

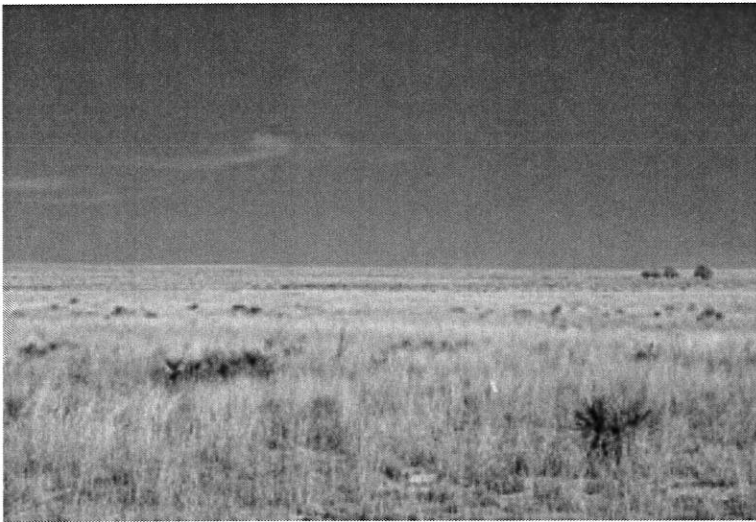


Border
Soil and Water Conservation District

LAND USE PLAN

February 12, 2015

“Leaving the Land Better Than When We Found It”



The Border Soil and Water Conservation District (BSWCD or District) Land Use Plan (Plan) is an executable policy for natural resource management and land use on the lands within the District and provides a scientifically and culturally sound framework for resource planning objectives.

Border Soil and Water Conservation District LAND USE PLAN

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EXECUTIVE SUMMARY

Sections 73-20-25 through 73-20-48 NMSA 1978 is the summary description of the New Mexico Soil and Water Conservation District Act (Act). The Border Soil and Water Conservation District (District) is the administrative body responsible for the dictates of the law in 1,169,716 acres of Roosevelt and Chaves Counties BSWCD was formed circa 1942.

The District is a governmental subdivision of the state, a public body politic and corporate. The Board of Supervisors (Board) is charged with matters affecting soil erosion and flood water and sediment damage. As such, the duties of the Board include the coordination of matters of research, investigations, and surveys with government agencies. The results should be published and disseminated along with remedies and control measures related to such findings.

The District's customs and culture play a large role in how the citizens of Border Soil and Water Conservation District earn their livelihoods. The District's economy is, and will continue to be dependent upon these activities. Since The District is directly dependent upon its natural resources, management decisions affecting land use directly impact and change the District's custom and culture. Therefore, a critical tie exists between the use of private, federal, state and local natural resources and the economic stability of the District. It is imperative that stakeholders and informed representatives review natural resource issues as they are developed, to assure public land management decisions do not negatively impact.

The District will coordinate projects on the land with federal, state, and local agencies fas well as private landowners for the enhancement of the resource base. The District is charged with assisting, contracting, and rendering financial aid to the stakeholder community.

The body of work created over time must be expanded into parallel, comprehensive plans for natural resource conservation and development and utilization. This includes flood prevention and soil erosion control.

By law and mutual good, projects of any government agency conceptualized, planned, and undertaken for the matters of soil conservation, erosion control or prevention, flood prevention, or matters of turf enhancement, brush control, or wildlife and livestock system enhancements should be acquired and or managed by the District. As such, the District is the agent and instrumentality for state or federal government acquisition, land designation, construction, operation, or administration of such projects.

In order for the foregoing to be accomplished, the District must have a comprehensive and dynamic Land Use Plan (Plan). The Plan is required to take available technical, financial, and educational resources, whatever their source, and focus and coordinate them so they meet the needs of the local land user.

The Plan is predicated on the District always being in full knowledge of agency Schedules of Proposed Actions (SOPA), as well as state and local agency planning efforts. The Plan is also dependent

on enhancing and strengthening stakeholder presence culminating from strong local Customs and Culture. Such a matter of importance must be judged on the basis of zero net loss of privately held lands which equates positively to concentration of assisted projects.

Most importantly, the soil and water resource pool must be protected from agency and governmental creation of willing sellers emanating from stepwise reduction of productivity from restrictive land use designations.

The Endangered Species Act (ESA) policies have been increasingly driven by litigation, which has diverted attention and resources away from the proper management of species and their habitat. The District is authorized by the state to conserve the natural resources, and to fulfill this mandate, the District will coordinate with the federal agencies to resolve water resource issues in concert with the conservation of endangered species. The District plan also serves as the local conservation plan for all species whether listed as endangered, threatened or proposed for listing.

The District will adhere to the dictates of the law and seek those actions that will satisfy the standards of consistency review within the process. In that manner, expectations of customs and culture will be honored.

This Land Use Plan is crafted to address those major issues.

1.1.0 INTRODUCTION

The Border Soil and Water Conservation District (BSWCD or District) Plan is an executable policy for natural resource management and land use on the lands within the District. It adheres to the legislative purpose of the Soil and Water Conservation District Act and for those measures will serve to conserve and develop the natural resources, provide for flood control, preserves wildlife, protect the tax base and promote the health, safety and general welfare of the people of this District. It provides a scientifically and culturally sound framework for resource planning objectives. There is an identified need to promote public understanding that land and water is the most important resource within BSWCD, and that, as such, it must be used in a sustainable way. Emphasis is placed on the need to create “viable rural working landscapes. It is a dynamic plan.

The Plan is designed to: (1) provide protection for the soil and water resources; (2) facilitate federal agency efforts to seamlessly coordinate joint efforts between federal, state and county land use decisions; and (3) provide strategies and policies for enhancing the conservation, improvement, and management of these resources.

This Plan is not intended to regulate, zone or otherwise reduce private property rights, in as much as this Plan seeks to protect private property rights and Customs and Culture. Where private property such as water rights, rights-of-way, easements, forage rights, mineral rights, and other property occur within lands administered by federal and state agencies, the Plan may prompt decisions that indirectly affect property rights.

When a species is listed under the Endangered Species Act, there are sweeping consequences for landowners, businesses, and communities near the habitat in question. ESA regulations are incredibly expensive, and a single listing can affect hundreds of thousands of people. Therefore it’s crucial that the federal government use the best available science to evaluate whether a listing is necessary or if other conservation efforts will be successful.

This Plan has been developed, in part, because regulatory decisions that diminish the value of private property or deprive citizens of access to natural resources can have substantial affect on the economy of the community and those elements that shape the community’s custom and culture.

An ESA listing needs to be implemented on the basis of local support and governance and transparency shall be maintained. Federal law, in particular, establishes national policies that focus on national interests, rather than local interests. While federal land use and planning decisions may create benefits for state and national citizens outside of the BSWCD, they may also transfer a disproportionate amount of the costs and responsibilities to local communities and citizens.

1.1 BACKGROUND/HISTORY

HISTORY

Roosevelt County

Roosevelt County sits in eastern New Mexico and was created in 1903 from Chaves and Guadalupe Counties. Roosevelt County was named for Theodore Roosevelt, the twenty-sixth President of the United States, who had

enlisted in the New Mexico Rough Riders when he climbed San Juan Hill during the Spanish-American War. Portales, the county seat, is the home of Eastern New Mexico University and it is near the major Blackwater Draw archaeological discoveries of "Bison Nomads." Over 11,000 years ago the area was the home of the Paleo-Indian Culture at Blackwater Draw. Early investigations recovered evidence of a human occupation in association with Late Pleistocene fauna, including Columbian mammoth, camel, horse, bison, sabertooth cat and dire wolf.

Secondary communities in the county are: Elida, Floyd, Dora, Causey, Arch, Kenna, Lingo, Milnesand, Pep, and Rogers. After irrigation techniques were perfected, the first half of the 20th century saw steady growth in agriculture. Among the crops; peanuts, sweet potatoes, cotton, feed grains and wheat. Small family dairies were also a mainstay through the 1960s. In recent years, larger dairies have located in Roosevelt County and support several major dairy product industries in the area. Currently, Roosevelt County has major dairy operations, certified organic pastures, agriculture, and ranching; the area is the fourth most important county in New Mexico in terms of market value of its agricultural products at \$253 million according to the USDA's last agricultural census. There are approximately 100,000 irrigated acres and 150,000 dry cropland acres in the county.

A major component of the economic Custom and Culture of Roosevelt County is based in agriculture, ranching, and related service industries. The largest agricultural impact to the local economy is the dairy industry. With approximately 40 dairies and 65,000 head of cows, the county produces 1.3 billion pounds of milk annually. In addition to peanuts and milk other products grown locally are sorghum, wheat for grain, cotton, alfalfa and green chile as a niche market. Beef cattle are raised on rangeland which occupies the majority of the county's landmass.

Chaves County

In 1889 Chaves County was carved out of Lincoln County. It is now the center for irrigation farming, dairying, ranching, manufacturing, and petroleum production in Southeast New Mexico. One Tree Peak is the highest point in Chaves County with an elevation of 7090 feet above sea level and the lowest point is 3,442 feet above sea level (Pecos River Valley).

According to the 2012 USDA Census of Agriculture, Chaves County farm land production contributes \$388,099,000 in market value of products sold. Chaves County is ranked first in the state for hay production and dairy product production, second in the state for milk production and third in the state for cattle and calf operations. Other crops include cotton, pecans, green chile and alfalfa. The dairy industry in Chaves County is a half billion dollar industry. The county is ranked tenth in the nation for milk production.

An important component of the economic Custom and Culture of Chaves County is based in agriculture, ranching, oil and gas and related service industries. Agriculture and related service industry comprise 16.6 % of the employee earnings of the County and oil and gas and related service industry composed 11.1% of the employee earnings.

LOCATION (ROOSEVELT AND CHAVES COUNTY)

Located in Eastern New Mexico with its eastern border being the Texas stateline. According to the U.S Census Bureau, the Roosevelt County has a total area of 2,455 square miles of which 2,447 square miles is land and 7 square miles (0.29%) is water. Northeastern corner of Chaves County which is south and west of Roosevelt County.

Majority of the District is located in Roosevelt County.

CLIMATE

Climate varies according to elevation but predominantly the District is temperate and continental in type, with cool winters and warm summers. Temperature ranges from an average minimum of 20°F in January to an average maximum in July of 99°F.

LANDOWNERSHIP

BSWCD has a total of 1,169,716 acres of which 736,077 acres is private land, 193,230 acres is under the jurisdictional management of the Bureau of Land Management, 307 acres is owned by the Department of Defense (US Bombing range), and the remaining 4,308 acres is managed by the US Fish and Wildlife Service.

ELEVATION

Ranges between 3,000 feet above sea level to 5,790 feet above sea level.

WATERSHED

BSWCD has the following five 8-digit watersheds listed within its boundaries: Yellow House Draw (NM/TX) Lost Draw (NM/TX), Upper Pecos (NM), Arroyo Del Macho (NM), Upper Pecos - Long Arroyo (NM)

VEGETATION/GEOLOGY

The District is ecologically classified in two Level III ecoregions: 1) Southern Shortgrass Prairie. The shortgrass prairie was historically dominated by expanses of blue grama, side-oats grama, fourwing saltbush, little bluestem and buffalo grass. Within this ecoregion, two key terrestrial habitat types have been identified: The Western Great Plains Sandhill Sagebrush Shrubland, and the Western Great Plains Shortgrass Prairie. The Western Great Plains Sandhill Sagebrush Shrubland. The lesser prairie-chicken and sand dune lizard in particular have received much attention in this habitat type. 2) The Chihuahuan Desert Ecoregion is dominated by Chihuahuan semi-desert grasslands and desert scrub vegetation which includes portions of Lincoln and Chaves counties. Two key terrestrial habitat types were identified in this ecoregion, Chihuahuan Semi-desert Grasslands, and the Western Great Plains Sandhill Sagebrush Shrubland.

Level IV ecoregions within the District include; Shinnery Sands (Chaves and Roosevelt), Llano Estacado (Roosevelt), Arid Llano Estacado (Chaves), Conchas/Pecos Plains (Roosevelt and Chaves).

The District physiography includes; *Llano Estacado* - Level, elevated plains, decreasing in elevation from west to east. Few to no streams. Surface water in numerous ephemeral pools or playas. *Shinnery Sands*- Smooth plains, sand hills and dunes. Intermittent or spring-fed streams are rare, mostly little or no stream network. *Arid Llano Estacado* - Level, elevated plain, decreasing in elevation from west to east. Few to no streams. Surface water in numerous ephemeral pools. *Conchas/Pecos Plains* - Broad, rolling plains, tablelands, piedmonts, river

valleys. Mostly ephemeral and some intermittent streams; a few perennial rivers cross the ecoregion. The Pecos River is often dry in places due to diversions and permeable geology.

The District vegetative type by Level IV ecoregions include; *Llano Estacado* - Shortgrass prairie of buffalograss, blue and sideoats grama, and little and silver bluestem. Sandy sites: Sand bluestem, sand dropseed. Forbs: dalea, scarlet globe-mallow, sunflower, stiffstem flax. Invading shrubs: mesquite, narrowleaf yucca. Playas: Grasses, or willow, rushes, and aquatic plants.

Shinnery Sands - Shrubs: Havard shin oak, fourwing saltbush, sand sagebrush, and yucca. (In north, mostly sand sagebrush). Tall and mid- grasses: Sand dropseed, sand bluestem, big sandreed, little bluestem, switchgrass, sideoats grama. Shortgrass: Buffalograss, alkali sacaton, black grama. Forbs: sand verbena, bush sunflower, hoary rosemary-mint, fringed sagewort.

Arid Llano Estacado - hortgrass prairie: blue, black, and hairy grama, buffalograss, silver bluestem, sand dropseed, threeawn, Arizona cottontop, hairy tridens, muhly, bottlebrush squirreltail, sand sagebrush. Increases with grazing: Burrograss, threeawns, tobosa, broom snakeweed. Forbs: bush sunflower, gray goldaster, dalea, gayfeather. Invading shrubs: mesquite, narrowleaf yucca, juniper, ephedra, tarbush.

Conchas/Pecos Plains - Shortgrass and some midgrass prairie with blue grama, galleta, sand dropseed, threeawns, ring muhly, broom snakeweed, cacti, yucca, and cholla. Some areas of sideoats grama and little bluestem, with blue grama, western wheatgrass, galleta, and buffalograss. Some areas of scattered juniper.

CURRENT LAND RESOURCES USE

Conchas/Pecos Plain (Roosevelt and Chaves) Grassland, ranching and livestock grazing. Some irrigated cropland of mostly hay and alfalfa. *Llano Estacado* (Roosevelt) - Grassland; cropland with cotton, corn, and wheat; ranching and livestock grazing; some urban. Endemic playa lake flora and fauna has been altered by agricultural activities. *Shinnery Sands* (Roosevelt and Chaves) Grassland and shrubland - ranching, livestock grazing, wildlife habitat, some cropland to the north in flat areas with cotton and grain sorghum. Oil and gas production. *Arid Llano Estacado* (Chaves) Grassland and shrubland - ranching and livestock grazing, oil and gas production, some small areas of irrigated cropland of cotton, grain sorghum, and wheat. Endemic playa lake.

SOILS

Mollisols (Paleustolls, Argiustolls, Haplustolls, Calciustolls), Alfisols (Paleustalfs, Haplustalfs)), Vertisols (Epiaquerts, Haplusterts), Inceptisols (Calciustepts, Haplustepts), Entisols (Ustipsamments, Torripsamments), Inceptisols (Calciustepts), Aridisols (Haplargids, Petrocalcids, Haplocalcids, Calciargids, Petroargids).

1.1.2 AUTHORITY

Sections 73-20-25 through 73-20-48 NMSA 1978 considered and resolved by legislative action, the purpose of the Act declared that 1) the land, waters and other natural resources are the basic physical assets of New Mexico, and their preservation and development are necessary to protect and promote the health and general welfare of the people of the state; 2) the improper use of land and related natural resources, soil erosion, and

water loss result in economic waste in New Mexico through the deterioration of the state's natural resources, and; 3) appropriate corrective and conservation practices and programs must be encouraged and executed in New Mexico to conserve and develop beneficially the soil, water and other natural resources of the state;

It is declared to be the policy of the legislature that the Act [73-20-25 NMSA 1978] 1) control and prevent soil erosion; 2) prevent floodwater and sediment damage; 3) further conservation development, beneficial application and proper disposal of water; 4) promote the use of impounded waters for recreation, propagation of fish and wildlife, irrigation and for urban industrial needs; and 5) by the application of these measures, conserve and develop the natural resources of the state, provided for flood control, preserve wildlife, protect the tax base and promote the health, safety and general welfare of the people of New Mexico.

73-20-26. Legislative states "The land, waters, and other natural resources are the basic physical assets of New Mexico, and their preservation and development are necessary to protect and promote the health and general welfare of the people of the state."

Under **73-20-45. Specific powers of districts. (2003)** BSWCD by and through its supervisors, is authorized to contract, convey and make and execute other instruments and documents necessary or convenient to the exercise of district powers: as well as act as agent for any instrumentality or agency of the state or the federal government in the acquisition, construction, operation or administration of a natural resource conservation, utilization or development project or program within the district.

73-20-44. Districts; description; general powers of districts. (2003) States that "A 'soil and water conservation district,'" organized under or perpetuated by the provisions of the Soil and Water Conservation District Act is a governmental subdivision of the state, a public body politic and corporate." Districts may conduct a wide array of research, investigations, and surveys to facilitate conservation and development. Included, but not limited to, is the extended authority to develop comprehensive plans for natural resource conservation, development, and utilization including flood prevention, control and prevention of soil erosion and the development, utilization and disposal of water.

73-20-47. Cooperation between districts. (1965). "The supervisors of two or more soil and water conservation districts may cooperate with each other in the exercise of any district power."

73-20-48. State agencies to cooperate. (2003) "Agencies, instrumentalities and political subdivisions of this state having jurisdiction over or charged with the administration of public lands situate within the defined geographical area of any district shall cooperate to the fullest extent with the district's supervisors in effecting district projects and programs. Supervisors shall have free access to enter and perform work upon state public lands lying within their districts; provided, however, supervisors shall not have unqualified access to state lands that are subject to private dominion under lease or that are developed for, or devoted to, another public use."

1.3 ADOPTION

By adoption of this Plan according to the Act, the District hereby records its intention to engage in decision making that pertains to any and all soil and water resources within its jurisdiction as provided under the law. The statement of purpose includes the recognition of the duties, statutory requirements, regulations and court

mandates of local, county, state, and federal agencies to comply with plans adopted under the concept and definition of coordination noted herein.

It is the policy of the District for improvement of resource quality, greater multiple uses of the resources, and the enhancement of soil and water stability of administered lands. The District will coordinate with the various agencies to participate in and advance such effort. BSWCD is committed to a positive planning process with federal and state agencies and local governments. BSWCD will equitably consider the best interests of all of the people within BSWCD's jurisdictional boundary and the State of New Mexico in the use of state and federal lands. BSWCD commits to seeing that all natural resource decisions affecting the District are guided by the following principles:

- To maintain and revitalize the concept of multiple use on state and federal lands within BSWCD's jurisdictional boundary.
- To protect private property rights and private property interests, including investment- backed expectations.
- To protect local historical custom and culture.
- To protect the traditional economic structures in the District that form the base for economic stability.
- To facilitate new economic opportunities by relying on free markets.
- To protect the rights to the enjoyment of the natural resources of the District by all citizens.

BSWCD believes that resource and land use management decisions made in a coordinated manner by federal and state agencies and local government entities will maintain and revitalize multiple use of state and federal lands within and affecting the District and will enhance environmental quality.

2.0 PRIMARY PLANNING GUIDANCE

2.1 PLAN DEFINITIONS

- **Agriculture** – The art and science of growing crops and raising and breeding livestock. As per this Plan, activities which traditionally define agriculture in the District include, but are not limited to, cattle and sheep ranching; hay, grain and other crop production.
- **Animal Unit Month (“AUM”)** – The quantity of forage required by one mature cow and her calf (or equivalent, in sheep or horses, for instance) for one month. The amount of forage needed to sustain one cow, five sheep, or five goats for a month. In the United States, a full AUMs fee is charged for each month of grazing by adult animals if the grazing animal (1) is weaned, (2) is 6 months old or older when entering public land, or (3) will become 12 months old during the period of use.

- **Area of Critical Environmental Concern (ACEC)** – areas within public lands where special management attention is required to protect and prevent irreparable damage to important historic, cultural and scenic values, fish and wildlife resources, or other natural systems or processes, or to protect life and safety from natural hazards.
- **Archeological and Historic Preservation Act 1974** – Provides for “the preservation of historical and archeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed as the result of (1) flooding, the building of access roads, the erection of workmen's communities, the relocation of railroads and highways, and other alterations of the terrain caused by the construction of a dam by any agency of the United States, or by any private person or corporation holding a license issued by any such agency or (2) any alteration of the terrain caused as a result of any Federal construction project or federally licensed activity or program.” 16 U.S.C. §469.
- **Candidate Conservation Agreement** – The US Fish and Wildlife Service (FWS) by policy may enter into an agreement with a state agency, local government or private landowner to protect or manage habitat for a species that is proposed for listing but is not yet listed. Under the terms of the agreement, generally an agreed upon amount of land is set aside or earmarked to be conserved for the candidate species. The landowner may also receive compensation and assurances that if the species is listed, the landowner will not be required to adopt additional conservation measures.
- **Communication** – The exchange or transfer of information using the technology of transmission systems.
- **Compensable property right** – Is any type of right to specific property, personal or real, tangible, which, when reduced or taken for public purposes, is due just compensation under the Fifth Amendment of the United States Constitution.
- **Consistency** – “Having agreement with itself or something else; harmonious; congruous; compatible; not contradictory.” Id. at 279.
- **Consultation** – A conference between two or more people to consider a particular question.
- **Cooperation** – Process created by BLM to marry the general attempt to blend respective areas of responsibility, authority, and expertise of governing bodies and agencies for creating more effective land planning partnerships.
- **Cooperating Agency** – 1. Generally reference to the partnership agent in the relationship of preparing resource management plans, partnering with Tribes, state, and local governments (intergovernmental partners) before, during, and after plans and Environmental Impact Statements (EISs) are prepared. 2. The agent acting upon and within the framework for intergovernmental efforts in achieving early and consistent partnership involvement, incorporating local customs and cultures as well as state and local land use requirements, address intergovernmental issues, avoid duplication of effort, enhance local credibility of plans and EISs, encourage support for management decisions, and build relationships of trust.

- **Coordination** – 1. Process created by Congress to ensure consistency of federal plans and activities with local government plans and policies. 2. Coordination is defined as the act of coordinating; harmonious adjustment or interaction; one that is equal in importance” (American Heritage Dictionary). Coordination is more than “cooperate” or “consult. The courts have defined the term as well: “The concept of ‘coordination’ means more than trying to work together with someone else. To ‘coordinate’ is ‘to bring into a common action, movement, or condition’; it is synonymous with; harmonize.” (California Native Plant Society .v City of Rancho Cordova, 172 Cal. App 4th 603, 91 Cal. Rpt. 3d 571 (Third App. Dist. 2009)). 3. Specifically the National Forest Management Act (16 U.S.C.§§ 1604 (a)) requires the Secretary of the Department of Agriculture to: develop, maintain and as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management processes of state and local governments and other federal agencies. 4. Specifically the Federal Land Policy and Management Act (43 U.S.C.A. 1712(c)(9)) requires the Secretary of the Department of Interior to: a. Keep apprised of local plans; b. assure consideration is given to the local plans; c. assist in resolving inconsistencies with local plans; d. meaningfully involve local governments in the planning process; and e. ensure land use plans are consistent with local land use plans.
- **Coordination Process** – a process by which local government engages in a government-to-government dialogue with state and federal agencies in a constructive effort to achieve consistency between state and federal land use plans and actions with local government
- **Coordinated Resource Management (“CRM”)** – A group of people working together to develop common resource goals and resolve natural resource concerns. CRM is a people process that strives for win-win situations through consensus-based decision-making.
- **Culture** - Culture is defined as the customary beliefs, social forms and material traits of a group; an integrated pattern of human behavior passed to succeeding generations. *Webster’s New Colligate Dictionary, 227 (1975).*
- **Custom** - Custom is a usage or practice of the people, which by long and unvarying habit, has become compulsory and has acquired the force of law with respect to the place or subject-matter to which it relates. *Bouvier’s Law Dictionary, 417 (1st ed. 1867).*
- **de facto Wilderness Management** – Land management policy that is imposed without congressional direction or authority that mirrors or is similar to the management of areas designated by Congress as wilderness pursuant to the 1964 Wilderness Act. The management restrictions and prohibitions include: the prohibition of construction of new roads; restriction or prohibition on reconstruction or maintenance of existing roads; prohibition of mining or mineral development; restrictions on activities that would require permanent structures or facilities, or restrictions on motorized vehicle use or the use of mechanical tools or means of travel.
- **Desired Plant Community** – A plant community which produces the kind, proportion and amount of vegetation necessary for meeting or exceeding the land use plan/activity plan objectives established for an ecological site(s). The desired plant community must be consistent with the site's capability to produce the desired vegetation through management, land treatment, or a combination of the two.

- **Economics** – Pertaining to the development and management of the material wealth of a government or community.
- **Erosion** – (v.) Detachment and movement of soil or rock fragments by water, wind, ice, or gravity. (n.) The land surface worn away by running water, wind, ice or other geological agents, including such processes as gravitational creep.
- **Federal lands**—All land and associated natural resources owned and managed by the United States. Federal lands include, but are not limited to, public lands, federally reserved lands, federal mineral leases, federal geothermal leases, federal forage leases, federal rights-of-way, but categorically exempted are lands and resources to which private interest or title is attached.
- **Forms of Production** – The forms of production component include the things you have or need to produce to retain or attain the desired quality of life. The derived forms of production statement of the District reads as follows: “The quality of life we strive for will be achieved by continuing to maintain and enhance sustainable and optimum production of renewable and non-renewable resources and to encourage and support the motive and means to enhance economic opportunity and education.”
- **Future Resource Base** – The future resource base component includes the people, land and community we live in and the services available, and what we will need to sustain and enhance our quality of life and forms of production. The future resource base statement of BSWCD reads as follows: “Through the efforts of cooperation and communication among the local people, our community will have a beneficial impact on sustaining a strong and viable multiple-use of our lands, including agricultural, industrial, mineral production, commercial, recreational and historical uses, which together will provide the continued ability to generate wealth and growth and needs of our community.”
- **Grazing Management Practices** – Grazing management practices include such things as grazing systems (rest-rotation, deferred rotation, etc.), timing and duration of grazing, herding, salting, etc. They do not include physical range improvements.
- **Guidelines (For Grazing Management)** – Guidelines provide for, and guide the development and implementation of, reasonable, responsible, and cost-effective management actions at the allotment and watershed level which move rangelands toward statewide standards or maintain existing desirable conditions. Appropriate guidelines will ensure that the resultant management actions reflect the potential for the watershed, consider other uses and natural influences, and balance resource goals with social, cultural/historic, and economic opportunities to sustain viable local communities. Guidelines, and, therefore, the management actions they engender, are based on sound science, past and present management experience and public input.
- **Habitat Conservation Plan** – The USFWS will approve a plan to protect habitat for a species listed under the ESA located on private land. The habitat conservation plan allows private landowners to use or develop the land, even though the activities may adversely affect a listed species. The plan will also include a “takings permit” which will permit the incidental loss of habitat or potential harm to a listed species.

- **Habitat Fragmentation** – An event that creates a greater number of habitat patches that are smaller in size than the original contiguous tract(s) of habitat.
- **Historical Value** – 1. The collective contributions of objects and values derived and established in recorded history that impact the character of the District and contribute directly to the Customs and Cultures related to the use and protection of natural resources as described in the Act. 2. The primary managed value as set forth in Federal Land Policy and Management Act (FLPMA) that applies to natural resources and the respective resource users as set forth in the Act.
- **Indicator** – An indicator is a component of a system whose characteristics (e.g., presence, absence, quantity and distribution) can be measured based on sound scientific principles. An indicator can be measured (monitored and evaluated) at a site- or species-specific level. Measurement of an indicator must be able to show change within timeframes acceptable to management and be capable of showing how the health of the ecosystem is changing in response to specific management actions. Selection of the appropriate indicators to be monitored in a particular allotment is a critical aspect of early communication among the interests involved on the ground. The most useful indicators are those for which change or trend can be easily quantified and for which agreement as to the significance of the indicator is broad based.
- **Irreversible and Irretrievable Commitment of Resources** – National Environmental Policy Act (NEPA) requires that each EIS address the resources that will be permanently lost or committed as a result of the project. When oil is produced from a well it is lost or committed and cannot be later developed. Vegetation resources associated with a well pad are not irreversible committed because the site can be reclaimed.
- **Jeopardy Review** – The FWS, pursuant to the Endangered Species Act (ESA), must evaluate all federal actions that may adversely affect a species that is listed under the ESA to determine whether the proposed action is likely to jeopardize the continued existence of the species. 16 U.S.C. §1536. As part of the jeopardy review, which is also called a “Section 7 review,” FWS prepares a biological opinion, makes a determination regarding jeopardy, and recommends additional conservation measures that would mitigate the impacts on the species. If the FWS makes a finding of jeopardy, the proposed federal action may not proceed.
- **Lands with wilderness characteristics** – lands that fit the strict definition of wilderness as set forth in the Wilderness Act, e.g., ‘5000 contiguous acres’, etc. and are allowed by strict inventory methods as defined by FLPMA.
- **Managed Values** - Values attached to the management of federal lands as set forth in FLPMA. Such values are identified to protect the quality of management, preserve certain lands in their natural condition, provide food and habitat for fish, wildlife, and domestic animals, and provide for outdoor recreation, human occupancy and use. The eight identified managed values are scientific, scenic, historical, ecological, air and atmospheric, water resources, and archeological.
- **Multiple use** – 1. Balanced and diversified management of federal lands and their various public resources to best meet present and future economic and resource needs of the American people. 2.

Management of lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the citizenry and the American people. 3. A combination of balanced and diverse resource uses that include managed values as set forth in FLPMA.

◆ Multiple use of the public lands managed by the Bureau of Land Management means: “the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.” Federal Land Policy and Management Act, 43 U.S.C. §1702(c).

- **Natural resources** – As used in this Plan, all renewable and nonrenewable material in its native state which when extracted has economic value as it pertains to the protection and beneficial use of soil and water as generally set forth in the Act. Natural resources may be commercial or noncommercial in nature.
- **Non-impairment management** – The standard for determining whether to allow actions or activities on public lands that have been classified as wilderness study areas either by Congress or the Bureau of Land Management. The action or activity may be allowed so long as the impacts will not impair the areas suitability for wilderness or will not degrade the wilderness values so as to preclude its inclusion in the National Wilderness Preservation System.
- **Objective** – An objective is a site-specific statement of a desired rangeland condition. It may contain qualitative (subjective) elements, but it must have quantitative (objective) elements so that it can be measured. Objectives frequently speak to change. They may measure the avoidance of negative changes or the accomplishment of positive changes. They are the focus of monitoring and evaluation activities at the local level. Objectives may measure the products of an area rather than its ability to produce them, but if they do so, it must be kept in mind that the lack of a product may not mean that the standards have not been met. Instead, the lack of a particular product may reflect other factors such as political or social constraints. Objectives often focus on indicators of greatest interest for the area in question.
- **Private property** – As protected from being taken for public uses.
- **Public lands** – Lands open for sale or other disposition under the general land laws to which no claims or rights of others have been attached.
- **Rights-of-way** – This term generally refers to “an easement, lease, permit, or license to occupy, use, or traverse lands” and such right may be created by federal or state statute, deed, contract or agreement, or

permit. A right-of-way may also include: Any road, trail, access or way upon which construction has been carried out to the standard in which public rights-of-way were built within historic context. These rights-of-way may include, but not be limited to, horse paths, cattle trails, irrigation canals, waterways, ditches, pipelines or other means of water transmission and their attendant access for maintenance, wagon roads, jeep trails, logging roads, homestead roads, mine to market roads, and all other ways.

- **Range** – Rangelands, forests, woodlands and riparian zones that support and understory or periodic cover of herbaceous or shrubby vegetation amenable to rangeland management principals or practices. Land on which the principal natural plant cover is composed of native grasses, forbs, and shrubs that are valuable as forage for livestock and big game. Any land supporting vegetation suitable for wildlife or domestic livestock grazing, including grasslands, woodlands, shrublands and forest lands.
- **Range Condition** – The current productivity of a rangeland relative to what the land could naturally produce based on the site’s soil type, precipitation, geographic location and climate
- **Range Improvements** – Range improvements include such things as corrals, fences, water developments (reservoirs, spring developments, pipelines, wells, etc.) and land treatments (prescribed fire, herbicide treatments, mechanical treatments, etc.).
- **Range Management** – The art and science of planning and directing range use intended to use the sustained maximum animal production and perpetuation of the natural resources.
- **Rangeland Preservation Area** – a conceptual federal land designation that balances access and land uses, and is in the process of being defined.
- **Recharge** - The addition of water to an aquifer by infiltration, either directly into the aquifer or indirectly by way of another rock formation. Recharge may be natural, as when precipitation infiltrates to the water table, or artificial, as when water is injected through wells or spread over permeable surfaces for the purpose of recharging an aquifer.
- **Recovery Plan** – The ESA requires the FWS to prepare a plan to improve the status of a listed species to the point where the species need no longer be listed. A recovery plan typically sets population goals, identifies tasks to reverse or arrest the decline of a species and criteria for delisting the species.
- **Reintroduction Plan** – Under the ESA, a reintroduction plan is a specialized recovery plan designed to restore a threatened or endangered species to its historical habitat. A reintroduction plan will document the habitat area to be occupied and specific management actions to be taken to ensure the successful reintroduction of the listed species. Alternatively, a reintroduction plan by a state wildlife agency will return fish, game or other wildlife to an area where they have been extirpated.
- **Research Natural Area (“RNA”)** – A type of area of critical environmental concern or ACEC under BLM land use planning process where natural ecological and physical processes are allowed to occur and human activities are prohibited if they will interfere with the natural processes.
- Under Forest Service land use policy, a RNA is an area identified as a reference area to evaluate the

impacts of management in similar environments, including areas for research and areas to be protected for biodiversity or threatened, endangered and sensitive species.

- **Riparian** – An area of land directly influenced by permanent water. It has visible vegetation or physical characteristics reflective of permanent water influence. Lakeshores and streambanks are typical riparian areas. Excluded are such sites as ephemeral streams or washes that do not have vegetation dependent on free water in the soil.
- **Runoff** - Water not absorbed by soil or landscape to which it is applied. Runoff occurs when water is applied too quickly (application rate exceeds infiltration rate), particularly if there is a severe slope. Storm water runoff is created by natural precipitation rather than human caused or applied water use. The part of the precipitation that appears in surface streams.
- **Senior Water Rights** - Have earlier priority date and claimants who hold them have a higher priority to divert water from a stream or water body than those with more junior rights. However, in times of scarcity, when there is not enough water to meet demand in a basin, those who need water for domestic and livestock use have first right to water, regardless of one's priority date.
- **Soil** – Loose material from the earth's surface in which all things grow, and which constitutes geologic sedentary and sedimentary accumulations
- **Special Land Use Designations** – Refers to the classification or designation tracts of land by Congress or a federal agency to recognize and protect distinctive or unique characteristics. Designations by Congress are permanent and may include national monuments, national parks, national park preserves, national wildlife refuges, national recreation areas, national seashores, wild, scenic or recreation rivers, national forests and wilderness. The President may also establish national monuments, which are permanent unless modified by another President or Congress. Federal law may delegate the authority to various federal agencies to make special land use designations. The Interior Department Secretary may designate wildlife refuges; the Bureau of Land Management through its land use plans may establish special recreation areas, areas of critical environmental concern, resource natural areas, and until 1991, wilderness study areas. The Forest Service through its land use plans establishes special interest areas and research natural areas.
- **Species of Concern or Special Status Species** – This term includes species that have been proposed for listing under the Endangered Species Act or have already been listed as threatened or endangered, as well as species that are on the candidate list published in the *Federal Register*. The term also includes any state-listed species or any “sensitive species” which includes the above categories and might also include species undergoing downward trends due to changes in habitat capability or populations or which occupy specialized habitats.
- **Spill Over** – This term refers to the movement of introduced or reintroduced wildlife into areas where they were not intended to be in the plan. The presence of such species will greatly limit land uses, especially when the species is protected under the ESA or other federal and state laws.

- **Standards** – Standards are synonymous with goals and are observed on a landscape scale. Standards apply to rangeland health and not to the important by-products of healthy rangelands. Standards relate to the current capability or realistic potential of a specific site to produce these by-products, not to the presence or absence of the products themselves. It is the sustainability of the processes, or rangeland health, which produces these by-products.
- **Takings in context of Endangered Species Act** – Includes harm to a protected species when an act actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. 50 C.F.R. §17.3.
- **Takings in context of property and right to compensation** – A ‘taking’ of property is generally defined as to deprivation of the right of use and enjoyment of the property. The ownership of property is often described as a “bundle of sticks” which includes mineral rights, rights of access, rights to use the surface, and rights to use the fruits raised from the surface, such as crops or grass. When land use regulation by federal, state or local government interferes with one of those rights in the bundle of sticks, a taking occurs only if it deprives the owner of all of his bundle of sticks or “investment-backed expectations.” More recent decisions will find a taking when the deprivation is total but temporary or when the deprivation precludes an essential element of the property right, such as the right to exclude others. Federal land agencies enjoy a much greater presumption of authority to limit the exercise of private property rights and successful takings cases more often involve disputes with a local government or state agency.
- **Unintended consequences** – 1. Impact or damages that do not directly and immediately flow from the act or the policy implementation. 2. The result of unforeseen circumstances that are not predictable or immediately apparent to the casual observer without local input.
- **Visibility Protection Plan** – A plan that implements the requirements of the Clean Air Act.
- **Visibility or Visibility Impairment** – Visibility refers to amount or lack of haze that obscures the ability to see great distances. Visibility impairment measures the extent of haze composed of various air pollutants which manifest as a white or brown haze. This is a major issue with respect to national parks and wilderness areas, which are Class I air quality areas and are given the highest level of protection.
- **View** – The sight or prospect from a particular point, typically an appealing sight.
- **Viewshed** – The geographic area surrounding the visual area to be inventoried and managed.
- **Visual Condition Class** – The Clean Air Act recognizes four air quality classes with Class I applying to national parks and wilderness areas and Class II applying to all other federal land areas, such as National Forests, National Wildlife Refuges, and public lands. Visual conditions are affected by particulates, emissions including ozone, sulfur oxide, nitrogen oxide, carbon dioxide and the chemical reactions caused by humidity and sunshine.

- **Visual Quality or Visual Resource Management Objective** – Standards established in land use plans prepared by the Forest Service or the Bureau of Land Management to apply to specific land areas based on the scenic qualities and land uses. The land use plans may require modifications to facilities to reduce the visual impacts.
- **Visual Resources** - Visual resources in the District are a composite of landforms, human and animal life forms, water features, cultural features, terrain, geologic features and vegetative patterns which create the visual environment. These visible physical features are important to the landscape and the scenic quality of the County.
- **Water** – To supply with water. Irrigate, sub-irrigate, dampen, vaporize, humidify, hose, spray, douse, drench, submerge, immerse, saturate, plunge, dip, splash, sprinkle, moisten, wet, and soak. In all forms, i.e. subterranean, surface, captured, recaptured, processed or wild. All waters (subterranean, ponds, pools, stream, river, wild and or contained arroyos) within the footprint of BSWCD.
- **Water Right** - Legal rights to use a specific quantity of water, on a specific time schedule, at a specific place, and for a specific purpose.
- **Watershed** – The total land area, regardless of size, above a given point on a waterway that contributes runoff water to the flow at that point. It is a major subdivision of a drainage basin. The United States is generally divided into 18 major drainage areas and 160 principal river drainage basins containing about 12,700 smaller watersheds. The entire region or land area that contributes water to a drainage system or stream, collects and drains water into a stream or stream system or is drained by a waterway (or into a lake or reservoir). More specifically, a watershed is an area of land above a given point on a stream that contributes water to the streamflow at that point. A region or area where surface runoff and groundwater drain to a common watercourse or body of water. The area drained by a river or river system enclosed by drainage divides. An area of land that drains to a single water outlet. A watershed is also known as a sub-basin.
- **Wilderness Act of 1964** – Congress established the National Wilderness Preservation System to protect and preserve those areas deemed to be wilderness, which is defined as: A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this chapter an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value. 16 U.S.C. §1131(a).
- **Wilderness Area** – Tracts of land designated by an act of Congress to be part of the National Wilderness Preservation System.

- **Wilderness Study Area or WSA** – An area of land identified by Congress or a federal agency pursuant to Congressional direction to be evaluated for its suitability for designation by Congress as part of the National Wilderness Preservation System. With respect to public lands managed by the Bureau of Land Management, it refers to tracts of public lands determined to meet the definition of wilderness based on the wilderness inventory and review conducted by the Bureau of Land Management pursuant to Section 603 of the Federal Land Policy and Management Act, 43 U.S.C. §1782. A WSA typically meets the definition of wilderness in that it is “an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.” 16 U.S.C. §1131(c).
- **Wildlife** – Populations, variety, and distribution of birds, mammals, reptiles, amphibians, invertebrates and plants.

2.2 ANNUAL ACTION PLANS

The District develops annual work plans to advance the objectives of the Land Use Plan.

2.3 POLICIES AND PROCEDURES

It is the policy of this District to pursue and participate in projects that protect the health, welfare and safety of the community in general and its stakeholders in particular. The defining expectation is that the federal, state, and other local governments must engage in methods to enhance and perpetuate agriculture ... not underwrite its removal from the landscape.

2.4 EMERGENCY PLANS – (FOR DAMS AND STRUCTURES)

2.5 COORDINATION AGREEMENTS – (such as Participating, Cooperating and Stewardship Agreements with state and federal agencies)



3.0 PURPOSE, CUSTOM AND CULTURE , AND GOALS

3.1 PURPOSE

The BSWCD finds it desirable to address the use and management of natural resources, especially watersheds, rangeland, soil, and water conservation, and farmland within the political jurisdiction of BSWCD as the heart of its comprehensive planning efforts. The closer decision-making is to the land and to the people who make use of the land, the more informed it will be as to the conditions of the land and the needs and desires of those who live, work and recreate there.

The purpose of the Plan is to guide policy regarding soil and water natural resource conservation and enhancement as needed and is intended to provide a framework for local, county, state, and federal agencies in land use planning that affect the resource universe in the District. Additionally the Plan is meant to safeguard the historic, traditional, conceptual and future conservation measures of these resources against all encroachments that may jeopardize their sanctity and beneficial use.

This plan is designed to protect the production and safeguarding of legitimate and worthwhile agricultural products, to ensure private rights, to allow and encourage expansion of resource supplies, and to defend the active engagement of public safety for District citizenry created by the presence and absences of water supplies.

3.2 CUSTOMS AND CULTURE

BSWCD believes that the American concept of government of the people, by the people, and for the people is best served when government affairs are conducted as close to the people as possible (i.e. at the local government level). The District finds it desirable to address the use and management of these important resources, especially watersheds, rangeland, soil, and water conservation, and farmland within the political jurisdiction of BSWCD as the heart of its comprehensive planning efforts.

The District recognizes the importance of Agriculture and its extension of enterprise and resource dependents to the stability of the local economy. The historic and contemporary influence of agriculture is the foundation of the community's Customs and Culture. Farms, ranches and support businesses have played and continue to play a fundamental role in local social and economic well being. BSWCD is increasingly concerned about increasing regulations and land use changes within the dominion of federal land ownership which are reducing the viability of farms and ranches. To reverse such trends, BSWCD supports, encourages and promotes policies that will lead to the long term economic strength of the underpinnings of these Customs and Culture.

Protection of the customs and culture of the local area requires protection of the tax base, including the right (responsibility of the BSWCD) to conserve, protect, encourage, develop and improve agricultural land for the production of agricultural products, and to reduce the loss to the state of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed a nuisance.

The fundamental need for food and fiber from those endeavors predicated on the resources of soil and water is basic to life itself. Since 1598, modern agriculture has been the framework of the relationship between man and those resources in the District. This relationship achieved a state of dynamic equilibrium that has been altered and adjusted based on the growth of population and the demand for goods and services that has developed through the area's relative advantages.

Federal Lands Policy and Management Act of 1976 (FLPMA) Section 102 has 8 values: Scientific, Scenic, Ecological, Environmental, History, Archeological, Air and Atmospheric, and Water. History is the only one that reflects customs and culture. Modern agency management reflects only scenic, archeological, ecological, environmental, air and atmospheric, and water. Federal land management plans are totally silent on historical features. BSWCD strongly believes in the need to elevate the importance of historical values, and ensure that all 8 values are equal IN ANY decision made by land management agencies.

Continued equilibrium must be achieved through District interactions with local, state, and federal agencies to imagine and implement plans that meet changing conditions and needs. This interaction is critical to the well being of the District and its ability to adapt for future needs. The District is intent on maintaining current and encouraging future protection of rights to maintain a state of robust opportunities for future generations.

1.3.3 GOALS OF THE PLAN

1. Maintain and improve the soil, vegetation and watershed resources in a manner that perpetuates, sustains, and expands the beneficial uses of such resources while maintaining healthy ecosystems and fully supporting public safety, the customs and economic stability and viability of our industries and the general welfare of the citizens of the District.
2. Provide the plans and policies that direct the BSWCD in coordination with local, state, and federal bodies and agencies regarding planning, outlining, orchestrating, scheduling, mapping, designing, manipulating, conceptualizing, formulating, designing, plotting, or strategizing land use plans that will affect the soil, water, and other resources of the District today, tomorrow, or further into the future.
3. Work with federal, state and local government agencies to fulfill the District's primary legal responsibility to provide for the health, safety, and well being of their constituents.
4. Work to reduce any possibility of unintended consequences from decisions and actions that may be taken by agencies that can negatively have an impact on the District; its economy, its tax base and the people it serves. Such action, in general, seeks to minimize the conveyance of harm to the local land users from ongoing governmental courses of conduct.

4.0 PRIMARY PLANNING GUIDANCE AND DIRECTIVES; GENERAL MATRIX OF BALANCED OBJECTS AND VALUES

- The state of New Mexico has authorized the creation of SFPSWCD with powers and duties to accomplish the legislative determination of the act.
- Congress has mandated stabilization of soil and water through the Soil and Water Resources Conservation Act . . . “Recognizing that the arrangements under which the Federal Government cooperates . . . through conservation districts, with other local units of government and land users, have effectively aided in the protection and improvement of the Nation’s basic resources . . . it is declared to

be policy of the United States that arrangements and similar cooperative arrangements be utilized to the fullest extent practicable . . .”

- Congress has mandated . . . “Federal agencies shall coordinate with local and state agencies to develop comprehensive solutions to prevent, reduce and eliminate pollution in concert with programs for managing water resources.”
- With District coordinated actions, federal agencies must be consistent with officially approved and adopted local land use plans, as long as such local plans are consistent with federal law and regulations.
- Work with all federal agencies to ensure resource management plans or management framework plans list known inconsistencies between their plans and district plans and submit those inconsistencies to the Governor of New Mexico. Agencies are obligated to take all practical measures to resolve conflicts between federal and local government land use plans.
- Federal Agencies are required to submit a notice of intent to prepare, amend, or revise a resource management plan to State Agencies, consistent with State procedures for coordination of Federal activities,
- The District lands must be managed in a manner that will protect the quality and balance of natural resources as defined by the Act with the scientific, scenic, historical, ecological, environmental, air and atmospheric, water resources, and archeological values with the intent to provide both stewardship and continued human occupancy and use.

1.4.1 OBJECTIVE

To create a coordinated working relationship with agencies and citizenry that protects and enhances local natural resources, safety and well being for all.

The District constituency must have a regulatory environment that works for them, not against them and minimizes any harm to District land users. The regulatory environment should enhance lives, safety, and resources and improve the economy without imposing unacceptable or unreasonable costs. All regulatory policies must recognize the private sector and private markets are the engines for economic growth. New regulatory approaches should respect the role of local and state governments and adopt regulations that are effective, consistent, sensible, and understandable. It is, therefore, imperative to set planning guidance for lands and resource interactions as they apply to matters of the District.

4.2 RESOURCE CONCERNS

1. **Customs and Culture** - The future and its many unanswered questions of water supply, population growth, and continuing soil resource needs, and particularly, the perpetuation, renewal, improvement, protection and expansion of the farm and rangeland base. The people of Roosevelt and Chaves Counties have traditionally earned their livelihood from activities associated with natural resources. The economy of the Counties in the past and today depends on the availability and utilization of natural resources.

Directly or indirectly, the majority of the people employed in Roosevelt and Chaves Counties depend on oil and gas and related service industries, ranching/farming, recreation, and other activities related to the availability of natural resources. Collectively, the past and future represent the **Customs and Culture** of the District.

2. **Water resources** - New Mexico's Water Code was enacted in 1907. Then, the state was sparsely populated, and people relied mainly on surface water supplies. Conditions have changed. The state's population has increased nearly seven times, surface waters have become over-appropriated, and water users have become increasingly dependent on ground water and water from projects such as dams.
3. **Range and Grassland** - It is necessary to improve range and grasslands through various means including brush control and the expanding successes of measures applied by landowners and agencies for the well being of soil and water resource health. It is also important that state and federal agencies continue to provide access to rangelands at levels consistent with proper range management, custom and culture and the protection of equitable property rights.
4. **Soil** and all of soil related precautions to maintain the integrity, wellbeing and improvement of this all important resource.
5. **Outreach and Education** - To garner the support, understanding, and backing of our community and partner agencies.
6. **Wildlife and Livestock** the beneficial externalities that exist with this important natural resource and the beneficial application and development of water resources.
7. **Threatened and Endangered / Sensitive Species** especially those 37 listed species specific to New Mexico and the targeted multi-species mega settlement list, is a dynamic management process. The status of any listed species must be known and all additions or removals must be coordinated with the District. The Districts conservation plans must be taken into account prior to any federal or state protection of a species.
8. **Predator Control** - BSWCD is pledged to perform various tasks including but not limited to preservation of wildlife.
9. **Invasive Species** - Are recognized as one of the leading threats to biodiversity and impose enormous costs to agriculture and other human enterprises, as well as to human health. There are many species that have only recently taken up residence. These plants and animals are taking over areas that native species have lived in for hundreds of years.
10. **Energy** - The current federal policies to advance alternative energy development as a solution to the harm caused by carbon-based sources of energy, including coal, natural gas, and oil, need to be measured in terms of environmental impacts and costs. Development and use of virtually all sources of energy have significant environmental impacts.

New Mexico's marketed production of natural gas accounted for 4.8% of U.S. marketed natural gas production. New Mexico ranks fifth in the nation in utility-scale electricity generation from solar energy. As of today renewable energy supplies 7.8% of the electricity generated in the state.

11. **Wildfire** - A function of fuel loads and drought. Both issues are part of the resource management aims and obligations of the District's responsibilities. Detrimental and beneficial outcomes of fire regimes needs to be determined on the greater landscape within BSWCD boundaries.
12. **Special Land designations** - Especially those changes that are done beyond congressional action, produce unintended consequences, and affect the threat to and net sum loss of multiple use lands, must be known and discussed with the District and be a matter of public record in District meeting minutes.
13. **Visual Resources** - Visual resource management or VRM is defined by the BLM based on naturalness, scenic qualities and permitted land uses. BLM recognizes four classes, with Classes I and II having the greatest values. The planning process first inventories the viewshed or scenic qualities. Class I is a natural landscape such as a national wilderness area or ACEC with scenic qualities. Classes II through IV are inventoried based on scenic quality, sensitivity (land use), and distance. These three factors are evaluated in light of land uses permitted under BLM's land use plan. The combined evaluation leads to the designation of VRM classes.

There is a risk that BLM land use plans will use VRM classes to restrict land uses, rather than having the VRM class reflect the permitted land uses. Such action reduces the local tax base limiting the ability of the District, other special districts, the county and the state to sufficiently fund the necessary services and infrastructure that support the community. The VRM classifications should also take into account the Districts current and future soil erosion and flood control plans to ensure federal restrictions do not harm the health and safety of the community. All inventories of VRM's shall be done in coordination with the District as required by federal statute (43 U.S.C.A. 1712(c)(9)) and consistency must be reached with the Districts plans to prevent harm to the citizens.

14. **Agriculture** The art and science of growing crops and raising and breeding livestock. As per this Plan, activities which traditionally define agriculture in the District include, but are not limited to, cattle, horses and sheep ranching; the production of hay, grain, and other crop production.
15. **Watershed and Forest Management** - A region or area where surface runoff and groundwater drain to a common watercourse or body of water. The area drained by a river or river system enclosed by drainage divides. An area of land that drains to a single water outlet. A watershed is also known as a sub-basin. Watersheds have five essential functions: collect water that falls as rain or snow, store water and snow in various amounts and for different lengths of time, release water as runoff, filter and clean stored water and runoff, provide habitat for plants and animals. The overgrown condition of New Mexico's forested watersheds, coupled with extended drought, is a key factor that impairs watershed function and leaves our forests susceptible to wildfire and insect infestation.

4.2-1 CUSTOMS AND CULTURE:

- **Goal:** It is the goal of BSWCD to coordinate all activities in a manner that will protect the quality of Customs and Culture derived from historical and environmental values; that, where appropriate, will preserve and protect all lands in a condition that will promote land health which contributes to community economic freedom and security; and undertake such actions in a manner that serves all citizens with a high standard of ethical and objective leadership.

- **Guidance:** FLPMA provides for effective use of the agency administered lands by providing continuity of uses for roads, power, water, grassland, and natural gas. The FLPMA also mandates multiple use of the agency administered lands, provides for continuing inventory and classification reviews of such lands. The agency is required to comply with federal, state, and local government laws relating to such matters including the values set forth in the Declaration of Policy of the FLPMA. The FLPMA is the organic basis of managing federal lands in the West. National Forest Management Act (16 U.S.C. §§ 1604 (a)) requires the Secretary of the Department of Agriculture to: develop, maintain and as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management processes of state and local governments and other federal agencies. BSWCD intends to cooperate in a manner that elevates all values equally without prejudice or inferred cardinal value. This includes the blending of historical and environmental values that have, heretofore, become bookends of manifested priorities. The presence of humans in this landscape is elevated in importance.
 - BSWCD intends to maintain balance within the actions of federal and state government in land use planning within the District.
 - The equality and respect for Customs and Culture created in over 413 years of recorded history must be held inviolate. BSWCD intends to maintain such a balance in the face of federal and state management policies that are often driven by forces outside of the jurisdiction of the District.

- **Due Process and Protection of Private Property**
 - The U.S. Constitution created a form of government characterized by:
 - Limited powers granted to the federal government, with all unenumerated powers being reserved to the respective states.
 - Separation of those limited powers into legislative, judicial, and executive branches.
 - Creation of a process where the branches act to check and balance the power of the other branches.
 - Guarantee rights of due process and just compensation when private property is taken for public use.
 - Grant of authority to Congress to make rules and regulations governing federal property.

- **Objective:**
 1. Respect private property rights and consider the effects of policies, regulations, and federal and state decisions on these rights.
 2. Recognize that the protection and preservation of privately owned land is desirable and necessary

in Roosevelt and Chaves Counties.

4.2-2 WATER RESOURCES - New Mexico is a landlocked state. All our water comes from precipitation and river water from Colorado. Under New Mexico's State constitution, all water is administratively managed by the state of New Mexico.

BSWCD recognizes that New Mexico must act now and calls for the protection of our watersheds and water supply. With every year that goes by without a large-scale solution, more acres are severely burned, more critical water sources are jeopardized, more communities are threatened and other natural values are placed at risk.

- **Goal:** BSWCD asserts that water is the most significant resource within its boundaries and believes water is necessary for life as well as essential for promoting economic well-being. Ensuring water quality and quantity is an investment but provides a high return. Water is critical for agriculture, residents, industry, and many service activities. BSWCD will provide proactive support for corrective and conservation practices and programs to protect the public and conserve, expand, extend, and develop beneficially the water resources of the District.

BSWCD will assure the policies and actions of the local, state and federal government in matters of water resources protection are fully inured to the benefit of that resource.

- **Objectives:**

1. Coordinate with the appropriate agencies in the land use inventory, planning, and management activities, which affect water resources in BSWCD, either directly or indirectly, to ensure consistency with the Plan.
2. Coordinate with federal agencies to insure the Districts policies are considered and consistency achieved to resolve water resources issues in concert with the conservation of endangered species, pursuant to 16 U.S.C.A. 1531(c)(2).
3. Ensure that productive watersheds are maintained for water quality by maintaining healthy rangelands and control soil erosion.
4. New Mexico State water planning directives call for river, riparian and watershed restoration that protects water supply and improves water quality. BSWCD supports the regional planning update and will participate with planning efforts.
5. Work with the State Engineer to ensure historical water use for farming and ranching is secure within BSWCD.
6. BSWCD will coordinate with the New Mexico State Engineer's Office to secure permanent water

rights within BSDWD. Explore, research and promote aquifer storage and recovery strategies within the BSWCD.

7. Coordinate with local and state agencies on the transfer of irrigation water rights to meet present and future agriculture, domestic and industrial water requirements and the resulting erosion from the abandoned lands.
8. Water quality degradation - Promote continued research on improving water quality, methods of recharging the underground water basin.
9. Encourage the registration of existing water wells, livestock and domestic, and wells that have been “grandfather” in to protect landowner rights.
10. Support the protection of private rights and interests in irrigation and water development structures on public lands.
11. Promote and provide technical assistance to BSWCD agriculture producers for the Regional Conservation Partnership Program (RCPP) to implement agricultural water enhancement activities on agricultural land for the purposes of conserving surface and ground water and improving water quality.

4.2-3 RANGE AND GRASSLAND

The mixed ownership of rangelands results in differences in management objectives as well as management practices. Because the District has the unique responsibility to work with private, state and federal land managers for the benefit of soil erosion, flood control as well as other natural resource concerns, it is critical that the management practices between public and private land managers be coordinated with the District.

- **Goal:** Support and facilitate the continued use of private, state, and federal lands for the production of livestock. Also, work to increase productivity of rangeland to increase and/or maintain Animal Unit Month (“AUMs”) to maximum sustainable levels on rangeland in Roosevelt and Chaves County.

Coordinate with New Mexico Game and Fish Department to ensure that wildlife numbers do not outstrip habitat and to reduce conflicts between rangeland resources for livestock grazing and wildlife forage and habitat needs. Federal land managers must promptly notify the NMGFD and request immediate adjustments in wildlife numbers when habitat capacity is exceeded.

- **Guidance:** The continued viability of livestock operations and the livestock industry should be supported on federal lands within BSWCD by management of the lands and natural resources, by the proper optimization of animal unit months for livestock, in accordance with supportable science and the multiple use provisions of the Federal Land Policy and Management Act of 1976, 43 U.S.C §§1701 et seq., the provisions of the Taylor Grazing Act of 1934, 43 U.S.C. §§531 et seq, the Public Rangelands Improvement Act, 43 U.S.C. §§1901, et seq. and the National Forest Management Act, 16

U.S.C. §§ 1600-1687.

Land management plans, programs, and initiatives should provide that the amount of domestic livestock forage, expressed in animal unit months, for permitted, active use as well as wildlife forage, be no less than the maximum number of animal unit months sustainable by range conditions in grazing allotments and districts, based on “on-the-ground” and scientific analysis. This is essential to the proper operation of the District. Livestock producers do more than contribute to the economic stability of the community, which helps the District, but are also the primary entities that help to implement the Districts programs. For these reasons, any relinquishment or retirement of grazing animal unit months in favor of conservation easements, wildlife, and other uses can harm the Districts objectives. Any reductions in domestic livestock animal unit months must be temporary and scientifically based upon rangeland conditions.

- **Objective:**

1. BSWCD’s Land Use Plan comprehensively provides the policies that allow for the continuation of farming and ranching with all the associated and supporting businesses that have made lands within BSWCD so productive and so important. All agriculture is dependent on proper soil erosion control, flood prevention, wildlife and species management, which are the responsibilities of this District.
2. Promote and develop treatment projects for brush management on lands that have invasive species such as but not limited to; mesquite, salt cedar, and chollo. Disseminate BMPs on brush management to all land managers.
3. Forage reductions resulting from forage studies, fire, drought or other natural disasters will be implemented on an allotment basis and applied proportionately based on the respective allocation to livestock, and wildlife.
4. Support the recognition and protection all private property rights, including water rights.
5. Promote multiple land use practices on federal and state rangelands that include but not limited to: grazing, hunting, recreation, and energy development.
6. Encourage the use of coordinated range management plans (allotment management plans or coordinated activity plans) for each grazing allotment that allow for the flexibility and updating of management during the ten-year term of the grazing permit. (*i.e.* water development, juniper/ mesquite control, re-seeding, fencing, salting plans, herding plans and grazing systems)
7. Support and facilitate range improvement projects to benefit rangeland, soil and water resources.
8. Work with the Bureau of Land Management to expand and replicate the “Restore New Mexico” program to all areas of BSWCD.
9. Coordinate with federal and state agencies on any new federal and state land acquisition within

BSWCD boundaries. Encourage federal and state land management agencies to focus on lands currently under its responsibility.

4.2-4 SOIL

- **Goal:** Provide proactive support for corrective and conservation practices and programs to conserve, protect, and beneficially develop the soil resources of the District. It is also the goal of BSWCD to institute and manage vegetation and landscape projects that will mitigate blowing dust. Windblown dust in this area occurs both from natural and man-made sources.

To insure the policies and actions of the local, state, and federal government in matters of soil resource protections are fully inured to the benefit of the resource.

- **Objectives:**
 1. Encourage land managers and landowners to seek technical assistance to mitigate surface disturbance including sod busting and to facilitate soil and water conservation. Reestablish native or other desired vegetative cover on poor quality cropland from which water rights have been removed.
 2. Salt accumulation in irrigated soils - Assist district cooperators, Roosevelt, and Chaves Counties in planning disposal of saline water accumulations from energy-related activities within the District
 3. Soil testing to ensure proper applications of liquids and solids - **Dairy Industry**
 4. Provide technical information to energy companies, Roosevelt, and Chaves Counties and district cooperators on layout, design, and maintenance to reduce erosion and how to implement drainage structures on county, private, and energy companies access roads.
 5. Provide technical information on reseeded for any disturbed soils including but not limited to; transmission, pipeline and renewable energy pads.

4.2-5 OUTREACH AND EDUCATION

- **Goal:** It is the goal of BSWCD is to garner the support, understanding, and backing of our community and partner agencies and promote “Raise a generation of youth that understands the importance of agriculture.”
- **Guidance:** Participate, foster and have a more active role in local, state, and federal relationships and understanding
- **Objectives:**
 1. BSWCD strongly encourages and will implement programs that meets the goal of “raise a generation of youth that understands the importance of agriculture.”

2. Promote cooperation with BSWCD cooperators, organizational partners and entities such as town councils, county commissions, state and federal agencies.
3. Continue promoting BSWCD programs through newsletters, newspaper ads and articles, and informational brochures.
4. Disseminate and promote partner agencies programs through above listed avenues.
5. Continue to support Soil Stewardship programs.
6. Support and promote BSWCD programs at County Fairs and any other local, state or national activity pertinent to the BSWCD

4.2-6 WILDLIFE AND LIVESTOCK

The production of livestock in Roosevelt and Chaves Counties are necessary to the area economy, tax base, and the livelihood of the ranching / farming businesses and related industries and it is also vital to the well being and continued health of natural resources on federal, state and private lands. BSWCD shall strive to protect the ranching / farming heritage, as it is a primary foundation of the custom and culture of the District.

- **Goal:** It is the goal of BSWCD to institute and manage vegetation and landscape projects that will 1) maximize grassland development for livestock and wildlife, collectively, 2) expand water supplies and systems to support such populations on an availability standard, 3) encourage research to determine benefits of more complex grazing practices, 4) work with the New Mexico Department of Game and Fish (NMDGF) to elevate quality hunt opportunities, 5) educate the general public of the benefits and the symbiotic relationships of livestock and wildlife in this desert environment and 6) Encourage wildlife management practices that sustain wildlife resources and habitat without measurably degrading other multiple use activities or private property rights.

BSWCD strongly urges land management agencies to: upon termination of a permit, livestock permittee will be compensated for the remaining value of improvements or be allowed to remove such improvements that permittee made on his/her allotment.

BSWCD will coordinate with the land management agencies to ensure forage reductions resulting from forage studies, fire, drought or other natural disasters will be implemented on an allotment basis and applied proportionately based on the respective allocation to livestock, wildlife. Reductions resulting from forage studies will be applied to the use responsible for the forage impact.

BSWCD will coordinate with the land management agencies to ensure permanent increase or decreases in grazing allocations reflecting changes in available forage will be based on the vegetative type of available forage and applied proportionately to livestock or wildlife based on their respective dietary need.

- **Guidance:** In various laws and grazing guidelines, Congress has often-mandated stabilization of the local livestock industry by providing for the orderly use, improvement, and development of the range in a manner which adequately safeguards vested grazing and water rights, and in a manner that will not impair the value of a grazing unit when such a right is pledged as a debt security by the permittee.

FLPMA sets forth the policy that federal lands be managed in a manner that will protect the quality of multiple resources, will provide food and habitat for fish and wildlife as well as domestic animals and will provide for outdoor recreation and human occupancy and use.

BSWCD strongly supports the following mandate, “The mandate of the Taylor Grazing Act is not furthered by management practices designed to reduce grazing to improve the range.”

- **Objectives:**

1. The District will support opportunities for livestock grazing on private, state and federal lands. This includes advocating for the protection of equitable property rights, science-based land stewardship, and promotion of Best Management Practices for the improvement and continued use of all rangelands within the District.
2. Coordinate with federal agencies, other state agencies, New Mexico Department of Agriculture (NMDA) and New Mexico State University (NMSU) to incorporate dynamic arid grasslands endeavors where possible.
3. Coordinate with federal land management agencies to ensure federal management activities regarding wildlife and livestock grazing do not negatively impact the District's activities designed to prevent soil erosion and ensure flood prevention. Grazing management decisions can trigger future erosion and flood issues if not carefully coordinated with the District's plans
4. Coordinate with all landowners and land managers to increase productivity of rangeland to increase and/or maintain AUMs that maximum sustainable levels on rangeland. Any grazing AUMs that are placed in a suspended use category should be returned to active use when range conditions improve.
5. Recommend that crucial or critical habitat designations consider economic impacts to the human environment, possible conflicts with other land uses, and protection of private property rights.
6. Promote and coordinate water distribution system installation and infrastructure improvements to benefit all wildlife and livestock health and welfare within the BSWCD.
7. Encourage private landowners to plan, develop, and implement resource management plans that meet the standards of grazing management systems through: proper stocking, deferred and rotational grazing, erosion control, control of poisonous and noxious plants, water development and distribution, and fencing.

8. Support the use of scientifically sound management practices and the development of planned grazing systems and supporting infrastructure (i.e. - fences, reservoirs, water developments, and vegetation treatments) with short- and long-term monitoring to evaluate whether goals and objectives are being met.

4.2-7 THREATENED AND ENDANGERED / SENSITIVE SPECIES

The keystone of good environmental stewardship lies in a healthy resource base. Endangered and threatened species, as well as all plants and all animals, depend on the intricate balance of stable ecological, economic and social functions of the immediate local community.

The Endangered Species Act (“ESA”), [Addendum Tab No. 12 at 37-59, 16 U.S.C. §§1531-1541], protects individual species of plants and animals wherever they occur when it is determined that the continued existence is threatened or endangered. [Addendum Tab No. 12a at 37, 16 U.S.C. §1533]. The ESA provides for listing of species through rule making, 16 U.S.C. §1533(a), and within a year after listing, the identification of critical habitat for the species.

Prior to making a determination whether a species is threatened or endangered, the federal agency is required to take into account “those efforts, if any, being made by any State or foreign nations, or any political subdivision of a State or foreign nation, to protect such species, whether by predator control, protection of habitat and food supply, or any other conservation practices, within any area under its jurisdiction; or on the high seas.” (16 U.S.C. 1533(b)(1)(A)) This includes a review of the Districts plans, policies and projects. The Districts plan should be reviewed in its entirety as inherent in every policy is the objective to conserve species.

Additionally, it is the policy “of the Congress that Federal agencies shall cooperate with State and local agencies to resolve water resource issues in concert with conservation of endangered species.” (16 U.S.C. 1531(c)(2)) The BSWCD has holds specific authority to manage water resources within our jurisdiction, and therefore, all actions carried out under the Endangered Species Act must be coordinated with the District to resolve any water resource issues that may arise.

Agencies or to consider the best available science when making a decision whether to list, but economic and social impacts are to be considered in the designation of critical habitat. [Addendum Tab No. 12a at 38, 16 U.S.C. §1533(a)(3)(A)].

Critical habitat designations must take local socio-economic impacts into account. Areas may be excluded as critical habitat based upon economic impacts unless the failure to designate the area as critical habitat would result in extinction of the species. Area designations that preclude the District from carrying out its soil erosion and floodwater management projects will cause economic harm to the community and shall not be included as critical habitat unless absolutely essential to the survival of the species.

Once a species is listed, it cannot be “taken,” which is broadly defined to mean any direct harm to the species or harassment, which, in turn, includes disruption in activities or loss of critical habitat. [Addendum Tab No. 12c-ii at 59, 50 C.F.R. §17.3]. If a ‘take’ is likely to occur on private land, the landowner must secure a takings permit under Section 10 of the ESA, and often does so under a habitat conservation plan which also requires compliance with NEPA. [Addendum Tab No. 12c at 59].

The Natural Heritage New Mexico Program gathers, organizes, and disseminates information on unique, rare, threatened, and endangered plant species.

The ESA is the basis for several planning mechanisms:

- Recovery plans for listed species that set population and viability goals and define when a species might be eligible for delisting;
- Reintroduction plans, which govern introductions of listed species as part of a recovery effort;
- Habitat conservation plans which allow land uses on private lands to go forward even when a 'take' of a listed species may occur; mitigation of adverse effects is usually part of the plan;
- Conservation plans or agreements, often between states and FWS, adopt management actions to avoid listing the species;
- Candidate conservation agreements, under which a landowner commits private land to management for the species, may also have 'safe harbor' provisions that assure that the landowner need not take any additional mitigation measures if the species is listed.

The above plans and agreements require some form of NEPA process, which requires coordination with the District

The following species have been listed within the jurisdictional boundaries of BSWCD but does not preclude the 37 listed species specific to New Mexico and the targeted multi-species mega settlement list that may affect the District's customs and culture. The status of any listed species must be known and all additions or removals must be coordinated with the District.

Lesser Prairie Chicken (LPC) - Roosevelt and Chaves Counties - The lesser prairie-chicken (LPC) (*Tympanuchus pallidicinctus*) has historically occupied the sandy soils of shin oak-bluestem and sand sage-bluestem communities in the plains of eastern New Mexico. LPC are directly and indirectly dependent on vegetative components available in those native rangelands. As a gallinaceous bird with high reproductive potential and high mortality in a semi-arid climate, populations can fluctuate widely over time.

In February 2014 the U.S. Fish and Wildlife Service (FWS) and the Western Association of Fish and Wildlife Agencies (WAFWA) signed a range-wide Oil and Gas Industry Candidate Agreement with Assurances for the Lesser Prairie Chicken. The FWS also released an accompany environmental assessment. The agreement was entered into with the understanding that cooperation between the five states of the lesser prairie chicken - New Mexico, Texas, Oklahoma, Kansas and Colorado - and FWS undertake conservation action for the species. The LPC five state range covers 20 million acres across 85 counties. In March of 2014 the FWS announced the final listing of the species as threatened under the Endangered Species Act (ESA), as well as a final special rule under section 4(d) that will limit regulatory impacts on landowners and businesses from this listing if they have a conservation plan.

The ESA makes it unlawful for a person to "take" a lesser prairie chicken without a permit or authorization. Take is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct." Harm is defined to include significant habitat modification or degradation if it results in death or injury to a LPC by significantly impairing essential behavioral patterns, including breeding,

feeding, or sheltering. Landowners who participate in the activities protected under the 4(d) rule would be exempt from the take prohibitions of the ESA and no additional actions would be required by the landowner.

New Mexico leaders of the state agriculture and energy departments and the interim director of the Game and Fish Department voiced their opposition in a statement, saying the listing will "without question decimate economic development and job creation in southeastern New Mexico." Oklahoma's attorney general filed a lawsuit in March 2014 over the FWS's decision to settle a lawsuit with an environmental group over the listing status of the lesser prairie chicken and other species.

In June 2014 environmental groups filed a lawsuit to force the FWS to list the LPC as an endangered species.

Comment/Expectations: BSWCD believes farming and ranching techniques will be drastically altered, reducing production and income for the families of crop and livestock producers and violates the BSWCD Land Use Plan by causing an economic affect on rural communities of which they are a part. **To meet the District's statutory responsibilities, BSWCD must be notified and coordinated with on all decisions.**

Dunes Sagebrush Lizard - Roosevelt and Chaves Counties - In December 2010 the FWS announced that they were taking action to protect the dunes sagebrush lizard by proposing it as endangered under the ESA. The FWS also determined that critical habitat for the dunes sagebrush lizard was prudent but not determinable. It was stated the dunes sagebrush lizard faced immediate and significant threats due to oil and gas activities, and herbicide treatments. The species is highly restricted in its range, and the threats occur throughout its range. Habitat loss and fragmentation due to oil and gas development was a measurable factor affecting the species due to the removal of shinnery oak and creation of roads and pads, pipelines, and power lines.

However, after entering into a Candidate Conservation Agreement with Texas and according to the FWS, unprecedented commitments to voluntary conservation agreements now in place in New Mexico (that provided for long term conservation) for the dunes sagebrush lizard, it was determined not to be endangered and would not be listed at this time. **Comment/Expectations: If the status of the Dunes Sagebrush lizard changes, BSWCD must be notified and coordinated with on all decisions.**

Yellow Billed Cuckoo - Roosevelt and Chaves Counties - The yellow-billed cuckoo is protected as a threatened species under the Endangered Species Act. The western population of the yellow-billed cuckoo, an insect-eating bird found in riparian woodland habitats, winters in South America and breeds in western North America. The major threat to yellow-billed cuckoos has been loss of riverside habitat. The final listing rule became effective November 3, 2014.

FWS's next step is the designation of critical habitat for the species and development of a recovery plan.

Comment/Expectations: In order to meet the District's statutory responsibilities, BSWCD must be notified and coordinated with on all decisions.

Pecos gambusia - Chaves County - Listed October 13, 1970, the Recovery Plan was completed May 9, 1985. The Pecos gambusia is a member of the Poeciliidae family and endemic to the Pecos River basin in southeastern New Mexico and western Texas. It is viviparous (bringing forth live young that have developed inside the body of the parent), and is a carnivorous surface eater feeding on filamentous algae, insects, and unidentifiable animal material. Pecos gambusia is known principally from the lower elevations and more thermally stable localities within its geographic range.

All populations occur between 2696 feet and 3894 feet in elevation, with Ink Pot, located on the Salt Creek Wilderness Area northeast of Roswell, NM representing the highest elevation. Critical habitats for the Pecos gambusia are springheads and spring runs. Moderately abundant populations are also known from areas with little spring influence, but with abundant overhead cover, sedge covered marshes, and gypsum sinkholes.

The U.S. Fish and Wildlife Service is required by section 4(c)(2) of the Endangered Species Act to conduct a status review of each listed species once every 5 years.

Comment/Expectations: To meet the District's statutory responsibilities, BSWCD must be notified and coordinated with on all future decisions pertaining to the Pecos gambusia.

Noel's Amphipod (E) Assiminea Snail (E), Koster's Springsnail (E), Roswell Springsnail (E) - Chaves County - These four invertebrates occur at sinkholes, springs, and associated spring runs and wetland habitats. These three snails and one amphipod have an exceedingly limited distribution, low mobility, and fragmented habitat. Currently, Roswell springsnail, Koster's springsnail, and Noel's amphipod are known to occur only at Bitter Lake National Wildlife Refuge and adjacent land owned by the City of Roswell. Pecos assiminea occurs at four isolated locations in the United States: two springs in Texas, several disjunct locations on Bitter Lake National Wildlife Refuge, and a spring system on City of Roswell land.

According to the U.S. Fish and Wildlife Service, they were listed August 9, 2005 for the following reasons: imperiled by introduced species; surface and groundwater contamination; oil and gas extraction activities within the supporting aquifer and watershed; local and regional groundwater depletion; severe drought; and direct loss of their habitat (*e.g.*, through burning or removing marsh vegetation, or flooding of habitat).

A complaint challenging the merits of the critical habitat designation was filed by Forest Guardians and Center for Biological Diversity on December 19, 2007 (U.S. District Court for the District of New Mexico, Case No. 07-cv-1277). The plaintiffs contended that the final critical habitat designation violated the ESA because: 1) it did not designate any critical habitat for Roswell springsnail, Koster's springsnail, or Noel's amphipod; 2) the final designation did not consider scientific evidence indicating that recovery of the four invertebrate species could not be accomplished without the protection of refuge lands and other areas outside of the refuge; and 3) the FWS did not consider best available science on the threat posed by global warming.

The complaint was resolved with a stipulated settlement agreement adopted on December 11, 2008 (U.S. District Court for the District of New Mexico, Case No. 07-1277 JCH [LCS]), in which the FWS agreed to a remand with partial vacatur of the decision not to designate critical habitat at the Bitter Lake National Wildlife Refuge in order to reconsider the federal exclusions made under section 3(5)(A) of the ESA.

Elements of critical habitat for Roswell springsnail, Koster's springsnail, and Noel's amphipod are: permanent, flowing, unpolluted, fresh to moderately saline water; slow to moderate water velocities over substrates ranging from deep organic silts to limestone cobble and gypsum substrates; and stable water levels with natural diurnal and seasonal variation.

Proposed primary constituent elements for Pecos assiminea are: permanent, flowing, unpolluted, fresh to moderately saline water; moist or saturated soil at stream or spring run margins with native vegetation growing in or adapted to aquatic or very wet environments, such as salt grass or sedges; and stable water levels with natural diurnal and seasonal variation. **Comment/Expectations: To conserve the Districts water resources,**

the BSWCD must be notified and coordinated with on all decisions on this and any other invertebrates listed.

Pecos Bluntnose Shiner (T) Chaves County - Pecos bluntnose shiner was federally listed as threatened (52 FR 5295) February 20, 1987 and state listed in New Mexico as endangered (NMDGF 2006). The Recovery Plan was issued September 30, 1992 but did not have receive a 5 year review until 2010. The five year review kept the reclassification priority number at 3.

According to the FWS, dams have fragmented Pecos bluntnose shiner habitat and altered the natural river hydrograph, limiting occupied habitat to a 186 mile reach of the Pecos River from the confluence of Taiban Creek to Brantley Reservoir.

The five year review recommended a revision the recovery plan. The recovery plan should incorporate new information along with clearly defined recovery actions and measurable, threats-based criteria. During the recovery plan update process, evaluate the efficacy of including the entire reach of the Pecos River, from the confluence of Taiban Creek to Brantley Reservoir, as critical habitat.

Comment/Expectations: To meet the District's statutory responsibilities, BSWCD must be notified and coordinated with on all future decisions pertaining to the Pecos Bluntnose Shiner.

Least Interior Tern (ILT) (E) - Chaves County - On May 28, 1985, FWS published a Final Rule (50 FR 21784) listing the Interior population of the least tern as endangered. On October 19, 1990, FWS released a Recovery Plan for the Interior Population of the Least Tern. The FWS conducted a 5-year review for in 1991 (56 FR 56882). Species' Recovery Priority Number is 3 (defined as a species that has a high degree of threat and high recovery potential)

ILT were first reported from the drainage in 1974 (Downing 1980), occupying salt flats on Bitter Lake NWR, adjacent to the Pecos River. Lott (2006) provided monitoring records showing persistence and an increase in numbers of ILT on the refuge from 1987 through 2006. In the Rio Grande, ILT are known to nest only on reservoirs (Lott 2006). These have been only periodically and partially surveyed during the period of record, and while persistence is likely, data are insufficient to indicate trends. There are no data to demonstrate historical occupation of natural rivers in the Rio Grande drainage by ILT. It is possible that the Rio Grande is outside of the historical range of the species, and that reservoir construction during the 20th century provided an opportunity for ILT range expansion into the drainage. It is also possible that the source of the Rio Grande colonization was eastern least terns from the Gulf of Mexico (e.g., Whittier 2001).

Comment/Expectations: To meet the District's statutory responsibilities, BSWCD must be notified and coordinated with on all decisions pertaining to all reintroductions of the northern Aplomado falcon within District boundaries.

Northern Aplomado Falcon - Chaves County - A nonessential experimental population (NEP) of the northern aplomado falcon was established in New Mexico and Arizona on July 26, 2006 (71 FR 42298). NEP designation under section 10(j) of the Endangered Species Act lessens land-use restrictions associated with the Endangered Species Act, which made re- establishment of aplomado falcons in New Mexico and Arizona less controversial to land managers and increased the number of reintroduction sites. The NEP designation was considered to be potentially the fastest method to re-establish aplomado falcons in New Mexico and Arizona.

Authorities and directives for maintaining and restoring aplomado falcon habitat remain part of all federal agencies' regulations and policies under their section 7(a)(1) responsibilities.

The northern aplomado falcon is one of three subspecies of the aplomado falcon and is the only subspecies recorded in the United States. This subspecies was listed by the Service as an endangered species on February 25, 1986 (51 FR 6686). In New Mexico, the range of the aplomado falcon apparently receded westward in the early 1900s, with birds being reported primarily from the southwestern counties. The subspecies is listed as endangered by the States of New Mexico, Arizona and Texas. Currently, long-term drought, shrub encroachment in areas of Chihuahuan grasslands, and the increased presence of the great-horned owl (*Bubo virginianus*), which preys upon aplomado falcons, may be limiting recovery of this subspecies (Hunt et al. 2013). Between 2006 and 2011, a total of 337 aplomado falcons were reintroduced at sites in southern New Mexico. At present, there is approximately one-half the number of pairs recommended for reclassification of the subspecies to threatened status. **Comment/Expectations: To meet the District's statutory responsibilities, BSWCD must be notified and coordinated with on all decisions pertaining to all reintroductions of the northern Aplomado falcon within District boundaries.**

Kuenzler Hedgehog (E) **Chaves County** - According to the FWS 5 year review, the Recovery Plan for *Echinocereus fendleri* var. *kuenzleri* was adopted March 28, 1985. The Recovery Plan has not been revised since adoption in 1985, when only two populations with a total of less than 500 plants were known. No critical habitat was designated due to threat of collection. However, within the past 5 years, surveys have located additional populations, increasing the overall range and abundance of the species. Although threats of grazing and fire may still exist, the increase in populations and individual numbers proportionally diminishes the impact of the threats.

The 5 year review stated "Kuenzler's hedgehog cactus **should be proposed for reclassification from endangered to threatened**. The known range of this cactus consisted of a single population of approximately 200 individuals when listed as endangered. As such, it was perceived to be upon the brink of extinction. The most serious threat to such a small population would be the elimination of plants in the wild by commercial and hobbyist collectors. Subsequently developed information on the range and abundance of this cactus has significantly altered this perception. In reality, Kuenzler's hedgehog cactus exists across a much broader geographic range in several populations that total several thousands of individual plants and probably exceeds the 5,000 plants required for downlisting in the recovery plan. **Comment/Expectations: BSWCD agrees with this finding and will coordinate with FWS to downlist the Kuenzler's hedgehog to threatened if not sensitive listing.**

Pecos Sunflower (T) - **Chaves County** - According to the FWS Recovery Plan for the Pecos sunflower, little is known about the historic distribution. The Pecos sunflower was listed as threatened on October 20, 1999, with a recovery priority of 8, indicating it has a moderate degree of threat with a high potential for recovery. Pecos sunflower is a wetland plant that grows on wet, alkaline soils at spring seeps, wet meadows, stream courses and pond margins. It has seven widely spaced populations in west-central and eastern New Mexico and adjacent Trans-Pecos Texas. These populations are all dependent upon wetlands from natural groundwater deposits. There are two distinct populations on the Pecos River in eastern New Mexico, each constituting its own region. Within the boundaries of BSWCD the Pecos sunflower occurs at 11 spring seeps and cienegas in the Roswell/

Dexter region of the Pecos River valley in Chaves County. Three of these wetlands support many thousands of Pecos sunflowers, but the remainder are smaller, isolated occurrences.

Because Pecos sunflower is an annual, the number of plants per site can fluctuate greatly from year to year with changes in precipitation and depth to groundwater. Stands of Pecos sunflower can change location within the habitat as well. This sunflower is completely dependent on water-saturated soil conditions within the soil root zone. If a wetland habitat dries out permanently, even a large population of Pecos sunflower would disappear.

Comment/Expectations: BSWCD supports voluntary conservation efforts on private land and water management plans that maximizes the sunflower population. BSWCD does not support any new land acquisitions for this species and will coordinate with FWS on all new decisions concerning the Pecos Sunflower.

- **Goal:** Participate in all decisions and proposed actions, including NEPA procedures for an Environmental Assessment (“EA”) or Environmental Impact Statement (“EIS”), which affect the District, regarding sensitive, threatened, or endangered species recovery plans, introduction or reintroductions, habitat conservation plans, conservation agreements or plans, or candidate conservation agreements. The matter of listing or removal of endangered species must be done on the basis of active coordination with the District.

Coordinate with all stakeholders on developing alternatives to listing, which may include conservation plans and related conservation agreements with local, state and federal agencies to address possible threats to species and their habitat and to avoid official listing.

- **Guidance:** The District will work to continuously coordinate with the FWS for the purposes of: 1) being aware of all matters of listing that impacts its administrative boundaries and 2) allowing the District to evaluate the impact of all decisions on its water resources, economic impact and conservation measures.
- **Objectives:**
 1. Promote coordination between FWS and the District.
 2. Address the impact of all actions with the statutory requirements of the ESA including the impact to the managed value of History.
 3. Coordinate with federal agencies in all decisions and proposed actions, including NEPA procedures for an Environmental Assessment (“EA”) or Environmental Impact Statement (“EIS”), which affect the District, regarding sensitive, threatened, or endangered species recovery plans, introduction or reintroductions, habitat conservation plans, conservation agreements or plans, or candidate conservation agreements.
 4. Consider the information from the socio-economic impacts when developing a coordinated management plan with local, state and federal agencies for the management of any species designated for protection under the Endangered Species Act in and affecting the County

5. Enforce the requirement that critical habitat designations take local socio-economic impacts into account. Areas may be excluded as critical habitat based upon economic impacts unless the failure to designate the area as critical habitat would result in extinction of the species.
6. Avoid conveyance of harm.
7. Oppose the introduction or transplant of threatened and endangered species within the boundaries of the District, unless the District consent and it is done pursuant to specific terms and conditions that avoid disrupting existing land uses.
8. Recommend that proponents of protection, recovery activities, and other threatened and endangered and sensitive species programs finance the activities, including public involvement and compensation to the affected landowners.
9. Recommend that federal agencies respect distinctions between special status species (state sensitive species, etc.) and those listed under the ESA.
10. Participate in appropriate legislation and regulations directing management of threatened and endangered species and state sensitive species.
11. Support delisting of species once population goals set out in recovery plans are achieved.

1.4.2-8 PREDATOR CONTROL

- **Goal:** Encourage control of predatory animals to reduce property damage and to protect wildlife and to protect the local economy and tax base, including the viability of the agriculture community.
- **Guidance:** Federal agencies are obligated to coordinate their planning processes with local government land use plans. 43 C.F.R. §1610.3-1(a). The National Environmental Policy Act (NEPA) requires federal agencies to “discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned).

Congress intended NEPA to apply to every action that significantly affects the quality of the human environment and the thresholds of local conditions are best observed and measured by local expertise. Considering the existing climate conditions in New Mexico, the effects on the population dynamics of fauna and flora are critical to the conditions affecting the community as well as the endangered species.

- **Objective:**
 1. Reintroduction and-introduction plans should provide for compensation to livestock operators for actual value of loss, including replacement cost, including direct and incidental expenses relating to the loss, and prompt payment thereof.

2. Support predator control based on a balance between the best science available, economics, and logistics, evaluated on a case-by-case basis utilizing currently recognized methods of predator control that remain as viable options for predator control, until such time that new and better technology offers new options.
3. Support control of predators, rodents and insects, which are disease-bearing vectors that are a recognized threat to public health

PREDATOR POLICY

BSWCD shall, to the maximum extent possible (including cooperating agency status), participate in all decision processes associated with management actions relating to all threatened and endangered species, including candidate species.

See Appendix C for District Mexican Gray Wolf Policy

4.2-9 INVASIVE SPECIES

Goal: Invasive species are recognized as one of the leading threats to biodiversity and impose enormous costs to agriculture and other human enterprises, as well as to human health. There are many species that have only recently taken up residence. These plants and animals are taking over areas that native species have lived in for hundreds of years. There are many reasons that nonnative species may be successful, but in general they arrive here without the animals or plants adapted to eat or compete with them in their native environment.

- **Guidance:** New Mexico Harmful Plant Act **76-7A-11 NMSA 1978**; Noxious Weed Control Act **76-7-1 to 76-7-22 NMSA 1978**
- **Objectives:**
 1. Early detection and rapid response is becoming a crucial aspect of BSWCD approach to the invasive species threat. Prevention is the first-line of defense and is the most cost-effective approach. BSWCD will continue with this approach and strive to expand the program.
 2. Coordinate in noxious weed and invasive species control with all jurisdictional agencies and private landowners to improve the productivity of all rangelands consistent with local, state and federal regulations and policies to eradicate noxious and invasive weeds and to enhance native vegetation.
 3. Distribute NMDA's best management practices among district landowners to prevent or mitigate invasive species establishment or movement.
 4. BSWCD will promote site rehabilitation with BSWCD landowners by providing best management practices that help desirable plants to become more competitive after an initial management effort

has been implemented to reduce or eliminate an invasive plant.

5. Reinstate coordination between BSWCD and NM Department of Transportation's local District concerning invasive species management on highway right-of-ways.

4.2-10 Alternative Energy

Energy resources occur without regard to whether the land is in private, state, or federal ownership. These resources have, and continue to, provide economic benefits for the citizens of Roosevelt and Chaves Counties and the State of New Mexico. The District recognizes that effective development of its abundant energy resources is essential to the economic well being of the counties, and state.

- **Goal:** Encourage energy resource exploration and development in the District, while conserving rangeland, soil, air quality, and water resources as well as wildlife habitat. Protect the rights of land owners and surface owners so that mineral development can proceed consistent with the District's mandate to conserve soil, and water resources.
- **Guidance:** New Mexico ranks twelfth in wind electric potential nationally. Eastern New Mexico is noted for its exceptional potential for wind energy production. **(Solar)** New Mexico has the second highest solar potential in the country. The State declared in the Solar Rights Act of 1978 that the right to use the natural resources of solar energy is a property right. In 2007 the Solar Rights Act was strengthened to ensure that New Mexicans have the right to solar energy without interference from county and municipality code, covenant, or deed restriction
- **Objectives:**
 1. Evaluate alternative energy projects proposed within BSWCD boundaries based on the same criteria applied to more traditional projects, including impacts of wildlife habitat, soils and vegetation, and impacts on existing land uses.
 2. Coordinate with Cannon Air Force Base (CAFB) on restrictions on air space that conflicts with wind energy development.
 3. Discourage the use of informal policies or unofficial classifications by federal agencies to withhold high energy potential areas from leasing or development. This policy violates FLPMA's requirement that public lands be managed in accordance with land use plans and that decisions to withhold public lands from mineral development must be evaluated in terms of the social and economic effects and reported to Congress.
 4. Work towards reasonable compensation for those who could have wind towers on their land but are prohibited by federal government (CAFB).

5. Support reclamation actions to ensure that the site-specific reclamation plan is appropriate for the soils, vegetation, and climate, that the disturbed sites are immediately stabilized to conserve soils, that interim vegetation is planted to hold soils, including the use of sterile, non- native seeds, and that final reclamation is done on disturbed areas as soon as possible.

4.2-11 WILDFIRE - IN New Mexico the notion of what constitutes a “large” wildfire has grown substantially over the past decade. Since 2000 the size of the largest fire recorded in New Mexico has more than quintupled. Wildfire severity is increasing and fires are spreading at unprecedented rates.

BSWCD recognizes that intense wildfires harm organic material in the soils, increase soil erosion and pollute water, and cause significant damage to rangeland and forested resources, water treatment facilities, irrigation systems, and the loss of fish and wildlife habitat. When forested or rangeland areas are not managed and fuel loads build up, the wildfire managed under a “planned and unplanned” policy can lead to catastrophic consequences.

Planned and unplanned ignitions can achieve land and resource management goals. However, fire management should be only one tool in the restoration process and should be integrated with all other land management activities.

- **Goal:** It is the goal of BSWCD is to support the right of local citizens to protect their private property from wildfire. Where appropriate, encourage limited utilization of fire and, otherwise, encourage fire suppression in areas that threaten communities and private infrastructure, to support and expand multiple uses and to achieve vegetation management goals.

The Districts long term plans, policies and projects rely upon proper vegetative management on all lands, private, state and federal. Therefore, it is imperative that when the District identifies lands with excessive vegetation that increase the opportunity for wildfires, that it will coordinate with those agencies and landowners to assist in reducing the potential hazard.

- **Guidance:** The District recognizes wildfire is a function of fuel loads and drought. Both issues are part of the resource management aims and obligations of the District’s responsibilities. The District is opposed to any post fire land use or restrictions on public lands that would effectively alter the status of this Plan. As such, any and all eventual land use restrictions must be adequately justified on the basis of strict peer review and discussion.
- **Objectives:**
 1. BSWCD strongly supports training for all volunteer fire department members in the basics of wild land fire fighting. To accomplish this, the District will support New Mexico State Forestry Division and any other land management agency with suppression responsibilities in the training of VFD and RFD fire departments. The ultimate objective is to have a majority of volunteers that are qualified and can be allowed to have unencumbered access to all lands within the District.

2. The District will assist in developing plans and projects that strike a balance of beneficial use of fire and the detrimental effects of intense wildfire.
3. Continue to support area Community Wildfire Protection Plans; Roosevelt and Chaves, County Fire Department and RFDs.
4. Encourage development of vegetation treatments and use of livestock grazing to keep fuel loads within appropriate limits.
5. Encourage development of policies for grazing rest prescriptions related to either wildfires or prescribed burns on a site-specific basis taking into account the needs of the vegetation and flexibility to meet the needs of the rancher.
6. Post-fire grazing will not be limited when monitoring and evaluation produces relevant, accurate data that demonstrates grazing will not unduly harm the range

4.2-12 SPECIAL LAND DESIGNATIONS

Special Land Use designations can prevent the District from carrying out necessary soil erosion and flood control projects, among other duties, that are necessary to protect the health, safety and welfare of the people within and outside our jurisdiction. It is imperative that prior to any federal, state or local agency making special land use designation that they first coordinate with the District to resolve conflicts with District plans, reach consistency between the plans, and develop mitigation measures where appropriate. It is critical that the District is not prevented today or in the future from implementing essential projects that will protect the growing population within and surrounding the District.

Wilderness designation will prohibit or hinder needed vegetation and watershed treatment. Wilderness management prohibits the use of mechanical equipment as well as motorized equipment of any kind. Vegetation and watershed treatments are more effectively performed using modern day equipment. Wilderness areas are not intensively managed, so fire suppression is rarely undertaken.

While livestock grazing may continue, grazing management is difficult and expensive due to limits on access and use of motorized equipment and agency resistance to range improvements or increases in livestock numbers.

- **Goal: Coordinate with federal agencies on all efforts to inventory and / or change** land use classifications. These include, but are not limited to Wilderness Characteristics, Areas of Critical Environmental Concern, National Monuments and Historical Site recommendations.

Only those areas that meet the specific definition of wilderness as set forth in the Wilderness Act shall be considered as having Wilderness Characteristics in the inventory process.

Areas contiguous with lands that already have been identified as having wilderness potential, or are set aside

for conservation through conservation easements or other such instruments will not be considered as candidates for special designation because such designations would create too large of an area inaccessible for future soil erosion and flood control measures. Such areas include:

1. Designated Wilderness
2. BLM Wilderness Study Areas
3. USFWS areas proposed for Wilderness Designation
4. USFS Wilderness Study Areas or areas of Recommended Wilderness
5. National Park Service areas Recommended or proposed for Designation
6. Lands with Conservation Easements or similar restrictive devices
7. Areas of Critical Environmental Concern
8. National Monuments
9. Lands with Formal Critical Habitat
10. Any roadless island of the public lands.

As a part of the inventory process, a multiple use check list will be developed to document all productive uses of the areas being considered, which will include livestock grazing, mining, timber production, recreation, hunting and other uses of the lands that fulfill the multiple use objective required of Congress in the Federal Land Policy and Management Act. These multiple uses contribute to the economic well being of the District. The producers that utilize these lands are essential to the District to help implement soil erosion and flood control projects. Without these producers, the District will be unable to put in place the necessary programs to protect the communities water resources. As a result, it is the policy of the BSWCD that where an area exhibits significant "multiple-use" characteristics, they will be excluded from consideration of special land use designation.

- **Objectives:**

1. Maintain integrity of federal land designations as set forth in organic legislation.
2. Uphold the legal requirements and qualifications set forth in FLPMA, including those providing for the continuation of existing uses in wilderness study areas.
3. Review current wilderness recommendations in relation to the impacts on natural resource-based industries, the economic stability, the custom and culture of the citizens of BSWCD, the ability to develop water resources and to intensively manage rangeland resources.
4. Recommend the release of wilderness study areas that were not recommended for wilderness from non-impairment management and push for an end to the informal de facto wilderness management of other "study areas."
5. Ensure that a wilderness designation does not affect state authority over water resources and that New Mexico's substantive and procedural laws controlling appropriation and allocation of water resources remain the primary authorities governing the waters in Chaves and Roosevelt Counties regardless of wilderness designation. Enforce determination that wilderness designation does not

create a reserved water right.

6. Protect any interests in ditches, reservoirs or water conveyance facilities and easements or rights-of-way associated with those interests from impairment or diminution by any wilderness or other special use designations.
7. Reaffirm that the rights to access, enter, inspect, repair and maintain those interests are not affected by any future wilderness designation, including the use of mechanized vehicles and equipment for repairs and maintenance of such facilities.
8. The BSWCD supports resolution of the wilderness issue by Congress and release of the remaining wilderness study areas to multiple-use management. The BSWCD also supports not allowing federal agencies to engage in endless and repetitive wilderness review or studies that expand lands managed as wilderness or as de facto wilderness while reducing the land base available for multiple uses.

4.2-13 VISUAL RESOURCES

Visual resources in BSWCD are a composite of landforms, human and animal life forms, water features, cultural features, terrain, geologic features and vegetative patterns which create the visual environment. These visible physical features are important to the landscape and the scenic quality of Roosevelt and Chaves Counties.

Visual resource management or VRM is defined by the BLM based on naturalness, scenic qualities and permitted land uses. BLM recognizes four classes, with Classes I and II having the greatest values. The planning process first inventories the viewshed or scenic qualities. Class I is a natural landscape such as a national wilderness area or ACEC with scenic qualities. Classes II through IV are inventoried based on scenic quality, sensitivity (land use), and distance. These three factors are evaluated in light of land uses permitted under the land use plan. The combined evaluation leads to the designation of VRM classes.

There is a risk that BLM land use plans will use VRM classes to restrict land uses, rather than having the VRM class reflect the permitted land uses. When that occurs, the VRM classes may restrict livestock grazing or energy development by managing the viewshed to be natural or like wilderness, even though the land use plan otherwise permits energy development and livestock grazing. VRM classifications should be narrowly tailored to reflect previous and current land use decisions and appropriate land uses.

- **Goal:** Support the protection of the visual resource while maintaining economic stability and the underlying land use allocations. Protect private land uses and state land rights and federal land use allocations by adjusting VRM classifications to be consistent with the land uses.
- **Guidance:** VRM classifications should be narrowly tailored to reflect previous and current land use decisions and appropriate land uses.
- **Objectives:**
 1. Coordination with local, state and federal planning actions that affect the visual resource and VRM

classifications that affect land uses.

2. Coordinate with federal agencies that use VRM classifications that will impair or impede land uses on private and state lands.
3. Oppose the use of VRM classifications that undercut the federal land use allocation, including grazing permits, special use permits, and oil and gas leases.

4.2-14 AGRICULTURE

“The land, waters, and other natural resources are the basic physical assets of New Mexico, and their preservation and development are necessary to protect and promote the health and general welfare of the people of the state.” 73-20-26. Legislative determination; purpose of act. (1965), Chapter 73 Article 20, Sections 25 through 49, New Mexico Statutes, 1978, Annotated. Irrigated crops contribute to the economic base of Roosevelt and Chaves Counties and are integral to the stability of livestock production, wildlife habitat, and farming while maintaining the local custom and culture.

- **Goal:** It is the intent of BSWCD to take an aggressive attitude to the preservation and enhancement of Agriculture as it relates to the basic resources of soil and water within the District.
- **Guidance:** Sections 47-9-1 through 47-9-7 NMSA 1978 “Right to farm Act” - The purpose of the Right to Farm Act is to conserve, protect, encourage, develop and improve agricultural land for the production of agricultural products and to reduce the loss to the state of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed a nuisance.
- **Objectives:**
 1. BSWCD’s Land Use Plan comprehensively provides the policies that allow for the continuation of ranching and farming with all the associated and supporting businesses that have made lands within BSWCD so productive. All agriculture is dependent on proper soil erosion control, flood prevention, wildlife and species management, which are the responsibilities of this District.
 2. It is incumbent on soil and water conservation districts to minimize drift between Agriculture and various agencies, our land grant university, and local, state, and federal governments. BSWCD intends to aggressively solidify those vital relationships.
 3. BSWCD will take a lead in communicating and seeking government to government endeavors with other districts for the benefit of Agriculture.
 4. The long term goal is to reach legal and policy standards that result in zero net loss attrition of the range and farm land base.
 5. Coordinate with local, state and federal agencies to insure the Districts policies are considered during periods of drought or other emergencies concerning availability of water for critical needs,

including agriculture and municipal uses.

4.2-15 WATERSHED MANAGEMENT

The Majority of New Mexico's Watershed are in an unhealthy state. This condition has reached a critical state in many watersheds, including 1) unnaturally high density of woody vegetation in some forest types, in woodlands and grasslands, and in riparian communities, 2) a degradation of biodiversity, including an increase of invasive species and noxious weeds such as salt cedar and thistles, and 3) fragmentation and deterioration of wildlife habitat. Results of these trends include susceptibility to catastrophic wildfire, compromised watersheds and decreased water supply, accelerated erosion, desertification, and other unwanted symptoms of ecological degradation. These unhealthy conditions have been created over time by factors including changes in settlement patterns, disruption by human intervention of natural processes such as fire and flooding, unsustainable use, and natural climatic variations.

Healthy watersheds provide many ecosystem functions including, but not limited to: erosion sedimentation control, increased biodiversity, soil formation, wildlife habitat, water storage, water filtration, flood control, food, timber, recreation, nutrient cycling, and carbon storage. These resources are essential to our social, environmental, and economic well-being.

However, healthy watersheds are frequently undervalued when making land use decisions. Due to the complexity of natural systems and economic precedents, it is difficult to assign a dollar amount to a particular ecosystem service. However, there is a large body of research and evidence to support the fact that intact healthy watershed avoid costly restoration and provide long-term economic opportunities and jobs.

- **Goal:** BSWCD strongly supports the critical need for healthy watersheds that provide a reliable supply of high-quality water and other benefits for New Mexico by implementing long term, collaborative, comprehensive watershed-scale restoration projects that foster ecosystem function and resilience as well as maintain multiple use and sustained yield of forested land for forest uses.
- **Guidance:** Support 1) community-based collaboration with stake holders; 2) integration of Best Management Practices that incorporate peer-reviewed science; 3) expedited implementation of watershed and landscape restoration and enhancement projects at the site-specific and landscape levels; and 4) flexibility in authorities and programming. 5) Management should be directed towards achieving desired future conditions.
- **Objective:**
 1. Promote active management of suitable lands to achieve structurally diverse, healthy watershed.
 2. Support the maximum area of land possible to be excluded from single-use or restrictive-use designations, so that excluded land is available for active and sound management on public lands.

3. Promote and support increasing partnerships and exchanges between natural resource agencies, local government and private landowners.

A Continuing Process . . .

The District recognizes that this Plan is dynamic and adaptive and will be updated as needed. It will require the cooperation, work and dedication of many District residents and partners. The ongoing planning will include consideration of historic, current and future land uses in BSWCD. This Land Use Plan shall be the basis for enforcing FLPMA and NFMA consistency requirements for public land management.

Land and natural resources are essential to local industry and residents. It is the policy of the District that the design and development of all federal and state land dispositions and acquisitions, including boundary adjustments or land exchanges, be carried out for the benefit of individual property owners and to the benefit of the citizens of BSWCD.

REFERENCES:

1. Soil and Water Conservation District Act (2009)
 2. Desert Land Act of 1877
 3. Carey Act of 1894
 4. National Irrigation Act of 1902
 5. The Reclamation Act of 1905
 6. Antiquities Act of 1906
 7. Stock-Raising Homestead Act of 1916
 8. General Exchange Act of 1922
 9. Recreation and Public Purposes Act of 1926
 10. Fish and Wildlife Coordination Act of 1934
 11. Taylor Grazing Act of 1934
 12. Soil Conservation and Domestic Allotment Act of 1935
 13. Bankhead-Jones Act of 1937
 14. Mineral leasing Act for Acquired Lands of 1947
 15. Watershed Protection and Flood Prevention Act of 1954
 16. Townsite Act of 1958
 17. Multiple-Use, Sustained Yield Act of 1960
 18. Food and Agriculture Act of 1962
 19. Wilderness Act of 1964
 20. Land and Water Conservation Act of 1965
 21. Water Resources Planning Act of 1965
 22. Community Planning and Resource Development-Soil Surveys 1966
 23. Noxious Plant Control Act of 1968
 24. National Environmental Policy Act of 1969
 25. Environmental Quality Improvement Act of 1970
 26. Water Bank Act of 1970
 27. Mining and Minerals Policy Act of 1970
 28. Federal Insecticide, Fungicide, and Rodenticide Act of 1971
 29. Rural Development Act of 1972
 30. Agriculture and Consumer Protection Act of 1973
 31. Endangered Species Act of 1973
 32. Disaster Relief Act of 1973
 33. Federal Land Policy and Management Act of 1976
 34. Payment in Lieu of Taxes Act, 1976
 35. Resource Conservation and Recovery Act of 1976
 36. Energy Research and Development Administration Act of 1977
 37. Food and Agriculture Act of 1977
 38. Soil and Water Conservation Act of 1977
 39. Clean Water Act of 1977
 40. Renewable Resources Extension Act of 1978
 41. Water Research and Development Act of 1978
 42. Public Rangelands Improvement Act of 1978
- And, others notwithstanding the ongoing nature of this Plan



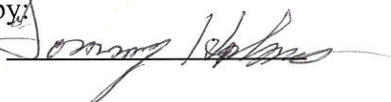
Border
Soil and Water Conservation District

LAND USE PLAN


Adopted

February 12, 2015

BSWCD Board of Supervisors

Original signed by:
Tommy Holmes, 
Chairman

Original signed by:
Leon Autrey, Vice-Chairman 

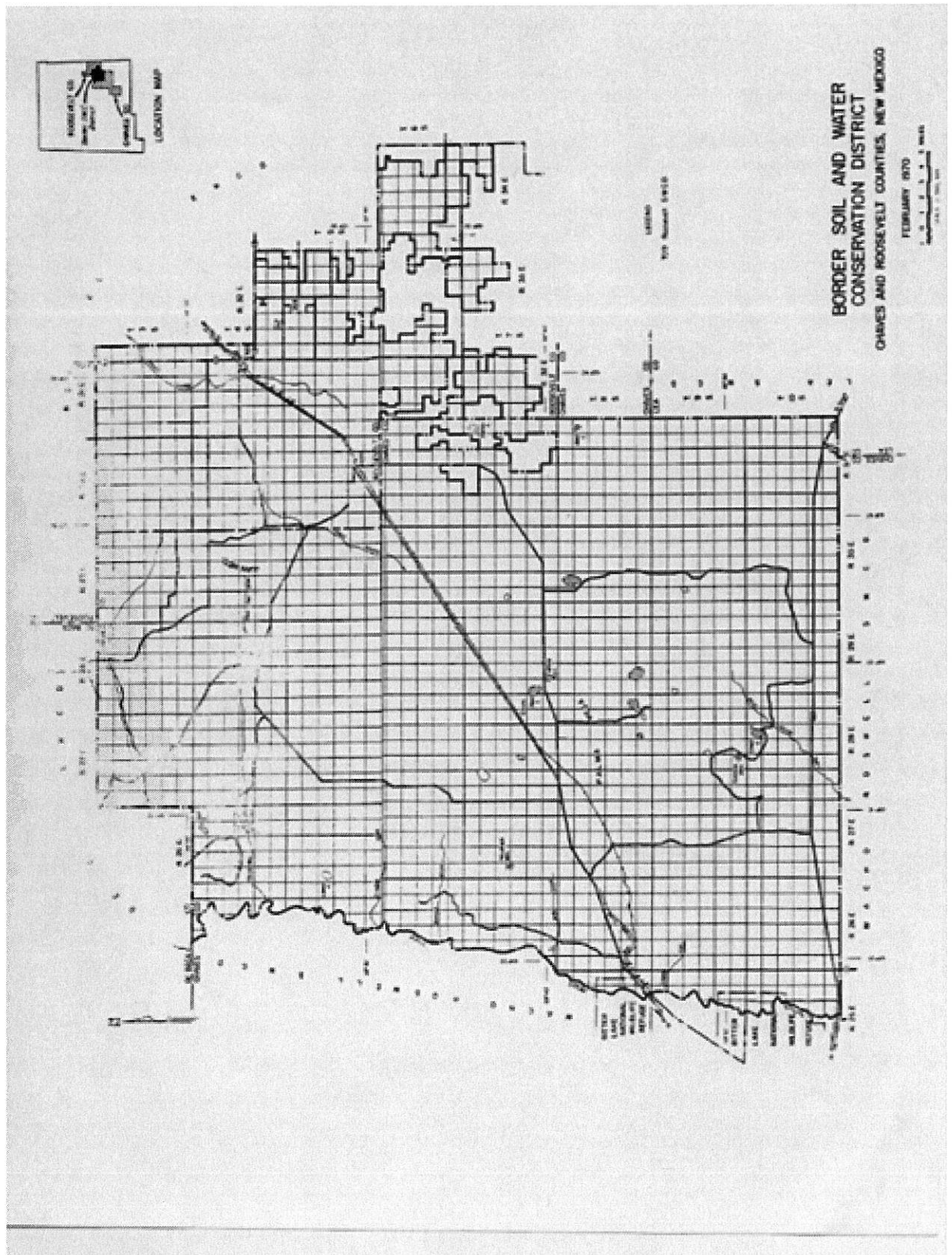
Original signed by:
Sam Howell, 
Board Member

Original signed by:
Mary Lou Moore, 
Board Member

Original signed by:
Patrick Pachta, 
Board Member

Appendix A

District
Map:



Appendix B

BSWCD Mexican Wolf Policy

BSWCD is pledged to perform various tasks including but not limited to preservation of wildlife, protecting the tax base and promoting the health, safety, and general welfare of the people of Chaves and Roosevelt Counties. As such, the reintroduction of the large predators as driven by the Endangered Species Act is a matter that will impact those directives. The following is BSWCD's Mexican Wolf Policy.

BSWCD recognizes the ongoing efforts of the Fish and Wildlife Service to implement the Mexican Gray Wolf Recovery Program ("Recovery Program"). The presence of the Mexican wolf in the District can detrimentally affect a number of interest, including but not limited to (a) the public health and safety of human populations; (b) the health and production of the agriculture industry, specifically livestock; (c) the game animal population and associated economies; and (d) the maintenance of the local custom, culture and tax base. In order to protect the foregoing interest, BSWCD adopts the following polices concerning the Mexican wolf:

1. BSWCD shall, to the maximum extent possible (including cooperating agency status), participate in all decision processes associated with management actions relating to Mexican wolf, including the Recovery Program.
2. No Mexican Wolves should reside within the boundaries of BSWCD until critical habitat is officially designated in compliance with all provisions of the Endangered Species Act, all wolves found or located within the boundaries of BSWCD shall be removed by the appropriate federal or state agencies.
3. BSWCD opposes management actions that may lead to the presence or increased numbers of Mexican wolves within or near the District including:
 - a. Expansions or designations of geographic areas within or near the District in which the Mexican wolves may be released
 - b. The release of Mexican wolves on public or private lands within or near the District;
 - c. Expansion of the geographic areas that the Mexican wolf may occupy.
4. BSWCD favors the ability of livestock owners to take necessary measures to protect their livestock from wolf predation. BSWCD opposes changes in federal management practices or regulations that reduce the current right of landowners to protect their property including livestock and pets and personal safety and safety of others from Mexican wolves.
5. Individuals and landowners who reasonably believe that one or more Mexican wolves pose a threat to their property or safety may take reasonable actions to discourage the presence of wolves on or near their property, including but not limited to fencing, guard dogs, noise deterrents, and chemical repellents.
6. A livestock owner may "take" (i.e., kill or injure), without first obtaining a permit, any Mexican

wolf actually engaged in the killing, wounding, or biting of the owner's livestock or pets. See 50 C.F.R. § 17.84 (k)(3)(v).

7. Permits for "take" of Mexican wolves should be granted without regard to any Mexican wolf population thresholds.

8. Federal agencies who are considering entering into agreements with landowners allowing for the release of Mexican wolves on private property must notify BSWCD and all adjoining property owners.

9. BSWCD allows and favors lawful animal trapping activities even if those activities present a risk that Mexican wolves will become inadvertently trapped. See 50 C.F.R. § 17.84 (k). BSWCD opposes management activities that would reduce the rights of lawful trappers.

Appendix C Resolutions