

**SUMMARY MINUTES
PECOS DISTRICT RESOURCE ADVISORY COUNCIL
JANUARY 18-19, 2012
CARLSBAD, NM**

RAC Members Present:

Jack Callaway
Steve West
George Farmer
Don Mayberry
Tish McDaniel
Reginald Richey
Alisa Ogden
Stephen Peerman
Joe Stell (Alternate)
George Veni (Alternate)
Michael Hillman (Alternate)

BLM Staff

Jim Stovall, Carlsbad FO
George MacDonell, Carlsbad FO
Owen Lofton, Carlsbad FO
Craig Cranston, Carlsbad FO

Howard Parman, Roswell FO
Betty Hicks, Roswell FO

RAC Members Absent:

Gregory Fulfer
Neal Christopher

Scribe:

Betty Hicks

Designated Federal Official:

Charles W. Schmidt – Acting District Manager

JANUARY 18, 2012

RAC MEETING

CALL TO ORDER, WELCOME & OPENING STATEMENTS

Chuck Schmidt opened the meeting at 10:00 am and welcomed all. He asked all members to introduce themselves for the benefit of visitors and observers. He introduced Jim Stovall, Field Manager of the Carlsbad Field Office (CFO) and discussed the logistics of the tour planned for the following day. Chuck also mentioned the agenda item listed for election by the Council of a Chairperson and Vice Chair and asked all to be thinking of how they wished to proceed with that item. The new Charter, signed by the Secretary was referred to, as well as the upcoming call for nominations in the near future for the positions that will be rotating off in April, 2012.

CARLSBAD RESOURCE MANAGEMENT PLAN (RMP) REVISION

Owen Lofton, Carlsbad Field Office RMP Team Lead (Attachment 1)

The CFO 1988 is currently in the process of revision. A Plan Amendment was done in 1997 but this Amendment only addressed oil and gas issues. With the changing conditions of the land and technology now available to analyze resource and landscape needs, the Plan is now being revised.

A power point presentation explaining what the Plan is and overview of the process, which includes public involvement, as well as a progress update, was given. Owen explained that an RMP forms the basis for every action on public lands. It achieves appropriate resource and use

allocations appropriate for the public lands and developing strategies to ensure sustainability of these resources. Monitoring affords knowledge of whether or not what has been done has accomplished the desired affects.

A Preparation Plan was done and a Notice of Intent was published in June 2010, formally initiating the plan revision. Five scoping meetings were held. An analysis of the current management situation (AMS) is also being prepared. This details the status of the management situation under the current plan. It is used to form the basis of the “no action alternative”.

Teams were formed of specialists in all the disciplines (core team) and they meet weekly to assess tasks to be done. A Contractor was hired in August of 2011 to assemble all of the information.

Workshops were held to further collect data for the Plan which included socio/economic strategies. Expectations of what the next 20 years will bring are looked at to feed into the plan. There will be a second workshop in February addressing visual, travel and special designations. CFO is now at this point in the process.

The next step in the process sees the Core Team sequestering off site and using all issues will begin to formulate a range of alternatives. The effects of these alternatives will be analyzed and then a draft RMP/EIS will be prepared to go to the public.

A definition of planning issues was given. These are disputes/controversies concerning land and resource allocations; levels of use and resource related management practices. At the conclusion of looking at all issues, five issues were listed as primary. A copy of the comments on these five issues was distributed (Attachment 2), and Owen discussed how they arrive at categorizing these comments.

Owen discussed the formulation of a range of alternatives. BLM will work with cooperators and affected publics with alternatives developed. After implementation there is an evaluation phase looking for opportunities for adaptive management.

A kickoff meeting with the Contractor was held in September and in October more field work occurred collecting inventory of visual information and the Class1 Overview of Cultural Resources was initiated. The Cottonwood Day Use Area, a cave, the southern gypsum area, a potash mine and oil and gas field development sites were some of those visited.

By November the field work was completed, the first RMP/EIS newsletter went out, workshops held, the overview continued and work began on minerals data. A baseline was needed for foreseeable mineral development. NM Tech will provide a report of what can be expected over the next 15-20 years. Boundaries will be set for special designations. Relevant values will be listed and disseminated for comment.

In December there was an inventory of road routes, trails and ways within special designations. This will help decide on how these will be treated in the RMP.

January - invitations for workshops to be held on February 1 and 2 were sent and a flyer concerning these was distributed (Attachment 3). There will be stations at the meetings with information on several different themes.

An aggressive schedule for February was reviewed. This includes completion of many phases.

In March the outline is to be finalized, Chapter 1 of the RMP/EIS completed in draft and the first session of alternative development. A second newsletter will be sent out to the public. A Web address (http://ww.blm.gov/nm/st/en/fo/Carlsbad_Field_Office.html) to a public web page was given.

Question: Alisa Ogden – on determination of cultural resources, are there guidelines to go by?

Response: There are set protocols in place, the project management plan told the Contractor how to do this. Some rules are in the manual.

Question: Must SHPO be addressed:

Response: Criteria is established and they will be looking at quality of data that has previously been recorded.

Question: How specific is the plan to protect resources and keep them viable?

Response: There is a list of management prescriptions that could be implemented to prevent impacting to have areas become no longer relevant and important. Will have a list of prescriptions for special designations and why they were nominated.

Question: What kinds of stop gaps are in the plan to keep emotional/personal influence on certain areas from impacting.

Response: Have planning criteria that are laws that give sideboards and guidance on a Plan. Teams must come together on how we will proceed.

Question: Reginald Richey – All of Lea County, all of Eddy County and portion called boot heel area were mentioned. Are these the physical boundaries?

Response: BLM works with other agencies through MOUs when other lands are within the area.

Question: Is establishment of a boundary an ecological zone?

Response: No, it is based on County boundaries.

Question: Was it said that most are in the CFO open to OHV use?

Response: Under the current Plan. We will be looking at changing in the new plan. Some areas might be closed, limited to designated, and open.

Question: Is there consideration given of a classification (work or recreation?) Las Cruces has experienced severe issues in this area.

Answer: There is a handbook defining these components.

Question: Alisa Ogden – Until published in the *Federal Register*, can you still have conversations (hear comments but do not give feedback)?

Response: There is a formal comment period but conversations go on all the time. Discussions are available at all times. While document is still “draft” changes can still be made.

Question: George Veni – Is it in the plan to address carrying capacity (usage) of the areas are?

Response: CFO’s vision speaks to long term sustainability of all resources. We are looking to achieve quantitative and qualitative data, so the answer is “yes”.

Question: Don Mayberry – Is there a set time for reviewing/looking at the Plan for outcome?

Response: Monitoring occurs from the outset and adaptive management occurs if necessary. Plan maintenance can and does occur when necessary.

Owen was thanked for his presentation and Chuck asked if there were any questions from the RAC relative to planning that might occur relative to special species or areas.

He stated that an ACEC must be done through a planning process and an EIS. The RAC members were encouraged to come to the public workshops in Carlsbad. Maps and boundaries will be drawn out for all special designation areas.

Question: Steve Peerman – to what degree does the Plan dictate funding and staffing issues.

Response: If more staff/funding needed, this is worked out at the implementation phase as budgeting allows.

Question: Reg Richey – When an ACEC becomes an NCA, what does it imply?

Response: Chuck discussed the Secretary's highlights of 18 backcountry areas. All wilderness study areas are considered for NLCS as well.

Question: Reg Richey - Why wouldn't you consider Rio Bonito to fit that well and that Ft. Stanton and the Rio Bonito lands are contiguous with it and other waters. BLM has done a good job defending water rights but due to encroachment of consistent siege by other areas, not enough is being done.

Response: All these designations are Congressional only. Tract 1 (Rio Bonito Acquired Lands) was included.

Owen told all that during the planning process the RAC can assist as either a RAC member or an individual.

Howard Parman referred to the National Landscape Conservation Strategy (NLCS) handout concerning the Fort Stanton-Snowy River Cave NCA. This handout contained shows the condensed goals and listed where at in the process of each. The Draft went out, comments have been received, the draft will be sent back and it is anticipated it will be rolling out soon.

IMPLEMENTING AN RMP - David Alderman - CFO

The CFO does about 1300 projects a years. David explained how the BLM looks at and analyzes a project. In 1970, the National Environmental Policy Act (NEPA) was passed and signed. This defines the process and applies to any major federal action. It requires the disclosing of environmental impacts, but does not require that the most friendly option be chosen.

He explained that some projects are excluded from NEPA under a Categorical Exclusion (CX). These projects have no potential for significant impacts, are defined by the Department and BLM, but must still undergo a review process to meet the criteria for CX.

Next he discussed an Environmental Assessment (EA). This describes alternatives and discloses impacts. Then possibly a Finding of no Significant Impact (FONSI) is reached. If a FONSI is **not** reached, than an Environmental Impact Statement (EIS) must be done.

An Environmental Impact Statement (EIS) involves a detailed analysis of all impacts. An alternative with significant environmental impacts may be chosen.

When an EA is written, there is existing language for routine resources. A Resource Conflict Map is developed, with GIS layers of all disciplines and a check for conflicts is done. An on-site evaluation is done with the proponent, on location. The project is looked at on the ground and moved as appropriate if necessary. This is often done prior to the writing of an EA. The EA goes to specialists whose resource may be impacted. Specialists require mitigation measures as needed.

Weekly NEPA meetings are held. Anyone can present a project. Complicated or unresolved resource issues or questions are discussed. The entire staff can give comments/suggestions. This helps identify important issues and possible alternatives.

ID Teams are formed and when necessary matrixes are developed. These are used for more complex, controversial projects.

A power point presentation of a project EA was shown using GIS layers. Many different scenarios are available to be seen. A matrix was developed and shown and explained. Proposed actions and alternatives were shown, showing mitigations.

After the complete process has been followed, an EA is written, with the best NEPA followed.

Question: When an EA is routed to a Specialist, is it their the responsibility to update?

Response: Yes, to the best of their ability. There are also many knowledgeable specialists in the room at the same time. Environmental impacts are looked at in depth on some issues, but not all.

Question: If the public wanted to be part of a process how are they made known?

Response: There is a list at the front desk of all upcoming projects, working on GIS, and they can also call the BLM office for information.

Question: If challenged by an outside group what is used.

Response: Almost always the NEPA process.

Howard Parman stated that there is a range of alternatives, BLM didn't follow NEPA, didn't look hard at alternatives.

Question: If crossing multiple surface ownership, do companies do apples to apples:?

Response: No, NEPA rules apply the same to all agencies. Usually only one agency will handle. All data used is available to the public on a CD.

SOLUTION MINING EIS

Two current EISs were discussed, both for Potash mines. One was the HB In-Situ Solution Mine EIS - extract potash from inactive but not abandoned mines. The location was shown, with overlaps of a recreation area. Thirty (30) percent of potash is still in pillars, walls and floors.

The proposal is to pump water from one of two formations. Water conditions and saturated with salt, pumped in to provide flood pools. After it sits and dissolves potash, pump out, transfer to saturation ponds, brine evaporated and potash crystals harvested and moved. The project should last for 28 years.

BLM must decide if to approve, and determine the terms and conditions. There are many alternatives – no action, A-proposed (Rustler Water); B- alternative water source; C-buried pipelines,

(D) preferred, combines A, B, C.

After looking at all the comments, Alternative D was designed as Preferred. This buries 68 percent of pipelines, buries all within the Hackberry Recreation Area and allows for better grazing and wildlife movement. Avian mitigation plan required.

Public suggestions were also considered. A graph of differences between all Alternatives was shown. Impacts common to all action alternatives were discussed. These included subsidence, oil and gas access issues, visual resources, livestock grazing, recreation and wildlife.

Question: Are there any other issues with ponds besides birds?

Response: Some potential for groundwater contamination.

Other impacts included cave features, and special status species impacts; social and economic impacts. The EIS Process status was listed and the website and e mail address were offered.

Question: Were pipelines being considered on this project?

Response: They were.

OCHOA MINE PROJECT

– a proposal for a conventional mine. Convert BLM prospecting permits into mineral leases. Proposed to mine polyhalite. It is not in the Secretary's Potash Area. They will try to produce potassium sulfate. It doesn't affect soil salinity.

A description, location and project components were shown. Major issues were listed on the handout. The proposed project includes 3,117 acres of surface disturbance and is expected to provide 750 construction and 450 full time jobs to the community

The Notice of Intent (NOI) was published in the *Federal Register* on January 3, 2012. There will be a 30- day public scoping period and public scoping meetings will be held on January 23 and 24 in Hobbs.

The scoping process was described and public involvement was urged as early as possible in the process. Comments are due by February 3, 2012.

Question: George Veni – are you looking for review from this Committee or are these general purpose informational presentations?

Response: That is up to the Council.

Question: Mr. Stell – where are they getting water rights?

Response: Still in discussion to meet what is required by the State Engineer.

This is a 2-1/2 year project, with a completion date of winter 2014.

Question: George Veni – are there any domestic or ag wells in the area that may be affected by subsidence?

Response: We don't think there are any shallow aquifers but will be analyzed when get to EIS.

POTASH MINING OVERVIEW - Craig Cranston, CFO

It was explained that mining is a very old process, beginning with gold, copper, bronze, iron, uranium, etc.. Several pictures of mining were shown.

The earliest documented potash production in the United States was in 1631. Potassium carbonate leached out of ashes. Potash has become a loose term describing any material bearing potassium. In 1850 census it was listed as the most thriving industry in the United States, with 569 plants operating. Potash was first patent issued and signed by George Washington.

It was discovered that potassium put on crops increased the crop. The first potash was produced in Germany. They could decide who to sell to, how much it would cost and who could join their cartel. When the United States didn't join, it became restricted to only the United States.

We began mining sylvite the same as the Germans. WWI broke out and an embargo was put on all potash coming out of Germany. Much exploration continued in the United States due to the high cost. It was found many places and in 1918 there were 128 plants producing in the United States.

At the end of WWI production reduced to 12 from 128 plants. All became dependent on Germany again. In 1929 it was found in the Carlsbad area. A company was formed called American Potash Company which later became U.S. Potash. The first shaft was dug in 1929, completed in 1931 and the first supply shipped in 1932.

Core was analyzed for grade and thickness of ore. Production peaked in 1955, 7 mines producing. Today we are down to two (2) companies and will not get back to the amount produced in 1966. It takes more tons of ore to produce outcome.

The most predominate mined in the world is sylvite, it has more potassium but has chlorine also. Carlsbad is the only place langbenite is mined in the world. There are plans to mine polyhalite, not mined before.

A view of the Secretary's Potash Area was shown, 6 miles x 6 miles. Different colors depict different things - reserves, indicated reserves, inferred areas,

Pictures were shown of what will be seen in person on the tour on the next day.

There are 30-35 years of reserves in some mines and one claims 100-150 years.

ELECTION OF OFFICERS

Steve West, Chairperson, Alisa Ogden, Vice Chair, elected by acclamation

PUBLIC PARTICIPATION PERIOD

None in attendance at this time.

PERMIAN BASIN MOA - George MacDonell, CFO

George explained that the BLM is required to comply with NEPA and NHPA (Sec. 106). There is a National Programmatic Agreement in place. BLM has the authority to make calls 'in house' in many cases.

Administrative Methods - BLM National Programmatic Agreement and State Protocol w/SHPO

To mitigate possible impacts on some unknown arch sites, BLM wants to do mitigation projects in other areas with known sites.

When BLM was able to demonstrate this would work, we were allowed to do this. Want to preserve sites that are important, focus on protecting NRHP eligible sites. A site monitoring plan for vulnerable sites was done.

The surveyed area was shown: 28 quadrangles; based on old paper maps, located in the center of the Resource Area. All data is entered into GIS.

Question: What qualifies for a site?

Response: Anything over 50 years old. Not all are eligible.

A map of Loco Hills, with known arch sites in that area was shown.

Issues were the resurveying of the same areas over and over, continuously updating the same sites. Cumulative effects of development and erosion occurred.

A Memorandum of Agreement (MOA) was developed in 2008. Its use is optional. Use GIS and avoid sites. Funds can be pooled and off-site mitigation done. The status quo was not working and BLM was allowed to “pull this off”.

The new MOA rates were shown. A graph of income over four years was shown. Over \$1,000 is averaged monthly with over \$3M total contributions. All projects are tracked as well as contributions

Arch/research projects are being done and there is still money left.

The distribution area of projects was shown. Another view depicted overlap with previous inventory. Approximately 5,523 acres are not inventoried but there is previous coverage, leaving only 2675 acres unsurveyed. Six hundred and thirty five more acres were inventoried through the MOA.

Projects are selected through BLM, SHPO, ACJH, Researchers, Industry and Tribes. There is an IDIQ contract with four archaeological firms and they are updated on process and issues.

Goals for mitigation are to do more inventory, better understand sites known, do testing, manage the resource, public outreach and to be better stewards of the resource.

A 2008 through 2012 timeline of what has happened with the MOA was shown.

The MOA has been extended for three years, for a total of eight years. It has expanded to include potash actions.

Other ongoing work in SE NM was discussed – the Mescalero Youth Project and the CFO Resource Management Plan Revision – Class 1 Overview.

Work was recently completed in the Maroon Cliffs area, many arch sites but a large ACEC. Worked with Dawson Geophysical and Bass and they inventoried 18,800 acres where an archaeologist would record everything in the transect area.

Mr. Peerman stated that he sees application for an MOA in other types of resources, not just archaeology.

Mr. Veni relayed that he worked on cave inventories and the agency would be told that they didn't find anything. The Agency would tell the developer that if they find anything they must report what they find. He asked if this is being done with this MOA.

The response was that if human remains are found, everything stops. This has not happened.

Question: How long to survey a site?

Response: Not too long, about two to three months.

Question: Was there any industry regulation that passed legislative enactment as a result of this survey?

Answer: No.

Question: Mr. Stell – what happens to artifacts after they are collected and inventoried?

Answer: If in a testing and collection area, they are brought to BLM and then sent to the State museum in Santa Fe. If not, they are left on site.

CLOSEOUT - Chuck referred to some of the topics suggested at the last meeting as agenda items for future meetings and asked the Council for their preferences. Mr. West suggested possibly seeing prairie chickens early in the morning on a two day meeting in the Spring. Presentations on Prairie chickens and Sand dune lizards, restoration and reclamation and Restore NM sites were also discussed. Suggested dates for the next meeting were April 11 and 12, in the Roswell Field Office, with a field trip on the 12th. Invasive species and feral hog information were also suggested.

Mr. West will e-mail all asking for further suggestions for the agenda and clarifying the dates.

Logistics for the tour on the 19th were reviewed and the meeting adjourned.

JANUARY 19, 2012 – TOUR, MOSAIC POTASH MINE

The following people were in attendance on this tour:

RAC Members/Alternates

Steve Peerman
Alisa Ogden
Jack Callaway
Tish McDaniel
George Veni
Mike Hillman

BLM Personnel

Jim Stovall
Chuck Schmidt
George MacDonnell
Jeanette Martinez
Jim Rutley
Lindsey Curnutt

At arrival safety briefings were given, after which a tour of the facilities both above (production facilities) and below ground were given. An overview of the business, the actual mining process and working of machinery were discussed. The group returned to the Carlsbad Field Office mid-afternoon and the meeting was concluded.

Approved:

/s/ Steve West _____
Steve West, Chairman
Pecos District Resource Advisory Council

18 July 2012
Date