

**Summary Minutes**  
**NEW MEXICO RESOURCE ADVISORY COUNCIL**  
**August 22-24, 2006**  
**Farmington**

**RAC Members Present:**

Philip Don Cantu  
Gerald Chacon  
Bill Chavez  
Mickey Chirigos  
Matt Ferguson  
Bruce Gantner  
Betty Haagenstad  
Rachel Jankowitz  
Meade Kemrer  
Cliff Larsen  
Mark Marley  
Robert MoQuino  
Bob Ricklefs  
Joanne Spivack, Chair  
John Thompson

**Designated Federal Officials:**

Steve Henke  
Linda Rundell

**Honorary Chairperson:**

Sally Rodgers

**BLM Staff:**

Sam DesGeorges, Taos FO  
Jan Gamby, NMSO  
Thomas Gow, Albuquerque FO  
Steve Henke, Farmington FO  
Theresa Herrera, NMSO  
Becky Hunt, Carlsbad FO  
Gary Johnson, NMSO  
Bill Merhege, NMSO  
John Merino, Socorro FO  
Dorothy Morgan, Carlsbad FO  
Jim Ramakka, Farmington FO  
Ed Roberson, Las Cruces FO  
Ed Singleton, Albuquerque FO  
Hans Stuart, NMSO

**Scribe:**

Karen Meadows

**AUGUST 22**

**FIELD TRIP**

**PUBLIC COMMENT PERIOD**

Joanne opened the Public Comment Period at 6:06 p.m. RAC members introduced themselves. Steve Henke was designated federal official.

**Bud Starnes, NM Department of Agriculture**

Mr. Starnes said he represented the Otero County Grazing Advisory Board, which is putting together a pilot to test grazing systems on Otero Mesa. The NMSU Range Improvement Task Force and Jornada Research Range are involved. The pilot needs funding. He requested that the RAC formally request that the BLM state director use BLMNM discretionary funds to get the project going.

**Question/Answer/Comment**

- Any idea how much funding?
- The RAC would like a written proposal.
- The board is doing that now. Different systems can run side-by-side for evaluation of the range. Jornada volunteered to use the Land in Transition model to see how to get the best bang for the bucks. The board wants to start the process, and report with a formal presentation once begun. The BLM Las Cruces Field Office (FO) is offering time and personnel to help. The pilot project will look at different grazing management systems and how they operate on Otero Mesa, to see which

works best. BLM has one or more forage utilization grazing systems. Jornada has another. The board plans to put at least five in the different ecotypes over a 10-year period.

- Is this connected with the Range School? Not at this time. They could tie together depending on findings.
- Ranchers can learn to do the processes themselves. Within 30 days the board wants to be out there looking at O&G processes and training ranchers and members of the board. The RAC is invited to take part.
- Bill Chavez asked that before RAC members go to the BLM state director they have a proposal including man-hours. Mr. Starnes said he couldn't talk numbers at this stage; they're just pulling people together.
- Ed Roberson said his FO has about \$20,000 to set up a pilot to determine and monitor whether it has achieved reclamation. Heyco is proposing to drill a well. The FO plans to monitor that well from cradle to grave to see whether they achieve pre-drilling standards. The two ideas merged just last week. The Nature Conservancy did a rangeland assessment for BLM and Otero County wondered why. That assessment was a snapshot that BLM is comparing to existing monitoring data.
- Joanne asked ranchers on the RAC to comment. Range evaluation tells ranchers how many cattle can go on the ground in a season. Would agreeing on one system help?
- Consistency in one area is important Mark said, but comparing the impacts of O&G would be important. A protocol established for east TX isn't appropriate for NM. Any system has to be appropriate for a local area.
- Philip agreed that you can't take a one-size-fits-all approach.
- Ed Roberson said trying to reclaim well sites during drought is difficult. There's been tremendous bounce back with recent rains. BLM is attempting in O&G planning not to disturb the land, taking a minimalist approach e.g., not using caliche. Only one well is proposed for drilling in that area, and two are capable of production. Money involved and information received depends on how that progresses.
- Mr. Starnes said the task force talked about surveying "the world." But you do some modeling and see to what extent you need to expand the sample size. That's where they are now.
- Ed talked about the vegetative mapping process that was run in Roswell and is expanding statewide to monitor grazing utilization and restoration, composition, structure. When the Nature Conservancy monitored, it considered whether that methodology was appropriate for these areas. They originally went out on the ground after aerial photos to determine whether it was in a grassland state, steady state or conversion state. Now BLM would like to see whether the vegetative mapping could be refined for better data. He offered to bring more information to the RAC.
- You can't separate a pad and range from an ecosystem, so have to look at long-range possibilities across the board, including protection of forage, and what the land is capable of producing.
- BLM manages for public land's health, and links back to ecological sites and their status. If we can define where we are, we can find out what kind of energy it will take to get it back, or whether it can be changed back. The Nature Conservancy project was intended to help BLM with fire planning, but offers more tools than fire to bring sites back.
- There is a small amount of money associated with setting up well pads, to monitor. Beyond that, BLM would monitor through budget planning.
- Rachel suggested that Mr. Starnes outline step-by-step on paper what would be done with current funding, and what would be done with an additional amount. Ed would help with that. Mr. Starnes's agency would like to put out weather stations and sample ground moisture. Other entities are interested in the project but haven't been able to commit.
- Most funding is needed for personnel and travel. BLM could input the data. The project calls for putting equipment in several places as well as having people take physical measurements.

- Bob MoQuino suggested talking to the USGS about its program for setting up rain gauges.
- Mr. Starnes talked to them recently and set a meeting. There is a big effort in the state to bring all this together.

### **Michael Eisenfeld**

Given the extensive energy issues in the Four Corners, what are BLM and the RAC considering in renewable energy projects?

- Steve Henke said the only one he's aware of is a national EIS for potential wind sites. Evaluations of potential wind farm sites on BLM land are underway. PNM has biomass proposals for western NM. Some plans also address geothermal development. The State Land Office is authorizing solar projects.
- The Farmington FO's new RMP does not include alternatives. Taos FO's RMP includes rights-of-way because the BLM connection is for access to sites. Feedback from military installations is that wind farms mess up radar systems. Leasing for geothermal use is not precluded in RMPs.
- There was considerable interest and hints of attractive incentives before the president's energy bill, but it's not economically feasible. BLM nationally evaluated and identified potential areas.

Mr. Eisenfeld said certain renewable energies do have potential and asked the RAC to consider them as they visit different communities.

He asked, "What's the status of law enforcement in Farmington FO?" Two rangers have been on board for about three weeks, so the FO is back at full staff. New rangers are getting to know their counterparts in other agencies, and learning areas of concern. Could some user groups meet with these rangers? Absolutely.

Illegal dumping is a big issue. How do people report violations? Start with BLM or the sheriff. BLM has been successful at tracking violators.

### **John Zent, NM Oil & Gas Association (NMOGA) Co-Chairman of the Public Lands Committee**

NMOGA is a voluntary association with several hundred company and individual members. NMOGA fully supports the Department of the Interior's multiple-use approach. The multiple-use program is demonstrated well in the Farmington FO (FFO). He suggested looking to FFO as a model. We are making progress, he said, fully utilizing NEPA documents as well as individual environmental assessments.

He asked the RAC to consider the march toward best management practices. O&G operators have been in the San Juan Basin for 70 years and will be gone in not too long, with the land returned to other uses. NMOGA is undertaking a number of revegetation studies, supporting NMSU grass studies around the San Juan Basin, some with supplemental water produced by O&G operations. Growing urban interface is another issue.

### **Question/Answer/Comment**

- Joanne asked whether NMOGA would chip in on Mr. Starnes's project. They are giving above and beyond right now, contributing to a voluntary mitigation fund of \$1,000/acre for BLM to apply to rangeland health. Seventy percent goes back to the grazing lessee. With the balance, BLM can fund projects that need special attention outside the annual budgetary process. It would be beneficial for the RAC to help him get some leeway to spend that money.
- NMOGA has a lot of clout. Would you use some of it to change the rules to use produced water to address revegetation? O&G companies have been spectacularly unsuccessful in getting leeway from OCD to do that. They're using produced water now for road construction and maintenance, and very

specific watering projects. Produced water is thought to be dangerous for revegetation. BLM has approval to use it on an experimental level.

- There is some variability in the quality of water from different locations.
- OCD could separate out what happens on gas wells as opposed to what happens on oil wells. There seems to be a desire for a statewide rule, despite geographic differences.
- Produced water in SENM is saline. A lot of water produced in the Four Corners is in a tolerable range. A company tried to use reverse osmosis in a pilot project, but the state engineer put an end to it. It became a water rights issue.
- Paul Thompson, past president of the Independent Producers Association of NM said Mark Fesmire spoke to that group last week and is working with the state engineer to address this problem. Currently the expense involved in cleaning produced water up isn't worthwhile because there's nothing they can do with it. A lot of agencies are involved with water in NM, with conflicts. It's difficult. His organization has been working on this for 6-7 years. It has been easier to get alternative disposal permits, with less technical data. Discussion continued.
- Alamogordo got approval of the state engineer for desalinization plants. They were going to evaporate the water and use the salt, e.g., on icy roads.
- Sally said she would invite Mike Fesmire to address the RAC about this and she assured the RAC that this is an issue of concern for her agency.
- Is this considered surface water? It's classified as produced water, and the problem is how it's used.
- Steve said there is connectivity to surface water in CO. Disposal is regulated. The producers don't actually own the water, they own the responsibility to take care of it as a waste product.

Public Comment Period was adjourned at 7:11 p.m.

## **AUGUST 23 RAC MEETING**

### **CALL TO ORDER, WELCOME, OPENING STATEMENTS**

Joanne opened the meeting at 8:05 a.m. She welcomed RAC members and BLM staff.

Linda greeted the RAC. She joined the meeting after taking part in a Carlsbad FO field trip for the Secretary of the Interior's chief policy advisor. They met with partners working in the restoration process and people were thrilled with the work being done. Steve set the standard in FFO for a lighter touch on the land, and for partnerships.

BLM met last week in Pietown with Congressman Pierce, working on designating the Continental Divide Trail from Mexico to Canada. Pietown is excited about being part of the trail because merchants will benefit. Maps were spread out and Congressman Pierce stepped in with a pen and asked landowners, "Where do you want the trail to be?"

She mentioned the status of RMPs underway. Lesser prairie chickens and sand dune lizards are part of a SWNM special status species plan incorporating all stakeholders. BLM expects public response, usually from those who don't like the plans.

Sally reminded the RAC that as the designated state official, she is on the RAC to answer questions about issues, especially ones her agency deals with. She would also be thrilled if people used the NM Energy, Minerals & Natural Resources Department website and its links, for example, for information on water, as discussed in the public comment period. She invited the RAC to look at the OCD website that includes a vast database put together by NM Tech.

Bill recommended putting water on future RAC agendas. Sally thought it would be helpful to invite the Interstate Stream Commission and State Engineer's Office to give basics on NM water law, especially as it applies to O&G. Bruce said it was clear from the last legislative session that beneficial

water resulting from produced water comes under the OCD. Linda knew of a fledgling business cleaning up produced water near Carlsbad.

A Farmington newspaper article stated that public comment would be held that night at 6, so Joanne asked that the RAC be available.

## **APPROVAL OF RAC MINUTES FROM FEBRUARY & MAY 2006**

### Motion

Bruce moved to approve the February 2006 RAC minutes. Bob Ricklefs seconded. Motion approved.

On page 15 of the May minutes, a comment was made that, "*Roundup* says it's a carcinogen on the bottle." Betty remembered that comment and said it may not be so. She asked that that statement be removed.

### Motion

Gerald moved to approve the May 2006 RAC minutes with that change. Bruce seconded. Motion approved.

## **ILLEGAL DUMPING FOLLOWUP**

### **Jan Gamby, Illegal Dumping Project Manager**

Jan took a sabbatical from her job to become project manager for addressing illegal dumping. She is casting a net as widely as possible to see what's out there and who's interested so BLM can form a consortium. Those interested hope to get emphasis during the state legislative session. Jan is meeting with State Forester Butch Blazer and the NM Association of Counties director. BLM wants a consortium and a strategic plan for public awareness that spreads into schools, enforcement and state and federal legislative initiatives. There will be a kickoff in the spring with key players. Jan asked the RAC for comments.

### Question/Answer/Comment

- Joanne, Theresa, Linda and Betty went to a June meeting in Albuquerque about illegal dumping. All government agencies have to be involved, including the judicial system on all levels. It will take a big coordinated effort. Closure of smaller local landfills had a major impact, as well as the price of gas and even the open container law. Courts are not taking illegal dumping seriously, so law enforcement is discouraged.
- Make transfer stations more accessible.
- Alert the legislature now through interim committees, particularly the Water & Natural Resources Interim Committee. Request the opportunity to make a presentation, and if there's time, propose something. Or request a memorial that would direct state agencies. Butch's model is excellent and could be used. Educate the committee about the breadth and depth of the problem.
- Recent Albuquerque flooding happened partly because drains were clogged with litter.
- Lea County Environmental Department gives lots of citations to Texans, and asked them why they dump in NM. They said fines in NM were a whole lot less than TX. This is a huge topic that needs concerted effort. Timing is everything and we hope we can work together for solutions.
- The NM Environment Department has an organization including agencies, nonprofits and communities working on solid waste that has helped develop policy for disposal and management.
- Bob recommended getting involved with Rio Grande pueblos along the Rio Grande. He would help find contacts. There is a tribal representative on the solid waste committee. Ed Singleton said the

Navajo Nation centralized transfer stations and that caused more illegal dumping. Attempts to coordinate have been a bust. The Navajo Nation is a big player across a huge landscape.

- Has anyone mapped landfills and transfer stations in all of NM?
- It takes time for local areas to get the resources for transfer stations. Rio Arriba County has a comprehensive plan.
- Counties, cities, state, private and international entities run transfer stations and landfills, though primarily money comes from county or regional levels. Counties estimate \$4+ million just to build a landfill, with 100-year liability and ongoing maintenance. A transfer station is much less.
- AZ people also dump in NM. Increasing the fines would best be done by the state legislature.
- Do entities have the money to open transfer stations?
- Judges have conflict of interest. Enforcing the law may mean a lost vote.
- Jerry Reynolds in Lea County is personally educating magistrates. Networking momentum will bring about education.
- Catron County managers said AZ trash shows up in their landfill. Have a discussion with BLMAZ about building a landfill.
- The NM Environment Department is finishing a solid waste plan that will be introduced to the legislature.
- Carlsbad FO is working on this, with Eddy County Pride, a citizens volunteer group working to get industry involved. They're in the brainstorming phase. People are curious about the psychology behind the behavior. Find what motivates people. Have studies been done, or is there opportunity to do a study? We need to understand values to get to the core of the problem.
- It will take something on the national level like the antismoking campaign.
- It's important politically to put pressure on groups. Use tourism. Visitors notice the highway trash framing the beautiful view.
- Thirty years ago it was legal to throw trash in an arroyo where the city burned it. People haven't realized the change.
- Linda said she really depends on the RAC's help with this issue.

## **RESTORE NEW MEXICO**

### **Bill Merhege, BLMNM Associate Deputy State Director, Resources**

In 2005, Linda and the state management team decided they needed to do something about orphaned and abandoned wells. They gathered partners and came up with a statewide program affecting a lot of acreage for the next five years.

#### Goals:

Restore range and forest health

Increase water yields and quality

Increase habitat connectivity to preclude endangered listing

Lower ...

Bill showed a bosque fire, mesquite invasion, juniper encroachment, salt cedar, Russian olive and creosote. He compared wells from 1973 to 2004. A lot are now abandoned, orphaned or plugged, so BLM is restoring habitat with partners including:

- NRCS (EQIP)
- NM Association of Conservation Districts (acting as banker)
- Marbob Energy, Marathon, Devon
- Ranchers

- State Land Office

The point is to bring vegetation back to grassland. Juniper uses more water than grass and doesn't allow rainwater to reach the ground. Grasses diffuse the rainfall and deter flooding. Grass will maintain itself and out compete invasives. Ed Singleton said an area near the malpais is being restored to ponderosa with juniper removal. Juniper underneath acts as a ladder for fire to kill ponderosa.

Bill showed before/after examples of mechanically treated salt cedar and pellet treated creosote. Then, rest + rain = response. BLM enters agreements with ranchers and landowners who will alter grazing plans.

- Did you try scattering slash to help erosion? Socorro FO is working on that. FFO has equipment that turns the trees into mulch and leaves it. They're doing that for the Rio Grande Bosque in Espanola.
- BLM makes sure there's a source for seed to come in.

To prioritize, FOs submit lists. Bill meets with the NRCS representative who has ranking criteria, and top priorities are done first. Mesquite encroaches the fastest, followed by salt cedar.

Sam said FOs prioritize for reasons appropriate for each FO. There is some public disapproval. Massive public relations are involved. BLM treats selectively. Wildlife diminishes in monocultures. FFO is treating 10-12,000 acres/year, mostly sagebrush. A mosaic pattern is best to mimic natural effect of wildfires. BLM has always done this work, mostly funded through the range improvement program. Now they want to do landscape scale projects. Bill was taking this presentation to the Game Commission and presidents of sportsmen's groups. In FY 07 BLM will receive approximately \$670,000 for landscape scale wildlife habitat projects.

### **Question/Answer/Comment**

- Gerald said money for this has never been consistent. His agency has worked with congress over time. Permanent funds are critical. Approach legislators with something politically saleable.
- BLM has financed creatively with its partners. Each bringing in a little bit can get a lot done. They will continue to build on established relationships to keep it going long-term.
- An integral part in keeping Rio Puerco improvements long-term was meeting with partners plus progress reports to the congressional delegation.
- Maintenance needs to go on year by year by year. We can't wait for crisis. Rather than asking for appropriation, ask for current funds to be applied to maintenance over the long term. Billions of dollars are being used to purchase more land rather than maintain what they already have.
- Use "ongoing restoration" because maintenance is never funded.
- O&G monitors natural occurrence of radioactivity, NORMs.
- SE companies reuse caliche rather than leaving it at sites. There are 3,000 old caliche pits that need reclaiming. In the '80s BLM forced the industry to build big roads and pads. Now we want to reclaim more easily.
- One-half mile either side of powerlines will not be used by lesser prairie chickens (lpcs). So BLM and others are working to get those lines down. Most of the abandoned wells are pre-1950. OCD is helping, including working with BLM to go after bond on 70 sites.
- Rachel is working with NM Avian Protection to reduce hazards, and they are taking up the subject of abandoned lines.
- Is there bond on mom and pop wells? If approved as operators, they have to have bond. In the past, a larger company developed an area and when the margin of profit diminished, sold to moms and pops. So we can go to original owners. A portion of royalties goes into the OCD orphaned wells fund. Bonding is meant to ensure final plugging of a well and reclaiming pad, access, etc. Bonding was recently updated.

- Are bonding amounts so low they couldn't possibly cover liability? That's true. Generally larger companies will not allow anything to happen that would attach that bond because they couldn't operate on a federal lease elsewhere.
- BLM has raised bond levels on some operators.
- Cliff compared this to hard rock mining bonding and said O&G has a government subsidy.
- Bonding means buying insurance from a company, although some larger companies are self-insured.
- Bonding requirements are changing. It's difficult to get a bond. It was raised from \$500 to \$2,500 annually for a \$10,000 bond per well or \$50,000 total. Bond amounts depend on a surety company estimate of risk.
- The equipment on the location often pays for reclamation. If a lease is abandoned, the equipment belongs to BLM. FFO barter and exchanges reclamation for salvage of equipment.

Bill listed accomplishments that netted 2,560 acres of unfragmented landscape. The goal is 250,000 acres of federal land per year impacted.

There was comment about the ratio of development to fragmentation. Extrapolated to Otero Mesa, the impact ratio of 5% surface occupancy would result in a high percentage of fragmentation.

Oil spacing differs from gas spacing. Impact depends on the species, e.g., lpcs are more impacted by power poles and slds are more impacted by roads.

They treated 125,000 acres, 196 square miles, in 2006. Bill showed maps of proposed treatment areas. Jicarilla is not currently a partner. Bill Chavez asked for a copy of his presentation.

The final was out August 11 including 20 main elements with 30 specific actions. An injunction was filed August 14 re the two changes concerning public comment. The first change was to drop off the mailing list people who don't comment. They can get back on by written request. The second and final major change was removing public comment re grazing administration issues; including designating or adjusting allotment boundaries, reduction of livestock use, emergency closure, renewal of grazing permits, or issuing of temporary nonrenewable grazing permits. The rest is in effect.

Mark said the biggest change is "comment or reapply." It seems sound. Mailings before this have been sent to hundreds, even people who've moved out of NM.

## **AIR QUALITY PROGRAM WITH THE STATE OF NEW MEXICO**

### **Andy Berger & Mark Jones, NM Environment Department, Air Quality Bureau**

Steve Henke provided background leading to establishment of the Four Corners Air Quality Task Force. He introduced Andy and Mark.

There are three air quality positions in the Farmington area, plus monitoring and enforcement positions. The Air Quality Program (AQP), comprised of 80 people throughout the state, is part of the NM Environment Department's Environmental Protection Division. There are planning, operations, permitting, compliance and enforcement sections. The program has jurisdiction over the whole state except tribal lands and Bernalillo County. Its mission is to protect the inhabitants and natural beauty of NM by preventing deterioration of air quality.

Performance and emission standards and specific control technology. There are monitoring locations throughout the state, including three in San Juan County.

Andy listed the things they look for, which are described online at <http://air.state.nm.us>. They include sulfur dioxide, nitrogen dioxide, carbon monoxide, ozone and particulate matters the most dangerous. Data available on the website includes real-time monitoring.

Ozone was the issue that brought air quality to the forefront in the Farmington area. There's good and bad ozone, depending on which level of the atmosphere it appears in. At ground level, ozone



can create or exacerbate health conditions. Elders, children, people with existing respiratory problems and people who exercise are at risk. Ozone also damages crops and wildlife.

It is the product of complex chemical reactions from sources including automobiles, electricity generation, biogenic sources including plants and trees, and VOCs—from sources including automobiles, O&G exploration and production, paints, household cleaners. Added to UV radiation, ozone levels peak in late afternoon in summertime.

Andy showed monitoring results for Bloomfield 2000-2002, comparing with the federal 8-hour ozone standard of 84 ppb. Showing times when levels were close to and at the standard, he included this summer. He then showed the average highest levels in the past four years. Determined by EPA and a substation monitor 1999-2002, this area consistently bumps up against the federal standard. Levels are similar to Albuquerque's. Los Angeles exceeds the standard dozens of times per year. Denver in past years exceeded ozone levels, but action was taken. Ozone is higher in June and July countrywide, especially along the Rocky Mountain corridor. There's concern that if the threshold is exceeded, steps have to be implemented. Some want to be proactive to avoid exceeding.

Both temperature and ultraviolet contribute to levels. Bruce said it tends to be highest when a high-level cell of low disturbance sits over an area and cooks. The modeling domain is part of the early action compact. The model mimics the atmosphere, emission data is input, and they can predict. Dates used were 2007 and 2012. Denver and other areas did the same projects. Andy showed predictions for NENM monitors, and a graph comparing current emissions data and the model for 2006.

### Conclusions

- “Background” ozone in the West contributes 65-90% of total ozone in San Juan County.
- Biogenic (plant source) emissions contribute more to ozone concentration than human contributed VOCs and oxides listed earlier. Most human contribution within San Juan County is not due to transportation. Relative contributions from automobiles, O&G, and utilities are comparable to one another. The background is naturally occurring.

### Question/Answer/Comment

- It seems to indicate that this is a fragile area where it doesn't take much to reach the federal limit.
- To get funding committed to the Four Corners Air Quality Task Force, they need to indicate that action is necessary. They discovered that no control is required at this time. Most of the work was conducted in 2003. The model has been evolving over 20 years. It's a very good tool to show that you can estimate impact of growth factors.
- Andy emphasized that this is a simplified version.
- They did sensitivity runs by changing factors in emissions data to cover all sources. For example, they accelerated O&G development by five years and saw increased NOx emissions but decreased VOCs. They concluded that additional power plants and O&G development are predicted to have little impact on ozone.
- These are very general conclusions Andy warned several times. Discussion continued.
- Andy reiterated that they determined that no action was necessary so established Voluntary Innovative Strategies for Today's Air Standards (VISTAS), administered by the NM Environment Department. It is part of the Clean Air Action Plan resulting from the San Juan County Early Action Compact for Ozone, modeled after the EPA Natural Gas STAR Program—a pilot program available to O&G companies in NWNM. Bruce, whose company controls about 50% of O&G activity in the area, is the first VISTAS member. Learn more at [www.nmenv.state.nm.us/aqb/projects/SJV](http://www.nmenv.state.nm.us/aqb/projects/SJV).
- Mark Jones said they saw some quantifiable reductions. The program completed a marketing plan to increase participation in VISTAS. Four Corners AQ Task Force is also a result of all these efforts.

The goal is to avoid nonattainment and enhance visibility in federal protected wilderness areas. A stakeholders group is drafting potential mitigation options to protect and improve AQ in the region.

- They're doing a Four Corners pilot for ammonia monitoring at the Farmington airport, Navajo Lake and a substation, working with the Utes in CO, and at Mesa Verde—all a direct result of this task force. They're uncertain what role ammonia plays in visibility problems, and are looking at controlling compressors. BLM has been a major financial contributor to the task force. The FFO RMP triggered concern about AQ, so it was their obligation to participate. Funds came from FFO and NMSO, and the BLM Washington office provided monitoring funds.
- Ozone is the primary pollutant. They do not have resources to monitor in every county. Los Alamos has its own air quality efforts. NM Environment Department's closest monitor to Los Alamos is in Santa Fe.
- The Mercury Reduction Action Task Force is putting together a document to identify sources of mercury and options for reducing it. NM gets a mercury budget; they are seeking a state rule that would be adopted so the budget can apply. AQ Department is not monitoring for mercury.
- Tribal lands set up water quality sites and have to comply with the EPA. EPA has jurisdiction over air and water, not states.
- The San Juan Generator Station was identified as one of the dirtiest power plants in the country. A lawsuit resulted in PNM agreeing to substantial mitigation. How come NMAQ didn't do that? They were involved in the consent order. Why was it necessary that a suit be filed?
- Another dirty power plant is on tribal land and EPA suggested the tribe needs to set standards, so they're being sued.
- Anything on tribal land is up to tribes. You can't sue them.

## **ROBLEDO MOUNTAINS PREHISTORIC TRACKWAYS**

**Ed Roberson, BLM Las Cruces District Manager** (Attachment 1)

Near a pit that the RAC saw on a field trip two years ago, amateur paleontologist Jerry McDonald uncovered an important site. NMSU was well aware that this was an area rich in fossils, and they had seen tracks. Ed showed a photo of Jerry at the rock quarry in 1990. The pit has been mined for 50-60 years and is a major part of building in Las Cruces. In 1990 they found tracks, and congress passed a bill to study the track formations. Both state senators favor protection for these sites.

Jerry is working under permit with NM Museum of Natural History to see what is significant. A study was done in 1994. The area is within a wilderness study area (WSA). BLM allowed mining to continue but limited it to the existing pit. The tracks area was designated an Area of Critical Environmental Concern (ACEC). BLM added the Robledo Mountains Research Natural Area (RNC) as another layer of protection. The study talks about a mega trackway system that includes the entire Robledo Mountains.

Senators Bingaman, Domenici and Congressman Skeen helped put the original bill together. The tri-county land use plan suggests that the RNA, ACEC and WSA be managed as an ACEC. Now Senator Domenici has added a proposed paleo-trackways national monument. BLM doesn't have a lot of money to manage these areas, which have been quiet with little vandalism and no active monitoring

Senator Domenici said the study described the site as most significant, but despite that recognition BLM has done nothing about it. He would like to see it managed specifically for the trackway sites. The bill would give BLM three years to do a land use plan. BLM has been told to conserve, protect and enhance the resource; and to consider whether it should stop uses that do not conserve, protect and enhance.

There is a trail system in the area of the proposed monument. The senator said trails, grazing and hunting could continue if they don't interfere with or damage the resources. An OHV trail system was

established mid-1990s with members of OHV user organizations and managed by BLM. There are ongoing debates in the Las Cruces newspaper.

Ed anticipates that the land use plan would identify mechanisms for scientific study. There are also extensive mountain bike trails, a few cattle, and numerous pipelines.

### **Question/Answer/Comment**

- It seems to follow from the senator's statement that BLM could contract experts internationally and set up a resource center with international funding. BLM signed an agreement with NM Museum of Natural History for curation. You can see the tracks on their website. The Smithsonian and others did some early work.
- What's BLM doing in similar situations? In designated wilderness and WSAs, paleontological resources are part of the land's resources, so they stay where they are. If important finds in WSAs have scientific value enough to be moved, BLM works closely with a university or museum.
- How can a national monument be an active OHV area? Senator Domenici says as long as OHVs don't cause harm, they can remain. Existing trails and events are mostly in the arroyos. Four-wheel clubs would be willing to work with BLM to reroute trails that cross areas needing protection.
- As these trackways gain national prominence, how can these uses be compatible? BLM's job is to implement the law.
- A lot of the exposed tracks were removed and are in Albuquerque. The others are mostly buried.
- Discussion continued.
- Joanne heard that the 1990 bill mandated a study that addressed whether the area was worthy of park or monument status. Smith credited that it was not.
- Linda thought that was not included in the bill, but they were scientists. BLM would have had other kinds of people reflecting multiple uses.
- At a certain layer, there are tracks like the ones that were taken out. The tracks did allow scientists to discover things they never knew before about how these creatures moved.
- It's part of a vast layer that extends all the way to Abo.
- In the 1990 study for wilderness recognition there was no mention of this.
- BLM did not realize that the mine would be so productive. Mining opened it up so they were able to study areas they would not have been able to. They're now treating it as an excavation with a mining byproduct.
- The report says 34 significant sites in the area are proposed for a monument. Many issues are involved.

### **IMPLEMENTATION OF THE FARMINGTON RESOURCE MANAGEMENT PLAN (RMP)**

#### **Jim Ramakka, Planning Coordinator, BLM Farmington District Office**

The land use plan is the basis for all activities. Farmington FO's plan was approved September 29, 2003. The plan covers O&G leasing & development, OHV management, land use adjustments, coal leasing and specially designated areas.

#### **O&G development**

- >2,597,193 acres open to development
- non-discretionary closures continue on 111,148 acres
- discretionary closures of 79,000 acres
- FEIS analyzed 18,577 acres for long-term surface disturbance

#### **O&G leasing**

- primarily leased 1950s-1960s, pre NEPA

- lease parcels usually have expired due to non-production
- approximately 70 parcels offered since January 2004
- RMP allowed leasing in Negro Canyon SDA with NSO stipulation
- parcel of 1,241 acres sold April 2004 for \$27.9 million
- presently being developed with directional drilling

Jim showed a diagram of the planning area and active leases. He pointed out existing well pads. The projection is 9,942 wells in the next 20 years. A total of 912 Applications to Drill (APDs) were approved this year. Estimated projected total disturbance by end of FY 2006 is 16%. When directionally drilling, wells are done under separate APDs. FFO is having staff use GPS to determine total acreage disturbed and total long-term disturbance.

#### Land ownership adjustments

- RMP made 340,118 acres available for disposal
- requests for 560 acres to date

#### OHV use

- RMP designated 1,353,301 acres “limited” to maintained roads/designated trails
- created 13 OHV management units
- all plans for management units to be completed in 15 years

#### OHV management accomplishments

- roads and trails inventoried on five management units
- travel plans will be written on three of the 13 units by end of year

#### Specially designated areas

- RMP designates 649,901 acres special management
- includes 85 ACECs, two RNAs, one WSA, one WA, 30 others
- management prescription delineated in RMP

Jim listed ongoing management prescription implementation: coal leasing suitability assessment; and tribal consultation/mitigation measures. A large part of his role has been dealing with appeals and lawsuits. Most focus on activities in ACECs.

- Approximately 39 APD or pipeline projects are proposed to date in ACECs.
- Four IBLA appeals were filed on five APDs and two pipeline projects.
- IBLA found in BLM’s favor on Simon Canyon.

It is likely that litigation will continue. No decision yet from the court on the RMP lawsuit filed by two ranchers, three chapters of the Navajo Nation and the San Juan Citizens’ Alliance.

### **REDESIGN OF THE APD & NEPA PROCESS**

#### **Becky Hunt, BLM Carlsbad FO Planning & Environmental Coordinator**

Becky said the Energy Policy Act of 2005 was intended to increase both energy production and conservation. It offers means to improve the way BLM carries out its responsibility for energy development, includes streamlining the energy process, and allows for enhancing the management process to be more responsive to all stakeholders.

Pilot federal permitting offices have been established in Farmington and Carlsbad for one-stop shopping for APDs. Carlsbad has 23 new positions, including a hydrologist, and interagency liaisons

with the Bureau of Reclamation, USF&W, and OCD. Office space was reorganized. Office internal processes were streamlined. Section 377 of the act called for processing a complete APD within 30 days, with allowance to defer longer to meet requirements of all applicable laws. The process needs continuing evaluation and streamlining.

Carlsbad FO developed flowcharts of processes to see how to become more efficient. They determined that the APD and NEPA processes needed to be changed, so adopted a technology approach, switching to a Microsoft Access database. She showed examples of the APD Tracking System: letters, worksheets and a report page.

NEPA reviews had too involved a paper trail, and are now converted to an Access database. Each FO is unique, so this database is specific to the CFO. The database has a main switchboard. Currently there are 1,181 projects. She showed an electronic EA checklist, simple to use, with extra tabs for numerous types of information, including wildlife, archaeology, ACECs, etc. Hyperlinks take you into an EA folder, for example, where you can see other documents.

She scrolled through a completed project. Initially there were concerns about how to keep up with electronic inboxes. It takes five minutes. Once complete, a project is removed from that person's box. They post a list of completed projects in the office for public review. They utilized an interdisciplinary approach, asking staff what they needed to do their jobs.

## **Results:**

### Pending APDs

FY 2005—average pending APDs @350

FY 2006—decrease in pending APDs by more than half

### APD processing time

FY 2005—average processing time over 100 days

FY 2006—average processing time reduced by half

### Project Routing Time

FY 2006—average project routing time 14 days

FY 2006—average APD routing time 17 days

Having met goals, the database continues to be improved.

### Future goals

- Completely electronic
- Link databases
- Further integration with GIS
- Generation of EA template
- Generation of COAs

The overarching goal is to continue to streamline these processes. Visit [www.nm.blm.gov](http://www.nm.blm.gov), click field offices, then Carlsbad, to find projects, EAs, maps, etc. This gives customers the same tools that staff has.

## **MINIMIZING IMPACTS IN O&G DEVELOPMENT**

### **Steve Henke, BLM Farmington District Manager**

FFO projects 54,000 acres of land disturbance, 30,000 wells, 4% of BLM surface development by O&G. BLM supplies 10-12% of the nation's natural gas, 30% of coal. Steve's job is to develop the energy resources in as environmentally benign a manner as possible.

He showed the map of jurisdiction with a cross-section of the geology of the San Juan Basin. Existing wells number 13,769 on BLM land, with foreseeable development of 9,969 infill wells over the next 20 years. He listed spacing in the different formations.

He showed a chart of APDs vs. gas prices at wellhead since 1999, from less than 300 at \$2.19 to 912 at \$7.51.

#### Techniques to limit surface disturbance:

- Twinned locations
- Directional well types: Horizontal exposes more reservoir to drainage. S-shape extends reach up to 2,000' beyond the current spacing unit. S-shape was used at Negro Canyon and along Navajo Lake.

#### Question/Answer/Comment

- Directional drilling minimizes surface impact by drilling multiple wells from a single pad.
- The rig the RAC saw on the field trip was drilling at 30 degrees.
- Fruitland coal is at 2,500-3,000'.
- To improve roads and reduce erosion, they formed a San Juan Basin Public Roads Committee and designated certain roads for upgrade. They crowned, elevated, covered pipeline and added layers of crushed sandstone, reseeding adjacent pipeline corridor and roadside areas. These were identified for maintenance in perpetuity for public access even if wells were abandoned.
- Two companies might agree to share a well when they have approval for drilling different strata.
- Common practice is to lay pipeline within a road right-of-way. Cross-country pipeline will not be approved.
- Successful reseeding depends on moisture. BLM is working on best management practices with university assistance, allowing three years for reseeding.
- They are recontouring pits and making teardrop-shaped well pads. Steve showed a reseeded area surrounded by sagebrush, therefore very appealing to wild and domestic foragers.
- They could mow surrounding brush. Companies have voluntarily contributed \$1,000/acre to a mitigation fund.
- The goal is interim reclamation up to anchors. If that is disturbed, companies are required to rehabilitate. The site visited yesterday was working well with 3 ½ acres for safety and production. Advancing technology provides additional options.
- Companies understand the need to shrink pad size, but safety is an issue, especially on a twinned location. Backing into a wellhead with pressure is tricky. There's been good give and take.
- BLM is working with companies to reclaim unnecessary roads by ripping, closure, seedbed preparation and signage. They have reclaimed three of 13 units with very successful results while companies had equipment out there for new development.
- Winter closure areas north of Highway 64 for mule deer migration and elk herd wintering ground were shown. There are closures May-July for antelope fawning on Ensenada Mesa. Closures probably add up to a half million acres.
- There are 37 ACECs of 4,141 acres for a large population of wintering bald eagles. Roosts were mapped. There is total prohibition on core roosting areas with no surface disturbance, and no activity in winter on buffer areas. Eagles are monitored. The trend is stable-to-increasing

population over the past 10 years. Fish or hunter-killed deer (crippled and left) near the lake are primary sources of food.

- Preventive measures to protect wildlife include expanded steel mesh on open tanks and coned screens on separator stacks.
- They attempt to be consistent with OCD, but needed to adjust screen size to protect smaller raptors.
- Unit 2 is a sought-after trophy deer hunting area.
- Tanks in the SE are just starting to be covered. O&G companies are challenged with some equipment, like drip pans. They don't yet have a model, but the standard is if there's potentially harmful fluid it needs to be inaccessible. Bruce said on the day of the week you observe a leak you fix it.
- Speeding trucks pose a hazard to livestock and wildlife. BLM is working with the good neighbor policy, but occasionally sends out enforcement officers with radar. Rachel suggested posting signs where trails cross roads.
- They're working with technology like telemetry that indicates problems. They use centralized water disposal facilities with water gathering systems to reduce trips by water haulers. There's a swing back from trucking to pipelines. Companies support the NMOGA Good Neighbor Initiative on compressor noise.
- Steve showed a map of Noise Sensitive Areas (NSAs). Some studies are being supported with mitigation funds. There is a progress report on impact of noise on several species of birds. Wildlife biologist John Hanson can provide information. Few noise and wildlife studies have been done that target these particular issues, and it's hard to extrapolate. Steve showed examples of noise abatement structures.
- O&G drilling resulted in \$8 billion dollars revenue last year from San Juan Basin.

Rancher Tweeti Blancett invited the RAC to a Surface Owner Protection Act meeting at 7 p.m. She said if her ranch looked like the slides shown, she wouldn't be in this battle. She has been working with Steve and others for years, on land her family has ranched for six generations—the #1 most impacted ranch in the basin. She agreed that the resource is needed but there may be places where this use is not appropriate. She said she cannot ranch economically viably with O&G operations at the current level of surface disturbance. Ranchers are also dealing with roads, noxious weeds, etc. She gave a video to Joanne and asked that the RAC view it.

## **SPECIAL STATUS UPDATE**

### **Pecos District Draft Special Status Species RMPA**

#### **Dorothy Morgan, Assistant Field Manager, Resources, Carlsbad FO**

The Resource Management Plan Amendment (RMPA) affects 3.5 million acres of public land and 10 million acres of federal minerals. The lesser prairie chicken (lpc) was warranted for listing as endangered in 1998 by USF&W, as was the sand dune lizard (sdl) in 2001. In 2003 a collaborative working group began meeting. In 2004 the RMPA was initiated. In 2006 an implementation team was established. The team covered the purpose and need for an amended plan; and mapped lpc and sdl habitat of 1,145,000 acres. Their goal is to protect and enhance habitat while allowing multiple uses to continue. Dorothy listed groups that were part of consultation and coordination. Ninety percent of federal mineral lands in CFO are leased. The RMPA does not address special designations or certain resources. It requires designation of interstate utility corridors.

She listed six alternatives in the RMPA, explained them and showed areas affected on the map.

1. No action
2. Alternative A—working group strategy
3. Alternative B—preferred

4. Alternative C—interim management
5. Alternative D—protects occupied habitat
6. Alternative E—ACEC recommendation

The preferred alternative had

- a larger core management area
- power line removal credit program
- timing starts earlier
- sand dune lizard habitat protection
- OHV designations

The key difference between alternatives A and B is that instead of annual calculation and statistically significant increase over 5 years, “new leasing of occupied and suitable habitat in the PPA would be considered when the species is no longer warranted for listing.” USF&W would have to go through a variety of steps including public comment. Science rules. One of the challenges is that NM acreage is only a small portion of the lpc’s nationwide habitat, and much of other states’ habitat is more suitable. But NM is where the federal lands are. NM is being penalized for working hard and for the impact of wind farms in Kansas. Lesser prairie chicken populations expand and contract in range and numbers in response to natural variation in climate and other factors, no matter what BLM does.

#### **Question/Answer/Comment**

- You can decide how to manage it, but the critters don’t know where the management borders are.
- Zones were organized because BLM has little ability to affect what goes on on private or state land.
- New leks continue to be identified and BLM struggles to figure out how to treat them. Landowners either do or don’t give permission for BLM to look for lpcs during booming season, and then BLM figures out what’s in its toolbox for protecting their habitat. We can decide to protect federal mineral land but the landowner can plow it up the next day.
- The plan awaits approval in the national office. Then it will be published in the *Federal Register*, followed by a 90-day public comment period. Specific comments are more useful than general comments and would provide correction of errors, analysis, new information, or substantive new alternatives.

Linda said Ms. Blancett’s video was put out by an environmental group in 2005. It is an interesting but skewed viewpoint. She asked the RAC to keep in mind that the horror stories shown are not wells on federal locations. John Thompson had information on one of the wells filmed. He recommended watching the video and discussing it. Linda said she agreed that multiple use sometimes does not work for people. But that’s the law that BLM tries to administer. The building industry, neighbors, scientific community, and environmental community have different needs and assume that BLM can provide for everybody. Even Solomon couldn’t make everyone happy. John Thompson said, with more than 160 grazing allotments, only three have issues. O&G operators work diligently with ranchers on cooperative efforts. There isn’t a range war. Tremendous effort has gone into mitigation and improving current and future development.

Linda gave cards and packages to departing members Bob MoQuino, Meade, Mickey and Philip. Because of the 100<sup>th</sup> anniversary of the Antiquities Act, she gave them glass etched with Pony Hills area rock art. She thanked them and invited them to reapply for RAC membership.



## **ELECTION OF OFFICERS**

### Nomination & Election of Chair & Vice Chair

Cliff nominated Joanne Spivack for Chair. Bob Ricklefs seconded. Nomination approved.

Bob Ricklefs nominated Mark Marley for Vice Chair. Matt seconded. Nomination approved.

Both nominees accepted and were elected by acclamation.

It was suggested that the vice chair develop contact with the other Four Corners RACs to see what they're working on.

Gerald said the third Range Management Working Group would meet on September 7-8 in Silver City to plan Range School. The group has met twice, and obtained curriculum from other states. The other active working group addresses illegal dumping.

The meeting adjourned at 5:25 p.m.

## **PUBLIC COMMENT PERIOD**

The public comment period (as mistakenly announced in the local paper) was opened at 6 p.m.

No members of the public registered to speak.

Bud Starnes said Otero County Commissioners record meetings and send out CDs.

Jerry Crockford, newly retired from BLM, worked with big projects and spent a lot of time in Las Vegas. He showed RAC members pipeline on a field trip, and took them out again after rehabilitation because they supported it all along. That's very important in shaping public opinion. He considers the RAC a good cross-section of people and a forum to gain a cross-section of public opinion.

Joanne asked what that RAC did that was helpful. They met for FO briefings and came to make statements. It seemed that if the RAC was supportive, public opinion would fall in line. That RAC had a newsletter.

Concerning the recommendation that the trackways be designated a national monument: Section 4.3 said the study shall include an analysis of studies at the site and analysis of feasibility. The report did not directly respond to the law's mandate.

Rachel said they compared it to a number of other significant sites.

This site is significant in two ways, Meade said, because the creatures that left tracks were emerging from the sea and because it reveals the way they moved. These tracks don't occur everyday. Further discussion. There will be a field hearing. Can the RAC make a contribution? It's a mystery. BLM is a multiple-use agency. The question is whether calling it a national monument raises different expectations.

Cliff said not one word of that made it into the WSA summary.

The public comment period was adjourned at 6:17 p.m.

## **AUGUST 24 RAC MEETING**

Joanne called the meeting to order at 8:15 a.m.

### **TRAVEL MANAGEMENT: DESIGNATED ROUTES & AREAS FOR MOTOR VEHICLE USE (Attachment 2)**

#### **Tom Dwyer, USFS Travel Management Coordinator, SW Region**

Tom referred to his handout, a national brochure concerning the USFS program for OHV access. He said the USFS recognizes valid use of motor vehicles on national forest land as long as that use is in

the right places. Wrong places include environmentally sensitive areas, and places that can erode or are important for wildlife feeding and habitat.

He said it was important to keep in mind that many roads are not part of the existing system; many are unauthorized. New federal regulations require the USFS to designate what roads and trails are open for public use. USFS is asking the public what changes are needed—additions, deletions or further recreational opportunities. The end result will be a designated system. In all likelihood, many of the roads and trails on National Forest (NF) land will be part of the system. Each NF has websites where maps of the existing system are posted. Most don't have a complete inventory, although Carson NF does. The public can also go to a USFS office for maps.

The requirements of the new regulations:

- Each unit or district shall designate those roads, trails, and areas open to motor vehicle use by vehicle class and, if appropriate, time of year. Many roads are closed seasonally in wet season, for calving, etc.
- Designated roads, trails and areas shall be identified on a motor vehicle use map. Signing is no longer required for enforcement. Enforcement will be based on maps. A plan for distribution of maps has yet to be determined, but they are intended to be free and readily available.
- Once the map is published, motor vehicle use inconsistent with designation is prohibited. The USFS has until September 2009 to publish maps.
- Until designation is complete, current rules and authorities remain in place.

Exemptions for designated routes include:

Aircraft	Emergency vehicles
Watercraft	National defense
Over-the snow vehicles	Law enforcement
Limited administrative use	Use specifically authorized

Use specifically authorized, e.g., fuel wood or grazing, will specify that someone can go off the system roads for a specific purpose. That will probably result in significant change in how firewood is offered to the public.

Dispersed camping & game retrieval details are not yet decided. People will be able to camp outside established campgrounds, but motorized use will be limited or eliminated in certain areas.

Southwest Region Implementation Guidelines have been made to improve consistency within the region's 11 NFs; and to improve coordination among neighboring NFs and other land jurisdictions

Motor vehicle use maps will identify roads, trails and areas designated for motor vehicle use by vehicle and time of year. Maps will be available on the Internet. Signing will be done, but is not required for enforcement. Maps will be printed annually, so changes can be made.

Tom said forests in the region are in different stages of the process. Citizens with an interest can provide input—preferably specific information on what changes are needed to the existing system. He showed photographs of forest use that brought about this change.

Question/Answer/Comment

- What penalties are contemplated? Existing penalties depend on specific violations. Generally the penalties are considered not significant enough to deter some people. There has been discussion about making penalties more meaningful. But that is not directly part of this process.
- Apply bear management practices to egregious unauthorized vehicle use. For the first violation put an orange dot on it, for the second violation destroy it.
- How do you identify a trail? If an individual wants to create a new one that would be considered.

- Do you consider environmental and cultural impact? Yes, that will be analyzed. NEPA will address changes in the existing system.
- If a trail goes through a cultural site, it will be considered site specifically. If a trail or road is part of the existing system, it will not be taken through the NEPA process. USFS won't do archaeological surveys on every road and trail that has existed for years; only if there is a proposal to change something.
- There will be more and more impact on NF, so it becomes more important to identify cultural sites and protect them. We need to locate archaeological sites and close roads that threaten them or find ways to protect them.
- Tom said a road that is not part of the system in that case would be closed.
- Above Chimayo there are existing roads that go close to archaeological sites. USFS is setting a pattern for how NFs will be used in the future.
- Tom said enforcement is a challenge. USFS is working on a programmatic agreement with NM Historic Preservation Department. If someone is aware of a threatened archaeological site, they can ask USFS to address it.
- This rule addresses motorized uses. An unauthorized road not added to the motorized system would remain open for non-motorized uses unless there was some specific reason to close that road.
- Judy Levin talked about consistency between forests. What is the core team doing to provide consistency?
- Tom said the primary thing developed to provide consistency is the Regional Forestry Guidelines. The core team is working on travel implementation. He and Rita Skinner are advising the regional forester about the guidelines.
- Joanne asked what he was doing in communicating with forest supervisors to have consistency in how forests are managed. Are deadlines consistent, how is information to be formulated and distributed? Are you having consistency in those areas?
- Tom said, "yes."
- Every forest is at a different place, e.g., Lincoln NF feels it has its system determined.
- Is the region 3 core team providing consistency?
- No—each NF is managing its own travel analysis and NEPA process, on its own timeline. They have a schedule where each forest has identified its timeline to complete the process. Specifics are up to them. Carson NF is asking that in the travel analysis phase, public input be provided by October 1 so there's opportunity over the winter to do a travel analysis, meld in public involvement, and come up with proposed action by spring.
- All NFs should be providing maps of existing inventory. The fundamental question is what if any changes are needed. Required format? That's up to the forests to decide. The problem with electronic input is that very specific information is needed and that's sometimes challenging—but it's up to each forest to get information.
- Tom reiterated, "Yes, each forest is allowed to set its own timeline and format." He will give Joanne a schedule of the timeline.
- It seems you're making rules for people who follow rules, but they aren't the problem. Why not more focus on those who don't follow rules?
- Tom said enforcement is more of a problem throughout the USFS as use is greater and staff diminishing. They don't have much ability to change that but do recognize that better enforcement is needed. Things won't change overnight. This is a long-term approach. There will always be an element that does whatever it wants. USFS is asking for help from partners, e.g., Carson NF's *Amigos Bravos* got a small grant to help hire an enforcement officer for the Questa Ranger District.

- Bosworth's direction deliberately misleads the public that this program is meant to solve the cutting trails problem.
- What is the current legal land management policy?
- Every NF has existing motorized travel restrictions of some kind. They vary. In Carson NF, there are 15 different restrictions, e.g., during elk calving in Valle Vidal.
- A good deal of traditional land management has made cross-country travel legal, Joanne said. So they aren't breaking rules. What is an illegal or unauthorized trail?
- Tom said the vast majority of NF lands in this region do have restrictions. Less than 50% are open to cross country travel. An unauthorized road is not part of the existing system. If it's in an area open to cross country travel now, it's a moot point. It won't be with this plan.
- Should all existing routes be part of the starting point?
- No, the starting point is the existing system as identified in the database.
- Joanne said if you are currently looking at open forest where cross-country travel is legal and OHVs can use any existing road or trail, should that trail be on the map?
- If it is currently managed for vehicle use. The starting point in the existing system is roads and trails identified for motorized use.
- What about trails less than 50" wide that are on your trail system map?
- Tom said if it's identified and managed as a motorized trail it's part of the system. Others could be proposed for addition, even though a trail crosses part of the NF that has no off-road restrictions.
- In an open forest district, it could be legal to go off road but not legal for me to be on an off-system trail?
- Currently most trails have trailhead signs indicating what use is allowed.
- In the Carson where is the policy document?
- Tom said contact the NF and get a list of all available motorized trails. Unfortunately, information for the public is similar to the enforcement situation—not a lot of quality product or information available.
- Tom said once the designation process is complete, USFS will continue signing. Theoretically the map is the enforcement tool, but they recognize that signing is a necessity. It is difficult to tell sometimes whether a road is on the map. The concept of open forest is going away.
- USFS will designate by size and class, e.g., motorcycle only. They will coordinate with BLM, NMDG&F and tribes to determine what changes are needed, including seasonal closures.
- A lot of resource damage, wildlife disturbance, and ruining the experience of other users, mostly through noise disturbance, is done by people who do follow the rules.
- Be very careful about conflicting claims when the heart of a claim is that someone doesn't like multiple use.
- Sally is a member of the newly created NM OHV Board. That board's biggest concerns have to do with monitoring for compliance, resource impact and enforcement, especially in regards to what is possible for local, regional and federal managers. They spend a lot of time talking about partnering potential. She wanted to know what would be possible legally and procedurally for cooperation that would actually do something between state and federal entities. The state needs recommendations in place by end of year. She requested more conversations between state and federal agencies on this issue. The state has a statutory mandate and deadlines to do something on designating trails, as well as safety training, use of helmets and eyewear, etc.
- Public meetings the Carson NF held are in the travel analysis. They were disappointed in turnout—15-20 people at most. They have not begun scoping yet. Call Steve Okomoto in Taos for information.

- Wood gathering is critical to people in Betty's area. Without NF access to firewood, some people will have trouble. Once this process is complete they will not have access.
- More or less, Tom agreed, USFS will have to change management of fuel gathering. It will not be allowed unless a particular fuel wood area is designated. USFS is very aware of the critical nature of fuel wood to people in NNM. No way will it be denied; they are just finding new ways to manage it.
- Dispersed camping could be a tree near a stream and a flat spot. The way the USFS views it now is that you drive down the road and stop beside the shade tree by the creek. There will also be areas for dispersed camping that limit vehicle class.
- Concerning 300' corridors, there will not be widespread applications of distances allowing for dispersed camping or game retrieval. There may be a distance set like "between mile markers 1 and 10."
- Tom invited RAC members to call him with further questions.

The video left by Tweeti Blancett was shown.

### **Discussion**

- Hans said the video presented a viewpoint that a lot of the public is being told. They used emotions and allegations, like that they called BLM and BLM didn't do anything. There have been impacts on the Blancett Ranch, including roads. There is no evidence of water contamination. There have been cases of cattle deaths, and the Blancetts have been compensated for them.
- Bruce said there are fences and other barriers around O&G operations, and it's a continual effort. The well shown at the end appeared to be coal bed methane.
- John said he'd go into as much detail as desired. With 70,000 wells operating, there is potential for accidents. These kinds of pits are now closed on state and federal lands. After drilling stops, cuttings settle and remaining water is pumped and hauled off. When the pit's dry they pull out the liner. The mistake there was that the pit was dry and the water had been hauled but they didn't close it. The pit filled back up with rainwater. The engineer should have called and asked for an extension.
- The black clump shown came from a controlled blowout of the well. They can go out over the countryside. John's opinion is to stick with a closed containment system, but it's dangerous. Those are all things that can be cleaned up.
- There was good discussion on ranching and motorized travel, and scientific resources in conservation. This has given me food for thought on multiple use—which we all agree does not mean unlimited use in all areas.
- Appreciate BLM's difficult job. Was anything shown about BLM role inaccurate? Steve said they do have conflicts. His concern is that BLM has spent more compliance time on the Velasquez and Blancett allotments than any others in the San Juan Basin, and they are never satisfied. The agenda is not to bring BLM and the O&G industry into compliance. The Blancetts challenged under the Taylor Grazing and Dam Procedures Acts, alleging BLM failed to protect their privileges. That was summarily dismissed in court.
- Steve has 25 compliance officers, two that do reclamation compliance. Administrative records for the lawsuit included inspection records. BLM is handed a lot of mandate and little funding. O&G operators are working on these problems.
- Those people were telling the truth about losing their cattle, maybe to old wells. Some of this is happening. We can't say these things don't exist, but that film misrepresents the truth. And we will get in our gas-powered cars and drive home from this meeting.

- Blancett and Velasquez walked away from the collaborative group formed to deal with these situations. FFO has 170 allotments, and 160 are very involved with the working group. There is a political component. BLM has to deal with the energy bill.
- It is accurate that their interest is not to work within the system. They don't like the rules and are blaming BLM. We do need to move to more renewable resources, but in our lifetime and maybe our kid's lifetimes there will be a need for O&G.
- We recognize that wind energy is hugely controversial in the wildlife community for its impacts on birds, bats and visual landscape. Our energy demands increase steadily. Any possible energy source is controversial. They all require roads and maintenance.
- The Blancetts want the BLM to say multiple use doesn't work on their allotment, and they want financial compensation. Most O&G companies are committed to responsible operating.
- There are legitimate concerns, for example, with ranchers' avenues to address loss of livestock. Oil companies are pretty good about it but there are times when things go wrong. O&G needs to be careful because one image like that causes damage, the way it does when one rancher overgrazes. It's ironic that the Sierra Club spoke on behalf of the ranching community. Livestock and O&G have more in common than was alluded to. Four Corners is leaps and bounds away from the SE corner of the state. If SE companies let the chlorides go, that is harmful.
- The process for loss of livestock is to go to the appropriate oil company with reasonable evidence, like a fence down, and get compensated, sometimes at 2-3x market value. Most cattle are hit by trucks.
- Extra water hauled away is a problem—small operators have no place to take it. The longer it's left, the more settles out, the cleaner it is, the better chance to take it somewhere. Bigger companies roll it over to the next well pit.
- Certain formations and certain geographic locations have more toxic residue. The Blancetts sold their cattle herd during the height of the drought, as did many ranchers. The Blancett Ranch is built primarily on royalties paid for wells on their private land. BLM spends tens of thousands of dollars on environmental enhancement, much of it donated by O&G companies.

## **RAC ROUND ROBIN**

Outgoing RAC members were asked to comment. Mickey said he had a great time and learned a lot. He appreciated the RAC's diversity and thought BLM staff was doing a great job.

Meade believes the RAC is important as a forum. We now have a Range School because of a presentation. He appreciated Linda's support of some important excavation in SENM. At a point where they couldn't move without affecting a site, his relationship with former RAC member Raye Miller brought about two presentations on archaeology in SENM to O&G management. They also met with half a dozen other companies. That process took years but culminated last week in a meeting with BLM and an agreement that substantial excavation will occur.

Philip knows that all the staff and RAC members contributed to him. It takes a long time to figure out what's going on and then when you do figure it out you have to leave, so he would consider doing it again. He thanked BLM staff for enlightening him about the scope of their problems. Thanks for making me a better person, he concluded.

Bob MoQuino said RAC membership had been a great experience. He learned a lot through the diverse people, controversies and issues between agencies and tribes. He hoped that he helped a little bit. BLM has a tough job but is doing a good job, so hang in there and see what you can do. This RAC should help out a lot. He invited everyone to annual dances at Acoma September 2.

The next meeting was tentatively scheduled for the first week of December, depending on approval of new RAC members by the Washington office. The next meeting will be held in Albuquerque, followed by a meeting in Carlsbad in the spring.

Agenda items

- New members' orientation
- Trackways, with visit to Museum of Natural History
- Mark Fesmire, re water
- OCD
- Uranium mining
- Recreation RAC
- Time for RAC to question FO managers
- Interim reclamation standards
- Bud Starnes' proposal

Joanne said Sally talked to Tom Dwyer about the Trail Safety Board working with USFS. There is a state motor vehicle code but no authority.

Joanne agreed to call the chair of the Trail Safety Board. The state law is not concerned with creating or recommending trails on federal lands. It creates a sticker fund that raises revenue to create or designate riding areas on state land. There are seats on that board for the USFS and BLM because most recreation takes place on federal land. USFS and BLM will be imposing state safety laws on federal lands, including use of helmets, adult supervision of minors, etc.

Cliff recommended an Albuquerque meeting as a good opportunity to listen to OCD prior to visiting Carlsbad. Theresa will investigate whether the RAC vote on a Recreation RAC is by consensus or majority. BLM is looking at how USFS closing down trails will affect BLM land. A lot of roads are shared. BLM expects additional recreation pressure as areas are closed. Allow an hour for RAC to ask questions of FO managers in response to their reports. John and Bruce will provide a brief version of how wells are usually closed. Mark would like to know how consistent regulations are between SE and NW.

Rachel recommended presentations by a BLM mineral specialist and someone from NM Energy, Minerals & Natural Resources Department.

On behalf of Linda and BLM staff, Steve thanked departing RAC members for their service. Most rewarding for him are the valued relationships in addressing difficult issues. He hopes to call on retiring RAC members in the future for their insight.

The meeting was adjourned at 11:22 a.m.