

Summary Minutes
NEW MEXICO RESOURCE ADVISORY COUNCIL
March 5-7, 2008
Las Cruces

RAC Members Present:

Crestina Trujillo-Armstrong
Gerald Chacon
Bruce Gantner
Betty Haagenstad
Cliff Larsen
Mark Marley, Chair
Randall McCormick
Matthew McQueen
Raye Miller
Lynda Sanchez
William Sapien
Lynne Sebastian
John Thompson
Martha Yates

Marcia deChadenedes, NMSO
Sam DesGeorges, Taos FO
Ron Dunton, NMSO
Sabrina Flores, Albuquerque FO
Thomas Gow, Rio Puerco FO
Eddie Guerrero, Las Cruces DO
Steve Henke, Farmington DO
Theresa Herrera, NMSO
Donna Hummel, NMSO
Jesse Juen, NMSO
Ray Lister, Las Cruces DO
Debby Lucero, NMSO
Jim McCormick, Las Cruces DO
John Merino, Socorro FO
Jennifer Montoya, Las Cruces DO
Ed Singleton, Albuquerque DO
Mark Spencer, NMSO
Jim Stovall, Carlsbad FO
Hans Stuart, NMSO
Dwayne Sykes, Las Cruces DO

Designated Federal Official:

Linda Rundell

BLM Staff:

Eddie Bateson, Roswell FO
Joe Blackmon, Albuquerque FO
Doug Burger, Pecos DO
Bill Childress, Las Cruces DO

Scribe:

Karen Meadows

MARCH 5, 2008

FIELD TRIP

PUBLIC COMMENT PERIOD

RAC Chairman Mark Marley opened the Public Comment Period at 6 p.m. RAC members introduced themselves. Members of the public were invited to speak. No one took the floor.

Angel Montoya of the Peregrine Fund was asked to talk about his work with BLM staff to introduce aplomado falcons on federal land. The Peregrine Fund is a conservation group based in Boise, Idaho, that began raising and releasing aplomado falcons after they were listed as endangered. Its world-class facility in Boise started in 1985, originally for raising peregrines. Now they raise California condors and aplomado falcons.

The fund has released aplomado falcons on grasslands throughout their historic range, across AZ, NM and TX. They started aplomado releases in TX, working with private landowners through a program called Safe Harbors, and with sanctuaries. In 2006, the fund moved into NM, starting on Ted Turner's ranch. They have released 50 birds in NM, and one pair is known to have been established. There is high attrition: 50 released usually result in only one pair. The overall recovery plan calls for 60 pairs to be established, at which time the Peregrine Fund will petition US Fish & Wildlife to down list the aplomado falcon from endangered. Fifty pairs have been established in TX, so 10 pairs in NM will meet the fund's goal.

Aplomados are small or medium falcons. Home territory for a pair is 10,000 acres. Birds are released at 40 days of age. Great horned owls, eagles, coyotes and raccoons eat them. Reasons for the birds' initial decline are not known. It is assumed that changes in habitat, pesticides, museum and personal collections of birds and eggs, and hunting, all contributed. Another contribution to population loss is that humans can get very close to them.

Birds released in the Socorro district have since moved. It is natural for pairs to wander and find a place they really like. A Deming pair disappeared—also normal behavior. A driver told RAC on their field trip that the Spaceport area had two or three pairs nesting. The Peregrine Fund did release birds in that area. Mr. Montoya repeated that he appreciates the BLM partnership greatly.

Members spoke about RAC working groups and decided to use the agenda time set aside the next day for discussing public comment to address working groups.

Mark closed the Public Comment Period at 6:29 p.m.

MARCH 6, 2008

RAC MEETING

CALL TO ORDER, WELCOME & OPENING STATEMENTS

Chairman Mark Marley called the meeting to order at 8:04 a.m. Linda Rundell welcomed RAC members. She said Governor Richardson's representative Sally Rodgers was not able to join the meeting. Linda hoped the field trip gave the RAC the flavor of BLM management issues. Within BLM, NM is widely recognized as having the most effective and dedicated team of managers. She referred to Spaceport issues that she's struggled with since the 1990s, because the needs of public land users do not mesh with the needs of Spaceport users. For example, the public is denied access to public lands during launches. Linda asked the RAC to bring ideas or potential solutions to her. The bill to make the Trackways a national monument was in the US Senate Energy Committee. She also requested RAC input on how to manage that land, especially if it becomes a monument.

BLM is proactive throughout the State, developing new initiatives including alternative energy and Restore NM. An emerging issue west of Albuquerque is old uranium mines. The Energy Act of 2005 gave incentives for nuclear energy—which involves uranium. Since then, more than 7,000 claims for uranium mines have been filed with BLM. Linda anticipated that the RAC would advise her.

Border issues include the fence, facilities and impact on public land and its users. Bill Childress is the new Las Cruces FO manager, with wildlife management and border experience. Past RAC chair Dr. Anthony Popp told Linda recently that on the RAC he, "Learned a lot, did a lot, and helped a lot." Linda hoped that would be true for the current RAC. The service they provide is very important to BLM.

The RAC was invited to contact potential new RAC members for an application deadline of April 14. Those appointed are vetted through a very long process, with approval by the governor's office, Department of the Interior and the White House. RAC members can reapply after one year.

INTRODUCTION OF NEW RAC MEMBERS

Mark asked new members to introduce themselves.

Raye said he has resided in Artesia for 27 years, works for the Oil & Gas (O&G) industry, and is on the Artesia City Council and State Land Office Board. He has been a strong critic in the past of slow change, including not putting people in place quickly enough. He said he spoke to the new Las Cruces FO manager about potential problems of apparent drilling activity south of Otero Mesa. He is a returning RAC member.

Crestina is a US Forest Service (USFS) permittee, with leases to her family since 1927. She owns ranches in NM and CO, where she runs goats, sheep and cattle. She is very involved with agriculture and livestock associations and with her county commissioners. She is a RAC member for

the second time, and thinks being on the RAC is a wonderful experience. She hopes to get some things accomplished.

Matthew is an attorney living in Galisteo, who has practiced law in Santa Fe for 12 years with businesses, real estate and nonprofits. He is on Santa Fe's Open Space Advisory Committee, and works with groups addressing issues including watershed health. He looks forward to learning more about BLM and statewide issues.

Martha has lived in Vallecitos for 20 years, has a UCLA doctorate and taught there, but said her most relevant experience was working as district archaeologist for the US Forest Service (USFS) in the Coyote Ranger District of Santa Fe National Forest. She has interacted with many BLM staff and found them a pleasure to work with.

Randall is a Lea County Commissioner. He said when he was elected, BLM's Doug Burger came to him for support, and Randall acted as mediator/referee for some split estate issues in northern Lea County. Past BLM practices were not in the best interest of landowners, so commissioners are working through those issues with BLM. He said Doug and Tony Herrell and Jim Stovall have worked diligently to see that those issues were met and landowners were happy, and that's a tough situation to solve. Randall saw in those meetings that BLM's hands were tied, so he thought he could help change the system through the RAC.

A Hobbs steer roper asked Randall how to get the National Finals Steer Roping Contest to Lea County. Randall arranged for that event to be hosted in NM instead of OK. They brought in the Professional Rodeo Cowboy Association, and raised prize money from about \$20,000 to \$250,000, without using taxpayers' dollars.

Lynda added that knowing about these types of things, and talking the talk, helps BLM public relations with ranchers. Pick up on that, she told BLM staff.

Mark invited returning RAC members to introduce themselves.

HISTORY OF THE BLM

A DVD made by the CA state office was shown.

FIELD OFFICE MANAGERS' PRESENTATIONS

Bill Childress, Las Cruces District Office (DO)

Las Cruces DO manages 5.4 million acres in six NM counties, maintaining partnerships with agencies including the Department of Defense, USFS and US Customs & Border Patrol (CBP). The DO is helping to establish the Continental Divide Trail, as well as monitoring and maintaining dikes, dams and ranges in each county. DO management includes 25 Wilderness Study Areas (WSAs), 28 Areas of Critical Environmental Concern (ACECs), four recreation sites, 605 grazing allotments, over 39 miles of riparian habitat, and over 599 wildlife species—including 147 special status and 22 threatened and endangered. He continued listing responsibilities including 84 miles of international border.

DO challenges:

- Community expansion
- Processing the tri-county Resource Management Plan (RMP)
- Management of off-highway vehicle (OHV) activities
- Management of open space
- Implementing Healthy Land Initiative and Restore NM goals using fire and herbicides
- Working through the wilderness designation process
- Processing major rights-of-way for power lines and pipelines
- Processing rights-of way for Department of Homeland Security (DHS) border infrastructure

- Completing standards and guidelines assessments and around 400 remaining grazing permit renewals
- Managing sensitive cultural and natural resources
- Keeping up with numerous exchanges

Question/Answer/Comment

- What is the status of conservation area proposals and counterproposals in the Doña Ana County National Conservation Area? There is no new proposed legislation. Concerning Trackways, BLM is gearing up for whatever comes down when legislation is enacted.
- Senator Bingaman seems to be concentrating on Trackways, and, hopefully, will also take action on others.
- BLM is looking at options with Phelps Dodge to exchange numerous slivers of land within existing operations.
- Lynda introduced Pat Becket, an archaeologist whose wife owns a bookstore. Both are very involved with the Spaceport, and are vast sources of information, she said. She wanted to recognize Mr. Becket and urge the new DO director to use him as a resource.

Ed Singleton, Albuquerque DO

Ed mentioned that the DO sponsors a statewide volunteer construction crew of 14 heavy equipment operators, laborers, carpenters and masons who do dam maintenance, Lesser Prairie Chicken (LPC)) habitat restoration, recreation site repair and numerous projects that aid BLM. The fire program is very busy addressing the huge amount of lumber within Albuquerque DO coverage.

Tom Gow, Albuquerque District, Rio Puerco Field Office (FO) (Attachment 1)

Within Rio Puerco FO territory, there are five counties, eleven pueblos, and 15 Navajo chapters. The BLM history DVD referred to manifest destiny in the establishment of federal lands. He said there's another side to that. Any time he meets with tribal representatives, Tom is asked, "When are you going to give our land back?"

Primary issues, concerns and management actions:

- An annual 100-mile motorcycle race uses three sites.
- An RMP revision Notice of Intent was published February 29. The FO has initiated discussion with tribes and other entities.
- Urban interface brings big challenges. The majority of NM's population is within the Albuquerque DO boundary. Water for population expansion is a major challenge.
- NM has three highways designated as part of the West Wide Energy Corridor. Many issues have arisen, for example, tribes are concerned because corridors cross their lands.
- Potential geothermal resources too will necessitate consulting with tribes.
- The Zia Pueblo Ojito Wilderness Act includes 12,000 acres of public land to be sold to Zia Pueblo. BLM, Bureau of Indian Affairs and Zia are working out a set of regulations to deal with grievances over that land—which would be held in trust but open to public use. That is a unique experience for BLM.
- In the 1970s, when uranium exploration was underway in the Rio Puerco Basin, one homestake well produced an artesian flow of about 135 gallons/minute at about 100 PSI that was given to BLM. BLM developed the well with a 100-mile pipeline and troughs for stock watering. It's good quality water; and local people began tapping into the pipeline and extracting water from it. Over time, BLM came to agreement with water users, so now water is piped into two places in the community. A remaining problem being worked on is that it's going into homes that have 40 PSI.

- The Kasha-Katuwe/Tent Rocks National Monument Resource Management Plan/Environmental Impact Statement (RMP/EIS) is final. Tom is very proud of two things: 1) The Cochiti Pueblo logo shares the front cover with BLM, which is unique; and 2) The governor signed the first page—showing the cooperative effort. Visitation grew from 14,000 in 2000 to more than 60,000 in 2007. The RMP planned to cap visitation at 55,000, so we're there. Are the resources being degraded? Management may have to establish reservations or permits.
- Claim jumping hasn't stopped. Laguna Pueblo recently bought six acres of BLM land from someone who didn't own it. Pueblos have made it clear that uranium mining will not be done on their land. Laguna, Acoma, Navajo and Zuni asked for a cultural properties review of Mt. Taylor and surrounding areas for an emergency listing to stop uranium mining. They will have a year to make that permanent. The USFS is also working to have Mt. Taylor listed.
- Lynn said state law prohibits using a registered property. There will be legal activities on how to interpret that.
- Uranium is leaping in value and projected to rise very high. Tom said most recent mining includes pumping water in, then pumping water and uranium out. Is it safe? BLMNM has the most experienced and knowledgeable uranium person in BLM, who, unfortunately, is near retirement. BLM recognizes both the need and the challenges.

Question/Answer/Comment

- In the early 1970s, Rio Arriba County had uranium mines. Are those claims still active? Sam said most are not active. Cliff said the Santa Fe River has un-reclaimed uranium mines.
- The EIS makes West Wide Energy Corridor highways 35' wide; and they have to be compatible with other uses and other land use plans. It's a right-of-way for utility transmission, which BLM will encourage.

John Merino, Albuquerque District, Socorro FO (Attachment 2)

Socorro FO is responsible for 1.5 million acres including minerals, and 280 grazing allotments. There's a lot of interest in energy rights-of-way. The FO RMP will be completed in 2009. Catron County and Zuni Pueblo are cooperators in the RMP's last stages.

Several burns are planned, which he pointed out on a map. The Pelona Mountain burn encompasses 143,606 acres of BLM, USFS, NM Trust and private lands—one of the largest burns BLM has done. BLM plans to treat the first of seven blocks, 38,000 acres, in May, June or July. That area has one of the largest elk herds in the US. RAC members expressed concern about out-of-control fires. John said there's always a risk, and gave examples of factors, and precautions BLM takes.

The USFS is working with BLM on a complex burn on the upper slopes of the Magdalena Mountains. They're working on another burn with US Fish & Wildlife (USF&W) to enhance habitat for elk in an isolated mountain range southeast of Socorro. BLM makes recommendations to USF&W management that have been used. Ranchers in that area are selling elk hunting permits to their advantage. The FO will alert the RAC of burns planned and invite them to witness.

The Socorro FO is excited about participating in aplomado releases.

The land managed by Socorro FO has a lot of history. Staff met with a Mexican delegation last year about El Camino Real; and they have a Socorro group researching the trail. The Continental Divide Trail goes through the resource area. Some staff are very involved in community historical events, e.g., reenactments of the Oñate march and Civil War battles.

Steve Henke, Farmington DO (Attachment 3)

Farmington DO manages 1.4 million acres of surface lands and 3 million acres of federal mineral estate. Approximately 20,000 wells are currently administered, producing 1 trillion cubic feet of gas and

2.5 million barrels of oil in 2007. Royalty revenues from federal and Indian lands within DO boundaries amount to more than \$705 million, of which NM receives about half.

These resources are significant locally, regionally and nationally; and are linked to national security and energy policies. Applications for Permit to Drill (APDs) for the last decade associated with trends in the price of natural gas. Farmington FO anticipates 550 permits and APDs in FY2008. Steve showed photographs of a typical drilling rig and completed reclamation. What they're striving for on new development is twinned wells with a teardrop road pattern, and a seeded area up to the wells.

The FO has three active coal mines, two open pit and one underground. The Navajo open pit has had very successful reclamation. The San Juan mine went underground where a coal seam dipped. It is state of the art and very efficient, employing about 200 people, probably half underground.

Additional funding has enhanced inspection and enforcement: 20 inspectors inspect drilling operations to make sure they are in compliance, to protect surface and ground water, and to inspect workings and accountability. Inspectors witness plugging of old wells and reclamation. Farmington FO is pioneering a strategy to inspect every working well every three years, which is higher than average bureau-wide. They formerly concentrated on high-producing wells or those with a history of noncompliance—so others might be visited only every 10 years. The new approach has been effective in communicating with operators and being proactive to address problems.

In partnership with NM Oil Conservation Division (OCD), an OCD inspector is housed in the Farmington BLM office to share databases and avoid duplication of efforts.

Renewable resources:

- There are 12,000 known archaeological sites, 68 listed on the National Register of Historic Places. Chaco outliers are in the world heritage program. Looting and vandalism are being stemmed with the help of citizen volunteer site steward programs. Defensive pueblo sites have been stabilized.
- Wildlife management includes closing areas to O&G activity seasonally.
- Long successful relationships with citizens' groups and NM Department of Game & Fish (NMG&F) have helped BLM provide water for wildlife.
- The FO has established 14 road management units to address 5,200 miles of unpaved road. The goal is to upgrade all main collector roads to gold book standard in the next 10 years, in a cooperative effort with industry and landowners.
- The FO manages 196 grazing allotments, with approximately 1.4 million acres grazed. Navajos particularly rely on grazing allotments for their livelihood, and now run more cattle than sheep and goats.
- Special management recreation areas include Negro Canyon, which is closed in winter for big game and eagles. The only O&G lease there is 1,200 acres with very restrictive regulations.
- Rock crawling is a growing recreation activity. Formations around Farmington are perfect for the sport, so use will increase.
- Steve touched on remaining resources: Bisti/De-Na-Zin Wilderness, mountain biking and paleontology.
- The FO is using fire, mechanical means and chemicals to reduce threat of wildfires.

Question/Answer/Comment

- What's good and bad about the 1872 mining law? There have been changes in how it's implemented. It is a political issue. If Congress drafts a mining bill, they would likely ask BLM for testimony on impacts. BLM hasn't taken a stand, but will deal with what Congress does.
- Linda said one of the biggest issues over the years is that the public receives no benefit from the law—because no royalties are paid and no revenues go into public funds.

- The FO is in process of analyzing the current trend to minimize surface disturbance. They are probably twinning about 35% of new wells.
- Reclaiming abandoned wells is going even better than planned. Active companies are contributing road improvement, etc., to facilitate. There's currently about one acre of disturbance for well pads.
- Any split estate issues? They have not bonded on private land to date—which is the last resort. BLM encourages companies and landowners to come to agreement. There's been serious discussion but so far all disagreements have been resolved.
- Split estates drilled in the 1950s and 60s were bonded and never did anything with landowners. Steve said the Good Neighbor Initiative (GNI) has been taken seriously by the industry—he recommended contacting that association. BLM can play a role, but GNI has been very responsive.
- Anything new about reclaimed water? Steve said BLM is interested in research proposals, and it will finally come down to economics.
- Lea County got a \$1.5 million grant to study reclaiming produced water. Randall will inform the RAC as that goes through.

Sam DesGeorges, Taos FO

Taos FO oversees 658,000 surface and 2 million subsurface acres. Surface acres are centered along the Rio Grande corridor. The FO manages the whole suite of resources, with one division devoted almost entirely to recreation, and another division that covers the rest of the range. Resources are adjacent to communities, 10 pueblos and three other tribal entities. Minerals focus on sand and gravel, with a few CO₂ wells.

Recent projects include:

- Ojo Sarco parking finished near Dixon for hikers and fishermen.
- Schools working on riparian restoration and wildlife habitat.
- Illegal dump cleanups.
- Velarde Public Land Day, with cultural programs and a cleanup.
- Reintroduction for the first time of 25 bighorn sheep in what is believed to have been their original habitat.
- A former landfill near Pilar converted to a campground.
- Salt cedar removed from two acres with herbicide—the first herbicide use since 1998 because of local resistance.
- Sage bladed under perfect conditions on 218 acres. Blading leaves the ground undisturbed, duplicating what fire would do, and the FO reseeds depending on need.
- With NMG&F, BLM annually stocks the Rio Grande with fish. This year they introduced hybridized cutthroat to bring that bloodline back.
- Stock tanks made from used truck tires distributed.
- Molycorps land will come to BLM.

Question/Answer/Comment

- Vecinos del Rio and schools including pueblo schools, have partnered with BLM to record petroglyphs.
- The FO expects the RMP draft by June/July. It describes four alternatives for change of management direction on issues including land tenure, land uses, special area designations, visual resource management, transportation and minerals.
- The FO is looking at management alternatives overall, as well as site-specific.

- Raye pointed out small areas surrounded by lands of mixed ownership that he called land management Siberia, which BLM spends a great deal of time managing.
- Future plans include reintroducing river otters.

Pecos DO

District Manager Doug Burger was introduced. Pecos District includes Roswell and Carlsbad FOs.

Eddie Bateson, Pecos District, Roswell FO

Roswell FO manages 1.5 million acres of surface and subsurface public estate, and an additional 8.4 million acres of federal mineral estate.

FY2008 focus:

- Sand Ranch acquisition—exchange of private property acquired by the SLO.
- Completion and implementation of the Sensitive Species Resource Management Plan Amendment—incorporating both Roswell and Carlsbad FOs, encompassing 847,491 acres of public land, and 297,832 acres of split estate federal minerals. Objective: develop and implement specific management prescriptions to ensure continued habitat protection for the Lesser Prairie Chicken (LPC) and Sand Dune Lizard (SDL).
- The RMP identifies 33,000 acres of public land tracts in Chaves County available for disposal. The FO is working with the Public Land Use Advisory Committee and county commissioners to identify up to 9,000 acres of isolated tracts of interest.
- With Restore NM, the FO will complete invasive species removal for habitat restoration on their 500,000th acre in 2008.
- Snowy River Cave, discovered in 2001, has possibly the longest continuous underground calcite formation in the world—2.2 miles. In 2004, BLM closed Snowy River to the public for safety reasons. Last summer researchers helped staff provide safer access. BLM is working with NM Tech and other volunteer specialists from around the state who are providing invaluable service to assess and protect the cave.
- The FO is facilitating public and state land access to large blocks of federal land.
- Recreation opportunities are being promoted and facilitated, including the Mescalero Sands OHV area. At Valley of Fires Recreation Area, the FO completed 1.5 miles of trail through a lava bed. Fort Stanton Cave is a wonderful resource that led researchers to Snowy River. Haystack Mountain OHV area provides a local economic boost. An annual 61-mile equestrian endurance event brought in 175 international visitors in 2007. The Lincoln Historic District remains a strong draw.

Jim Stovall, Pecos District, Carlsbad FO (Attachment 4)

Carlsbad takes many of the same actions and is in touch with issues similar to NM's other FOs. Carlsbad staff works closely as a team to address multifaceted issues in a balanced way. They base their work on strong relationships and partnerships. For example, new RAC member and Lea County Commissioner Randy McCormick had such trust with ranchers that they gave BLM biologists access to LPC areas. The area has wonderful geology. The trick is how to balance planning and management. FO staff builds understanding and trust, e.g., they take the whole management team to meet with partners. Staff takes part in leadership programs. Their focus is to slow down and work together. Jim said Linda tells managers, "Take care of your people; take care of the land; get involved with the community." They base their activities and their plans on those goals.

Question/Answer/Comment

- We're seeing increased OHV areas statewide. Those supervised by groups seem to be doing okay, but renegade drivers are worrisome. Enforcement is thinly spread. What's being done? In Apache Canyon, for example, there are cluster of cultural sites. How are they protected?
- Mark replied that OHV sites mentioned are on his family allotments. The sand dune area has never been stable and the designated area is limited to the dunes. Most users stay within that fenced half section. The other site has issues that are being worked on.
- There are two types of OHV events, one open with dunes at Mescalero Sands. Haystack Mountain has routes. BLM has fenced the areas and significantly increased enforcement.
- Educate groups that before BLM allows expansion, users must follow the rules. Posting maps on kiosks helps. We have to build relationships with partners, including both adjacent landowners and the OHV community.
- Carlsbad FO's problems with endangered species and historical use are making it vital to establish OHV areas, make them known, and educate users. In the past, everything was open.
- Rio Arriba County has 58 recognized communities in and around forests, and people have had access for generations. Where they used to go by horse or truck, now four-wheelers are causing serious problems.

BORDER ISSUES (Attachment 5)

Eddie Guerrero, BLMNM International Border Advisor

The US Customs & Border Patrol (CBP) and the Department of Homeland Security (DHS) operate on BLM lands along the NM/Mexico border. An MOU signed in 2006 tells BLM, the Department of Agriculture, USFS, etc., their agencies' roles and responsibilities in the 60' Roosevelt Easement. It stipulates that BLM has no authority in the Roosevelt Easement if it interferes with CBP. BLM needs to coordinate and gain authorization.

In March 2007, CA, AZ and NM BLM offices put together a budget package to increase their work forces to deal with those new demands. BLMNM did get funding for radio enhancement, and cooperatively with CBP installed a radio repeater in the Big Hatchet Mountains—enhancing radio communications for both CBP and BLM. They also worked with wilderness groups on that project.

In January 2008, an MOA signed between the Department of the Interior and CBP specified roles relating to National Environmental Policy Act document review and input. It named BLM as a cooperator, which is a concern because, for example, it leaves BLM open to litigation.

BLM manages lands along 84 miles of the 180-mile long Mexican border. The US Army Corps of Engineers is leading environmental assessment for roads, fences, vehicle barriers, lights and video surveillance. A key issue is that all are to be constructed by December 2008. BLM has worked to respond in a timely way for review of environmental documents, visiting sites and advising on design. CBP has also provided environmental assessment of two facilities for temporary holding and helipads.

In November 2005, DHS announced the Secure Border Initiative (SBI). Within SBI, *SBI_{net}* includes a number of towers with radar camera communications, fencing and lighting.

Coordinated efforts:

- SWNM Border Security Task Force put together by Senator Bingaman meets in Deming quarterly to discuss site-specific problems. BLM takes part.
- The recently developed Border Management Task Force is an interagency group meeting in Las Cruces to address issues and coordinate. It includes USF&W, USFS, the State of NM, BLM, law enforcement and congressional representatives.
- Trespassing is an issue, sometimes unintended, e.g., National Guard from West Virginia didn't know the territory and ran off the road into a WSA. BLM now provides training for incoming CBP and

National Guard. The Real ID Act allows waiving of environmental laws if they impede securing the border.

Question/Answer/Comment

- What are the attitudes of people along the border on both sides? They vary. US ranchers and small towns are less concerned by the fencing than they were by dangerous confrontations, break-ins, strangers asking for water, etc.
- The data does show a decrease in illegal aliens apprehended after military/National Guard were stationed along the border. Recent acts tripled the size of CBP. Eddie did not know what effect the fence has culturally or personally.
- BLM gets regular reports from CBP. It's not known how many terrorists have been apprehended.

UPDATE ON FORT STANTON ACEC, FORT STANTON CAVE, RIO BONITO ACQUIRED LANDS WATER RIGHTS & THE DEEP WATER WELL ISSUE (Attachment 6)

Michael McGee, Roswell FO Hydrologist

Roswell FO entered into a 2006 five-year water resource conservation agreement with the NM Interstate Stream Commission (ISC). BLM assigned part of its water rights on the Rio Bonito to the ISC for placement into the Pecos River Water Resource Conservation Project. BLM retained use of 336.375 acre-feet per annum to irrigate 103.5 acres of public land. As a result of the agreement, flows in both rivers will be improved, benefiting other water rights holders, and improving and maintaining riparian habitat and fisheries habitat on public land. And NM will be better able to meet its water obligations to TX.

Michael briefly explained the NM State Water Law. The issue is that new deep groundwater appropriations may impair existing rights. He showed a side view of nine Hondo Valley golf courses—with an average size of 100 surface acres, 70 acres irrigated. A proposed new private course has drilled two deepwater wells. He showed a map including the Ft. Stanton ACEC, Ft. Stanton Cave and nearby springs that feed the Rio Bonito. The deep wells may impair BLM water rights, and may impair groundwater discharges to Fort Stanton Cave and Snowy River Cave.

A NM statute determines that if persons drill into an aquifer at less than 2,500', they have to continue through the aquifer, even if the well then exceeds 2,500'. These two wells have not been officially approved by the State Engineer (SE). In accordance with the statute, persons objecting to the well may 'bring an action in the district court.' This differs from standard water rights proceedings in that actions go to district courts in counties, so the SE is left out of the court process. If a party protests a district court ruling, the SE would then join with them.

Lynda said everyone in the area is madder than hell and she's glad that BLM is becoming involved. These are additional straws sucking out of the same bowl, and the audacity of this party is outrageous. Another example is someone who drilled a well 3,100' deep on his own land over a holiday weekend, letting foam flow into the Rio Bonito. This will continue to be done, she said, and will affect the whole state. We need to respond.

Michael explained that the issue is clouded by the over/under aquifer clause. He showed further maps, making the point that experts think these new wells are hydrologically connected to the water table.

BLM is asking for the statute to be interpreted correctly by the SE. The community fears that the wells might be approved even if the statute is not met. BLM's goal is to protect existing public land water supplies in compliance with state water law to acquire, establish beneficial use, and perfect water rights needed to carry out multiple-use management. Staff will monitor and investigate all new water appropriations that may impair BLM water resources.

Question/Answer/Comment

- What can be done to prevent them from pumping water? The statute says they go to the SE for permission. That has happened twice and the statute was applied correctly.
- BLM is waiting for more information, including drilling and well log information, so has not filed a protest. The final drill cutting for the second well was not submitted within the deadline.

FUTURE OF RESOURCE MANAGEMENT PLANNING (Attachment 7)

Mark Spencer, BLMNM State Planner

BLM is at a critical planning juncture. A report to Congress in 2000 evaluating all BLM's existing plans—mostly developed in the 1980s-1990s, showed urgent need to update. Section 202 of the Federal Land Policy & Management Act (FLPMA) explicitly addresses planning, setting the stage for developing and implementing plans, and assuring that management on the ground be connected to the plan. Since the 1990s, new legislation regulations, legal issues, policies and newly designated lands and land use have outgrown RMPs.

Changing land use is a vital reason for new plans and prioritizing. Since 2000, 50 RMPs have been completed; 55 are ongoing and there is a \$45 million annual budget—half for plan development and half for maintenance. Future direction is to monitor, evaluate and amend RMPs as well.

Plan Implementation Strategies is a new BLM initiative that provides a framework for tracking and evaluating, identifies priorities based on budget, and enables BLM to communicate priorities to constituents and involve the public in planning. Plan evaluation is increasing to every three years. With Kasha-Katuwe Tent Rocks National Monument, e.g., an interdisciplinary team with BLM management staff will develop a work plan to be rolled out to the public, in a a three-day implementation strategies workshop.

Mark tracked progress on RMPs throughout NM. Las Cruces is involved in a tri-county plan involving both amendment and revision for 15 million acres. Land tenure will be a significant issue, along with special designations. BLM staff is juggling statewide between plan implementation and getting plans done. Sections of TX, OK and KS are also part of the BLMNM region. Check www.blm.gov for additional land use planning information. On that site, go to programs, planning and then to specific sites.

Question/Answer/Comment

- Congratulations to BLM on scoping done in the Ojo Caliente area.
- RMP decisions fall into categories, including the workload for achieving desired outcomes and demand for products and access.
- How do BLM and other agencies continue with diminishing funding? They can't do everything, so they establish priorities and implement what they can. Communication is essential.
- Planning is even more important when money is limited.

UPDATE ON RIO PUERCO RESOURCE MANAGEMENT PLAN

Joe Blackmon, Rio Puerco FO RMP Team Leader

This RMP needs revision because Albuquerque holds most of the NM population, the sand and gravel needed to build, and uranium—which is in the national spotlight. Better coordination among all government entities is needed. And there are always new data and data management demands. The existing RMP was approved in 1986. The planning area encompasses 9.5 million acres interspersed with 900,000 BLM acres in six counties, crossing four ecoregions,

Joe listed needs and management concerns, e.g., water and air quality. Looking down the road 5-20 years we really have challenges, he said. Staff has preplanned, meeting with tribes, agencies and interested groups and individuals. They anticipate to end scoping by the 3rd week in April, with a

scoping report out June 30. He showed the schedule, from starting point February 29, 2008, ending with the implementation workshop in March 2012. Unlike the past, they are looking at implementation every step of the way.

Question/Answer/Comment

- In the Governor's Consistency Review, his office assures that BLM plans are consistent with state plans. They collaborate and inform one another during the process so there are no surprises. Ron said they take the governor's wishes into consideration, but in the end stick by their own plan, e.g., on Otero Mesa.
- BLM starts with issues. Then, during scoping, issues arise from the public, sometimes unanticipated.

WORKING GROUPS

Mark spoke about past RAC use of working groups and invited discussion.

- Cliff said he is interested in clarifying the role of the RAC. He would like to go back to four meetings per year. A quorum is needed, so members would have to make a commitment to dates.
- Linda said the November/December meeting was canceled because new members had not been approved in Washington. That will most likely continue.
- The Washington office says it is mandatory to have a quorum of 12, with four members from each category, for every meeting.
- Discussion continued on reasons for meeting and how often it is best to meet.
- Linda reiterated that this is an advisory council. The original RAC was asked to address range use, and met six times. After that, RAC members' interests led to issues that could be worked on. Issues should come from the bottom up, and arise as needed.
- The first meeting could be introductory with the second meeting issue-focused.
- Some members attend to assure that their livelihood isn't negatively affected. For example, some of the issues county commissions face now would have been solved if a RAC had been meeting in the past.
- The RAC is an interaction.
- Cliff read from the newspaper about land exchanges, energy corridors, off-road vehicles and more. To learn something in depth and do something useful, we need more meetings, he said. If we don't want to do that, have fewer meetings. But we're in the middle right now.
- Is the RAC still useful? It's impossible to outgrow issues. But BLM solves them; the RAC doesn't.
- The Recreation RAC reviewed and approved staff-recommended fee changes at its July meeting. None were pending for this meeting.
- Raye and Cliff worked together to come up with proposals for congressional delegates to act on WSAs. No agreement on recommendation was reached.
- Bruce investigated other RACs. NM is unique in how much public land it has, its high O&G activity and varied uses.
- Does BLMNM really want a RAC?
- Linda said we have field trips because those areas have issues. She has asked staff, e.g., Marcia de Chadenedes, to contact RAC members, and they seem to get little or no response. She also invited members to talk to Sam DesGeorges about an issue in their area that concerned them. Most issues are local and need local solutions.
- Betty said she contacted Marcia and offered to help and never heard from her again.
- Concerning Trackways: How do you manage it? Close the pit? Convince congressional delegates it's not a good idea to designate it? Things could be worked on and voted on and recommended to BLM staff.

- Locals should deal with that. Mark said he has an OHV area that affects him directly, and that's where he needs to be working.
- The RAC could recommend steps that support what the locals want.
- Discussion continued.
- Raye and Mark met monthly for two years on LPC/SDL issues. It takes long multiple meetings. Mark thinks that's why issues are best dealt with locally. You can't get there in two or four meetings.
- Would it help for the RAC to reach consensus, write a letter on how to manage the Trackways and forward it to the congressional delegation? Discussion. Takes research, should be comprehensive, takes time.
- Doug Burger said this discussion is common amongst RACs across the West. Getting as involved as this RAC was discussing could be all-encompassing. Hear both sides. Pick an issue you can bring to conclusion that isn't too time consuming. Make a resolution. Linda has rare political savvy and will know what helps. Doug's SD RAC passed resolutions for him to send to the Secretary of the Interior.
- Discussion continued through the remaining meeting time. Mark asked that members mull over possible action.

The meeting recessed until 7:30 a.m. Friday.

MARCH 7, 2008 RAC MEETING

Chairman Mark Marley called the meeting to order at 7:33 a.m.

LAND EXCHANGES

Ron Dunton, BLMNM Deputy State Director

Debby Lucero BLMNM Realty Lead

BLM's three basic tools for land it wants to dispose of are: buy, sell or exchange. Current focus is exchange. Purchases in the past took seven years. Sales have to go through two departments in DC, but with a new streamlined process, BLM can appraise and sell land in less than a year and it's being done. So now buying has a process, although it's still lengthy.

Debby Lucero explained the land exchange process. Most BLMNM land exchanges are made with the NM State Land Office (SLO). The goal for exchanges is that public interest will be well served. BLM meets with the SLO to discuss lands they want to acquire or dispose of. Then BLM prepares a feasibility study, draft agreement and draft notice to the public. They study roads, resources, power lines, etc. The package is sent to the Department of the Interior Solicitor's Office for review and approval.

With approval, they can sign an Agreement to Initiate with SLO and publish notice of an exchange proposal followed by a 45-day comment period. Comments are incorporated into the Environmental Analysis. Then staff can order surveys, appraisals, studies, etc. Before signing a decision, they prepare a draft decision package with a Notice of Decision to the public, send it to the solicitor again, and to the National Land Exchange Committee (NLEC), for review and approval. Once approved, they sign the decision and send notice out, followed by a 45-day protest period. If BLM receives protests, staff responds with a decision signed by the state director, with a 30-day appeal period.

Cliff asked about working relations with the SLO. Ron said general BLM philosophy is to get state lands out of BLM management areas. He works with Dennis Garcia. Why can't this be done more rapidly? The bureaucracy is the holdup, and the review process is burdensome.

Debby said the authority for exchange is FLPMA as amended by the Federal Land Transaction Facilitation Act. BLMNM and the SLO exchange program are guided by an MOU signed in 2000. Sometimes what is acquired is worth more than what is released, so attempts are made to equalize the exchange. If a difference remains, with SLO that goes into an account for future exchanges, which

cannot be done with private parties. Lands also can be exchanged with the SLO without disturbing range leases because it honors leases BLM has in place and vice versa.

The MOU with the SLO includes a process for handling cultural resources. They can agree on the level of survey and go on with the exchange, with the understanding that the SLO will do a full-blown survey if in future they plan to develop there. Private exchanges necessitate a costly full environmental process.

BLM tries to dispose of both surface and mineral rights to avoid split estates. Where only one is acquired, it is to balance ownership. To get a statewide approach, BLM established a Land Tenure Steering Committee in 2005 that sets priorities.

Debby listed recent and current exchanges:

- The Santo Domingo exchange completed in 2007 was multiparty and very complex, involving lands in three counties, and including Tent Rocks and an ACEC.
- The Ojito/La Llena Land exchange involved WSAs, and has been approved by the NLEC.
- The SLO is after lands with commercial applicability. Their purpose is to raise funds for schools. BLM aims to consolidate areas for easier management.
- The Taos FO Sabinoso exchange has been initiated but is not yet before the NLEC. Exchanges include land in San Miguel County for land in De Baca, Guadalupe and Quay counties—involving a WSA that is not recommended for wilderness by BLM because there is no public access. Congressman Udall felt that was not a good reason and is moving the bill through the US House of Representatives, so BLM is clearing the way for access with exchanges. That exchange would also eliminate 52 allotments that are small and difficult to manage.
- The high-priority Santa Teresa exchange has gone to the NLEC and solicitor. It is comprised of 9,000 acres in Chaves County to protect SDL and LPC habitat; and it involves ACECs, WSAs and recreational lands.

Question/Answer/Comment

- Mark raised concerns over valuable lands in Chaves County involving the Sand Ranch where he sat on a board but was not aware of plans for exchange. He cautioned BLM not to make the SLO an intermediary with private landowners. It's a dangerous precedent, he said.
- Ron said people find out about land that BLM is interested in acquiring, and then private developers jump in and buy it. So generally BLM doesn't deal with private developers. BLM now has a tool to sell isolated tracts and use funds to address issues.
- Does an EIS include impact on counties? County planning and zoning is included in the environmental assessment, and all interested parties are notified, including adjacent landowners and county commissioners.
- Gerald said these little pieces add up over time. In Rio Arriba, the Jicarilla tribe has been buying ranches on the land grant. That changes the tax base completely, and county governments are already struggling to maintain services. He cautioned BLM to weigh what they're doing as an aggregate.
- Ron said BLM doesn't consider this benign. BLM believes the LPC is headed for listing in the next couple of years and its goal is to avoid that however they can. It would be a train wreck for SENM if that came to be, so BLM is taking all proactive steps it can. The tax base would mean nothing if that chicken is listed.
- This is happening all over the state. Causing imbalance is a real concern. Don't let private owners think you're going around them: there will be roadblocks. Discussion continued.
- Re Sabinoso, exchange lands have been offered to private parties, however they graze it already, so don't want to buy. Often surveys, etc., cost more than the land is worth. Federal parcels are often surrounded by several landowners, so a competitive sale is necessary.

- Steps to maintain LPC habitat are complicated, but their numbers in NM are coming back. NM is on the fringe of LPC habitat. Many issues affect LPCs throughout their natural range, but other states involved don't have much federal land, and NM does. So NM has become responsible for the future of the LPC. Listing would make protection mandatory on federal lands. BLM has tried to implement proactive steps hoping that even if the LPC gets listed, there would be no further restriction. A full force in effect could shut down all commercial activity in both known LPC habitat and potential habitat. With preparation, BLM and other parties hope to have minimal or lesser effect if it is listed.

RESTORING NEW MEXICO LANDSCAPES

Doug Burger, Pecos District Office Manager

Restore NM is intended to improve water quality and quantity, and habitat health, reducing erosion, sediment loads and catastrophic fires. Efforts are concentrating on reducing mesquite, juniper, creosote and salt cedar, and on oil field reclamations.

Mesquite is being prevented from invading LPC/SDL territory. BLM creates a GPS shape file to guide aerial spray treatment. Mesquite is native but out of balance in certain landscapes. Aerial treatment costs \$25/acre including aircraft and chemicals (tebuthiuron). About 10 days after spraying, plants yellow; and after 90 days leaves have dropped. With rain there's immediate growth from dormant seed. Plans are to apply chemicals once and maintain by prescribed fire. Range permittees agree not to graze treated areas for two years of growing season.

Juniper is also indigenous but overgrown in places. Underneath is bare ground and club moss.

Creosote exudes a chemical that prevents competition, therefore is surrounded by bare ground that encourages erosion. Draw bottoms are excluded from treatment.

Salt cedar is a highly invasive nonnative. BLM sprays salt cedar, leaving a thick concentration of dry skeletons that they remove by helicopter, or by ground crews using fire. Mechanical extraction works for smaller stands, areas with mixed species that you want to keep, or areas near towns where people don't want chemical treatment. There, piles are stacked and burned, with a few left behind for habitat. All of these areas reseed naturally after treatment as well or better than being seeded.

BLM and partners are now cleaning up a certain number of historic wells per year. Old well-pad restoration standards bulldozed caliche and scattered seed. Current practice is to strip off the caliche. Seed sources on site reestablish, although reseeded speeds up reclamation. Caliche pits are reclaimed similarly, spreading topsoil on the surface after burying or transporting caliche.

A total of 139,000 acres was treated in 2006, equaling 217 square miles. That's probably 1/3 of what BLM treated nationwide. In 2007, 261,000 acres were treated, 408 square miles. They'll soon treat their 500,000th acre. BLM works with partners so areas of mixed ownership are treated together. Partners include Natural Resource Conservation Service's Environmental Quality Incentive Program (EQIP), NM Soil & Water Conservation Districts, O&G operators, ranchers and the SLO. Obstacles include a scattered approach—so to make a significant impact, they've taken a landscape-level approach, using adaptive management, sharing strengths, and leveraging dollars.

Question/Answer/Comment

- To know what NM juniper distribution looked like historically, there are tree ring data, written accounts and a book of photos. Los Alamos National Laboratories and NM universities have all worked on this. Doug has photos showing juniper fences and buildings, and we know juniper was burned for fuel. Follow up photos show juniper moving in on metal fences and propane tanks when they replaced its use. It brings up the question of what we want to 'go back' to. Lack of fire and overgrazing affected the percentage of juniper historically. BLM aims for about 18%.
- Steve said about 20,000 acres of sage were treated by Farmington FO, and they plan to treat another 100,000 acres. They're working with EQIP to spend \$2.5 million on sagebrush removal. Northern

Farmington FO territory has migratory deer, and they depend on that in winter. Taos is also treating sage. Farmington and Taos FOs are evaluating results. Taos will probably apply fire more often than chemical treatment.

- Tribes are working with BLM on this. There was further discussion of the Farm Bill, programs and dollars. Key is to get buy-in from watershed coalitions and other groups statewide. This is costly work and there's tremendous competition for funds.
- Pull in the USFS. Show these presentations to communities and let them see landscape results. The USFS process is slow and under attack by lawsuits.
- Cheat grass is a rising problem. There's a new chemical approved to treat it, and BLM feels like they cannot let it go.
- Tom has worked with USFS successfully against sage. Tribes are also working closely with his FO. This is an exciting phenomenal on-the-ground success, something the RAC needs to appreciate and encourage.

WORKING GROUPS

Members suggested topic areas that could be the basis for future meetings or potential working groups:

- **Trackways**
 - Reclamation
 - Community pits
 - Roads/pads
 - Gravel pits
 - Trackways itself
 - National monument
 - ACEC/protection
 - Science resource area
 - OHV use
 - Chile Challenge
 - Other uses
- **Deep wells**
 - Ft. Stanton
 - Datil
- **Uranium mining permitting**—information will be provided at the next RAC meeting.
- **Alternative energy**—information will be provided at the next RAC meeting.
- **Restore NM results**
 - A letter applauding results
 - Study/take steps to bring state funds into Restore NM projects
- **Snowy River protection**—information will be provided at the next RAC meeting.

Discussion of topics followed:

- Lynne proposed having three RAC meetings per year, the first informational; the second focusing on 2-4 issues RAC members chose; and the third based on results of working groups, discussion and action taken.
- Make groups task-oriented rather than topic oriented. Working groups would filter topics down to tasks to address.
- Linda clarified that this advisory board benefits BLM by providing advice on issues. She has no expectation of a piece of paper or a product. With Trackways OHV use for example, BLM hears local responses. Input from outsiders with statewide perspective based on numerous backgrounds and

professions, is of value to her. The RAC's responses to Trackways and the Spaceport are of value in BLM consideration. The RAC could even note on paper their concerns and advice.

- Issues of interest to RAC members could be set on agendas, with in-depth discussion time. That could provide advice Linda needs, and result immediately in a letter to be forwarded to appropriate parties. Larger issues could be the basis of working groups.

Interest was expressed in the following working groups:

- Snowy River Cave—Raye will work with Doug Burger to draft an outcome/advice letter.
- Trackways—Martha, Betty and Raye. Raye will prepare a draft for RAC review.
- Alternative energy, including uranium—Bruce, Betty, Lynne, John, Cliff
- Restore NM—Cliff, Raye, Randall, Gerald, John. Raye and Cliff will report.

It was agreed that in-depth presentations on these topics would be on the agenda for the next RAC meeting. With that information, members could decide what working groups should be established. To save time on agendas, RAC members will receive written reports from FO managers, with oral reports only on new issues.

RAC members need to understand outcomes. Linda asked for advice in writing on precisely what kinds of presentations should be planned, e.g., whether to bring in OHV groups to address Trackways uses.

NEXT MEETING

The next RAC meeting was set for May 6-8 in Socorro.

The meeting was adjourned at 10:59 a.m.