

**SUMMARY MINUTES
PECOS DISTRICT RESOURCE ADVISORY COUNCIL
October 15, 2015
CARLSBAD, NM**

RAC Members Present:

**Steve West
Tish McDaniel
Jack Callaway
Alisa Ogden**

BLM Staff/Meeting Support

**Chuck Schmidt
Howard Parman
Marikay Ramsey
Jim Goodbar
Cody Layton
Knutt Peterson**

RAC Members Absent:

**George Farmer
Reginald Richey
Gregg Fulfer**

Scribe:

Betty Hicks

Public

**Stephen Fleming
David Belski
Ken Harrington
Andrea Goodbar
Ron Hillman
Steve Peerman**

Federal Official:

Jim Stovall, District Manager

October 15, 2015

CALL TO ORDER, WELCOME & OPENING STATEMENTS

The meeting was called to order by Chairman West and welcomed all. District Manager Stovall then asked Carlsbad Field Office (CFO) Field Mgr. George McDonald to address the group. He explained that remodeling of the office is occurring and housekeeping needs were addressed. He stated that the agenda had changed to accommodate a field trip to the Black River only, rather than going to the Delaware on this same day.

Mr. West asked what could be done without a quorum in attendance. Howard Parman explained that new members have not yet been appointed formally by the Washington Office and that recommendations cannot be formalized until this occurs.

STATUS OF CARLSBAD PLAN REVISION – Aaron Stockton

Mr. Stockton stated that he had been a cave specialist in CFO and is now the lead Planning Coordinator in the office. He discussed the schedule of the RMP EIS. A draft was prepared and sent to the NM State Office (NMSO) for review and comments. It was returned and they have now worked through these comments. It is about to be sent to the Washington Office for review and comments. When returned work with occur with the NMSO, preparing the Federal Register Notice. When ready it will be reviewed with the Director and possibly publish in mid-December. There will be a 90-day comment period. Public meetings will be held both in the work day and in the evening. The hope is to reach all surrounding communities. Comments will be received and worked with and eventually a final document will be published.

A power point of the CFO web page was shown and this will advise of workshops, public information, etc.. Under the heading “document” much information, including all management issues (analysis of the management situation) in the CFO is available. Handouts and maps available at a public meeting or workshop are also listed. If requested all can be put on the mailing list for updated newsletters on the RMP.

There were no questions on this presentation.

OVERVIEW OF PENALTIES FOR NON-COMPLIANCE - Jim Amos

Mr. Amos, Supervisory Petroleum Engineering Technician (PET)/Environmental Protection in the CFO addressed the group. He explained that there are 18 thousand oil and gas wells in Southeast New Mexico. It is hard to inspect all regularly. The Code of Federal Regulations (CFR) 3160 contains the regulatory authority and provides guidelines for addressing issues for drilling, abandonment, production and environmental. Often the public contacts the BLM with complaints, where the BLM has no authority. The misconception is that if it deals with oil and gas, it must be BLM’s and we may not be the responsible agency. Depending on the mineral ownership, the PED may only be able to address production handling and reporting of production. The Authorized Officer has delegated authority to the inspector, who can conduct oil and gas inspections, issue orders of the authorized officer, Notice of Incidents of Non-compliance, assessments and civil penalties.

Procedures to inspect and enforce regulations were quoted. BLM must inspect once annually. Leases with significant production and/or a history of non-compliance are rated “High” and are required to be inspected on an annual basis.

Initially a written order and/or an incident of non-compliance is issued. If the operator fails to comply, an assessment is issued. If the operator fails to comply with the assessment, the civil penalties will kick in. Civil penalties can be quite high in a short time. After day 60 it goes to \$5,000, retroactive to the first day the initial notice was issued.

43 CFR 3162.1 General Requirement, require the operator to comply with orders of the Authorized Officer. These orders may not be regulatory, but could be considered best management practices, or based on a problem.

A final step is lease cancellation which doesn’t happen too often. This is difficult to do on leases due to some having multiple operators. Appeals can delay compliance with regulatory actions.

The regulations deal with drilling, abandonment, production handling, public health and safety. Onshore Oil & Gas Orders, 1-7, go into detail of what a violation is and the requirements of all aspects of drilling and production.

Question: Who has dominance where there is split estate?

Answer: Regulations apply to the lease. If mineral ownership is federal, all regulations cover regardless of land ownership. Surface ownership is more difficult. There is a surface use agreement with the private landowner and BLM is not involved with this permit being issued. When a well is plugged and abandoned cleanup to BLM standards regardless of land ownership will be required. Contaminants must be cleaned up. The State of New Mexico has ultimate responsibility for ground water protection and BLM works closely with them. The spill program is currently being redesigned to bring reporting levels to match Oil Conservation Division’s (OCD’s).

Question: How many civil penalties were assessed and lease cancellations in the last year?

Answer: Only two cancellations

Currently there are only about 300 idle/inactive wells in SE New Mexico. When the idle well program was started we had over 2000 wells inactive. We are currently monitoring 2300 abandoned well locations, waiting for restoration to be completed

Question: Is there another group that does compliance on other than oil and gas?

Answer: Pipelines, communication sites, roads, etc. are under Rights-of-Ways compliance.

PUBLIC COMMENT PERIOD

Mr. Ken Harrington addressed the RAC concerning caves. He stated that in 2010 he was Chairman of the Southwest Region when initial closures occurred relative to white nose syndrome. He stated that the closest cave is well over 200 miles and asked what the new criteria is. He stated that the Fish and Wildlife Service released a paper re hibernating bats in the east and the west. He asked how the new study is being factored into closure in the west. He stated that the government continues to maintain that there is a human vector for the spores, originally brought over from Europe. More likely it came on a cargo ship. There are no known cases of human vector in the United States.

There were no further public comments.

CAVE MANAGEMENT AND WHITE NOSE SYNDROME - Marikay Ramsey/Jim Goodbar

Ms. Ramsey of the BLM NMSO gave a power point presentation on White Nose Syndrome (WNS) and how it spread in North America. There has been awareness of the problem for nine years. Many different experts have worked and collaborated to come up with the information available.

It emerged as a fungal disease of hibernating bats in the winter of 2006-07. All data indicates that it is an exotic species from Europe to North America. The link between human activity and the disease has circumstantial evidence. WNS was named for the white fungus on the bats. It occurs on unfurred skin, the muzzle, ears and wings.

It is currently in the eastern and central portions of North America and has the potential to decimate populations and cause extinctions. Maps were shown from 2009 to current, where it originated and its spread.

In 2010 the Oklahoma occurrence of the fungus motivated New Mexico to come up with plans for it moving to New Mexico. In subsequent years there were no additional occurrences so retesting was done and it was determined to be a fungus, but not *Psuedogymnoascus destructans* (Pd), as previously thought.

A map of 2015 shows it is in 26 states and 5 Canadian Provinces.

Ms. Ramsey explained the importance and worth of insect-eating bats to the farming and forestry industries. About \$74/acre is saved from pesticide spending, roughly \$23 billion per year in the agricultural industry.

Bats survive on fat accumulated over the summer. They do not eat when hibernating. At some sites 90-100 percent mortality has occurred. It was explained how the fungus infection affects the bats making them unable to control their temperature and water balance. .

With the current state of knowledge there is a need for information for managers to help control the disease. Cave access was discussed, as well as reasons for closure and how the way Pd is spread.

Humans have potential to move it around and spread it to the west.

A study of the invasion dynamics of WNS found that the long-term persistence of Pd in hibernation sites, in the absence of bats, suggests that infected caves may function as environmental reservoirs of the disease, and contribute to the persistence of WNS.

Higher body temperatures and warm summer roosts allow expulsion of the fungus during the summer months.

Precautions were discussed and include decontamination, prohibiting movement of clothing and equipment and restriction of unnecessary human access.

A cave advisory by the Fish and Wildlife Service was issued in 2009. Ms. Ramsey and Jim Goodbar, as well as others had input into revising the document in 2015.

Most states are creating a plan describing the actions that will be taken in response to Pd or WNS being found within a state or in an adjacent state.

Jim Goodbar relayed that Oklahoma prompted BLM to issue Instruction Memorandum No. 181 in 2010. It provided guidance nationally through BLM. It also included abandoned mines.

Outreach and identification, restricting access, and decontamination procedures were included.

A web site for the national plan – www.whitenosesyndrome.org - was shown. The National Plan group includes 42 states, 41 non-governmental orgs, 19 federal agencies and universities. There were many working groups within the National Plan group. Each has an action plan. It looks at many different things.

Ms. Ramsey relayed that the BLM, the US Forest Service and interested parties in New Mexico worked on creating the Interagency WNS Response Plan for New Mexico. It was completed in November 2010. The primary objective was listed. This made decontamination mandatory, agreement to document significant bat roosts and developed a statewide hibernacula surveillance plan. Other objectives included prevent human transmission of the fungus in New Mexico, as well as contain any novel occurrence discovered within the state.

In 2011 there was a two-year temporary restriction put in place. BLM had public scoping meetings, more in 2011 thru 2014, an EA was written and a *Federal Register* notice published.

When the closure expired New Mexico came up with restricted entry restrictions. The policy provides for permits where validity is established.

Links and web sites were shown and these can be made available to those interested. BLM National, BLM New Mexico and the National Interagency Organization all have websites.

Currently only 26 caves have restricted access. There have been 1000 entries in these, with approval, for several reasons - search and rescue, research and monitoring for WNS and other research and surveys.

Question: How do bats in Europe deal with this?

Answer: Possibly co-evolved with the disease. They do not have the population size and tightly packed colonies that can be found in North American bat populations.

It was mentioned that some recovery has occurred in the caves where bats were previously wiped out. Two researchers are looking into native bacteria and fungi in the southwest caves to see if this can inhibit growth of the Pd fungus.

It was stated that equality of precipitation and evaporation is about the 100th meridian.

CAVE MANAGEMENT AND WHITE NOSE SYNDROME – Steve Peerman

Mr. Peerman addressed the RAC and explained he was presenting on the subject as a member of the caving community and understood that since there was not a quorum present no action could be taken at this meeting on recommendations he would submit.

He presented slides of White Nose on bats and the mortality of same. He stated that other research is going on and that BLM needs a more comprehensive plan of what needs to be done. A balanced plan is needed for protecting bats and protecting the caves.

The elimination of an access policy for Ft. Stanton caves stifles research in the cave and it is felt that BLM should justify or eliminate the current access policy.

In 1971 cavers provided design and labor and BLM provided materials and equipment for installation of a gate at Ft. Stanton Cave. Many of the initial people involved are still involved in caving. In 1976 a restoration project was done in the cave. Restoration led to BLM having cave specialists, a direct result of knowledge that BLM needs to manage the care of the caves.

Howe Caverns was the first location for WNS in the US and an aerial view was shown of the entrance. Entrance of bats is not available to the public. It was assumed that humans brought the disease but feel it is more plausible that it came on a cargo ship.

Mr. Peerman discussed BLM's EA and the fact that the duration would not exceed 24 months. This was also listed in the *Federal Register* and stated not to exceed 2013.

Some names of caves and management offices were listed. A large majority are in the Pecos District. Many caves were recreational caves. Ft. Stanton cave is a very popular recreational cave with over 1000 entries per year.

Mr. Peerman discussed concerns of the caving community. He referred to BLM IM No. 2013, dated 12/20/12. He delineated the part concerning becoming a de facto permanent closure and asked if there has been public involvement since expiration

After the temporary closure expired, cavers wanted to know if the cave could be entered. In the summer of 2013 permits at BLM's discretion became available.

Geronimo's cave was visited after the 2-year closure. Damage was found, done by those violating the closure. A clean-up has occurred. Mr. Peerman stated that when cavers are not regularly entering caves, others do, and leave their mark.

Views of an attempted break-in at Fort Stanton Cave were shown.

Research done to see what a specific fungus would do to bats (Pd) and it was found that they died. Another study was done where infected bats were caged very close to healthy bats and it did not spread in the air. The document states that it is not likely, not conclusively, that it is not spread airily.

It is still not known conclusively how it is spread or how far the spreading will occur. A paper written in 2015 states that no published data documenting environment to bat or human transfer of Pd to naïve bats.

Since it is not known, decontamination protocols are necessary. What to do and what not to do were listed.

The latest progression information for WNS was shown and the concern is in eastern Oklahoma and Arkansas. It is still unconfirmed that it is WNS.

A chart showing progression of confirmed WNS cases to the southwest was shown, indicating 103 miles per year and may possibly get here in the winter of 2018-2020.

The Fort Stanton cave has 31 miles of passage managed by BLM. In 2013 a Management Plan was written for the Cave and Snowy River. It included the issue and preferred alternatives and a recommendation of 120 annual visitation limit, with no justification given.

In 2014, an Instruction Memorandum was issued regarding previously closed caves and stated that Special Recreation Permits (SRPs) would be required for all activities in caves with bat roosts. Issuing an SRP is discretionary.

Mr. Peerman showed the entries into the cave for the study project and the entries have dropped dramatically. He stated that the Colorado BLM included the caving community in collaboration of their plan and recognized that WNS is moving to the west and came up with a distance of 100 miles before taking more significant action.

Mr. Peerman discussed an analogous wildlife management issue showing that the managing agency is not closing a resource, just taking steps to manage it.

Mr. Peerman showed the recommendations that the caving community wishes BLM to consider and would like the RAC to consider endorsing these to the BLM at their next meeting. A copy of his discussion points and the recommendations were given to all in attendance.

BLM should do a new EA since expiration of closure and involve the caving community.

Mr. Schmidt, Roswell Field Manager stated that EAs are written in conjunction with other issues and asked what would be analyzed with this proposal.

Mr. Peerman answered that BLM should look at how they will address WNS in Texas, identify a trigger distance and what actions will be taken.

Updating the interagency plan is being worked on and will include what to do if WNS gets close.

A proposal has been received re opening caves to more recreational use and the Cave Management Team will be reviewing this. Many other caves are currently available for recreational use that do not have any restrictions.

Chairman West suggested if anyone had further questions that were not answered, to have people get in touch with those who can specifically answer these questions.

Mr. West discussed the election of a new Chairperson which will be on the next meeting's agenda.

NEXT MEETING – January 21, 2016, Roswell Field Office

