

**SUMMARY MINUTES
PECOS DISTRICT RESOURCE ADVISORY COUNCIL
MARCH 10, 2015
ROSWELL, NM**

RAC Members Present:

Steve West
Gregory Fulfer
Jack Callaway
Steve Peerman
Alisa Ogden
Patricia McDaniel
George Farmer
Reginald Richey
Gregory Fulfer

BLM Staff/Meeting Support

Jim Stovall
George MacDonell
Chuck Schmidt
Howard Parman
Adam Ortega
Phil Watts
Ray Keller
Steve Daly
Laura Hronec
Stacy Galassini
Kyle Arnold
Glen Garnand
Al Collar

RAC Members Absent:

Neal Christopher
Robert Armstrong

PUBLIC

Federal Official:

Jim Stovall, Pecos District Manager

Armando Lopez
Bret Riley
Stephen Fleming
Catherine Green
Lacy Levine
Katie Parker
George Veni
Whit Storey

MARCH 10, 2015

CALL TO ORDER, WELCOME & OPENING STATEMENTS

Mr. West welcomed all, mentioned that a quorum was present and introduced District Manager Jim Stovall. Jim thanked all for coming and the meeting commenced.

LESSER PRAIRIE-CHICKEN ACEC COMMITTEE REPORT – Adam Ortega

Adam Ortega, BLM Range Conservationist discussed the previous meetings held by the RAC Subcommittee formed to formulate a report to be presented to the RAC concerning the BLM management of the ACEC area for the enhancement of the Lesser Prairie Chicken habitat. He asked Tish McDaniel, RAC/Subcommittee member to advise the RAC of the process leading up to the formulation of the report. She explained that the meetings were published in the *Federal Register* for the public to attend if interested. As the meetings progressed those in attendance discussed the different options for management of the area for habitat enhancement, which included cattle grazing and the use of fire. A document was compiled and distributed to the RAC for discussion and consideration of a recommendation to BLM to pursue these avenues. Discussion of the recommendations follows:

Ms. McDaniel explained that information was incorporated from the 5-state plan, relative to annual

growth, a mosaic pattern of grazing and prescribed fire was included and Oklahoma State University participated in a tour of the area. They offered their knowledge of prescribed fire they had used.

She explained that disturbance must occur to keep the land viable for the species. The final group included ranchers and others and after tours and discussions of many issues a formal report is now available for the RAC.

The Fish and Wildlife Service (FWS) issued a criteria for management of the LPC in this part of the country. Parameters were formed, ranking criteria were formed and these were discussed. It was explained that an experienced rancher should be chosen and that whoever it is should participate in the monitoring effort.

All the criteria was explained to the group and that points were discussed for a close proximity to the area and flexibility when needed. It is suggested a 5-year lease be given with a 30-day stop included.

It was explained that a request for participation would be issued and a tour given to anyone interested in participating. Individuals wishing to participate must submit a management plan as well.

Question: How many acres are in the ACEC

Answer: Approximately 57,000 acres.

Due to the size, dividing the area into three separate units was considered. A map of these areas was shown and discussed. The focus would be on the southern most unit first. Most of the area has been retired from grazing. Those with current leases were involved in the formulation of this Plan.

Water source was explained and delineated on the map. Questions were asked relative to pipelines, storage tanks and water troughs. Adam explained that all waterers have been changed to include escape ramps and construction of entry ramps is being looked at.

All those with interests in the area are involved with water sources.

Question: How does it relate to natural calving operation with a 30-day cancellation?

Answer: A participant will have been provided “warnings” prior to any cancellation. Any agreement would include language for implementation of any grazing program.

Field Manager Chuck Schmidt stated that legal issues must be looked at for any program outside the Taylor Grazing Act provisions and that the Special Status Species Act does allow for grazing.

Question: Has there been interest from the ranching community?

Answer: The meetings were advertised and some attended all meetings, some came in at the later meetings and there are those that want to be advised when decisions have been made.

Question: Is there a period when burns can/will be done relative to presence and absence of the birds?

Answer: These will be very small fires, if used. It will enhance the landscape if used. It won't be done during nesting times.

Question: What is the normal stocking rate for this area?

Answer: 9-15 per section. General prescription will not be more than 30% and interested parties may present what they might have in mind relative to grazing.

Question: How much acreage is in the southern unit?

Answer: About 15,000 in this unit.

Subcommittee was commended for the work done on this recommendation. It was suggested that when specifics are formulated it could possibly be a model.

A management plan must be presented by those interested and the Jim Stovall suggested a tour would be beneficial prior to parties' submission of a management plan. Chuck Schmidt pointed out that this is a "cutting edge" plan to be able to help BLM maintain the area.

Relative to the possibility of charging a fee, it was explained that when BLM enters into an Agreement with a non-profit, they must follow a procedure similar to that of BLM's procurement process. Charging a fee still has to be determined legally.

It was suggested that possibly the recompense would be just enhancement of the chicken.

If there are grazing fees, the non-profit would hold the money to help with the monitoring issues. BLM must research the possibility.

The area was cited by the FWS as a stronghold for the chicken and BLM is not mandated, but interested in managing the area for the chicken. The only stronghold in New Mexico is the ACEC.

A motion was made and seconded that the RAC recommend that BLM proceed with the recommendation presented by the subcommittee regarding the legalities of same. The motion was passed by acclamation.

STATUS AND OVERVIEW OF THE CARLSBAD PLAN REVISION - April Rabuck

April Rabuck, the acting Resource Management Plan (RMP) Team Lead in the Carlsbad Field Office (CFO) explained that she would be giving a revision update of the CFO RMP. She explained that the RMP is an overarching document for resources decisions on the CFO. It is used by the public and BLM for multiple use of landscapes and resources. It is a view of how a resource will be managed for the next 15-20 years. The process has been ongoing since 2010 with public meetings being held. The team is interdisciplinary and meets weekly. Public input is sought as well.

Ms. Rabuck reviewed what has been done to date. She explained that there are four (4) themes - watersheds, focus areas in the CFO, overlapping uses and high development use. Scoping meetings were held, a contractor was hired to produce the product, a draft analysis of management situations was done and boundaries for special designations identified.

A Reasonable Forseeable Development was completed in 2012, a wild and scenic rivers report done and workshops held to develop alternatives. In 2013 Chapter 3 was worked on and in 2014, Chapter 4. There are five (5) chapters with an RMP, two are administrative and three are alternative analysis. It is a very complex procedure addressing what resources are available in what areas, what and how resources will be used. A range of alternatives is developed for each of the four themes.

Project Schedule – 2012 to 2015 for development of alternatives and impacts. Chapter 4 should be completed this summer. It will be reviewed by the State and Washington Offices and a public document is expected by the end of this calendar year. When the draft document is out for review all will have as much information as possible as to what a decision may be. It will show the preferred alternative. There will be a 90-day comment period, as well as public meetings. The team will be

looking for what may have been missed in the analysis. This should commence in December 2015, with the proposed final in October 2016. Final reviews will begin and publication in the *Federal Register*. June 2017 is what is looked at for the new RMP.

Question: Where are public meetings required to be held?

Answer: They are generally held in the areas affected.

Question: What is an example of alternative development?

Answer: The public is asked how land is used and after uses are identified, it must be decided how to use the resources in a way to protect the watershed.

It was explained that the in-house staff has worked diligently and the contractor used only as needed.

Mr. West mentioned that in the previous RMP areas were set aside for specifics and may be done away with. He was told that these may be changed as necessary, if carried forward.

Question: Are any not considered from the 86 Plan?

Answer: These may be addressed, as conditions have changed and will in the future. It is a complex overlapping process.

New tools are also available now, such as GIS maps.

Chairman West asked what decisions were made in the Wild and Scenic Rivers program and can someone come into the office and look at the document? Ms. Rabuck explained that the final Wild and Scenic Rivers Report is a public document.

Ms. Rabuck stated that the next time for the public to see the working document is when the draft is issued.

It was asked if the recent flood in the area changed any reports. The answer was no, the whole picture is being looked at.

PUBLIC COMMENT PERIOD

The public comment period was announced and called for. Council member Steve Peerman stated that he wished to speak relative to an agenda request for the next Pecos District RAC meeting.

Mr. Peerman distributed a paper referencing his request.

Issue: Management of number of caves in NM since the caves have been closed in 2011. He explained that most of the information was contained in the distributed document.

In 2007 bats in a cave in New York were devastated by White Nose Syndrome. This was found to be a fungus and bats were almost killed off in this cave. The fungus spread to other caves in the northeast. Mortality rates were very high. By 2011 it had spread over the eastern part of the United States and there was an occurrence thought to have happened in Oklahoma.

He explained that the State Director made a decision to close several caves. This expired in 2013 and was not renewed. Since that time the status of closed caves is unknown. Open? Recreation resumed?

In 2014, a clarification memo was issued but feel it is open to interpretation by cavers. Cavers are upset by the lack of clarity of how BLM is managing these caves.

Mr. Peerman stated that it is felt that it would be beneficial to have these issues resolved by a group not involved and would like it put on the next RAC agenda, where cavers and BLM can state positions.

It was asked for clarification of translocation of bats as a vector for transmission. Mr. Peerman replied that bats “hitch rides” and move from an area to another area.

Question: When FOIA (Freedom of Information Act) requests are done, is it State or local? What is the obligation?

Answer: Must produce any and all documents and return to State Office.

Question: If there has been a temporary closure of an area, what is entailed to reopen the area?

Answer: Chuck stated that the decision in 2011 closed 26 caves. As the closure expired, the agency managed not knowing how much of a vector the human element is; managing under a recreation program of having a permit to enter and allowing very finite entry for science.

It was asked if BLM must be able to qualify/quantify reason for closure continuing.

Mr. Peerman stated that one complaint of cavers is that BLM has not identified any criteria for not opening the caves and it is felt there should have been more information given.

Chuck Schmidt stated that he recommends that subject matter experts should be available to discuss this issue at the next meeting. Mr. Peerman stated that much more is known now and would like BLM to re-examine the closure needs.

Mr. George Veni told all that cavers have a uniform request presented for more information. Most people would like a better understanding of what is happening. The human vector is not being controlled in other areas and this is not understood.

It was decided to have the subject on the agenda of the next RAC meeting.

LUNCH

STATUS OF BLM’S SECTION 7 CONSULTATION WITH USFWS REGARDING THE LESSER PRAIRIE-CHICKEN - Howard Parman

Mr. Parman explained that since the last RAC meeting consultation on those allotments that did not enroll in the CCA have been completed. Those non-enrollees must live up to what is in the RMPA and BLM must monitor those allotments closely. All must meet standards for livestock grazing. There are no allotments in CFO that do not meet and in Roswell only one. Those not meeting will trigger further consultation and other issues as well.

For oil and gas – going forward. The map distributed was the same as last given out. Regional mitigation is similar to those who enrolled. This is money in a pot to promote the health of the habitat. When an APD is submitted can go back to FWS and consult on an individual project. A company must participate in conservation of the species in some fashion or form. One of the results of the Energy Policy Act of 2005 places a FWS liaison in certain BLM offices. This works well in New Mexico. Things move very well with one in CFO and the process for one in the RFO is open again.

Question: On the ranch that doesn’t meet, will you discuss how they will manage?

Answer: BLM will look for ways for them to meet the standards, together with the Center of Excellence.

Question: If permittee has legal representation, must both sides have to have legal representation.

Answer: Have not had this issue.

HYDROLOGY ISSUES IN THE PECOS DISTRICT – David Herrell

Field Manager Schmidt addressed the group while waiting for Mr. Herrell to teleconference into the meeting. He explained that he would discuss water rights at the NCA and where BLM is at with the State Engineer's office. The Village of Ruidoso wants to transfer water rights to the airport from Capitan. BLM filed a protest. Map was shown of the NCA area and the airport. Showed "move to wells and "move from" wells. The wells have never been produced. They wanted to change where the water can be used. BLM concerns are the cave – what would this do to the cave resources. Water rights must be argued with the State on existing water rights. Water impacts on the cave cannot be discussed, as no water rights exist for the cave.

BLM has a successful model that shows there is impairment downstream. Had come to an understanding to allow them use of some of the water. Take a percent of the water produced and reintroduce it into the San Andres as a settlement term.

The Village has withdrawn and wants to go to formal hearing, due to costs associated with the settlement. .

The State of New Mexico applied to transfer water rights from Bonito Lake and move to Ft. Stanton. Another protest has been filed on that as well. Hope to avoid a hearing and work together on this one.

Photo of Government Springs was shown. There is an agreement in place with the Interstate Stream Commission for instream flow. This is good for another 15 years or so.

It was stated that the Bonito River flows well, goes into the Hondo and into the Pecos.

Mr. Veni stated that possibly all water moving results is not known.

Dave Herrell of the CFO joined the group by phone from the State Office in Santa Fe. He referred to the RFD completed in 2012 for Oil & Gas development in New Mexico. It was updated in 2013 in the area of Jal – the Ochoa Mine project. It was used as a tool in hydraulic fracturing. There is a contract in the process with Sandia Nat'l. Laboratory.

The RFD predicts for development in the Permian Basin for the next 20 years. It includes hydraulic fracing and water use. Work is being done on a White Paper to establish policy and procedures to deal with an increased workload, induced seismicity in Indian Basin, a well-known earth quake area. Will try to integrate all systems and model into the contract with Sandia Lab.

Secretary's Potash Area established in 2012 established the need for integration of oil and gas and potash. Must work with co-development outside the potash area and this is being done through the Ochoa Mine area. NEPA issues becomes a Federal Action.

Work is being done with the Karst Institute, Sandia, USGS, etc.. Also a water study by the Texas Water Board and the USGS. The airshed is always important. Ozone modeling is done to be used in the RMP. The ozone modeling will continue to be updated as progression occurs. A slide of a high potential area as identified in RFD was discussed. This means 100 or more wells per year can be expected to be developed in the pool. The area was shown divided into east and west.

Eighty two (82) percent of Bone Springs developed by horizontal drilling and hydraulic fracturing. Able to develop water usage per horizontal well.

Long and short term trends were looked at – 6100 wells expected to go into the Permian Basin over the next 20 years. Long term is 320 new federal wells each year, 6400 wells for RFD scenario. Between 2010-2013, 500 wells. If trend continues would be 10,000 wells.

There is much more data available, showing the difference between 2012 and 2014 RFD. A slide was shown of the old and new RFD high potential areas. Concept of a well was applied and enabled a NEPA analysis on each of the “types”.

Minimum calculations of surface acres distribution was shown. These included 32,000 BLM, with 80-90% state and private for 3 counties.

The Sandia study should give a good count of what water can be sustained on BLM lands. Timing for the study is two years.

The White Paper is in draft, RFD can be obtained, figures and data may be given out. Will be looking for input on the draft from as many stakeholders as possible.

Question: Is BLM monitoring how much water is being used and what is BLM doing to encourage The use of recycled water?

Answer: Looking at open pits for use of this water. Produced water stored in a pit and then sent other places until not able to be used. Will make a matter of policy to force technologies as much as NEPA will allow.

Question: What is the significance of designation of Ozone?

Answer: An air model for the Permian airshed was done. According to standard, we are under the threshold. SO₂ and nitrogen deposition is being discussed as well as much discussion of methane.

On the Sandia study, the State Engineer water data base will provide water allocation and building an ad hoc group for usage of different users in the basin.

PECOS RIVER RIPARIAN CORRIDOR - Steve Daly/Ray Keller

Steve Daly, CFO, discussed the proper functioning condition(PFC) of the Pecos and Delaware Rivers and several springs in the CFO. He explained that an interdisciplinary group came to the CFO to get a feel for its functioning. They looked at attributes to dissipate the water, etc. There was a qualitative assessment by several in the group. They toured several areas and these were rated proper functioning. User guides provided information for determinations of PFC. If rated as PFC, it is holding its own but there is always room for improvement. Many attributes must be looked at to achieve the desired future condition.

PFC is a qualitative checklist that has to do with the type of area and what effects are evident. Types of vegetation, cover to protect the banks and to enhance wildlife habitat all need to be looked at. Soils

and erosion disposition are also looked at. This will tell whether more management is necessary, whether an area is at risk or not. Areas outside of BLM's management and control are also looked at. All contribute to whether an area is functional or not.

In 1995 areas along the Pecos River were rated as non-functioning. After salt cedar control, vegetation is coming in and these areas are now rated functioning, but at risk. Many areas on the Pecos are these.

Cottonwood Springs, a "pond" in a gypsum area was rated proper functioning in 1995. East of this is State land rated at risk in 1995 where cows can get to the water easier. In 2011 rated proper functioning, with riparian areas reaching full extent, as the riparian area has filled back in.

Delaware – a good demonstration spot. Much salt cedar has been removed. A green strip is coming in and is rated proper functioning. Water now covers a bank. It was rated last fall as functioning-at risk after the flood event. This flood changed the stream course.

Slides were shown of where the river was after the flood. The flood may have caused the river to change course to be more like it should be. Proper Functioning Conditioning rating is a tool to see if riparian areas are functioning properly. If not, then may do monitoring.

Ray Keller addressed the group and explained that there was a bug introduced in 2008 in Lake Arthur. It is now north of Roswell. One from Colorado is now in Albuquerque. It only keeps salt cedar in check but is not a cure for control.

In 2002 NMACD and SWCDs along the Pecos received grant dollars from New Mexico and treated all lands signed up in 2002 and 2006. In 1999, Texas sprayed much of the area from Mentone to the New Mexico state line. It worked well.

BLM did it aurally with helicopters. Used the herbicide Habitat. After spraying river, we aurally burned the River in 2005. We then stacked all that didn't burn and fire crews burned all piles. In 2009 sprayed little whips on the Pecos. In 2012 we sprayed all the whips on the Delaware in five (5) hours.

On Delaware sprayed, burned and cut. Showed slides from 2004 to present. Hay Hollow was shown where removed and springs began running out of normal areas and new seeps were seen.

Richardson Lake project – HW 360, east of Carlsbad. This project was solid salt cedar but now water is visible. We were able to reseed and accomplished good ground cover.

Black River started in 2006. We did much chipping of the Salt Cedar because it was in a recreational area. 33 miles of the Pecos has been "cleaned", nine (9) miles of Delaware and (5) miles on Black River. Major tributaries were done also. Now have trees that are new seedlings as well as old trees.

Showed that salt cedar removal grows Bass!

CULTURAL RESOURCES IN THE PECOS DISTRICT – Laura Hronec//Stacy Galassini

Stacy Galassini, CFO Archaeologist stated that there is much archeology in the CFO. She mentioned a large area called Boot Hill, a future ACEC in the RMP. There are over 12,000 sites in the CFO. There are undetermined evaluations, not eligible and eligible sites to the National Register and these must be protected.

The area in Mescalero Sands has been heavily surveyed and cataloged. There are two ways to do a project, a survey with 3rd party contractor, review and send to State preservation Office.

In 2008 a program was started where companies have the option to contribute to a mitigation fund which goes to archeological research.

The Programmatic Agreement was a fledgling in 2008. Contributions increased to 2011 and then dropped somewhat in 2012 to 2014.

Contributions were shown in millions of dollars by project types. Just under 10,000,000 has been contributed since 2008. Types include seismic, well pads, pipelines, and electrical lines. Manager produces Permian Quarterly explaining program and what is going on with it.

Some of the projects done were shown. At present are on Task Order 16 or 17. There are many sites on the Delaware. Boot Hill and Burro Tanks are additional sites. The Laguna Plata site has been revisited. Radiocarbon dates going back to 5000 BC done. Public Outreach Booklets are produced for the general public. Rock Art sites were documented and more will be done.

Current Permian Basin Projects were listed. Upcoming projects are based on some previously done. There are surface vs. subsurface sites, remediation at the merchant site, aerial survey for ring middens and a small grant program with New Mexico HPD.

District Manager Stovall explained that the archeological program has been developed into an exciting program as well as the avoidance of areas by other industries.

A study was done to see what Cultural Affairs contributed to the State. It was found to be 20%. There is a large amount of cultural history in New Mexico.

Laura Hronec of the RFO explained that much pro-active and compliance work is being done. In 2012 started scanning maps. In the 60's there was no process. One was started in the 70's with sites drawn on quad maps. Want to incorporate these into GIS for field checks. This will allow the ability to overlay and see. Mosaic data sets were created and all were completed in 2014. A poster developed for the SAA, was accepted and will be featured in April.

Laura explained that she is working on a thesis concerning artifact movement by wind and is exploring a privately managed site near Portales. Was this area an original site or the result of wind? The process of developing this thesis and data was explained.

Laura also relayed that BLM had participated in a Regional Science Fair.

RFO has much diversity in sites. A slide of pottery found was shown. There is much rock art at Bonito, highlighted for recreation areas. A burned caliche site was shown. A photo in Feather Cave was shown. RFO has many caves associated with cultural resources.

Council member Peerman mentioned that a room in the Ft. Stanton cave was resurveyed. Graffiti was noted and documented. He mentioned that oral history is very important for preservation.

Next Meeting: August 11, 2015, CFO, 9:00 am - Agenda items to be furnished by the 3rd week of June.