristics is currently being addressed by a contracted third-party inventory; results are anticipated later this year.

The RMPA will also analyze environmental consequences, that is, the impact of the planning issue decisions, for all affected resources.

Anthony noted that last year the issue of water was brought foreward and a hydrologic study was to be done. Peggy noted that a study was completed and the results are available on the BLM website. Water is not one of the planning issues for the RMPA.

The planning process timeline consists of a number of steps, beginning with writing a preparation plan. That step began approximately one year ago and was followed by issuing a notice of intent (NOI) to conduct scoping. Next came the analysis of the management situation, where staff looked at how things are currently being managed in FFO. That report is due in a month or two. This RMPA is currently at the step where alternatives are formulated; through a series of workshops, specialists meet and discuss which alternatives they would like to see. Future steps include the analysis of alternatives and selection of the preferred alternative. A draft RMP should be available for public review this fall. Comment and protest periods with attendant reviews and the Governor's consistency review follow. After the RMPA is approved, implementation begins.

### Discussion

Myke Lane asked how the analysis of the management situation (Step 3) is accomplished. Amanda Nisula answered there is a third-party contractor who assists; this step is essentially a process review that involves staff specialists and includes brainstorming.

Anthony asked if the RFD scenario has taken into account the drop in oil prices. Peggy noted that the RFD was completed prior to the price drop. Myke noted that if a sensitivity analysis that takes into account potentially changing prices was not included, then the study shouldn't be considered complete. Victoria noted that a plan with a good shelf life accommodates those changes. Joe Hewitt, FFO geologist, offered clarification, indicating that the study wasn't an economic analysis; rather, the analysis yielded areas of high, medium, and low oil and gas potential based on geologic information (e.g., data from existing horizontal and vertical wells) to determine the aerial extent of the RFD. Maps provided in the study report show the location of oil and gas windows. The RFD study forecast production from a scenario of very marginal wells and some very productive ones, and forecast 3,600 wells in the RFD area. The 2003 RMP analysis primarily considered vertical wells. Horizontal wells were the basis of the current RFD study. Staff noted that including information from both the 2003 RMP and the RFD study, some 6,000 total wells are targeted. Richard Fields noted that technology changes quickly and drives economic changes. While it may seem shortsighted not to include an economic analysis, when doing foreseeable development in a planning document it is difficult to keep up with the technology of industry, especially when RMPs are supposed to last for about a generation. The document is for bureau planning.

Myke Lane noted that in the 2003 RMP, consolidation of wells on pads was identified as a mitigating measure to minimize surface disturbance. However, the calculation for surface disturbance was based on the forecast number of well pads. Has the level of surface disturbance forecast in 2003 been seen? He believes that the analysis of the management situation step of the RMPA offers the opportunity to look at whether the bureau has been successful in getting the consolidation of wells on pads. If this analysis is not done, then mitigating measures may be more conservative/restrictive than necessary.

Anthony asked if the New Mexico Highland's vegetative study was complete. Peggy responded that the first copy just arrived and has not yet been posted to the website. Anthony noted that he would like to see the latest science on restoration of well sites, pipelines, etc. and that this relates to Restore New Mexico funds.

## Chaco Canyon Leases—Peggy Deaton

There have been two lease sales: one in October 2014 with some parcels deferred, and one in January 2015 with all five parcels deferred. The BLM state office is working to resolve protests at this time. Lease issuance dates are uncertain.

With regard to an October 2015 sale, only three parcels are proposed. They are currently under BLM review and will be posted on March 9 for public review.

With regard to process, parcels for lease are most often nominated by external proposal, although the bureau can propose parcels. Following nomination, there is a series of reviews, then public protest, followed by issuance of 10-year leases and some 5-year allotments. Once a lease is held, it includes all vertical rights. A lease block is 2,000-3,000 acres, not always contiguous, but in proximity. A deferment lasts only until the next sale, and requires a new nomination. Mechanisms to extend a lease include: some lease activity; a valid reason to explain why development has not occurred.

### Discussion

Barbara Kipper asked how an oil and gas lease differs from a grazing lease. Amanda Nisula answered that an important difference is that mineral leases come with valid existing rights that cannot be revoked; however, through the decision-making process in the RMP, areas can be closed to fluid mineral leasing if there is a potential impact specific identified resources.

In answer to the question of compensation when something has been "closed", staff indicated that valid existing rights would trump closure. Lessees usually know up front what is restricted; stipulations are known at the time of the lease sale.

Norman Norvelle provided a document on vibration monitoring at Chaco Culture National Historic Park that he authored. He believes that monitoring is critical to provide baseline data now before any real activity begins in the area, and a study is probably more important for NPS than BLM. New Mexico Tech had monitoring equipment in the area in the past, but probably not for the last nine years or so. Victoria noted that monitoring could be done on BLM land in areas of critical environmental concern (ACECs) (e.g., along the Great North Road). Moreover, she offered to schedule a meeting with Larry Turk of NPS. Joe Hewitt stated that some baseline data was obtained in the late 1980s-early 1990s when the road to Chaco Canyon Park was moved and paved. Norman noted that Chaco is an important site on a worldwide scale and it is important to ensure due diligence in protecting it. Norman asked the RAC to consider whether a letter to Secretary Jewell or some other action would be the best route to pursue this study. Anthony Benson felt a good baseline might provide science to rely on in the future.

Victoria noted that the biggest complaints regarding oil and gas development around Chaco Canyon have centered on visual impacts to the Chaco landscape. She stressed that it is important in this context to understand that the landscape doesn't end at the park boundaries. BLM will look at assessing adverse effects on a landscape scale. Adaptive management is possible and can mitigate potential adverse effects. Anthony brought the potential adverse effects of vibration back into the discussion and Victoria pointed out that this is an example of the importance of having consulting parties to the Section106 process, so that a range of potential effects can be known and considered.

Myke asked if other blocks within the planning area are proposed for lease. Peggy referred to the three parcels proposed for the October 2015 sale that are currently under BLM review.

Anthony asked if cultural resources, specifically those related to Chaco but outside the park, are being reviewed with relation to possible leasing. Staff answered that BLM takes into account all eligible historic property types, which is a much larger group than just archaeological sites. Then mitigation for adverse effects is possible.

Norman mentioned that posting links on the BLM website has been helpful. He requested that the links to FFO and TFO be put "in the spotlight" on the website.

The session ended with some discussion of Rio Arriba County's drilling moratorium, because FFO lands extend into Rio Arriba County. Staff indicated that there have been no leases nominated in Rio Arriba County of late. There have been some in the Cebolla area of TFO. These will be discussed in the TFO update this afternoon.

## Committee Work Session

The work session had no set agenda.

### Follow-up on Yesterday's Work Session

Kathy McKim brought some additional information relevant to yesterday's wild horse discussion. She had asked Jeff Tafoya why she was chosen for PZP training. He indicated that in New Mexico an Applicators License is required to administer PZP. This is basically a herbicide license issued by the state. Continuing education is required to maintain it. Barb noted that this is a state requirement, not a federal one. Myke said this was important information but more appropriate for the working group.

Kathy also noted that one of the articles that Jeff provided for them yesterday described how Wyoming had asked the state legislature to go to the federal government regarding the wild horse problem. Because horses are all over New Mexico, the RAC working group could talk to county and state legislators. Nickie suggested going straight to the congressional delegation, noting that Tom Udall's office often has a staffer at the RAC meetings. Jerry Sims added that the letter under consideration today could go to the state and national representatives.

Barb noted that Laura Harper was talking to Jay Kirkpatrick to get his perspective on the volunteer idea.

### Wild Horse Letter to BLM

The committee finalized the letter to the BLM regarding wild horses that was discussed in yesterday's work session.

#### Motion #1

Barbara Kipper made a motion to approve the letter as finalized by the committee. Seconded by Norman Norvelle. There being no discussion, Myke called for a vote. Motion passed unanimously.

### Chaco Canyon Seismic Monitoring

Anthony Benson suggested that the RAC offer official endorsement for Norman Norvelle's proposal on seismic monitoring that was presented during the morning's discussion on Chaco Canyon leases. Kathy stated that it seemed to be off to a good start with Victoria Barr's offer to try to set up a meeting with Larry Turk of NPS and to consider monitoring at sites on BLM land. Myke Lane commented that once the data were in, it would be good to have an advisory group review in order to avoid potential bias based on who funded the project. Within the context of study interpretation, an extended discussion of a recent methane gas study ensued.

#### Motion #2

Anthony Benson made a motion to forward Norman Norvelle's proposal to the BLM Farmington District Office. Seconded by Kathy McKim. Discussion: Anthony suggested that the interpretation of data was a subject to be brought up at a later time. Kathy suggested that it might be a future agenda item. Martha asked if the document was a proposal. Norman said that he put together what he knew in order to see how

to carry it forward. Anthony said that Victoria had already had some suggestions about what next steps might be. BLM could make those decisions. There being no further discussion, Myke called for a vote. Motion passed unanimously.

## Legislative Tracking

Anthony Benson provided a list of legislative items that might affect the BLM. The list comes from the New Mexico Department of Agriculture website's daily tracking database of legislation that affects agriculture and land management. Examples include:

HB 38—Forest and Watershed Restoration Act proposed by Nature Conservancy to thin the upper Rio Grande watershed. The proposal is to raise $15 million a year and NM House is looking at state sources of funding to add. The bill would also create a board to oversee spending. The goal is a healthier forest, fire prevention, better water. Primarily aimed at FS.

New Mexico Federal Land Management—brought forward each year by Otero/Catron counties who are dissatisfied with the FS or want to take over the FS. Cattle growers back this, as do some county commissioners.

HB-410—deals with the slaughter and transfer of horses for food.

Amending the criminal code to include equines in the cruelty to animals law.

HB 412—monitor certain animals at the Mexican border that have been rejected for slaughter.

HB-74—Fire protection fund for watershed restoration.

Agricultural use of land for taxes. This is an item of interest in Taos and Bernalillo counties, where it is thought that people manipulate the agricultural exemption by planting one tree.

The website can be found by googling "legislative tracking 2015."

## Next Meeting Date and Agenda Items

The committee discussed potential dates for the next meeting, ideally to be held in Taos. Available dates are June 15, 16, 17; if a meeting is not possible during this window, August would be the next choice, or it would be necessary to wait till next fall to have a quorum.

Items the committee would like to see on the agenda for the next meeting include:

- Draft EA for the Rio Grande del Norte National Monument (if ready)
- Mancos-Gallup Shale update
- GRRA update
- Wild horse update after the March count

Nickie noted that this meeting could have been condensed into a day. Kathy thought that two days are usually allotted to include a work session or a field trip. Myke said he would always like the RAC to know when the BLM wants deliverables—presentations solely for the sake of updates are often too long. Longer presentations could be tied to a requested deliverable. Maybe 1½ day meetings. Nickie noted that the committee could also work through lunch. Perhaps the length of the meeting day can be extended. Myke asked the group to look critically at future agendas. Committee work sessions are where a lot gets done. It is important to have as much information as possible in advance of the meeting, even slides.

Anthony said that with regard to the Rio Grande del Norte National Monument, the four TFO team leaders ought to present to the committee.

## February 26 Afternoon Session (1:15-3:15 p.m.)

## Mancos-Gallup Shale—Joe Hewitt

As a result of some of the morning's discussions and questions during the Mancos-Gallup Shale RMPA/EIS, Joe Hewitt gave a short presentation that was not on the agenda.

Joe noted that, in general, gas wells trend toward the center of the San Juan Basin, while oil wells are in long linear trends in ancient offshore bar sands, parallel to the ancient beach.

The next slide (reproduced below as Figure 4) showed Mancos-Gallup wells. The dry gas window is the Rosa area where WPX has been drilling gas wells only. Because the west Lindrith area is comingled Gallup-Dakota, no trends are evident there.

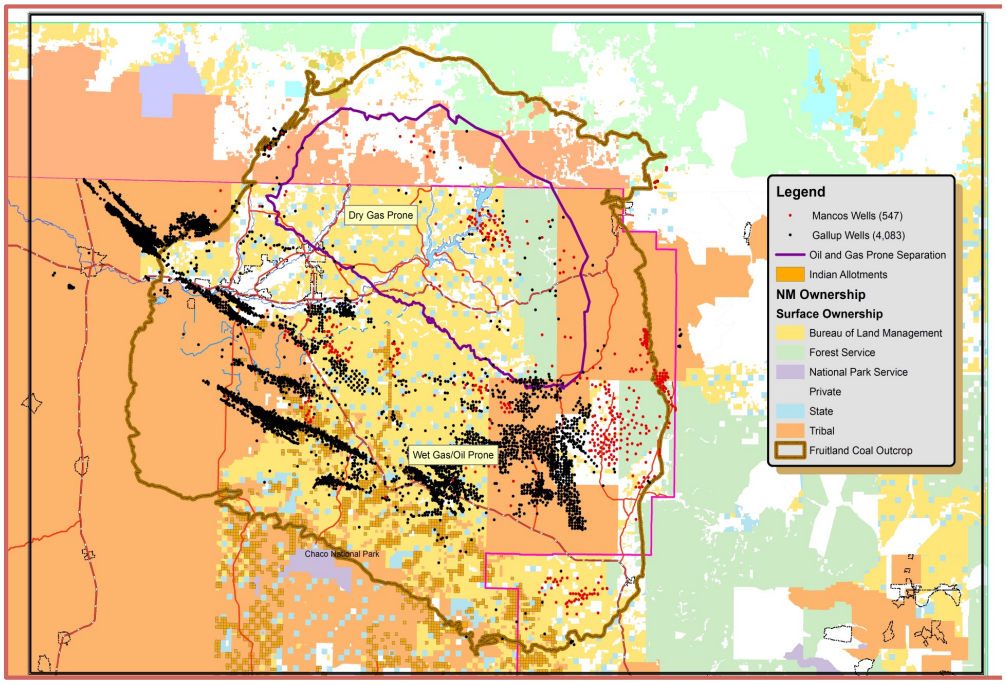


Figure 4. Mancos-Gallup wells within the San Juan Basin.

## Taos Field Office Planning Updates—Brad Higdon

Brad gave this presentation via phone. The committee was provided with a handout summarizing the major points.

### Rio Grande del Norte National Monument Management Plan

The scoping report was completed in May 2014, with internal and external comments and input addressing a broad range of opportunities and identifying the need to update inventories (e.g., visual resources).

The plan is currently in the alternative development phase: goals and objectives have been completed and the range of alternatives has been determined and is being populated at this time. The preferred alternative, at this stage, is a blended approach that seeks a balance between protective management and

recreational and other resource uses; however, TFO is holding off on a decision until the full range of alternatives can be examined. Management allocations and actions are in progress and it is anticipated that this phase will be complete in the summer of 2015, assuming that the necessary inventories can be brought up to date to serve as a baseline for developing alternatives. Visual resources and lands with wilderness characteristics are the inventories most in need of updating. The visual resource inventory was contracted to a third party with some special funding from the Washington office.

TFO has signed on six cooperating agencies to inform the process: Taos Soil and Water Conservation District, New Mexico State Historic Preservation Office, New Mexico Department of Game and Fish, Village of Questa, San Antonio del Rio Colorado Land Grant, and New Mexico Land Grant Council. TFO has invited a number of tribes to be cooperating agencies as well.

### Special Recreation Permits (SRPs) for non-motorized Events in the Rio Grande del Norte National Monument Management Plan EA

The proposed action is to issue three SRPs in response to applications for nonmotorized competitive events within designated special recreation areas. This EA has proven more difficult than anticipated and is currently being finalized (after substantial comment from the birding community). It includes two additional alternatives that will be analyzed, one allowing the proposed action with broad timing limitations addressing a broad suite of wildlife and the other allowing the proposed action with narrow timing limitations addressing breeding and nesting birds.

This EA is a good example of the NEPA process working the way it is designed to: getting the job done with the least amount of impacts.

EA and decision should be available in a week or so.

This EA may be an indication of things to come in management of the monument, where special interest groups take an active, if not aggressive, role in how management takes place.

### SRPs for Vending at Gorge Bridge—Richard Fields

Historically, vendors have set up along the roadway at the gorge bridge. Vending currently takes place on the western side of the bridge—given heavy traffic, it is a tragedy waiting to happen. The New Mexico Department of Transportation (DOT) plans to close the shoulder to vending. This would leave the vendors nowhere to set up. TFO wants to avoid having no place for vendors. The rest area at the bridge is on a Taos Recreation and Public Purposes Permit (R&PP). If the DOT constructs additional parking areas at the rest area, there should be sufficient parking and areas for vendors to set up. The problem is how to issue permits: day or long-term; who regulates; how do vendors get permits. TFO is looking for a nonprofit to be the permit holder. TFO is trying to be proactive but BLM has no experience with this kind of situation.

### Discussion

Myke Lane asked if TFO wanted RAC assistance with setting fees. Victoria noted that fees for these SRPs are already set.

Myke Lane asked if the three SRP applicants for nonmotorized events in the national monument were nonprofit or for profit and if any were for profit, did they pay for the EA? Brad answered that one was for profit and did not pay. The plan was initiated internally as a programmatic plan to address SRPs in general at the monument. Victoria added that it doesn't matter if an SRP application is from for profit or nonprofit; it is the time put in by BLM that determines whether a cost recovery account is established.

Myke asked what type of mitigating measures TFO was looking at for these nonmotorized events. Brad replied that TFO has an extensive list of design features intended to mitigate the project: limits on number

of participants, limits on where staging happens, limits on where in the monument the event can take place, limits on noise. There are pre- and post-event monitoring measures. These are some of the reasons it is a detailed EA.

Anthony said that he learned how complicated the planning process is during his involvement with the soil and water district, a cooperating agency on the National Monument planning process. The public comment summary is 56 pages; draft goals and objectives are 17 pages. It is an immense scoping project. Management criteria vary for wildness areas, wilderness study areas, areas with wilderness characteristics. There are now four teams looking at ecology, geology, cultural resources, and wildlife. He thinks that the response of the birders to the SRP EA is indicative of how groups will review the management plan. He noted that yesterday the RAC authorized a working group that will incorporate members from the Taos Friends group and act as something of an intermediary between the public and TFO during the planning process. He felt the approach upfront is thorough and discussed how to reach a blended approach if that is the best alternative. A team approach is likely to give a better perspective. Brad pointed out that it is important to have a defensible process.

### Oil and Gas Lease Parcels near Cebolla—Joe Hewitt

Sixteen parcels near Cebolla in the south Chama Basin were subject to geologic evaluation. They have all been deferred because of potential conflict with groundwater in the area, and also in order to really understand the mineral potential. That is what the report is about. The analysis resulted in low potential for oil and gas occurrences in the southern half of the basin where leasing is being considered. There are only 11 wells on the south end of the Chama Basin and the data on them is not good. On the north end, there are over 130 wells and the potential is evaluated as moderate; however, this is not the area under consideration for leasing. Brad believes that, in terms of planning NEPA, the report constitutes significant new information that warrants BLM to reconsider its land-use planning decisions for the area. A land-use plan amendment is an option that will be taken seriously.

Going back to the geology of the area, Joe noted that the San Juan and Chama are twin basins—they contain the same rocks. The Chama Basin is 1,500-2,000 feet higher and has been stripped of the Tertiary formations. Mancos Shale is on the surface. In the Chama Basin (as is true of almost any intermountain basin in the West where there is Mancos Shale), it is difficult to drill a water well. Mancos Shale makes good soil and good farmland, but not water.

(Joe stopped his presentation here because it was 2 p.m. and time for the public comment period. Following the end of public comments, he picked up with the presentation).

The area of the 16 leases near Cebolla is toward the center of the eastern side of the Chama Basin. The Cebolla water well, adjacent to the northern leases, produces water from the Dakota-Burro Canyon interval. The recharge for the water that goes into the Dakota-Burro Canyon interval is at higher elevations on the east side of the Chama Basin. There was concern about potential contamination if wells for mineral production were drilled through the Dakota.

The southern end of the Chama Basin was explored for uranium in the late 1960s-early 1970s. A number of exploratory drill holes were drilled into the Dakota and Morrison formations. The data from this exploration, in addition to that from the 11 wells that were drilled in the southern portion of the basin, provided the data for the conclusion that there is low potential for oil and gas in the Mancos down through the Dakota formations. It is probably necessary to look to the Entrada formation or deeper for oil and gas in the Chama Basin.

### Discussion

Myke Lane asked if there was evidence of hydrocarbons in the Dakota in the south Chama Basin. Joe answered there has been no show of hydrocarbons in the wells that have been drilled.

Kathy asked if any wells were ever drilled in the Cebolla area. Joe considers the water well itself a test. A well to the west, in the Nutrias Prospect, was drilled in 2012 and was a dry hole. That is the only modern drilling in the vicinity of Cebolla.

Myke noted there are active leases in the area but they are not held by production. When they expire in August 2016, unless someone nominates something, there could be no leasing in the area on federal minerals.

Myke asked about the dry holes on the white area of the map, where Joe had noted the APDs were issued by the state. Joe indicated this was land grant land (fee surface, fee minerals) and BLM was not involved in issuing the permits to drill.

Myke asked if this is the only area in Rio Arriba County (excluding the far west) that anyone has looked at. Joe answered that there is some BLM land on Archuleta Mesa east of Dulce, where there were some leases, but all have expired.

Kathy McKim asked if the moderate to low potential considers all formations. Joe said yes, and that he used the BLM rating system.

Brad Higdon commented that it seems there are two options: to pursue leasing or to pursue a plan amendment to make the area unavailable for leasing. Based on what is known and the potential conflict with the ground water with unknown risks, it might be best to use the EIS process to pursue leasing. However, knowing that the area has low minerals potential, this option doesn't make a lot of sense. To pursue a plan amendment to make the area unavailable for leasing may not mean an opportunity lost because the potential is low. It may be premature because there has not yet been a thorough internal discussion, but at this point Brad would advise land managers to pursue a plan amendment.

Myke Lane expressed concern that once the area is off the table, there is no potential (at least for the life of the plan). Victoria noted that if new technology comes out, there could be an amendment to open areas for leasing. Myke stated that precedents drive decisions. Richard Fields gave an Oklahoma example where RMPs were amended to open up opportunities when coal recovery became economically feasible.

With regard to the water contamination discussion, Myke said that many of the some 20,000 wells drilled in the San Juan Basin have penetrated an aquifer to get to minerals. In many cases the aquifers are being used. Rhetorically, why is the aquifer in the Chama Basin different, especially if the Dakota isn't the minerals target? Richard Fields acknowledged that is a legitimate concern and question. If there is a zone of possible development that is in the same area as the water, a plan amendment can remove that zone from consideration, while other zones remain open. There are tools.

## Public Comment Period

### Larry Van Ryan

Mr. Van Ryan introduced himself and stated that he lives at 1800 Escondido Trail in Farmington, an area that butts up against BLM land. The Glade in that area is a big recreation area and a lot of people don't care much about what they tear up. He'd like to see if the BLM could be a little more active in that area as far as watching out for people who are practicing with their guns on weekends. It's a big hazard and nobody seems to care. The City of Farmington doesn't go down there because it is BLM land. On weekends, when it is most active, he doesn't see anyone from the BLM out there; not sure if they work on

weekends or not. Before long somebody is going to get hurt and it is better if we get some rules and regulations or some way to police and make it a safer area. He doesn't want to stop people from being there, because that is their right. But people are also there at night. It's not a camping area. (At this point Myke Lane asked that staff pull up a map so that the committee could see the area Mr. Van Ryan was talking about. Victoria Barr said that she could pass his address on to BLM law enforcement officers and they can increase patrols in that area). Mr. Van Ryan indicated that while he had not had direct trouble at his house with shooting, a neighbor told him they heard bullets whistle by. Mr. Van Ryan pointed to his property on the map provided. Myke Lane asked staff if the BLM land to the west, that Mr. Van Ryan had been talking about, was RMZ 3. Staff answered yes, and while this is an area open to cross-country motorized travel, no shooting is allowed.

Myke Lane told Mr. Van Ryan that the BLM would have more control over activities taking place in that portion of the Glade following the approval of the GRRAMP. Staff agreed, but Victoria added that BLM law enforcement might be able to do something about the shooting. Illegal dumping could also be handled immediately.

Mr. Van Ryan said he wanted BLM to be aware because he felt that when something happens out there, it is going to be bad and something needs to be done sooner rather than later.

Victoria Barr took some time to explain the status of the GRRAMP to Mr. Van Ryan.

Mr. Van Ryan asked if there was any regulation now to stop grazing livestock from coming into the city. He indicated that sheep come onto his property and everyone tells him there is nothing he can do. Victoria answered that he can fence them out. New Mexico is a fence-out state. Mr. Van Ryan asked if that was true for land in the city. Jeff Tafoya answered that fence-out is a state law. He offered his contact information to Mr. Van Ryan, saying he should call if there was a problem with livestock coming from federal land.

### Joshua Brown

Joshua said he does OHV and some mountain biking. He was here today because he saw the newspaper article this morning about the meeting. He tries to keep up with what is going on with the Glade plan and for the five or six years that the plan has been happening he has been to every open comment session and to the meetings where plans and alternatives are shown to the public. He felt that the alternatives that shut more roads off to OHV traffic were unfair and discriminatory toward OHVers, who are also out there to enjoy the Glade. He supported Alternative A. Over the years a lot more people have gotten motorcycles, etc. and we may need a lot more trails. He mentioned that the public had been told to submit their trail suggestions but there are a lot of areas, outside the open area, where OHVs aren't allowed. He suggested that maybe there could be a time when we can add more trails or add more open area because there are more people out in the Glade and the city has grown. There are more houses closer to the Glade, like the Las Vistas neighborhood. There is plenty of BLM land to the north; maybe they can open up some of that area, so everyone is not packed together.

Shooting is a problem. Mr. Brown said he was glad Mr. Van Ryan, the previous speaker, brought that up. At least 50 percent of the time he is out in the Glade, people are shooting. Mr. Brown said he uses common sense, avoiding the area where shooting is taking place; he goes away from the direction of the shooting. He doesn't think the intent is to shoot anyone, but it is dangerous. Mr. Brown described an incident where he and his friends called dispatch after two bullets ricocheted near them in a place where they had been hanging out, chatting, for 10-15 minutes after finishing a trail.

Mr. Brown said that he did not want to put down the rangers, who are usually nice guys, but he has been stopped three or four times for registration on his recreational vehicle. He believes there are more important things to do out there safetywise. The shooting needs to be addressed. Maybe rangers could

patrol more for that on weekends or after work hours, especially when it gets warmer. He noted that explaining to dispatch where a problem is occurring is difficult. He can describe a location to his friends, who know the trails, but it is difficult to describe to the dispatcher.

Dumping and trash are a problem. He gets flat tires from nails. There is roofing material and regular trash. Mr. Brown attends clean ups. Maybe they should happen more often. He understands that it can be difficult to catch people who dump.

In summary, he noted that shooting and dumping are problems. With regard to trails, maybe designate a little more open area to the north, or extend the trails to the north. There are a lot of rock-crawling trails. Mr. Brown indicated that he does off-road recreation in other states; he just came back from a race in California where there were 60,000 people there on race day. If you mention Farmington, New Mexico, to these people they know it. They say they have been there crawling on the trails. So, the Glade is a very important area to many people; they absolutely love it. He is glad that BLM is keeping it open and watching over it.

Myke Lane suggested that Mr. Brown might want to contact RAC member Jude Gabaldon, another off-road enthusiast, who could bring items directly to the RAC. With regard to dumping, Myke noted that the Sheriff's Department has an individual who collects evidence at dump sites so the illegal dumping can be prosecuted. Kathy McKim added that taking a GPS point on the dump will help the investigator.

Jerry Sims reinforced that Mr. Brown should call the Sheriff's Department about shooting incidents. Victoria suggested getting a license number or vehicle description. Mr. Brown suggested that signage with the number to call might help other folks who don't know to call dispatch.

### Gloria Lehmer

Ms. Lehmer indicated that she lives in Los Colinas subdivision, the same neighborhood as Mr. Van Ryan, who spoke earlier, and she has heard the shooting that he spoke of. She said that about 20 years ago when she went shooting with a friend, the shooting area was to the west. Now shots are coming toward the east as well. She walks in the arroyo between Las Vistas and Las Colinas, as do lots of other people and dogs. She thinks more signage might help.

She came today to speak to the GRRAMP. Someone from her subdivision had been active in trying to get a buffer for the subdivision or for people who live on the northern and western side so that hikers, bikers, and vehicles wouldn't come right next to their property. Has a buffer been proposed? Staff answered that none was carried into the proposed plan. Ms. Lehmer asked if that meant that people could come right up to the property line, fenced or unfenced. It was pointed out that the area Ms. Lehmer is talking about is adjacent to RMZ 3, the open area. Ms. Lehmer was disappointed to hear that a buffer had not made progress, but that was what she had come to find out.

She then asked about the protest to the GRRA that was in progress. Amanda Nisula answered that there was one protest and the points were: disclosure of underlying data and analysis; EIS needed; inadequate tiering to 2003 Farmington RMP; unnecessary and undue degradation.

### Summary

Before the public comment period closed, Myke Lane summarized to the members of the public who had spoken. He noted that after the GRRA management plan is through the protest period and into implementation, BLM will have a guidance document to help them do more in terms of law enforcement and other management in the Glade. Law enforcement may be limited, as BLM only has two rangers.

With regard to the protest, it is primarily process oriented, so it is unlikely to change very significantly what is on the ground right now. The draft is on the website.

--End of public comment—

Following the public comment period, Joe Hewitt continued his presentation on the Cebolla oil and gas lease parcels. It can be found in the section of these notes immediately preceding the public comments.

## Closing Comments

Nickie Vigil asked why RAC meetings were scheduled for two days. Kathy McKim thought that the original reason for two days was to get the RAC up to speed on the field office issues. For the next meeting, the RAC is up to speed on both areas so it could be less than two days. Nickie noted she would like all the updates on one day.

Myke asked Pete Valencia, who was in the audience representing State Representative Lujan, if he thought a letter to Rep. Lujan's office and to the Washington delegation, would be constructive to highlight the challenges the BLM has with regard to wild horses. Myke suggested that Rep. Lujan and others look at the great sums of money spent to care for these horses; money unavailable for other aspects of the BLM mission. Kathy added that the money that is spent is not changing the problem on the land. Pete noted that New Mexico is the only state with a delegation office. If the RAC wants the whole delegation behind this issue, they can submit a letter to the delegation office. The delegation office is always in the senior senator's office, in this case, Tom Udall's office. Myke suggested the committee consider formulating and perhaps drafting such a letter before the next RAC meeting. Nickie asked Victoria Barr for recommendations for management tools that they might incorporate into the letter. Victoria said that if the BLM had the tools of euthanasia of healthy animals and/or sale without limitation, then they could develop management strategies to help control the population. Tools now are gather and remove, limited short-term sterilization, and long-term holding and adoption. The WH&B Act has the tools the BLM needs. Myke noted that another tool that is lacking is funding. So if the RAC can elevate the issue to the New Mexico and federal delegation, then there are individuals who may be able to carry legislation forward to help the BLM tackle the issues. Pete pointed out that Senator Udall is on the Appropriations Committee and he can bring the issue up. Victoria asked how you strategize to administer PZP on an annual or biannual basis. It would require a massive effort. Barbara noted there is a strong belief that the money spent on temporary sterilization would be less than that spent on long-term holding. Victoria reiterated some of the other proposals that have come out and noted that the reality is that a federal judge just halted a gather because of concern about whether the NEPA addressed PZP. Moreover, advocates have a wide range of viewpoints.

## Adjournment

There being no more business, Barbara Kipper made a motion to adjourn the meeting. Seconded by Kathy McKim. Meeting adjourned at 3:15 p.m.