

**Final
Summary Minutes
NEW MEXICO RESOURCE ADVISORY COUNCIL
April 25-26, 2002
Roswell**

RAC Members Present:

Crestina Trujillo-Armstrong
William Buss
Michael Eisenfeld
Cliff Larsen
Raye Miller
Charles Pergler, RAC President
Tony Popp
Gretchen Sammis
Joe Stell
Robyn Tierney
Patrick Torres

Designated Federal Official:

Chuck Wassinger, Acting State Director

Chairperson:

Kathleen Magee

RAC Members Absent:

Larry Baker
Phil Kennicott
Jerry Ryburn
Richard Zierlein

BLM Staff:

Bob Alexander, NMSO
John Bailey, Taos FO
Len Brooks, Las Cruces FO
Joel Farrell, Farmington FO
Rand French, Roswell FO
Tom Gow, Albuquerque FO
Mike Haske, Roswell FO
Theresa Herrera, NMSO
Jon Hertz, Socorro FO
Barry Hunt, Carlsbad FO
T. R. Kreager, Roswell FO
Howard Parman, Roswell FO
Tom Phillips, Las Cruces FO

Mary Jo Rugwell, Carlsbad FO
Jay Spielman, NMSO
J. W. Whitney, NMSO

Others:

Gloria Buchanan, Sen. Bingaman's Office, Roswell
Lynn Ditto, Sen. Bingaman's Office, Roswell
Steve Blodgett, Center for Science in Public Part.
Alice Eppers, CC Commission, Roswell
Mark Marley, Roswell
Scott McNally, Roswell
Deborah Seligman, NMOGA
Jim Wilson, Burlington Resources
John Zent, Burlington Resources

Facilitator:

Toby Herzlich

Scribe:

Kay Carlson

APRIL 24 FIELD TRIP (Attachment 1)

RAC members participating in the field trip were: Chuck Pergler, Raye Miller, Tony Popp, Gretchen Sammis, Crestina Trujillo-Armstrong, Cliff Larsen, and Joe Stell. BLM attendees: Chuck Wassinger, Mike Haske, Tom Gow, Bill Taylor, Howard Parman, Mary Jo Rugwell, Theresa Herrera and Rand French.

The field trip began very early in the morning with a visit to view the Lesser Prairie Chicken and observe booming activities on their range in Southeast New Mexico – led by Rand French of BLM-Roswell. Paul Happel spoke to the group at the Mescalero Sands OHV Recreation Area. A stop was made at Bottomless Lakes State Park scenic overlook to observe the overflow wetlands ACEC, with Dan Baggao answering questions. The Bitter Lake National Wildlife Refuge tour was led by Ken Butts, Refuge Manager. Following lunch, the group traveled to the Pecos flood plain area to look at oil and gas operations with Dan Baggao, Richard Hill, and Irene Salas of Yates Petroleum. Topics included surface restoration activities, drilling activities, and protective measures for the Pecos gambusia and bluntnose shiner, interior least tern and spring snails.

APRIL 25 RAC MEETING

CALL TO ORDER, OPENING STATEMENTS AND CHECK-IN FROM RAC MEMBERS

RAC President Chuck Pergler opened the meeting and welcomed participants. He announced that there was not a quorum by number, but that Member Richard Zierlein was in town on other business and would be available by telephone.

Mr. Pergler read a letter he had written to Michelle Chávez thanking her for her efforts and wishing her the best in her new position and her efforts to improve management of public lands. He asked for contributions from each member towards a gift of bells and received consensus for the letter and signature by each member. (Attachment 2)

Mr. Pergler said that 14 applications have been received so far for the five open RAC member positions. The time requirements that are necessary to serve on the RAC were not accurately specified on the nomination forms. Since it is essential that the nominees understand the time involved, he suggested that the BLM have a conversation with those who have a high potential of selection to clearly convey the amount of time involved.

Mr. Pergler announced that the theme of the meeting is improving reclamation of oil and gas sites. Otero Mesa is an exciting project and a milestone in working with the BLM to propose a community-based alternative.

Mr. Wassinger, Acting State Director, said he was excited to have the opportunity to work with the RAC in New Mexico until the new State Director is selected. The RAC groups have great value and have made innovative recommendations to the BLM. The field trip was excellent and very informative.

Mr. Wassinger announced an upcoming collaborative land use planning conference scheduled for November 20-21, 2002. (Attachment 3) He encouraged the RAC members to consider participating in this nuts and bolts conference with people who are on the ground doing land use planning.

Mr. Wassinger stated that the BLM had developed a preferred alternative for Otero Mesa that seemed appropriate from a technical standpoint, but was disliked by just about everyone. The BLM has asked the RAC to help in developing a community-based alternative, and Mr. Wassinger was pleased with the RAC's willingness to take on the issue.

Ms. Magee said she was pleased to be in Roswell and she felt that good relationships have been formed in the group, especially following the all-day field trip.

The RAC members introduced themselves and a few described current projects.

Through his volunteer work with the Sierra Club, Mr. Larsen is working on an interesting project. Through its open space initiation, Santa Fe County has bought property in Los Cerrillos Hills near the town of Cerrillos. The objective is to open the area for general hiking and biking; however, there are more than 400 mine openings on the property, of which 94 are extremely dangerous. Since this is a historical park, some in the local community want to preserve the openings, while others say leaving no trace means obliterating the mine openings. Mr. Larsen

has been working with the County and the State abandoned mines people who are being enormously cooperative because there is grant money to preserve what is done there.

Mr. Buss brought up the fact that the terms of people like Mr. Pergler and Mr. Miller will be ending on the RAC. Since both of their roles are critical to the work being done on Otero Mesa, Mr. Buss asked what the bylaws state about members serving more than one term on the RAC. Ms. Herrera will research the bylaws to determine term limits and a discussion will be held later in the meeting on the best way to keep valuable members on the RAC for longer than the three-year term.

APPROVAL OF RAC MINUTES FROM ALBUQUERQUE FEBRUARY 27-MARCH 1, 2002 (Attachment 4)

The minutes were approved as submitted.

APPROVAL OF AGENDA (Attachment 5)

Ms. Herzlich reviewed the agenda for the members and said the meeting is focused on learning as much as possible about oil and gas reclamation in order to obtain analysis and insight around reclamation issues for Otero Mesa and other upcoming issues.

BLM OVERVIEW OF OIL AND GAS RECLAMATION POLICY AND HISTORY Jay Spielman, BLM

Mr. Spielman said he first started working for the government in 1978 and went into oilfields in southern Montana that were developed around the turn of century. There was old oil field equipment, evidence of spills, pipeline leaks, and light soils with infrequent but heavy precipitation. Pipelines had been laid next to riverbeds. When the rivers changed course, the pipelines were exposed and needed to be stabilized to prevent leaking. When oilfields that were drilled in the late 1800s and early 1900s in West Texas blew out, a dam would be built around the wellhead to collect the oil, which leaked out and the remainder eventually pumped out. There is now blowout protection equipment.

Mr. Spielman said there are three levels of bonding for oil and gas leases required by lessees prior to surface disturbing activity: an individual lease bond at \$10,000 per unit, a statewide bond for federal leases on state land for \$25,000 in each state, or a nationwide bond of \$150,000 for all activities on federal lands within the United States. Operations are required to be conducted in a manner that minimizes impacts to land, air and water; cultural, biological, visual and other resources; and other land uses or users. Included are requirements for modification to siting or design of facilities, timing of operations, and interim and final reclamation measures. The standards are written into the lease form and lessees commit themselves to comply with regulations when they sign the form.

A surface use plan needs to be approved and includes: necessary reclamation measures, an inventory of the area, threatened or endangered species involved, objects of historical or

scientific interest, unanticipated environmental effects, and prevention of damage to steep slopes, riparian areas, wetlands and wildlife habitat.

He was a field geologist in Montana in the '70s, and when a well site was established he would talk to range staff in the office for advice on re-seeding of the well pad and access road. At that time native species seed mixtures were not always available or in economic quantities and so crested wheat grass and yellow sweet clover were often planted. Presently, however, native species are exclusively recommended based on the specific range sites.

The private surface owner has control over where roads go and how the land will be reclaimed. In one instance a grove of aspen trees was destroyed for the access road because the landowner wanted to replant in grass should the well be unsuccessful. Another landowner planted sunflowers instead of grass or native species.

Mr. Spielman cited use of the "Gold Book" (Attachment 6) for improved techniques in areas such as site reclamation that increases slope stability, safety of well field personnel, road construction, and drainage structures for keeping well sites and roads free of water. He stated the BLM has standards that companies are held to, and if the standards are not met, the bonds are not released and additional work is required.

Unitization is a way to provide more flexibility and potentially better management on the surface area, because there is one operator on a section of land who is obligated to provide a single plan of development for all committed leases within a unit. In a new area, unitization is a way to minimize impact on the surface and an opportunity to utilize shared roads and well pads. Exploratory units cover areas that are wildcat and that have no known development. The proposal outlines a geological prospect with a certain configuration and where it is believed to be the best location for drilling a well. Tertiary well sites can be drilled at intervals of no more than six months until the operator finds no production or decides the prospect has no merit and allows the unit to terminate. If production is found, it is shared with the different lessees. Since all interest owners in the unit are treated the same, wells can be placed in the optimum location, road networks are set up more equitably, one tank battery is set in a centrally located spot, and smaller pipelines go from well to well.

The best assurance of reclamation success is avoidance of problem areas before beginning. Once a well site has been reclaimed and the operator has requested the bond liability be terminated, BLM makes a final inspection and further remediation maybe required. Successful reclamation is dependent upon the local climate, with rain being the primary factor.

On normal depletion, wells can produce 10-20 years, and with enhanced recovery for longer periods of time. More infrastructure is used to enhance the oil recovery and there could be additional footprint. A technique is to inject water or carbon dioxide (which decreases the thickness of the oil) to increase the pressure of the reservoir and allow oil to move more readily from well to well. Injection of water recovery can sometimes increase production 20% and other enhanced recovering techniques can get 50% of the oil out of the ground.

The BLM has a reclamation standard of three tries at getting vegetation established. These are not necessarily three successive years because of the vagaries of weather. Livestock is generally kept off the range while it is being re-seeded to protect the new growth. Depending on rainfall, approximately 50% of the re-seeding comes in very well, 20% fair and 30% poor. There is no database established to track reclamation efforts. To monitor the sites, any BLM specialist going past a well site is encouraged to note the situation on the ground and report back.

Mr. Larsen commented on concerns that state standards are not as strict as federal. Mr. Spielman agreed there should be a single standard to get the land reclaimed and stabilized and noted it is a nationwide phenomenon that state standards are less stringent than federal.

Mr. Stell asked if collection line right of ways are renovated and reclaimed. Mr. Spielman said that a pipeline right of way that would cross several different leases is outside the authorities of the oil and gas lease. After the pipeline has been buried, the surface has to be reclaimed using seed mixtures for each different type of soil. There are standards for where the line is buried according to topography.

Mr. Stell asked about the difference between updated and old production guidelines. As long as the well is producing, the lessee is asked to take up as small a footprint as possible and to reclaim area around it. For a 25-year-old well, the current operator is held to the current standards. An intractable problem for development that may have been started 30-40 years ago by good sized independents, as time and economics change and production of the field declines, the wells are being turned over to smaller companies that have reduced capability to do the work that BLM requires for proper reclamation. In certain instances, BLM may not allow the lease to be assigned to a smaller company unless they are willing to accept a larger bond.

Mr. Stell asked if the federal government has any incentives to get as much as possible out of the wells, i.e., going after secondary recovery. Mr. Spielman replied there is maximum recovery regulation for oil, but not gas wells, and there are incentives to lower the company's operating costs to continue to produce the wells. If the production rate is increased, the royalty rate is reduced.

Mr. Eisenfeld expressed his concern for the low reclamation success rate and commented that, as demand grows for natural gas, there is more pressure to go into areas where avoidance is not a consideration. Mr. Spielman replied that well sites are selected based on geological considerations for where the subsurface reservoir is and for spacing setbacks either from base lines or between wells. There is usually room for avoiding a drainage, stream, gully or hillside.

Mr. Miller said the federal royalty production program for stripper wells does not lower operating costs but provides increased revenue stream for those wells that extend their economic life. He did not agree that downsizing to smaller independents necessarily means more risk and less success because occasionally large companies are not as prudent an operator as smaller companies. He said a bond is not the only option for the Oil Conservation Division (OCD). If they are in a situation where they are required to plug a well or take action against a company, they will pursue the bond and also proceed legally against the parties. If the cost of the plugging

is greater than the bond amount and they believe the parties have assets, they have lawyers on staff that can proceed for collection. OCD can draw from a plugging fund that is paid for by the oil and gas companies, not from general taxpayer revenue.

INDUSTRY PERSPECTIVE (Attachment 7)

Mr. John Zent, Burlington Resources, Farmington

Mr. Zent said that Burlington is the largest gas producer in the state, with an excess of 6,000 wells in northwest New Mexico in the San Juan Basin. Using a Power Point presentation he reviewed reclamation efforts and said that, in the San Juan Basin, as well as most of New Mexico, 70% of the lands are BLM surface and/or minerals. This does not include the Navajo Nation, which is also administered by the BLM. Nearly 80% of the federal lands are administered by BLM. They are multi-use lands, with arid climate, and average 11 inches of precipitation per year. San Juan Basin has had 60 years of production and will probably last another 60 years. A well often produces 30, 40, and 50 years. Mr. Zent reviewed Burlington and the industry's goals: to have a collaborative stake with the community and come up with common solutions, whether it is oil and gas business, BLM, grazing, or wilderness; the aim is to reduce oil & gas footprint on the surface; to have a process change on reclamation, revegetation, pits and berms.

The 1991 Resource Management Plan provides that an average well would take 6.3 acres out of service for the well pad, the road and the pipeline. In the San Juan Basin the average well is below the original plan at 4.5 acres. In the last year for each well, the pad, road and pipeline right of way used less than 3 acres per well. After the well is drilled and the equipment moved out, there is still a road and a pad, which takes an average 1.8 acres.

The industry is moving to go beyond compliance with both the BLM and OCD. Oil and gas is an industrial complex on public lands with facilities, equipment and personnel. An objective is to reduce the initial footprint to the greatest extent possible. Mr. Zent described what is being done to remediate and reclaim subsurface pits, pit by pit, depending on contamination.

The general rule for reclamation is to reestablish 70% of predisturbance vegetation with 2 seeding cycles after the initial reclamation effort, which sometimes takes 5 years, depending on rainfall. They break up the soil, mulch in straw to hold moisture, crimp seed into the ground, reclaiming as much as possible up to the well pad. Occasionally plastic nets are used, similar to what is done by the Highway Department. A frequent problem is when livestock comes in and disturbs the land before the grass sprouts.

NMSU came to the BLM and the industry with a revegetation study on 30 plots in the San Juan Basin, using different seed mixtures, rainfall amounts, and methodology to improve well sites and rights of way.

Work is being done with the Savory Group using holistic range management, where a rancher pens the cattle on a few acres of disturbed land for a few days, bringing in supplemental feed and water.

Mr. Popp asked if the industry did anything differently for reclamation on state versus federal land and what was the process of reclaiming pits. Mr. Zent replied that his company and the industry maintain the same program and added there is very little state land in the San Juan Basin compared to southeastern New Mexico. He explained that, after operations are finished on a pit, it is left open and fenced for six months to let dehydration take its course. When dry, any hydrocarbons are taken out and disposed of. Otherwise, drilling fluids and water are natural substances and left in the pit, which is then covered with the original topsoil that had been stored.

Mr. Larsen asked about noise abatement. Mr. Zent acknowledged that noise has been an issue in the San Juan Basin, but there have been no specific complaints or problems in the last year. The industry has said that noise abatement is appropriate when there are humans and buildings nearby. Noise abatement equipment is not used when a well is miles from human population. The BLM has identified special management noise sensitive areas, such as known raptor nests or recreational areas.

Mr. Jim Wilson said that he is a dirt contractor in Southeastern New Mexico and does the reclamation work. The main objective is to restore the site as close as possible to its original condition with native vegetation.

Since water is the determining factor for the re-seeding success, Ms. Magee asked if it was possible to use trucks to bring the water to the site. Mr. Zent replied the trucks might cause more damage. NMSU has requested BLM and EPA approval to utilize produced water on their study sites. Water associated with natural gas production at present is re-injected into subsurface wells below the fresh water source. This will need to be reviewed case by case because some of the water is not usable.

Mr. Buss asked if there has been a problem with off-road vehicles on reclamation sites. Mr. Zent replied there have been some off-road vehicles, but that cattle are the biggest issue. The Savory Group uses electric fences to pen the cattle, but that is not widespread use. The question needs to be asked if the purpose of reclamation is to restore the natural surface or to provide a food source for the grazing community.

Ms. Trujillo Armstrong asked if wildlife has an influence on revegetation. Mr. Zent replied that elk and deer are an issue and the USFS and BLM are concerned with how increased activity impacts the wildlife.

Ms. Sammis commented that deer and elk get used to whatever activities are occurring. She suggested using holistic resource management done by Tommy Martin on tailings in mines, bringing in electric fences, cattle, hay and grass after the area has been reseeded.

Ms. Tierney asked about the BHP mines where cattle have been used on steep slopes. Mr. Zent replied they are studying its cost effectiveness and success.

Mr. Popp said he would encourage the industry to be proactive in researching how to mitigate noise and increase reclamation success because more and more pressure will be put on everyone for multiple use reasons. Mr. Zent said that the industry is waking up to the fact that these are multi-use lands with the need to accommodate the other users regarding noise, range management, and water usage to avoid potential conflicts and create potential solutions.

Mr. Stell referred to the drill site visited during the field trip and said he was impressed how clean the pits were. He asked if efforts were being made to alleviate trash along the roadsides. Mr. Zent replied there has been a concerted industry effort and additional BLM regulatory oversight. Today's drilling site has contained receptacles for trash that is hauled off to a waste disposal site, instead of a landfill at each site. Continual education is necessary for everyone in the field to keep roadsides and well sites clean.

Mr. Stell referred to an instance where Duke Energy put a compressor unit within 500 feet of a house. They stacked hay around it, but the house still vibrates and is noisy. Mr. Zent said that, while producers work with each other on methods of noise baffling, they do not communicate well with gatherers and transporters like Duke.

Mr. Eisenfeld said that compression will be more readily occurring in the San Juan Basin because of what is needed to get the gas to market. A new policy was drafted and sent to Washington in November 2001. This is a critical issue in the Farmington community in terms of how oil and gas can continue within multiple use principles and residential situations.

Mr. Joel Farrell, Assistant Field Manager for Resources in Farmington, replied that there is not an approved policy yet but that it will be tied into the Resource Management Plan Conservation Alternative.

ENVIRONMENTAL PERSPECTIVE ON OIL AND GAS RECLAMATION (Attachment 87)

Steve Blodgett, Reclamation Consultant, Center for Science in Public Participation

Mr. Blodgett explained the Center is a loosely affiliated group of scientists and engineers based in Bozeman, Montana, mainly focused on hard rock mining issues. He said his experience is primarily in hard rock and surface coal mining, although he has done some work on coal bed methane. He has a Masters Degree in reclamation from Montana State University and the principles that are basically taught in reclamation are used across the board, whether for highway construction, oil and gas, metals mining, coal mining, sand and gravel operations. A federal law called Surface Mining Control and Reclamation Act has been in effect since 1977 guiding reclamation approaches, and each state has its laws dealing with hard rock mining reclamation. Most of the principles that have been proven and tested in the field of reclamation are used in surface coal mining, with a lot of recent development in hard rock and is moving into the area of oil and gas reclamation.

Ms. Herzlich explained the RAC is particularly interested in oil and gas reclamation on Otero Mesa, an area that has not been previously developed. There are environmental concerns

that the area can be developed prudently, and the objective is to get as many perspectives as possible.

While most of his research has been done in Alberta, Canada, and Montana, he has worked at the Butte, Montana, and Leadville, Colorado, Superfund sites. He has managed surface coal mining programs for the Hopi tribe in Arizona, the New Mexico Bureau of Mines, and Los Alamos National Labs, so he is familiar with the geology and environmental conditions in New Mexico.

Mr. Blodgett suggested that the BLM Gold Book is very general and because of the date is probably long overdue for revision. He would recommend more specifics, particularly soil and water chemistry, and the problems that occur with certain types of soils and contaminants found in oil and gas operations. He suggested a specific section on revegetation, eligibility for bond release, what constitutes successful revegetation. The book takes a broad brush approach and talks about regrading slopes, slowing down runoff, approaches taken in highway construction. Specifics in soil problems or establishing vegetation are not discussed. Coal bed methane development is a potential activity that could produce another 30,000 to 40,000 wells in the United States in the next 10 years. It is important that new standards be put in writing so people have a better idea of the most recent research.

Roads associated with operations tend to be the largest disturbances, while pipeline corridors are generally much narrower. Drill pads, ponds and disposal pits are fairly small and do not constitute an aerial disturbance but tend to be where most of the contaminants are concentrated. The fundamental approach to reclamation is to define in advance what the post-industrial land use will be. It may be possible to develop grazing, wildlife habitat and recreation together, but it has to be acknowledged up front that certain activities conflict.

In New Mexico, most of the post mining land uses tend to be grazing and occasionally wildlife habitat, and for each there is a different set of requirements, which drives everything that is done and where many problems have occurred. Legumes are so palatable to wildlife they will come in and compete with the cattle. On slopes, fast-growing species that may be attractive to wildlife might need to be planted, with the ultimate long-term goal of replacing them with native species. Possibly the largest source of wildlife deaths in the United States in the last 50 years has been in oil pits across the country, and they are now fenced and have netting to protect birds. Additional hazards have been created by planting grasses appealing to wildlife alongside roads where they are many times killed.

Mr. Blodgett discussed soil problems from and solutions to petroleum-contaminated soils. For an oil spill nitrogen fertilizer is added, the soil is tilled and aerated, water is added, and the oil breaks down to carbon dioxide and water over a matter of months. The result is a fairly fertile soil ready to seed. The general approach to saline soils is to flood them to leach the salt out of the soil profile, which is obviously a problem in the Southwest's arid environment and is the reason why the salt is on the surface anyway. There are plants in a general category called halophytes that are salt tolerant, i.e. the four wing salt bush, but if the objective is to bring the

land to a higher use for grazing, it is necessary to reduce the salt level to get a good establishment of grasses.

The northern San Juan Basin is an area most likely to be the best long-term exploration target for coal bed methane. Its sodic soils are a big problem and he has had a lot of experience developed along the Wasatch front in Utah. Mr. Blodgett said that heavy metal contamination is not generally a problem in the oil patches.

A physical problem but not a hazard in southeast New Mexico is caliche, or calcium carbonate. It develops on limestone naturally, but desert environment can develop a horizon of caliche from 2-40 inches deep in the soil, which is like a layer of rock.

When doing reclamation it is important to gather as much data up front about the chemistry of soils and water and the native vegetation that is already there, what is growing and what is not. Each has its own requirement for reclamation.

In order to produce coal bed methane the coal formation has to be de-watered to depressurize the coal bed to pull the gas off. Many companies re-inject the water after producing the gas, but during the actual production of the gas the water has to be stored. In the Powder River basin, a lot of the water is being pumped into the wash and sent downstream. Currently there are many small, independent operators with dozens of leases lined up and down a drainage. While each may meet compliance, collectively there is a serious problem and the Powder River is being contaminated with sodium. It is not good enough to take care of a problem up to the end of a property line and consideration needs to be given for where the river flows.

If done properly and carefully, holistic range management is an effective way to manage livestock intensively. When livestock are confined in a small area, the manure produced and physical breaking up of soil provides great improvement.

The biggest limitation to all activities in the Southwest is lack of water. It is in a serious drought cycle, and indications are this is the beginning of a long cycle. If standards are set for revegetation success and there is a drought, is it fair to penalize the operator. Elsewhere statistical progression analysis is used to acknowledge the dry period and not make an operator produce vegetation that would be representative of 16 inches of rainfall if only 6 inches is received. It is necessary to deal with variations in natural climate.

Ms. Sammis asked how methane drilling affects the aquifers or the water table. Mr. Blodgett said he has been told it is possible to pump the water out of aquifer, build a stock pond and store the water on the surface, and then reinject it into the aquifer.

Ms. Sammis said there is a great deal of methane drilling in Vermejo Park in the northeastern part of New Mexico. The water is being taken from 10,000 feet, but is being injected back 2,000 feet. She said the water table in the area is lower than ever before.

Mr. Blodgett agreed that the lower aquifer is being depleted, but the upper aquifer is being augmented. The current drought situation is not having an immediate effect on the 10,000 feet aquifer, but it can and will lower the water table.

Mr. Buss asked about the process of coal bed methane mining. Mr. Blodgett replied that the methane is a byproduct of the coal deposit and once it is bled off it is gone forever. The original coal deposit is left in place and theoretically could be mined, although most is too deep to be amenable to strip mining. The long-term reclamation issues are fairly trivial, unless you are a rancher whose creek is contaminated with sodic water.

Since the Tularosa basin water is brackish, Ms. Tierney said she could foresee concern developing around water disposal and storage, which may profoundly affect reclamation and spillage of produced waters. Since some humate contains high concentrations of heavy metals and salt, Mr. Blodgett suggested chemical tests done on soils and water in advance to make informed decisions before selling the humate as a fertilizer.

- Mr. Larsen suggested that the New Mexico State Engineer be invited to a future RAC meeting to talk about water rights and coal bed methane.

Mr. Zent commented that the San Juan Basin is the world's largest producer of coal bed methane. In New Mexico, the water is reinjected at 10,000' subsurface. Some work is being done with reverse osmosis and spraying in natural purified water. Historically in oil and gas operations water is disposed of; only at the Powder River is the water being put in the ecosystem.

Mr. Buss asked if it was economically feasible to treat the water with reverse osmosis. Mr. Blodgett replied that all the water could be treated technologically, but it is not economically feasible.

CALICHE/GRAVEL ROAD AND PAD ALTERNATIVES (Attachment 9)

Barry Hunt, BLM Carlsbad

Mr. Hunt distributed rainfall charts for the city of Carlsbad to show that rain is a contributing factor towards success in reseeded.

The first step on a reclamation spot before the well is begun is during the onsite inspection. To collect rainfall in this desert country, Mr. Hunt said he tries to get locations on a flat spot as much as possible for future reclamation. The second step is to rip up deep enough to mix the caliche with underlying soil. No one wants the caliche because it is an inferior product and may contain hazardous waste and noxious weeds. Sometimes it is possible to use on roads and in some areas the caliche was removed and taken to a pit in Texas. However, through the years caliche has traditionally been left in place and mixed deeply. Some areas have no soil and there is nothing left if the caliche is removed. Mr. Hunt went on to describe various methods used in experimenting with the best ways to work with caliche soils.

In 1990 the state wanted companies to get 100% growth in one year's time. Texaco said that was impossible and gave the BLM a blank check to try to get that 100% growth. This gave them an opportunity to try various methods. Previously, everything was ripped east and west. One time the furrows were ripped north and south and there was good seeding, but future tries did not work. Fertilizer burned out the seedlings. It has been found that rainfall is *the* critical factor. While every time there were 20 inches a year, everything that was seeded came up, it still depends on what part of the year rain occurs.

Mr. Larsen asked why caliche was used and not gravel.

Mr. Hunt replied that caliche is abundant and available throughout the whole field office. Its purity is almost like concrete, it works great for a pad, lasts a good amount of time, and withstands weathering. There is often enough caliche on the location in the cut to do the pad.

Mr. Haske added that there are only two gravel sites in Eddy and Lee Counties. Gravel has to be dug out and processed. The price of gravel is astronomical and there is just enough gravel production to accommodate current construction. Caliche is readily available and ready to be used as soon as it is dug up. It is the soil horizon in two-thirds of Eddy County, with private and state caliche pits every few miles.

Mr. Hunt said they have found that when caliche is ripped in deeply, it will re-seed and come back to normal, given enough rain and enough time. Reclamation areas that were at least 10 years old have 100% cover; those less than 10 years have 50% cover with native species.

RAC REFLECTION

Mr. Wassinger said he has worked in and around the energy industry throughout his career, and it is a continuous improvement process. Reclamation is largely situational and its success depends on what is found in disturbed areas. The original management intent of the Gold Book was to establish broad-based general expectations for oil and gas activity. Since it was last revised in 1989, he agreed it probably is time to update it to benefit from what has been learned.

Reclamation is an evolutionary process with a lot of practical trial and error. The time to consider it is when you are thinking about putting something on the ground and to benefit from what is known at that time and to leave enough flexibility in requirements so new science can be applied when it is time to reclaim. An overall commitment by everyone for continuous improvement and collaboration creates an opportunity to have marvelous things happen in oil and gas over the long run.

Follow-Up Comments from Small Group Discussions

Ms. Tierney commented that the national energy policy will push to develop energy reserves throughout the country, but it comes down to fundamentals and basic land use planning for suitability criteria for soils and where to put a drill pad. Because there is spillage and some

soils are less amenable to mitigation, sometimes soil differences are a matter of a few feet. The rush to develop sometimes erases consideration. Not being considered are repetitive and cumulative impacts from putting in a pipeline with a right of way, and then someone else adds a pipeline adjacent to the first, and then a telecommunications company wants to put in a line. Another issue is considering impacts in a more holistic way from the beginning and slowly and consciously considering things such as location.

Mr. Eisenfeld added there is sometimes a perception that reclamation is going to be a cure all, and we live in an environment where it is not always the case

Mr. Pergler said this is more of a problem of scale. Problems associated with reclamation, such as oil and heavy metal contamination, are not insurmountable and already there. However, the native vegetation has been removed and reclamation is being done on difficult soils with a rainfall and location problem. If there are 100 sites in a small area, it has basically been sacrificed by cumulative aspects. Otero Mesa comes back to scale and will not be insurmountable with holistic planning.

Mr. Miller agreed that a lot of problems are situational and time is the cure; although there is tremendous development in other areas where 10 years does not solve those problems. Every area has certain characteristics and it is hard to broad brush.

Mr. Buss said the three critical issues are water, energy, and ecosystem health. Technology in extraction will continue to advance and there will be an enormous increase in implantations of pads and systems to recover energy. Remediation will always need to be in place, i.e. how do you make low visual impact, noise abatement, silence and a more healthy ecosystem from the beginning. He could not see energy independence without using things such as coal and methane generation.

Mr. Wassinger said his group had an interesting discussion about the need for more active management being more deeply involved in what is going on in the ground to insure that problems do not occur. This includes the BLM, the local residents, state or federal agency that regulates the activities, and the industry that is developing those resources. Everyone needs to have ownership in the outcome, as well as the regulatory agencies that hold them legally accountable.

Ms. Sammis said she would summarize by saying there is the need for Education and Accountability for everyone.

Mr. Popp said there is a three-way planning process: minimize the disturbance; reclamation throughout the life of the well; and consideration of cumulative impact. There are going to be more regulations because there is so much use of public lands. He requested that the oil and gas industry take the lead and not do the minimal. Also, that they make suggestions for what can be done to insure levels of excellence and continuous improvement. The industry representatives and the BLM must be willing to talk and come up with solutions and have a

system in place to deal with problems as they develop. The opportunity on Otero Mesa is to start at the beginning

UPDATE RAC ON OTERO MESA PLANNING PROCESS

Mr. Tom Phillips, Las Cruces Field Office

Mr. Phillips said he has received a number of comments on the draft that were not necessarily associated with Otero Mesa. He has been feeding information to the contractor prior to proceeding on the planning effort until a recommendation is received from the RAC. A concern from ranchers was the potential impact to the current water quality and so he is looking to get a funded water study of existing water wells as a scientific approach to water quality and quantity. There is not much water information at present and he would like to get the information before leasing.

When the draft with the preferred alternative for Sierra and Otero counties was released, comments on broad issues were received. He has been looking to seeing how those comments could be inserted into the upcoming plan and if there are inconsistencies or clarifications needed on the plan. A part of the planning process is to give the public the opportunity to review and give feedback, then try to incorporate that feedback into the plan. There were some concerns that reclamation had not been described right, and helpful information was received from the industry.

Mr. Pergler asked if it makes sense to have the contractor be an observer to the negotiations for the preferred alternative.

Mr. Phillips said involving the contractor would be helpful when a question comes up as far as the information that has been developed to this point. The value of the contractor is they focus on that all the time. As team leader Mr. Phillips comes in and out of the process so there would be more collected information to share. Also, when the alternative is received from the RAC, the contractor will have it in the same format as it was developed.

OTERO MESA WORK GROUP

Mr. Wassinger said that he and BLM Director Clark have committed to the RAC to find the funding for the process. A good portion of the expense will be the cost of getting people together and the cost of facilitator/mediator to get the process moved forward. He said he will need a ballpark idea of the funds needed.

Ms. Herzlich said she would like to be on a team, but there is a need for a neutral-person mediator. The United States Institute for Environmental Conflict Resolution is interested in supplying a person or helping to find the right one. They are waiting for confirmation of funding. The work group will consist of a small group at the table and a larger circle of associated people who are the observers and are available to caucus with the small group of actual negotiators. This will be done in an intensive way over three to four days. A good mediator will know after two or three days whether the group is close to a consensus. The

criteria for the mediator would be one experienced in these types of issues but not in any way related to any of the parties. The person will need to be knowledgeable about oil and gas, wilderness issues, be familiar with New Mexico and arid landscapes, have no previous connection with oil and gas or wilderness. The person must have experience with pushing these things through in an intensified way. A benefit of working through the Institute is that they have financial agreements with the BLM at the national level, where there is money set aside for this type of process. Now that funding is in place, Ms. Herzlich said she would call and move the selection of the mediator forward if the RAC says it feels right.

At the last meeting the RAC suggested that Ms. Tierney be the work group lead, with Mr. Eisenfeld as co-lead. The group would include a representative from oil and gas, one from the Wilderness Coalition, the local grazing interest, the county, and the RAC. The BLM and the contractor will observe.

Services and resource people will not sit at the table.

Ms. Magee said the Lieutenant Governor's concern is that the state be represented and it may be that someone from the county would be sufficient.

Mr. Pergler stressed the need to be sensitive to the parties that responded to the draft EIS. They are stakeholders because of their comments. He suggested a communication process to keep the public informed and perhaps ask if there is interest from other organizations to participate.

Mr. Phillips said that 180 people responded to the draft. Half are from New Mexico – primarily oil and gas interests – and the remainder environmental interests – wildlife through wilderness and mixes in between.

Mr. Phillips explained there are two results from the work group that may occur. A new consensus alternative might be developed that is so different a new, supplemental draft to the proposal would have to be issued and public hearings held. The other possibility is the group may come up with a minor modification to what was presented to the public and could then proceed to the final EIS. There would be an opportunity for review, and the next option is the public could protest the result.

Mr. Wassinger explained that the larger group has an obligation to function in certain ways and engage and represent the public in the discussion. The RAC is asking a small sub group to do work and then re-engage the RAC in its normal forum. The outcome will be a recommendation for an alternative that has not been considered in the planning process.

Mr. Popp said that the RAC has an obligation to the work group that it would not substantially change their agreed-to recommendation. Unless there is a real problem that the group does not address, he could not see much more from the RAC to do except pass the recommendation on. Since a commitment has been made to the group and they are being empowered to do something, it is important to make sure that every interest has been included.

Ms. Herzlich said the people on the work group will need to represent all the interests so that the RAC can feel confident that when consensus is received, it can move forward.

Mr. Phillips said that the four-day period when the work group meets will be a compression of the four-year planning process for this one area. While the plan covers two counties Otero Mesa is just in southern Otero County.

Mr. Miller suggested that Steve Yates represent oil and gas at the table, with someone from Burlington in the seat behind him.

Mr. Popp said he did not think that the conservation groups would necessarily side with sportsmen and asked if a recommendation from the group would be supported by hunting interests. Mr. Phillips said that there is some involvement by a sporting association in the Otero Mesa Coalition.

There was some discussion as to which of the wilderness groups was the appropriate one to invite and that it should include a broad enough representation from the other organizations to be able to come to an agreement. Mr. Pergler said he would contact the groups and determine which one should be at the table and if they also represent the hunting and fishing interests.

BLM STANDARDS AND GUIDELINES (Attachment 10) Bob Alexander and J. W. Whitney, BLM

Mr. Alexander and Mr. Whitney said that the goal of their presentation was to give the RAC an update and overview of the standards and to seek RAC advice on implementation issues.

Since all the BLM programs are affected by the standards, a statewide workshop was recently held to discuss implementation of the standards. A recommendation that came from the workshop is that the implementation plan requires the BLM to comply with the record of decision requirements, plus the Washington office requirements and various handbooks. The what, the when and the where implementation occurs will be a local-level decision at the field office. This is consistent with what was in the original implementation plan.

The human dimension at one time had been a standard and was taken out by the Secretary of the Interior who signed the decision record. It was felt the human dimension best was addressed in further environmental and NEPA work. As the NEPA process goes through the implementation of standards and guidelines, the human dimension will be coordinated with various agencies, interest groups, and the public, which includes ranchers and anyone else who wants to be involved in the process. If it is determined the standards are not being met, BLM would again coordinate with the various agencies and interest groups and then bring any of their concerns into the NEPA process. The regular NEPA analysis would include a section to hopefully disrupt as little custom and culture as possible, and try to include any mitigation into the proposed action suggested by the group to move into the proposed action and have several alternatives that would be analyzed.

· The Communication Plan was presented at a workshop in Albuquerque with the field offices. A list of people and groups that should be contacted to become involved at the local level was distributed to the RAC members for their input. (Attachment 11) The purpose of the communication group is to inform the public what is going on statewide.

There is funding and each office will start to implement quickly. BLM will focus on keeping the public land conditions consistent with the standards and work with all stakeholders during the process.

The Record of Decision requires the BLM to monitor public land health indicators; causal factors for non-attainment; to actively solicit participation; and request monitoring by state agencies where their responsibilities are. State water quality numbers are within the realm of state government, and monitoring information will be requested. Monitoring health indicators and non-attainment is BLM's responsibility for the 13.5 million acres of public land in New Mexico – what indicators to look at; where and on what scale on a state level; when to monitor and how often; who will do it. BLM has done little monitoring because they have not had the personnel.

Mr. Torres asked if Secretary Norton has responded to the letter written to her by RAC. Mr. Alexander replied he had no knowledge of any response.

Mr. Buss said that the document has real guidelines in terms of ecosystem health and suggested that responsibility of being a permittee might be to draw lots and be part of the committee to uphold range standards.

Ms. Trujillo Armstrong said that there are some USFS allotments that are being monitored by permittee on a voluntary basis that is well documented with guidelines. She monitors her own allotments and is available to monitor others. Ms. Sammis said that is an excellent idea and goes back to accountability.

Mr. Stell said that there are specialists in the BLM that know what to look for and that he would personally have concerns about ranchers policing their own.

Mr. Whitney said they will monitor for causal factors, not large-scale but on allotment scale and are looking at forage and short-term grazing capacity.

Mr. Buss asked how many people would be needed for adequate monitoring. Mr. Whitney said he would guess that one to two people per county would be needed.

Mr. Popp asked if areas could be identified that are not in good health. Mr. Whitney said that BLM could identify areas of concern and prioritization of areas that need help will be done locally. Monitoring is taking measurements along the way and looking at change. It is not a starting point but is a moving down the road concept.

Mr. Popp said that he lacks scientific expertise and feels uncomfortable at telling BLM how to implement the monitoring. Mr. Whitney said that the RAC has a good opportunity to look at the issue of monitoring and give them advice on that phase and whether there are options within the state to making monitoring work better.

Ms. Tierney added that monitoring is a moving gauge of carrying capacity and how many animals should be put on an area. She said a nationwide problem is the training that goes into doing vegetation monitoring is behind the times and many people are practicing natural resource management in the agencies that do not know how to do it. She suggested that training is an education and a rigorous standardized approach to knowing whether something is in decline and needs to be put on the table and discussed at the community or local level. To some degree students could be used, but someone who has done monitoring for years would need to oversee the process and keep the quality level high.

Mr. Stell noted that in the 1980s the Inventory Resource Management plan was instituted wherein the BLM classified all allotments into categories of those that needed improvement and those that needed to be sustained. He said it is a good process and the BLM just needs the personnel to implement it.

- Mr. Buss suggested that this important issue be put on a future agenda to come up with solid recommendations for criteria to develop indicators of ecosystem health. Ms. Herzlich agreed this is an opportunity for the RAC to make recommendations about standards and guidelines and how the monitoring and continued assessment goes on over time. She said she would post the subject on future agenda items to be considered by either the Rangelands Committee or the full RAC.

PRESENTATION OF DRAFT RECOMMENDATIONS FROM RANGELAND SUBCOMMITTEE

Robyn Tierney, Rangeland Subcommittee Chair

Ms. Tierney thanked Mr. Torres for his time and suggestions about standards for reclamation. People are disturbed and the general perception is that the amount and quality of forage is deteriorating and weed infestations are increasing as oil and gas development continues. The following suggestions are made:

- Change the requirements of two tries at reclamation to being more flexible during drought conditions because operators are spending money and seeding rather than waiting for better conditions. Perhaps an area could be mulched but unseeded until the drought breaks and try seeding when there may be assurance of success. There is some indication on the western perimeter of the Pacific Ocean that the dry cycle is starting to deteriorate and may be coming back into a wet cycle.

- Acknowledge that reclamation is not a one-size-fits-all approach and no two places in the state have the same precipitation patterns and soils. Refinement of what constitutes success and tightening of success and weed control criteria. The first criteria in terms of success is sustainability. If there is no seed production and small plants on a reclaimed site in 7 to 10 years, it does not have long-term viability. Fertilizing with nitrogen fertilizers on arid land soils often encourages weeds. Some perennial noxious weeds produce chemical compounds and alter moisture and soils so permanently that they control other vegetation in the soil profile.
- Field offices develop working groups dealing with reclamation and weed issues that meet once a month. Develop a punch list of problems – operators, ranchers and BLM people take GPS reading of weeds and put on to-do list of next collaborative working group meeting.

Mr. Miller expressed concern that an operator's bond liability would be extended almost indefinitely in areas where it may take as long as 10 years for 100% revegetation, even though the operator may have followed standard reclamation procedures. He suggested the operator be released from the bond after starting an account for seed and the work it would take to put the seed down when the timing is better.

Ms. Tierney said it will be important on Otero Mesa to go to places where there was activity and look at the age and condition of the pipelines and well pads and determine if there was a reclamation standard at the time. The state has a broad diversity of climate and soil conditions and a natural ability to reclaim.

Mr. Phillips said he has tried to locate some of the old wells and at one location took pictures of the pit and mound and case well. To do a survey right and determine what visually happens over a period of time, it will be necessary to use GPS readings. There are 90 wells spread all over in Sierra and Otero Counties, with at least four on the mesa.

Ms. Magee suggested that it would be significant for the upcoming work group meeting to obtain dates and pictures for factual evidence of what recovery looks like on Otero Mesa.

- Mr. Miller's concerns and suggestion will be taken into consideration and developed.

DIALOGUE WITH FIELD MANAGERS (Attachment 12)

Mr. Pergler said the RAC would like to have an active dialogue with the field managers to exchange ideas. Ms. Magee added that the RAC would benefit from each one's personal expertise and experience. Suggested topics of discussion:

- Community involvement with regard to noxious weeds, is it plausible, workable and how would you do it in your area.

- Reaction to alternatives and better ways of doing the reclamation and long-term bonding.
- If you had to take 10% of rangeland out of circulation because of degradation, would you know what that is.
- How to allow more watershed management west of the Pecos.
- Coordination between Fish & Wildlife and USFS.

Participating Field Managers:

- Len Brooks, Las Cruces Assistant Field Manager – multi-resources: engineering, minerals, lands, cultural resources, recreation, wilderness
- Tom Gow, Albuquerque Assistant Field Manager – renewable resources: range, wildlife, watershed, soil, air, fire, forestry, sometimes weeds
- John Bailey, Taos Assistant Field Manager for Division of Recreation – Wild & Scenic Rivers, wilderness, public contact and education, angry voters (where's the water?), has done mining reclamation work in California desert
- Jon Hertz, Socorro Assistant Field Manager – multi-resources: lands, minerals, recreation, cultural and watershed
- Mary Jo Rugwell, Carlsbad Assistant Field Manager – lands and minerals: inspection enforcement, hazmat, service protection specialists
- Joel Farrell, Farmington Assistant Field Manager – resources: surface permitting for APD and right of ways
- Mike Haske, Washington DC Deputy Group Manager for Fish & Wildlife – in Roswell for six weeks for Ed Robertson, while he is on detail in Washington – a forester by background

Mr. Hertz – Community involvement with noxious weeds and coordination with other agencies. In Socorro are dealing with assistance agreement with NRCS inventorying noxious weeds, primarily river bottom. Are working to make sure equipment is clean and working with NRCS in inventory and eradication of noxious weeds.

Mr. Gow used to be in Socorro, and the work there was based on a lot of Las Cruces' efforts, specifically Eddy Williams – working with counties in developing types of ways to control noxious weeds. Now in Albuquerque and benefiting from that experience with the northern counties. Funding is provided to the counties and they purchase poison for the actual application. Branching out with Soil & Water Conservation Districts, education and identification of the noxious weeds. Asked if Taos can use sprays.

Mr. Bailey said that Taos has declared itself a tebuthiuron-free zone and has decided to petition the BLM, USFS and most recently the Highway Department to not use any chemicals at all. There is community involvement in volunteering labor to get rid of noxious species the hard way and also in looking at alternatives to chemicals. When the Rio Grande Corridor Plan was done 10 years ago, the community decided not to use Spike on public lands in Taos County. Last year the Highway Department concurred and agreed not to use chemicals along right of ways.

Ms. Rugwell said there is no group that gets the general community involved, but there is sharing with the county and Highway Department addressing weeds. Has had good cooperation from seismic companies spraying noxious weeds in their project areas. Oil and gas companies usually hire a seismic company to do surveys using thumpers or other means to get a better idea of the geologic make up of an area to see what the oil and gas potential is without doing actual drilling. While there are a lot of conditions of approval on the seismic permit to prevent as much surface disturbance as possible, unless the company washes its equipment before it is brought in, weeds often are spread. If weeds come in during a project, the company works with BLM to get rid of them

Mr. Brook – Las Cruces has a lot of land jointly administered with the military and positive things have happened. Every other year there are roving sands field maneuvers using equipment from all over the country. As a matter of practice, the heavy equipment is now washed before off loading. One individual working in the field area office has involved several of the counties in doing many things to limit the spread of noxious weeds.

Mr. Gow praised Eddy Williams for passing on his energy and enthusiasm to the staff through training and certification. They are now doing hard work to eliminate salt cedar and meeting with permittees that have thickets of salt cedar. A sizeable investment of taxpayer dollars is going into the training and benefits are being reaped. Early in the fire season, there is on-the-job training for the fire crews in salt cedar thickets. That work is followed with spraying.

Mr. Bailey – contrary to common knowledge, it has been found that some rare and endangered species nest in salt cedars, i.e. the Southwest willow flycatcher. Unfortunately, after getting rid of salt cedar in areas along the Rio Grande, the pepper weed came in and it is even harder to suppress. They also have an enthusiastic staffer looking hard at suppressing the spread of noxious weeds. Permittees in a recreation program with trail rides are now required to have certified weed-free hay for the horses. At first it was only available in Colorado but now local feed stores sell it and they are talking to local growers.

Mr. Hertz said hearing statistics about how many acres are lost to noxious weeds gets people's interest. A combination of community involvement and BLM staffer resulted in a great success story in Socorro. Ten 10 years ago there was major dumping along the Bosque in the Rio Grande Valley and coordination between the Bureau of Reclamation, the county, and the Middle Rio Grande Conservancy District, resulted in dump loads of garbage and weeds being removed.

Mr. Gow said the Save Our Bosque Task Force has worked hard for ten years. A stagnant pond area now has flowing water providing nesting habitat for ducks, ball fields, parking for RVs, old cottonwoods were cut down and new ones planted – through a planning process with various groups and the Middle Rio Grande Conservancy District. Bosque del Apache brought in heavy equipment and dredged the pond – then contoured the area itself and the ponds. Personnel from the Department of Transportation working on their certification for heavy equipment got on-the-job training, digging, trenching, and dredging. The State Forestry

brought in prisoners that have sweat equity in the project. Now they are asking to be hired as consultants and contractors and are a viable part of the community. The judges have been asked to not put people away but to give them to the BLM for community hours.

Ms. Rugwell – prior to coming to this meeting went with staff to look at a variety of locations, some with recent reclamation, some 8 to 15 years old, and found that proper preparation and ripping has a lot to do with reclamation success. Some still had caliche, some had it removed. The older sites with caliche that had been ripped and seeded prior to years of rain looked almost as good as the ones where caliche had been removed. Limited tests are being considered in the sand country to experiment with removing caliche in some areas and leaving it in some – seeding would be done at the same time. Results will be analyzed to give a basis for comparison.

Mr. Hertz deals with smaller projects where 2-track roads have been established to build a fence or put in a pipeline. The concern is to keep the public off it for the next few years to allow it to come back. Barricades, berms and signs, a law enforcement person, and public cooperation generally keep 90% of the traffic away.

Mr. Bailey – having an operator lie lightly on the land when first doing the work avoids the need for a lot of reclaiming. The contractor doing the work is the best one to talk to about building reclamation into how they access the site.

Mr. Farrell – in Farmington sometimes it works to encourage operators to use existing, abandoned well locations to minimize footprint. They deal with several formations, Picture Cliffs, Mesa Verde, Fruitland and Dakota. Staffer Sterling White got a National Wildlife Federation grant of upwards of \$300,000 to spend on weed control and involved the county and some of the companies. Field Manager Steve Henke is coordinating a weed control plan with both the USFS and Bureau of Reclamation.

Mr. Haske – part of the Energy Production and Conservation Act is to identify impediments to energy production. His group in Washington is following up with studies to identify impediments and deal with the results, outcome based stipulations. Rather than being prescriptive, they are being descriptive about the objective and leaving the methods to the operator who works at the ground level and has talent and local knowledge. Western Oregon experience with noxious weeds – the NRCS has a group of trained facilitators and coordinated a resource management plan (this service is available around the country). They bring together private landowners and federal and state agencies on a regular basis to talk about what they are doing. There was a formal cooperative agreement with the county agriculture extension agent to look for noxious weeds and alert the BLM.

Mr. Gow – on watershed treatments, the Rio Puerco Basin has had a management committee in existence for a number of years to prioritize watersheds that need attention. They have seed mixes and are being flexible to bind the soil against wind and water erosion. In one instance, rather than a grass seed mix, they put mountain mahogany in to help the mule deer herds that are crashing.

Mr. Brook said that Las Cruces does not have much oil and gas activity and spoke of his experience in Colorado, where there is a fair amount on the Western Slopes. The soils there are very alkaline, heavy clay and mangus clay soils. The alkalinity was an issue in trying to revegetate, although there is fairly reliable moisture. Another product of Western Colorado is apples that are converted into cider. There is acid in the leftover apple pulp and it was used to mulch and neutralize part of the surface of a site where revegetation had been a failure many times over. The revegetation effort was then successful – unique situations and unique solutions.

Mr. Popp said he has worked with the Las Cruces office for the last 15 years and complimented the staff on its efforts toward alternative funding and ways looking out of the box more for solutions.

Mr. Bailey –regarding which 10% would be removed for health. He began to tabulate the data that has been collected on the majority of the allotments and would easily know where allotments are that need help. There is a list of mitigation measures to find funding to address the identified problems. Collectively throughout the state there is good base data, but perhaps a better job of recording data could be done, or collecting it in a way that addresses multiple use or purposes. Regarding alternatives to the 10-year bonding – there is a native plant recycling company in Taos that pulls off the land cacti, piñon, juniper or shrubs that might be useful elsewhere. They are stockpiled and, for a subsidized fee, used to reclaim sites. He suggested the possibility of having such a company taking over the bonding for one fee to do the job.

Mr. Torres said he would set aside for health reasons all land with grazing or other activity, i.e., off-highway vehicle use.

Mr. Hertz is starting a new RFP to look at a sand dune area that has incompatible intensive OHV and cattle uses and for researching seeds that have a longer viability in soil until there are right moisture conditions

Mr. Gow – the Seeds of Success has a long-term program and collects seeds from various sites to be propagated.

Mr. Haske has a 10-year agreement with Royal Botanic Garden Q for \$100,000 to create a seed bank for long-term storage. Also working with Student Conservation Association collecting seeds. The National Fire Plan out of DC has a \$15 million native plant materials development program, working with university and other seed labs, to develop a dependable source of native plant material for rehabilitation. Conservation Cooperation Initiative (CCI), new this year, has \$10 million in funding in the President's budget, and is asking for projects to be submitted in May for on-the-ground restoration and reclamation.

Mr. Brook – 23,000 acres north of Lordsburg were closed to all OHV activity primarily for safety reasons. A windstorm blew dust off the playa across the interstate that could be traced back to OHV activity. In reaction to the drought in the McGregor Range only four out of 15 yearly range allotments will be grazed to avoid damage.

Ms. Rugwell pointed to the Carlsbad fact sheet and a report from the range staff on many allotments that are voluntarily not running the usual numbers and in some cases not running any cattle.

Mr. Gow – working with Jon Hertz, they went into Quemado on the local level under the umbrella of the Largo Agua Fria Watershed Environmental Assessment and, on a handshake agreement with USFS, worked the upper ends of the watershed with heavy equipment and then down onto BLM land. In return, the USFS did clearances and engineering – USFS has given \$10,000 a year to help maintain the heavy equipment and bought a tree shearer for the BLM to use on both USFS and BLM property. In Reserve there was work done to keep elk in the forest with dirt tanks and spring developments. Under the umbrella of a citizens committee the USFS did the cultural clearances, environmental assessments and NEPA, and the BLM brought the equipment in and took care of the work four weeks later.

Mr. Miller asked how many I&E inspectors there were.

- Carlsbad has two new, approval to hire two more, with 12 total
- Farmington has 18 inspectors

Mr. Stell said he would like to see watershed improvement done along the foothills of the Guadalupe and the Sacramento to increase the flow of tributary streams into the Pecos. Ms. Rugwell said there will be more opportunities using a Resource Management Plan Amendment in a year and a half.

There was general consensus that the new format was very good.

APRIL 26 – RAC MEETING

AGENDA REVIEW/ORGANIZATIONAL DETAILS

REFLECTION OF DAY 1 – DISCUSSION

Ms. Herzlich requested that the RAC gather in small groups to see what new information could be applied toward developing Otero Mesa in a good way.

- Plan how you are going to leave before you start, which is particularly important in a new area. This is required but tends to be general and from traditional experience, rather than specifically generated for the particular site.

Mr. Larsen asked about the process of developing a large site. If there are 20 potential operators, would that many plans be submitted or would someone try to coordinate them into one sensible plan and with one lead.

Even though leases may go to a number of holders, Mr. Wassinger replied that a tool called exploration unitization could be used to unify the plans so the area can be explored in a systematic way. The BLM can encourage the unitization, but the participants have to be willing.

Ms. Rugwell said in New Mexico the local BLM office approves the unitization. Occasionally, leases become available within a unit area, and it is clearly indicated on the sale notice. One of the conditions of the issuance of that lease is that the successful bidder has to agree to become part of the unit

Mr. Miller said the key is not to force the unitization but to give the parties incentive to unitize. The benefits are easier planning and remediation, and the footprint of a unit is minimized.

- The negative impacts could be reduced on a place that has not been developed, such as Otero Mesa.
- The operators could bid on what they want but will know up front it will be part of a unit.
- Lease restrictions could be used as an incentive to unitize.

Mr. Miller said this is a new concept he has never discussed before and the most controversial would be to determine the unit operator. In Otero Mesa development there may be logical breaks for different units driven by terrain, surface features, and conditions.

Mr. Larsen suggested the unit leader could be determined by bidding separately from the lease itself.

- Mr. Miller was requested to consider ways to use unitization in pre-planning.

Armando Lopez was brought in from the BLM office to explain the use of exploration units to reduce impacts on Otero Mesa. He said that exploratory units normally are strictly voluntary for the working interest owners to join. There is an 80% control requirement before approval of the leases on a unit. An advantage of a unit is that drilling on one tract holds all the other tracts and when the leases expire at the end of ten years, there is an automatic two-year extension. The largest unit in acreage is the Big Eddy in Eddy County. It was formed in the 1950s to minimize drilling in the potash area. Potash is only area that can force unitization by Secretarial order because of competition between oil and gas and potash.

- It was suggested that Mr. Lopez or another unitization expert be available during the work group meeting.

Mr. Lopez said the operator initially has six months to start drilling a well in a unit. If it is dry, the operator has six months to start another well. The operator has the option to keep drilling on a unit, but they usually give up after one or two dry wells. A unit agreement has room for expansion and contraction, and once commercial production of the unit has been established,

the operator has five years to continue development of the participating area within the unit by geology.

Ms. Tierney asked if there were disadvantages to unitization and what is the average size of an active participating area. Mr. Lopez said that sometimes when there is a group of owners, some may not think the development is moving fast enough. Initially, a unit is usually no more than a section. Depending on how far they drill, they can tie wells together geologically.

Ms. Magee asked if it would be easier for BLM to monitor and regulate reclamation of a unit. Mr. Lopez replied that units have one plan of operation, which helps.

Mr. Wassinger noted that one of BLM's obligations is to conserve the oil and gas resource, which means BLM is required by law to maximize removal of the most amount of resource from the reservoir

Mr. Popp commented that unitization may be an opportunity to minimize the infrastructure by making the pads smaller by new technology and starting some reclamation right away.

- Build small – minimize infrastructure
- Begin reclamation right away – reclaim drilling footprint down to the production footprint
- Innovate development in a different way – negotiate up front criteria to be protected.

Mr. Miller said that the footprint depends on the location and size of the rig. On Otero Mesa the pads were larger because camp was set up and the workers lived on location. With unitization, camp could be set up in one central place.

Ms. Tierney asked how extensive the geographic information system (GIS) coverage was in determining ownership patterns and locations, existing roads, even vegetation. If the units are designed based on geology and topography in a logical way, every chief operator of each unit would have a panel of the quilt and understand the operational and ecological constraints of their unit. This knowledge base would result in better design of roads and environmental protection.

Mr. Phillips replied that information is available and extensive and for immediate use could be captured on a computer and made available to the public; so that when people look at the areas they want to lease, it will be easier for them to develop the constraints beforehand.

- Mr. Phillips was requested to be on site at the work group meeting.

Accountability for Remediation

Mr. Buss suggested that remediation of the site not be in the hands of the oil companies because that is not their business. Instead the operator would pay a flat fee up front, and a remediation and environmental control company would be hired to develop the expertise to do the work. He suggested a 10-year horizon, with the oil companies having liability for the first 5 years as part of the risk of drilling. The remediation company would be local and skilled and have a commitment to transplanted and experimentation with new techniques. Perhaps an environmental control officer would be appointed to make sure trucks are washed and to deal with issues such as the size of the camp and where it should be.

Mr. Miller suggested that, rather than a private company that could go out of business, the New Mexico State Agriculture Department could be the lead and hire private companies or utilize students. BLM needs a guarantee that the citizenry is protected.

Ms. Tierney noted a plant salvage project in Nevada where the BLM requires as part of reclamation in construction of power lines the developers dig up and transplant things like cacti.

Ms. Sammis said she felt restoration should replicate what a unit looked like before being disturbed.

- It important to determine the desired feature condition prior to development

Mr. Wassinger said that ranchers are losing a substantial amount of forage to development and are looking at opportunities to reclaim areas with forage.

Mr. Miller noted that, on Otero Mesa, a well access road was longer than originally proposed because of consideration for some four-foot yuccas that might be bird habitat. Mr. Phillips said the other condition was that the road would cross a drainage on a steep hill and routing down a ridgeline made ecological sense.

PRAIRIE CHICKEN (Attachment 13)

Rand French and Tim Kreager, Assistant Field Office Manager for Resources – Roswell

Prairie chicken behavioral characteristics during the lekking or booming period were explained. The “Four Cs” helped develop the prairie chicken process: coordination, cooperation, communication and conservation. Public involvement is necessary to gain interest and address the issues. The most important process the BLM goes through is the resource management and planning process and is the basis by which decisions are made for things like oil and gas leasing. This planning process will be key to Otero Mesa.

Prairie chickens are a “proposed” species but the BLM takes a proactive management role and treats them as if they were a “listed” species.

Mr. Stell pointed out a group funded through NMSU who are scientists and independent in their thinking. They have testified before Congress and advise groups that need expert

opinions based on scientific data. He said it is an invaluable group that will serve at anyone's request. Mr. Kreager agreed the group is a key resource that looks at the data and determines if it will support decisions.

The presentation included review of the traditional and current habitat and population densities; efforts to restore habitat through the year; grasses and diet. Threats to the species are conservation of natural rangelands, cultivation, irrigation, fragmentation – which includes oil and gas. Recreational hunting was stopped in the early '90s. BLM's responsibilities were reviewed. The objective is a proactive activity to prevent the bird from being listed as an endangered species. Work is also being done with ranchers and oil and gas developers and with other biologists in other states. The population in Texas around Eunice is not doing very well, but the northern panhandle population in Texas and Oklahoma seems to be holding its own.

Mr. Stell suggested that the transplanting and release program might be more successful if the chickens are released in areas near where ranchers feed their cattle.

Mr. Miller commended the Roswell office on its proactive stance to help the species. He encouraged them to continue thinking out of the box.

Mr. Kreager said that planning is a key factor, and one of the most difficult things to determine is at which point do cumulative effects have a detrimental effect on species.

PUBLIC COMMENT PERIOD

Mr. Mark Marley said that he is on the Chavez County Advisory Committee and gave his family's background in the area. He is the fifth generation to ranch around Roswell, his great-grandfather came with his family when he was 11 years old and homesteaded when a young man in Lincoln County east of the reservation. Mr. Marley's family still ranches cattle and sheep in both Lincoln and Chavez Counties. His allotments cover a broad range, including prairie chicken and lizard habitat, two OHV areas and hunting.

Even though he does not always agree with the methods used, he commended the Roswell field office for their efforts with the prairie chicken. He urged them to remember that grazing allotments are not just about cows, but people's livelihoods, their contributions to the economy, and kids going to school.

The former members on the RAC worked diligently to put human dimension as a standard and guide and to make social dynamics be equal to some of the other areas. The livestock industry and ranching community feel it is extremely important this RAC continues to fight for the human dimension since it was removed. Going through the NEPA process does not allow the heritage, culture, and social economics the same protection as being a part of standards and guides.

He encouraged the RAC to make sure the people at NMSU are satisfied the monitoring process is viable.

Land acquisition is a standard part of BLM and Mr. Marley expressed concern that private property is being lost to regulation.

Mr. Marley sat on the working group and helped develop the plan for the Haystack Mountain OHV area. Implementation is a slow process and trespass is a huge issue. A creek only a mile from his boundary line looks like an interstate from its tracks. BLM has too many irons in fire to properly manage the area and implement other projects at same time. BLM needs to educate people to have respect for private property. More people utilize the area now and want to see what is over the hill and follow trails that lead off the designated area.

The sand dune lizard is in the same area as prairie chicken habitat and was the original reason why the BLM stopped using tebuthiuron for shiner control. Hunting is checkerboard and many times the hunters trespass on private land.

Mr. French said that fire used to be part of the natural system, but because there is so much litter and fuel now, prescribed fires are too hot and risky. Use of defoliant instead of tebuthiuron may stimulate the grass, but will not work if there is no rain.

FUTURE MEETINGS

Letter of Support (Attachment 14)

Several terms of RAC members will end at the last meeting of this fiscal year, i.e., Patrick Torres, Raye Miller, Chuck Pergler, Phil Kennicott and Richard Zierlein.

Mr. Buss suggested the RAC write a letter of support for retaining current members, particularly Mr. Miller and Mr. Pergler. Since they have been principals and organizers, it is critical they remain on board at least through the end of the Otero Mesa process. There was consensus that such a letter be written to Secretary Norton, Walter Bradley and the State Director, with a copy to Director Clark.

Mr. Buss drafted a letter for signature by individual RAC members in attendance at this meeting and had it ready for them to sign by the end of the day.

Date and Place of Next Meeting

Mr. Wassinger informed the RAC that its \$50,000 budget for operating costs has been exceeded significantly for this fiscal year. Because he wants to support the RAC, he is trying to work within budget and can only fund one more meeting this fiscal year.

Following a discussion of member availability, the following dates were chosen for the next RAC meeting.

- June 26-27-28 (retained should work group have met by this time)

- August 7-8-9 (#1 choice)
- August 26-27-28 (#2 choice)

Ms. Herrera will contact the other RAC members for their availability on these dates.

The Farmington area was chosen for the August meeting because the field trip would be a good way to look at a high development oil and gas area and reclamation efforts.

Work Group Meeting

Mr. Wassinger said that he is seeking additional funding for the work group outside of the traditional RAC funding process. If the work group comes forward with an outcome, it will then go to this chartered body for review and recommendation to the BLM.

Mr. Larsen commented that the work group will do its work – if they come to consensus, the RAC will vote on it and pass it on. If they do not come back with a consensus, they will have done their work and the RAC does not need to spend more meetings trying to do more.

- Mr. Pergler said he received a call from the Wilderness Alliance expressing concern that they are not on the RAC public distribution notification list and so did not know about this week's meeting. Mr. Pergler requested that RAC members review the public mailing lists so constituents they represent are on the list.

Mr. Pergler said that Steve Capra suggested Otero Mesa Coalition is the appropriate group to be included in the work group– it is composed of sportsmen as well. He noted there is a website printout and said Audubon is part of the organization. The invitation for the work group meeting should go to the Otero Mesa Coalition through Mr. Capra, with a statement that he is also representing the Wilderness Alliance. Mr. Capra said he would like to have three observers in the room besides the negotiator so that they can caucus and make decisions.

Mr. Miller agreed that would be comparable on the oil and gas side.

Ms. Tierney asked that the negotiators know the laws and regulations and that attorneys, just by way of profession, change the complexion of the interaction. She requested lawyers not be included in the meeting.

Following discussion of the pros and cons of allowing lawyers in the room, it was decided that saying no lawyers indiscriminately would remove at least two of the negotiators and hinder flexibility in making decisions without having the lawyers present.

No press will be allowed in the room.

Since this is a sub working group and not an elected body, it is not a public meeting under the Open Meetings Act.

Ms. Herzlich explained that several different groups of four-day blocks have been set aside and will be proposed to the participants. The first day will be spent out on the land, then there will be three days for concentrated negotiations. Once the dates are known a formal letter will be mailed as the official invitation with details.

Mr. Wassinger asked the RAC members to hold the time set aside in June in the event that the work group has reached consensus. In the spirit of timeliness and collaboration, he will find money in the budget to bring the RAC together for one day to address Otero Mesa and move forward.

- If the work group can meet early enough in June, the RAC may meet Thursday, June 27, for a vote on the recommendation.

October RAC Meeting

Ms. Sammis will work with the Philmont Scout Ranch in the Cimarron area to determine the best meeting dates – at present October 21, 22, 23 and 28, 29, 30 are the dates the Ranch proposed. The meeting will have orientation for the incoming RAC members and the outgoing members are also included.

RANGE RESTORATION SUBCOMMITTEE REPORT **Robyn Tierney, Chair**

While range reclamation is still important, Ms. Tierney said it is at an impasse. Despite all the discussions and literature about reseeding rangelands and brush control, there is still not enough implementation on the ground. A lot of money is spent in planning and discussions, but only in small increments of a few hundred acres. Ms. Tierney asked Mr. Gow to give insight into what he said about starting small and ending big.

Mr. Gow said that Upper Rio Puerco basin west of Cuba is a community allotment with many members and none could agree on what to do. He started the discussion about the numbers and kinds of cows, what will work for you, when are you going to move off the allotment, when to rotate. Then it was agreed improvements needed to be made – and what should be done. What to do with the sagebrush. There was a lot of planning and discussion on rotations for the permittee. They are not on the allotment in the winter, there is generally good snow, and the ground is frozen. Research was done and it was decided that, when conditions were right, some of the sagebrush would be shaved with bulldozers. The response was phenomenal, with native vegetation and grasses responding well. They then shaved on the contours to create more of a watershed effect and started filling in the head cuts. Then thinned the piñon and planted ponderosa pine. Then spraying with tebuthiuron, then shaving, then burning. With a secondary application they may not see problems with sagebrush and piñon for another 30 years.

Mr. Gow recommended starting with a small objective that can succeed. Get the locals to the table and ask them if it can succeed and is valid. Do not force anything on them. Then branch out into the community. Show them the administrative boundary with the BLM and

USFS. The permittee themselves will start asking USFS questions. There is some local ownership because once the permittee see the results of the efforts they put their own money into the projects. Mr. Gow generally receives good cooperation in working on the local level with the USFS employees to do work on their lands.

Mr. Gow said that seeding is usually not successful. They look at underscore, soil chemistry and type, slopes, proximity to water, and if it does not look like it can be successful they do not put taxpayer money into it.

Ms. Tierney said she would like to keep the idea of range restoration or improvement on the screen. The frustration is that conventional textbooks talk about a lot of things one can do to improve rangeland, but none of the ideas are economically feasible for most agencies to do. Even on a small scale it costs thousands of dollars per acre. The agency alone cannot do it, and restoration should be shared with the permittee who may have ideas and practices if they are given flexibility to participate. She suggested putting away the textbook and being more innovative, using cooperation and collaboration.

Mr. Popp suggested starting at the top and working down, from the uplands that contribute sediment down to the riparian areas and work to improve small things in each allotment.

Mr. Larsen said he would like to compare the USFS and BLM processes because there seems to be a real focus on range improvement coming out of allotment renewals with the USFS.

- Ms. Tierney said she will speak to the oil and gas industry people, as well as grazing permittee, to get a more rounded picture before further crafting.
- Ms. Herzlich suggested that the Farmington working group could present an update at the RAC meeting on their range and oil and gas restoration.

Mr. Popp suggested that the RAC could look at the consistency of the monitoring process across different resource units so that everyone is starting from the same point in terms of a policy perspective. The RAC can give recommendations in terms of policy, but not what they are doing on the ground. Perhaps at a future meeting the field office people could come and compare notes.

ENERGY SUBCOMMITTEE REPORT

Raye Miller, Chair

To address the question about whether there are any produced waters that are disposed on the surface in federal lands, when the next Farmington meeting is held, it would be well to actually schedule a field trip for informational purposes. If the RAC has further questions, a subcommittee could do research.

Mr. Miller will send to the RAC members a paper he received from New Mexico Tech about cleaning up oil fuel water. He said there was a move by the legislature to provide funding

for tax incentives to clean up produced water so that it could be put into the Pecos River, since there is such a shortfall of water in stream flow.

Noise is an interesting issue for oil and gas, and Mr. Miller will continue to follow what is going on in Farmington and how they resolve noise issues.

Mr. Miller spoke with Lee Otteni who is working on the larger national issue of a renewable energy policy and asked if Mr. Otteni would be available to make a presentation at a meeting and have other industry folks be involved. He had indicated the June dates were open, but the Farmington meeting in August may be more convenient. A wind farmer and someone from a geothermal operation could be invited, since both are applicable for the State of New Mexico. If the cost of energy is driven through taxation, energy independence might be achieved because alternative energies may actually be feasible.

Mr. Miller said he will spend time looking at exploratory units and getting background information. If there are other topics that relate to energy the RAC would like to hear about, let him know.

ROADS SUBCOMMITTEE REPORT

Charles Pergler, Chair

- Mr. Pergler requested the RAC members provide him with a list of their constituents interested in receiving the roads and trails guidelines. It is an important tool that shows the RAC has actually done something. It is thoughtful and may foster more dialogue between various communities.

Mr. Pergler brought up the special meeting about OHV management proposed by RAC member Kennicott. An objective is to prevent a situation such as in Southeastern Utah where commissioners, BLM and users disagreed on road inventory. The purposes of the proposed three-day meeting: (1) Present RAC guidelines and raise questions about the variety of routes; build consensus on definition of ecosystem health and how it relates to routes; build a consensus among the broader stakeholders about the guidelines and where ecosystem health would say there should not be a route; and get clarity around the definitions. (2) Get on the ground with maps to look the area in real life; set parameters around what would be open and define that conceptually; and create a model for field offices to use around the state.

Mr. Pergler cautioned the RAC may be starting to do the BLM's work, although he is willing to listen to arguments for having the meeting and there may be strong benefits to getting the people together. However, without Mr. Kennicott's leadership he did not see desire to continue down this path, and to have the special meeting occur it needs to be brought up at the next RAC meeting.

- Mr. Pergler requested feedback from BLM on their opinions on the roads and trails guidelines and is it a benefit to them. Mr. Wassinger said the request was legitimate and he will ask the state people to interact with the field offices and report back to the RAC. Mr. Pergler said he would send the information out again in a PDF file to the USFS, BLM and RAC.

RAC DISCUSSION, OPEN FORUM (Attachment 16)

Cliff Larsen

Mr. Larsen stated that Revised Statute 2477 was passed in the Johnson administration in 1866. He read from one line, “The right of way for the construction of highways over public lands not reserved for public uses is hereby granted.” At that time everything in the West was a gigantic public land, territories, and reservations, and the territories were being encouraged to build roads.

There was a 12-year statute of limitations set to limit the right to the right-of-way. The BLM is proposing a change in the rulemaking interpretation to eliminate the 12-year provision and allow the 2-track roads through wilderness, existing national monuments and parks, and then petition for them to be recognized as highways. BLM gave no notice to the RAC when it released for public notice the proposed rule change on February 22, 2002, five days prior to the last RAC meeting. The sixty-day public comment period is closed, and Mr. Larsen expressed his concern about the breakdown of collaborative processes.

Mr. Haske said he has spoken to the people who wrote the rule and to the regulatory affairs group manager. A press release and federal register notice were issued. He said that the rule itself has nothing to do with RS 2477; it is a disclaimer that allows people to apply for a disclaimer of interest on lands they have title to or some interest in and if they do so, the federal government will rule whether or not they have interest. It is an administrative procedure for clear title. Also the states already have the 12-year statute of limitations under what is called Quiet Title Act of 1972, updated in 1986, where Congress granted the states a waiver for that limit. This rule makes the administrative regulations agree with Congressional action. Mr. Haske agreed that the website questions and answers are confusing.

Another point that Washington asked Mr. Haske to make is that, even if an entity applies for something related to 2477, all the definitions in place as to what is and is not a road still exist and are not changed. The Rule was reviewed by solicitors and the Department of Justice and was determined to not be a rulemaking under RS 2477 because the BLM is prohibited on making any ruling under 2477.

Ms. Herzlich summarized that Mr. Larsen is expressing his concern that the RAC should be made aware of things that are up for public comment relative to the RAC.

Mr. Wassinger said it is the obligation of the state director to ensure the RAC is kept informed, but he did not know why it did not come to the RAC.

UPCOMING MEETINGS

- The next full RAC meeting is set for August 7-8-9, with backup at the end of August.
- June 27 is being held as a possible push forward of a consensus from the working group.
- Ms. Sammis will research October dates.

Possible agenda items for August and/or October:

- Monitoring around standards and guidelines – J. W. Whitney and Bob Alexander
 - ü consistency among the different offices
 - ü relation to range restoration
- Wilderness, what is it, about the act, how is it defined
 - ü inspired by woman from Cabezon and NM Wilderness Alliance
 - ü do near Cabezon
- Feedback on how roads and trails are going to be implemented
- Renewal energy from Lee Otteni
- Range restoration
 - ü compare what USFS is doing with what the BLM is doing
 - ü hear from Farmington working group
 - ü what are oil and gas developers and ranchers doing
- Otero Mesa consensus (may happen at a June meeting)
- Learn from Otero Mesa process
 - ü when push forward the consensus, make sure have an opportunity for reflection around what have learned from Otero Mesa, what should have happened four years ago, and perhaps make recommendation
- Discussion at August meeting about bringing in new members in healthy way and perhaps improve on orientation process

- Mr. Popp said he would like to see something done to finalize wilderness study areas

Mr. Pergler requested the following subjects:

- A synopsis of what are other RACs are doing. Mr. Wassinger said that a national meeting of RAC chairs is being planned for this year and could be a good forum to start the process.
- It would be a benefit to have the USFS attend the RAC meetings. Mr. Pergler will work with Mr. Wassinger to draft a letter for discussion. Ms. Herrera said that Oregon began that process in 1995 when they started their RAC. The charter would need to be revised to include the USFS.
- Feedback on how NEPA is working for the BLM and where the process can be improved.

Farmington Meeting (August):

- feedback on roads and trails
- discussion about range restoration
- compare with USFS
- Farmington working group
- discussion about renewal energy
- learn from Otero Mesa process
- orientation planning
- field trip – produced water and how it is disposed

Philmont Ranch Meeting (October):

- NEPA feedback
- Monitoring around standards and guidelines

Mr. Larsen suggested it would be good to see the extraordinary things that the Quivira Coalition is doing with range restoration and that Barbara Johnson or Courtney White be contacted.

If the request to retain Mr. Pergler and Mr. Miller is not approved, new members will need to be determined. Mr. Wassinger said that should be done before the August meeting.

RAC REFLECTION

Field Trip

- Good
- A balance of hard-core content issues with the enjoyable light touch of the chickens.
- Rigs and noxious weeds
- A lot of little things – the “tapas” approach

- Got out on the ground and perspective from the different agencies and people involved on the ground
- Strategically invited people who would not be sent to the meetings or have a chance to interact with in a less formal way
- Field office representatives were more collaborative and less cautious than usual

Mr. Pergler said the RAC members learned technical aspects of oil and gas and got a less jaundiced impression. There was an enlightening and interesting conversation about the stipulations put on the oil and gas industry by Fish & Wildlife Service, which appears to be suffering from a lack of technical knowledge and education by BLM and gas people – resulting in miscommunication. BLM people are technically competent and also communicators. The conversation probably would not have occurred in a meeting situation.

RAC Meeting

Mr. Popp requested that the field office reports be given to members the day of the field trip so they have more opportunity to review.

Ms. Magee said she liked the room and meeting in a field office, especially if budgets are a constraint – otherwise would not have been able to take advantage of the human element in the field office.

Ms. Herrera said that hotels usually will comp the meeting room for sleeping rooms, but then outside food cannot be brought in. Sometimes field offices do not have sufficient meeting space, but she said she would research other agencies and government offices such as city, county, conference center, state funded educational institutions, and even the State Capitol building.

Mr. Wassinger said he would like to keep meeting in BLM offices for interaction with field officers and other employees who are doing the actual work. He has interacted with a number of other RACs and said it is a credit to this RAC that there is camaraderie and a desire to get things done. The members have a willingness to respect and listen to each other.

- The consensus was a preference for meeting in public venues rather than hotels.
- Mr. Eisenfeld liked the dialogue with the assistant field managers and said he would like to hear about major projects in each field office.
- Having lunch brought in kept up continuity, seemed to bring people closer together, and was a more efficient use of time.
- Dinner together should be standard operating procedure.
- The pace worked – not as tired as usual.
- Was a very positive meeting.
- Mr. Larsen complimented Mr. Pergler as president – more is done ahead of the meeting.
- Mr. Popp's experience with RAC has been positive, because of the president and support by all individuals at the head table.

- Mr. Pergler said that Mr. Blodgett's presentation was even and factual.

What Didn't Work

Have coffee available for 5 a.m. departures.

The meeting was adjourned.

/s/ Chuck Pergler
RAC Chairperson