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LAND & RESOURCE USE PLAN & POLICY 2017 - 2022

Upper Chama Soil and Water Conservation District

P.O. Box 514, Tierra Amarilla, NM 87575; 575-588-0093

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INTRODUCTION

The Upper Chama Soil and Water Conservation District ("the District") developed the Upper Chama Soil and Water Conservation District Land and Resource Use Plan and Policy ("the Plan") to translate its statutory mandate into land management policy and direction. The Plan identifies and applies goals, objectives, and policies to the state and federal regulatory framework that governs the management of Private, State, and Federal land and the rangeland, soil, water, and wildlife resources. The Plan will guide the Rio Arriba County, private, state, and federal decision makers in addressing federal and state natural resource management decisions.

OVERVIEW

The District has a broad mandate to assist, promote, and protect public lands and natural resources, soil, water, and wildlife resources, to develop water and to prevent floods, to stabilize the ranching and agriculture industry, to protect the tax base, and to provide for the public safety, health, and welfare of the citizens. The District is charged with conserving, protecting, and developing these resources on all lands within the District and thus, it is one of the few governmental entities with express authority to address resource issues, in cooperation with private landowners or state or federal land management agencies on private, state, and federal lands. State law also gives the District broad powers to accomplish these policies and mandates, through research and education, implementation of erosion control, water, and range projects with landowners, development of comprehensive plans, demonstration projects, providing financial, technical and other assistance to landowners, management of flood control projects or lands under cooperative agreements with the United States, and adoption of rules and ordinances. Both federal and state laws authorize intergovernmental coordination, collaboration and cooperation, which provide a mechanism for the District to meet its mandate and polices for all lands within the District.

This Plan is based on the District policy to facilitate, protect, and preserve the utilization and conservation of rangeland resources, soil, water, and wildlife, to stabilize the ranching and farming concerns, to protect private property rights, to protect and enhance the customs and cultures and the economy, to protect the tax base, to assure the well-being of the people, and to provide for the public health, safety, and welfare of the County's citizens. The policy and powers of the District encompass the obligation to protect the custom and culture of the people of the District and to provide for community stability. The District developed the Plan as a guide to efficiently and effectively use its resources.

In preparing the Plan, the District utilized a grassroots, locally-led planning process to determine the conservation needs, set priorities, assess costs, utilize local, state and federal participation and partnerships, and inform and educate the public in conservation matters. The Plan goals, objectives, and policies shall not violate the Constitution of the United States of America or the Constitution of the State of New Mexico, and are adopted in accordance with

New Mexico Soil and Water Conservation District Act (Sections 73-20-25 through 73-20-48 NMSA 1978). The District shall develop action plans to implement specific projects to meet the Plan's goals, objectives, and policies. Such projects may be developed at the request of District residents, business or industry, local, state or federal agencies, conservation groups, others, or as needs are identified by the District.

As this Plan is implemented, individual projects shall be communicated to the public for consideration and input by all interested parties. The District shall also ensure that it takes into account the effects on adjoining landowners and other Conservation Districts. The Plan will continually evolve to address dynamic and ever-changing issues, and may be amended, as needed, by the District.

A significant goal for The District is to maintain a lifestyle where The District's area citizens continue to retain private property rights and property interests as our County Government provides the highest degree of protection for these rights. Property rights and interests are important to the people living and working in this remote, rugged and diverse County. Many people who live in Upper Chama SWCD rely on the land and its productive use. Private ownership and the incentives provided by private ownership are driving forces that support the livelihood of many Upper Chama SWCD citizens.

The United States owns about 19% of the land in Upper Chama SWCD, but this land is managed by several different federal agencies pursuant to different federal laws and policies. The Bureau of Land Management ("BLM") of the Department of the Interior ("DOI") manages the public lands (about 4%) for multiple use, oil and gas exploration and primarily livestock grazing pursuant to the Taylor Grazing Act, [43 U.S.C. §§315-315r, and the Federal Land Policy and Management Act ("FLPMA"), [43 U.S.C. §§1701-1783]. The Forest Service of the U.S. Department of Agriculture ("USDA") manages the Carson National Forest (16%). The Carson National Forest is managed for multiple use and sustained-yield under the laws, which apply to National Forests [16 U.S.C. §1604]. The Jicarilla Apache Nation owns 42% of the land serviced by the UCSWCD but technically under the Cuba SWCD leaving 32% under private ownership.

The Enabling Act of 1910 and the Ferguson Act of 1898 designated lands for public schools, universities, hospitals and other important institutions. In general terms, the state was granted four square miles – Sections 2, 16, 32, and 36 – in each 36-section township. Where those sections had previously been sold or allocated to Indian pueblos, tribal reservations or pre-existing land grants, the state was allowed to pick lands elsewhere in lieu of the four designated sections. The state also received "quantity grants" from the federal government, in specific amounts to benefit specified universities, special schools, institutions, and other purposes. Those land grants totaled about 5 million acres. About 5% of the County land base is owned by the State and managed by the Board of Land Commissioners for the optimum benefit and use of the people of New Mexico, consistent with multiple use and development of agriculture, grazing, recreation, minerals, timber, energy, and public utility services.

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 District, they may also transfer a disproportionate amount of the costs and responsibilities to local communities and citizens.

In order to meet its statutory mandate, the District needs to fully participate in federal land management decisions, rulemaking, and resource policy development, at all stages of the decision process. For the same reason, the District must also participate in the development of Board of Land Commission policies and decisions.

It is the intent of the District to protect the custom and culture of Upper Chama SWCD County citizens as part of its policy direction to protect the public health, safety, and welfare of the citizens. The District will work with local, state, and federal agencies, so that the external agencies will hereafter cooperate, coordinate, communicate, and consider the effects of local, state, and federal policies before implementing actions that affect the local communities and citizens, both within and outside the boundaries of the District.

Federal and state laws require the respective agencies to coordinate with the local government entities and consider the local land use plans in the process of planning and managing federal and state lands within the geographic boundaries of Upper Chama SWCD, Rio Arriba County, New Mexico. [43 U.S.C. §1712(c)(9)]. All federal and state agencies proposing actions that will impact the District, its citizens, and resources therein should provide the District with written notice of proposed actions for review. In particular, when BLM, BOR and USFS prepares an EA or EIS, it will contact the Upper Chama Soil and Water Conservation District, P.O Box 514, Tierra Amarilla, New Mexico, 87575, (575)588-0093. The District will then determine appropriate action to be taken, and provide input, information, and comment on proposed actions or activities. The District will also notify other government agencies of actions that are proposed by the District affecting various resources and amenities in the District and solicit other agency input and comment. The purpose of this exchange of information is to minimize impacts upon and maximize the benefits to the residents of the District as well as other members of the public.

AUTHORITY

The District is a local governmental subdivision of the state as defined and established by the New Mexico Soil and Water Conservation District Act (Act). A summary description of the Act is found in Sections 73-20-25 through 73-20-48 NMSA 1978. The property owners within the Upper Chama SWCD elect the five-member Board of Supervisors to the District. The elected members represent both the rural and urban populations within District. The District supervisors are the only locally elected board specifically charged with the responsibility of representing the citizens of the Upper Chama SWCD on natural resource issues. The District Board of Supervisors administers and implements projects and programs funded through local, state, federal, and private partnerships.

The District, pursuant to New Mexico Soil and Water Conservation District Act, is authorized to develop plans and policy for the District and file said plans in the office of the

Rio Arriba County Clerk.

LEGISLATIVE DECLARATIONS

The legislative declarations and policies of the New Mexico State Legislature guide the District's exercise of authority in developing this Plan.

Soil and Water Conservation Act 73-20-25.

Short title.

Sections 73-20-25 through 73-20-48 NMSA 1978 may be cited as the "Soil and Water Conservation District Act". History: 1953 Comp., § 45-5-42, enacted by Laws 1965, ch. 137, § 1; 1973, ch. 324, § 1; 1977, ch. 254, § 56; 2003, ch. 88, § 1. The 2003 amendment, effective June 20, 2003, substituted "73-20-25 through 73-20-48 NMSA 1978" for "45-5-42 through 45-5-64 NMAA 1953, as amended by this and subsequent amendments" near the beginning of the section.

73-20-26. Legislative determination; purpose of act.
A. Considered and resolved by legislative determination, it is 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.
B. It is declared to be the policy of the legislature and the purpose of the Soil and Water Conservation District Act [73-20-25 NMSA 1978] to: (1) control and prevent soil erosion; (2) prevent floodwater and sediment damage; (3) further the conservation, development, beneficial application and proper disposal of water; (4) promote the use of impounded water for recreation, propagation of fish and wildlife, irrigation and for urban and industrial needs; and (5) by the application of these measures, conserve and develop the natural resources of the state, provide for flood control, preserve wildlife, protect the tax base and promote the health, safety and general welfare of the people of New Mexico.
History: 1953 Comp., § 45-5-43, enacted by Laws 1965, ch. 137, § 2. Am. Jur. 2d, A.L.R. and C.J.S. references. — 3 C.J.S. Agriculture § 9; 94 C.J.S. Waters § 229.

73-20-27. Definitions.
As used in the Soil and Water Conservation District Act [73-20-25 NMSA 1978]:
A. "district" means a soil and water conservation district as described in Section 73-20-44 NMSA 1978;
B. "supervisor" means a member of the governing body of a district;

C. "commission" means the soil and water conservation commission;
D. "agencies of the United States" includes the natural resources conservation service of the United States department of agriculture;
E. "landowner" includes resident and nonresident owners of natural resources;
F. "due notice" means the publication or broadcasting of the appropriate information by newspapers of general circulation and, if appropriate, broadcast stations licensed by the federal communications commission, or by other means that meet the requirements of the Open Meetings Act [10-15-1.1 NMSA 1978]. If print or broadcast media do not service the affected geographical area, due notice may be given by posting the appropriate information in notice form in six conspicuous public places where it is customary to post notices concerning county or municipal affairs within the affected geographical area;
G. "department" means the New Mexico department of Agriculture;
H. "director" means the director of the department;
I. "natural resources" includes land, except for the oil, gas and other minerals underlying the land; soil; water; air; vegetation; trees; wildlife; natural beauty; scenery; open space; and human resources, when appropriate;
J. "board of regents" means the board of regents of New Mexico State University; and
K. "registered voter" means a person who is registered to vote in New Mexico pursuant to the provisions of the Election Code [1-1-1 NMSA 1978].
History: 1953 Comp., § 45-5-44, enacted by Laws 1965, ch. 137, § 3; 1973, ch. 324, § 2; 1977, ch. 254, § 57; 1987, ch. 234, § 78; 1997, ch. 137, § 3; 2003, ch. 88, § 2.

The 1987 amendment, effective July 1, 1987, in Subsection G, substituted "the forestry division of the energy, minerals and natural resources department" for "the soil and water conservation division"; added Subsection I; and made a minor language change in Subsection H.
The 1997 amendment, effective July 1, 1997, in Subsection A, inserted "which is"; in Subsection D, substituted "natural resources conservation service" for "soil and conservation service"; rewrote Subsection G; added Subsection H; re-designated former Subsection H as Subsection I; deleted former Subsection I, defining "Secretary"; and added Subsection J.
The 2003 amendment, effective June 20, 2003, substituted "as described in Section 73-20-44 1978" for "which is a governmental subdivision of the state, a public body corporate and politic; organized for the purposes, granted the powers and subject to the restrictions of the Soil and Water Conservation District Act" at the end of Subsection A; deleted "'committee' or" at the beginning of Subsection C; deleted "as defined in the Soil and Water Conservation District Act" at the end of Subsection E; in Subsection F, inserted "or broadcasting" following "publication" near the beginning, substituted "by newspapers of general circulation and, if appropriate, broadcast stations licensed by the federal communications commission, or by other means that meet the requirements of the Open Meetings Act. If print of broadcast media do" for "in notice form in a newspaper or other written medium of general circulation within the affected geographical area at least twice, with a period of ten or more days intervening between the first and last publication. If a newspaper of general circulation or other written medium of general circulation does" near the middle; in Subsection I, inserted "air" following "water" and "wildlife" following "trees" near the middle and substituted "when" for "are included where" near the end;

inserted "of regents" following "board" near the beginning of Subsection J; and inserted present Subsection K.

PRIMARY COORDINATION GUIDELINES

In accordance with state and federal laws regarding land use planning, the protection of private property interests, and to ensure achievement of the District mandate to protect and conserve rangeland, soil, water, and wildlife resources, the District seeks to maintain and to revitalize the principles of multiple use of the state and federally-managed lands. To that end, the District adopts this Plan, including planning policy and guidelines for the state and federally managed lands in the District. This Plan adopts a process for the District to coordinate in advance with the federal and state agencies and local governments regarding any proposed action, which will alter or impact land uses in the County. This includes, but is not restricted to, the effects on private property rights and private property interests, the economic stability, the historically developed custom and culture of the District, the provisions of this Plan, and the Rio Arriba County Comprehensive Land Use Plan. Such agencies and governments are requested, prior to taking official action or issuing a report on a proposed action, to coordinate with the District. The agencies and local governments may accomplish this, in part, by providing the District or its agents timely notice of the proposed actions, policies, rules, or land management changes, the purposes, objectives, and estimated economic impacts of such action.

The District is committed to a positive planning process with federal and state agencies and local governments. The District will equitably consider the best interests of all of the people of Upper Chama SWCD, Rio Arriba County and the State of New Mexico in the use of state and federal lands. The District 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 in Upper Chama SWCD, Rio Arriba County.
- To protect private property rights and private property interests.
- To protect local historical custom and culture.
- To protect the traditional economic structures in the District that forms 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.

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

The goals, objectives, policies, and guidelines set out in this Plan are based on applicable state and federal law and rules.

The Plan is the commencement of the planning process for the District. The process itself is ongoing as the District becomes involved in all stages of the decision process followed by federal and state agencies and local government entities.

DISTRICT DESCRIPTION

The Upper Chama SWCD was organized originally as the Lower Cebolla Soil and Water Conservation District in 1941 at the request of local citizens for the purpose of conserving the soil, water, and all other natural resources and to promote and maintain the welfare of the people in the District. The petition to form was filed with the State of New Mexico on November 10, 1941. The Secretary of State presented the certificate to the Lower Cebolla Soil Conservation District on April 21, 1942. On June 30, 1944, the District petitioned the inclusion of additional territory west of the Chama River, on the North by the divide between Nutrias Creek drainage and that of the Nutritas River, on the East by the National Forest. The petitioned was granted by the Secretary of State on October 31, 1945. Further additions occurred on February 7, 1947, November 28, 1949, November 13, 1952 and perhaps the last addition as the Lower Cebolla Soil Conservation District, specifically for lands commonly known as the Ensenada Tract containing approximately 1273 acres

On November 30, 1966 the Lower Cebolla Soil Conservation District upon petitioning was granted by the Secretary a name change to Upper Chama Soil and Water Conservation District. The name change was requested on September 21, 1966.

The focus of the District has expanded from primarily working to reduce and prevent soil erosion to also addressing other important resource management matters. These include water quality and quantity, grazing management, wildlife conservation, vegetation management, land-use planning, acequia support and public education efforts.

UPPER CHAMA SWCD

History

For thousands of years, the lands encompassed by the Upper Chama Soil and Water Conservation District have been home to various groups of people who have survived off the water, land and economy of the region. Human settlement reaches back 10,000 years, when Paleo-Indians hunted and gathered in the area. Agricultural production in Rio Arriba County began with the Anasazi people of New Mexico who are believed to have cultivated corn as early as 3000 BC, and squash, beans and melons by 1000 BC. By 1200 AD, the Anasazi were developing settlements of cliff dwellings and Great Houses on the mesas and cliffs of the district, while supporting themselves with complex dry land farming systems, hunting and gathering in the valleys below. Around 1500 AD, drought and other factors caused them to move permanently into the river valleys, where they irrigated their crops with surface water.

After 1692, Mexican families, were recruited to settle in the territory in exchange for *mercedes* or land

grants provided by the government. The physical layout of the land grants was ingenious for its arrangement of land uses. A central plaza served as the center of commerce and economic activity, and was surrounded by adjoining homes which doubled as defensive walls. The plaza's only openings were solid wooden gates which could be closed and fortified in case of raids by nomadic Indian tribes. Outside of the plaza, land was divided into narrow strips of common land, which began at the river and stretched into the mountains. The intent was to provide a family with all of the necessities for survival—irrigated land for crops; dry land for a home; grass lands for grazing; and mountainous areas for hunting, gathering and timber. It was from this integrated system of land use that northern New Mexico's pastoral traditions and livelihoods flourished.

Location

The Upper Chama SWCD is located in northern Rio Arriba County, north of the Ghost Ranch on the southern boundary, on the East by the Carson National Forest Mogote Ridge and the Brazos watershed bordering East Rio Arriba SWCD to the Colorado State line, on the North boundary by the Colorado State line and on the West by the Jicarilla Apache Nation and the Rio Chama.

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Physical Setting

The District boundaries begin on the southern boundary just south of the Echo Amphitheater on US 84, bound by the Mogote Ridge east of Canjilon extending north along the Tierra Amarilla Land Grant to the Colorado State Line, following the State line to the Jicarilla Apache Nation east boundary, following south on the Jicarilla Apache Nation boundary and at the lower end along the Rio Chama.

Elevations

Elevations range from 6,500 to 12,000 feet above sea level. The average elevation is between 7000 to 7,800 feet.

Physiography and Geology

The Upper Chama Area encompasses two major physiographic provinces within its boundaries: the Chama Basin part of the Colorado Plateau physiographic province and the southeastern San Juan Mountains part of the Southern Rocky Mountains province. *(11, 15)*

The oldest rocks in the survey area, located in the east, are the Precambrian age quartzite that form the core of the San Juan Mountains. The Laramide Orogeny caused the uplifting of mountains several thousand feet above the surrounding areas. Differential uplift in the Chama area has produced a syncline in the middle of the Chama Valley, the center part being just south of Tierra Amarilla, with anticlines coming from the west side. Geologic strata dip down from all four sides into the center of the valley, the San Juan Mountains to the east and north, the Archuleta Arch to the west, and the Mesa de las Viejas and Mesa Montoso to the south. The consequent shedding of the overlying material is largely resultant in the formations of landslides, fans and flood plains that trended from east to west or southwest from the mountain fronts into the Chama River. Differential erosion has all but removed these surfaces, but landslides and high stream terrace remnants are still visible in many places, and many younger stream terraces are readily visible along the Rio Chama and smaller tributaries including the Brazos River, Rito de Tierra Amarilla, the Rio Nutrias, the Rio Cebolla, and Rito de Canjilon. These terraces cover

Cretaceous Age Mancos Shale and to a lesser extent Dakota Sandstone. Eolian deposits of loess type material similar to the Mesa Verde Loess whose origin is from siltstone and very fine grained sandstone cover many of these terraces with a mantle of relatively rock free silty materials, and this material also covers significant areas on mesas over Dakota Sandstone. The Dakota Sandstone is also present in significant areas on the east side of the area and western and northwestern areas, and on the Puente, North El Vado, and South El Vado domes. The Dakota Sandstone also forms all the upper cliff faces along the Rio Chama Canyon and Martinez Canyon. There are limited areas of Point Lookout Sandstone, but are very visible as they form the cliffs south of Tierra Amarilla hill. In most of the remaining area including extensive areas in the central and northern parts, the Mancos Formation is the dominant formation underlying most of the area with the Lewis Shale exposed in limited areas in the northwestern part close to the Colorado border and also southwest from Peñasco Amarillo. The lower part of the Mancos is interbedded with several ½ to 1 ½ foot thick strata of Greenhorn Limestone, the upper part of the Mancos contains the Niobrara, Carlile, Juana Lopez, and Graneros Shale Members, all of which yield relatively clayey soils. Basalt flows are minor in extent, but a basalt flow does underlie an area from the east of Ensenada westward through the south side of Los Ojos and then trending southwestward past La Puente. A smaller basalt flow exists along the north side of the Bano, a tributary of the Rio Cebolla to the east of the Village of Cebolla. Some moraine deposits from glacial melt outwash exist along the Rio Chama and Wolf Creek close to the Colorado border. On the far east side of the area igneous tuff flows and conglomerate form the Los Pinos, Rito, and El Rito Formations.

Geomorphology and Soils

Close to the mountain front and also in deeper wider canyons are very thick landslide deposits that are filled with rocks up to boulder size. The soils in these areas can be well developed but are also skeletal (over 35 percent rock fragments) and are generally very limited in use because of steepness of slope. Stream terraces can be found along all tributaries and main rivers, and in some cases, steam terrace remnants exist hundreds of feet above and many miles from existing streams. These terraces are noted for hard quartzite gravel and cobble material that form substratum several feet thick, with two to three feet of relatively rock free alluvium (water deposited) or eolian material (wind deposited) over the substratum. These are very old surfaces, and so the soils are very well developed with strong argillic (clay movement) and calcic (calcium carbonate movement) horizons. Mollic epipedons (dark, high organic matter content) are absent in these soils, but do exist on flood plain surfaces next to current day streams. These soils contain very dark and fertile mollic epipedons that are several feet thick, but will grade to gravelly soils usually within six feet. Surfaces not covered by stream terraces and flood plains consist of mesas or plateaus that are bedrock controlled, either by Dakota Sandstone or sandstone layers of the Mesa Verde Group. These areas are shallow to bedrock close to canyon rims or places of exposed bedrock, but otherwise tend to be very deep soils that are relatively rock free and have well developed argillic and calcic horizons. They are also rich in iron and so are relatively red, and are high in silt. Where these sandstone layers are absent, the landforms are hill shape and can be quite rounded. Soils formed in residuum (formed in place) are shallow to shale bedrock, clayey, and are very limited to plant growth, although both piñon (Pinus edulis) and Utah juniper (Juniperus osteosperma) seem to do well in these areas. Alluvium (material moved and deposited by water action) from this material is very deep to bedrock and appears to yield a wider variety

of plant growth, especially in floodplains, sometimes having very abundant plant yield, and are clayey and very deep to bedrock. Smaller canyons are present in many areas, the soils are steep and skeletal, although the bottoms of the canyons can be relatively rock free and in some cases have fertile mollic epipedons, yielding grass meadows of high production

Vegetation

Using the vegetative communities described by the Natural Resource Conservation Service ("NRCS"), Precipitation Zones for Technical Range Site Descriptions, the Upper Chama SWCD is comprised of two major zones, based on precipitation and landform; South Rocky Mountain and South Western Plateaus, Mesas and Foothills.

The predominant vegetation within the South Rocky Mountain Major Land Use area consists of Blue Grama, Junegrass, Western Wheatgrass, New Mexico Feathergrass, Squirreltail, Muttongrass and Mountain Muhly. The shrubs consist of Greasewood, Four Wing Saltbush, Winterfat, Big Sagebrush, Currant, Apache Plume, Winterfat, Skunkbush Sumac, and Gambel Oak. The trees consist of Oneseed Juniper, Pinyon Pine, Ponderosa and Rocky Mountain Juniper.

The predominant vegetation within the South Rocky Mountain Major Land Use area consists of Mountain Brome, Arizona Fescue, Thurber's Fescue, Mountain Muhly, Tufted Hairgrass and numerous sedge species. The shrubs consist of Big Sagebrush, Mountain Mahogany, Shrubby Cinquefoil, Snowberry, Currant, Elderberry and Antelope Bitterbrush. The trees consist of Engelemann Spruce, Douglas Fir, Corkbark Fir, Aspen, Ponderosa Pine, Piñon Pine and Rocky Mountain Juniper.

Forestland/Woodland

The forests within the District are comprised of Engelemann Spruce, Douglas Fir, Corkbark Fir, Aspen, Ponderosa Pine, Pinyon Pine and Rocky Mountain Juniper. The Elevation ranges from 6500 feet to over 12,000 feet. The precipitation ranges from 14 inches at the lower elevation to 40 inches at the higher elevations.

Watersheds

There are thirteen (13) tributaries of the Rio Chama large enough to support irrigated agriculture, and these include Cañones Creek, Polavadera Creek, the Rio de los Brazos, Rito de Tierra Amarilla, Rio Nutrias, Rio Cebolla, Rio Gallina, Rito de Canjilon, Rio Puerco de Chama, El Rito Colorado, Rio del Oso, Abiquiu Creek, and the Rio Ojo Caliente. Six of these tributaries exist within The District; Canons Creek, Rio Brazos, Rito de Tierra Amarilla, Rio Nutrias, Rio Cebolla and Rito de Canjilon.

Climate

All four seasons are experienced within the UCSWCD. Spring comes approximately in Mid-March as the day temperatures are starting to warm up enough for some snow melt. It will freeze every night and many days also. Winds start to pick up and snow blizzards are common, cool season vegetation starts to green up. Summer shows up approximately Mid May as night temperatures warm up above freezing and days are warming up. Winds have calmed down by

this time of the year. The growing season has started and getting into June the temperatures get hot and the dry part of the summer comes until the monsoon season starts around the first part of July. Fall starts to set in late August early September as the night temperatures drop into the forties and growing season slows down or ends. It is not uncommon for night time freezing temperatures to occur by mid-September. Snow can show up by late September and winter will start to set in by late November when snow will start to accumulate.

Municipalities

The Village of Chama is the only incorporated community in the UCSWCD. There are many smaller communities scattered throughout the District.

Land Ownership and Administration
Private – 638,975 acres (79%)
USFS – 132,480 acres (16%)
BLM – 27,040 acres (3%)
State – 7360 – acres (1%)

Present Day
The County employment for the private sector is largely related to the natural resource industries; while the sizable public sector includes local, state, and federal government and educational employment. [See Appendix Tabs B, Economic and Demographic Profile of Rio Arriba County, New Mexico]

The economies of the rural communities in Upper Chama SWCD continue to be heavily dependent on natural resources.

CUSTOM, CULTURE & COMMUNITY STABILITY

The settlers' success in surviving from the land was aided by the social and political structures that underpinned their communities. The settlers formalized irrigation systems into political organizations known as *acequia* commissions. *Acequias* were viewed as community-owned infrastructure, and were managed by the commissioners. The ditches themselves were maintained by a *mayordomo* (ditch boss) and the *parciantes* (irrigators). As a result of this history, *acequia* commissions are recognized as political subdivisions of the State of New Mexico to this day. Within the context of the *acequias* and land grants, many of Rio Arriba County's communities were founded in the 1700s, including Chimayo, Truchas, Canjilon, Vallecitos and Cañon Plaza.

The Upper Chama SWCD has a high percentage of Hispanic residents and Spanish speaking people. More than seventy percent (70%) of County residents identify themselves as Hispanic or Latino and more than fifty-five percent (55%) speak Spanish at home. Both statistics are nearly thirty percent (30%) higher in Rio Arriba County than for New Mexico as a whole. It is important to note that Hispanics and Spanish-speakers in Rio Arriba County are not associated with a large immigrant population. In fact, Rio Arriba has a much lower percentage of foreign-born residents than New Mexico. Instead, the County's Hispanic population has its origins in Spanish and Mexican settlers who came to New Mexico in the 1500s through the mid-1800s. Acequias are of critical importance to irrigated lands since they provide the gravity flow infrastructure for water from natural rivers and streams. About 30,000 acres in the valleys of the Rio

Chama are used for irrigated agriculture, with depletions for this use estimated at 24,250 acre feet per year, all from surface water. There are thirteen (13) tributaries of the Rio Chama large enough to support irrigated agriculture, and these include Cañones Creek, Polavadera Creek, the Rio de los Brazos, Rito de Tierra Amarilla, Rio Nutrias, Rio Cebolla, Rio Gallina, Rito de Canjilon, Rio Puerco de Chama, El Rito Colorado, Rio del Oso, Abiquiu Creek, and the Rio Ojo Caliente. Irrigated agriculture in the Rio Chama region is facing two major challenges, 1) the lack of water storage capacity for local use, and 2) the pressure to convert agricultural water rights to domestic and other uses. In addition to growing food for human and livestock consumption, irrigated lands provide water storage and aquifer recharge, a very important hydrologic function for domestic wells. Irrigated agricultural lands are the connection to the past the present and the future of the District's culture, customs, and way of life and the preservation of these lands is a top priority for the Upper Chama Soil and Water Conservation District.

Economics

Irrigated crops contribute to the economic base of Rio Arriba County and are integral to the stability of livestock production, wildlife habitat, and farming while maintaining the local custom and culture. According to 2013 statistics, there are 1,892 farms in Rio Arriba County. Cash receipts for hay alone in the county totaled $2,149,000.00 in 2013. Total Agricultural sales amounted to $18,979.00.

GOAL: Support maintenance and/or enhancement of productive watersheds for the preservation of irrigated agriculture

- **Objective 1:** Assist and promote the continued use of science based best management practices for erosion control on rangeland and irrigated cropland by local cooperators.
- **Objective 2**: Assist in maintaining healthy rangelands and forests for productive watersheds. This includes the promotion of timber management, rotational grazing systems, and other watershed restoration efforts on private, state, and federal lands.
- **Objective 3**: As a subdivision of state government, the Upper Chama SWCD will Actively engage state and federal land management agencies in their planning, and policy making efforts

GOAL: Protect acequia water rights and easements.

- **Objective 1:** Support the enforcement and implementation of New Mexico Water Law while recognizing traditional acequia governance.

GOAL: Support maintenance and enhancement of water storage and conveyance structures.

GOAL: Support opportunities for grazing livestock on private, federal, and state lands, protection of property rights and equitable interests in land, science-based land stewardship, and promote Best Management Practices for the improvement and continued use of all rangelands and irrigated cropland within the County.

- **Objective 1:** Encourage private land owners, local, state and federal agencies to cooperate in defining desired plant communities on private, state, and federal lands within the District to control soil erosion.
- **Objective 2:** Support increased productivity of irrigated lands to increase and/or maintain animal unit months ("AUMs").

GOAL: Encourage agricultural viability as part of the custom and culture and beneficial impacts on public land uses in the district.

- **Objective:** Encourage the use of locally-led interdisciplinary groups to address agricultural issues in relation to public land uses on a case-by-case basis.

GOAL: Promote public education by providing information to urban and rural communities regarding agriculture, natural resource, and wildlife issues.

- **Objective:** Support and utilize local, state, and federal partnerships for cost-share programs for range improvement and irrigation practices.
- **Objective:** Develop information regarding roles of irrigation and range management to educate the public.
- **Objective:** Provide information to landowners and the general public on regulatory action

CONSULTATION, COOPERATION, COORDINATION AND CONSISTENCY WITH LOCAL LAND USE PLANS

Federal law imposes an affirmative obligation on federal agencies to consult, cooperate, and coordinate with local government entities and to further ensure that the management of public lands is consistent with local land use plans to the maximum extent possible. The Federal Land Policy and Management Act ("FLPMA"), which applies to public lands managed by the BLM, requires BLM to consult and coordinate with local governments in land use decisions and policies and to reduce contradictions and conflicts between local government land use plans and those of the BLM. [43 U.S.C.§1712(c)(9)]. BLM must also coordinate and consult on issues of rangeland management and livestock grazing with landowners, including the state with respect to state lands. [43 U.S.C. §315h,§1752(d)]. The Forest Service must also involve the public in land use planning and management decisions. [16 U.S.C. §§1604(d),612].

Federal Agencies identify any proposed actions in a document such as Schedule of Proposed Actions (SOPA), that informs the public of any proposed or ongoing actions that a decision document has been or will be prepared. The National Environmental Policy Act ("NEPA") imposes a procedural analytic requirement that also requires public involvement, consultation with state and local governments, and consideration of conflicts between the proposed action and local plans [42 U.S.C. §4332(2)(C)]. The Council of Environmental Quality ("CEQ"), was established by the National Environmental Policy Act of 1970 (NEPA). CEQ is instrumental in the development of environmental policies and initiatives. CEQ oversees NEPA implementation, principally through issuing guidance and interpreting regulations that implement NEPA's procedural requirements [40 CFR §§1501.6, 1502.19, 1503.1, 1508.5]. The lead agency responsible for the Proposed Action has the opportunity to designate other agencies to be cooperating agencies [CEQ memorandum July 28, 1999 and CEQ Memorandum, January 30, 2002].

The District involves local individuals, who have expertise, experience, or general interest, as well as groups that deal with specific issues, to aid the District in participating in the decision-making processes.

1. GOAL: Represent local interests in the decisions and planning efforts of local, state, and federal government agencies within and adjacent to the boundaries of the District.

Objective 1A: Support cooperators and government agencies in making sound natural resource decisions that are scientifically based, legally defensible, sensitive to resource health, and responsive to multiple use interests while maintaining custom and culture practices of the district.

Objective 1B: Work to ensure local input on state and federal land management issues to promote multiple uses of public lands (grazing by wildlife and livestock, logging, oil and gas, minerals, and recreation) and to protect private property rights.

Objective 1C: Maintain partnerships with local, state, and federal agencies to provide technical assistance and/or funding to local cooperators.

Objective 1D: Encourage an intergovernmental framework that fully considers the local impacts of federal and/or state proposed actions to social, economic, physical, and cultural environment as a part of the overall planning and decision processes.

Objective 1E: Encourage the local, state, and federal agencies to share information that they routinely collect (*i.e.* geographic information system mapping and the assessment of new management practices and techniques) with the District, which will also share its data and information.

2. GOAL: Support the concept of local government as the primary and fundamental unit of government that provides local people with the opportunity for self-governance.

Objective 2A: Encourage public education on the fundamentals of responsible government at local, state, and federal levels. Hold tours and workshops that will inform the District residents on resource issues, especially with respect to the District's goals, objectives, and policies set forth in this Plan.

Objective 2B: Support the use of Memorandum of Agreement or Understanding to provide for consultation, cooperation, coordination, collaboration, communication and land management plan consistency.

Objective 2C: Encourage the development of processes and procedures to ensure that the District and participating state and/or federal agencies are able to efficiently and effectively meet their responsibilities as public entities for the benefit of the District citizens.

3. GOAL: Work closely with and enter into coordination and joint planning efforts with local, state, and federal agencies to ensure that the natural resource and private property right goals of the Plan are included in these agencies' planning and management actions, regulations, and policies with regard to private, state, and federal lands.

Objective 3A: Ensure that the "takings implication assessment," which addresses potential for private property rights takings, includes, but is not limited to, an evaluation as to the impacts of the proposed action on property rights, including partial interests in property, the potential for physical invasion, the potential for monetary loss, and/or threats to due process and equal treatment under the law. The District may assist the local, state, and federal agencies in these analyses.

Policy 1: Request that local, state, and federal governmental entities coordinate with the District, its representatives, and thereby the citizens of this District with respect to proposed actions, rules, policies, and land use planning.

Policy 2: Encourage observance of federal and state laws, regulations, and policies that require consultation, cooperation, collaboration and coordination and land use plan consistency with local government entities.

Policy 3: Local, regional, state, and federal, or international government agencies proposing actions in the District should provide early consultation and coordination with the District. The District should develop, promote, and defend viable alternatives to the proposed actions of other government agencies when the proposed action would adversely impact any of the resource bases of the District.

Policy 4: Any local, state, regional, and federal agencies that propose actions that will affect the Plan's goals, objectives, policies, or action plans, should prepare and timely submit a written report on the purpose, objectives, and estimated impacts of such actions, in accordance with the laws of New Mexico and the United States of America.

Policy 5: To the extent required for compliance with local, state, and federal law, all local, state, and federal agencies should strive to act consistently with the Plan and coordinate with the Board of Supervisors for the purpose of planning and managing local, state, and federal lands within the geographic boundaries of Upper Chama SWCD, Rio Arriba County.

Policy 6: Encourage state wildlife management agencies to provide adequate notice to local residents and governments before decisions are made or programs implemented.

4. GOAL: Support the development of data and information that provides credible scientific support for management decisions.

Objective 4A: Ensure that land management decisions are based on quality data rather than available data.

CONSTITUTIONAL PRINCIPLES:

DUE PROCESS AND PROTECTION OF PRIVATE PROPERTY

The U.S. Constitution created a form of government characterized by:

1. Limited powers granted to the federal government, with all unenumerated powers being reserved to the respective states.
2. Separation of those limited powers into legislative, judicial, and executive branches.
3. Creation of a process where the branches act to check and balance the power of the other branches.
4. Guarantee rights of due process and just compensation when private property is taken for public use.
5. Grant of authority to Congress to make rules and regulations governing federal property.

1. GOAL: Reaffirm the fundamental rights of mankind as enumerated in the Declaration of Independence, the constitutional rights of citizens as set forth in the U.S. Constitution and Bill of Rights, and the New Mexico Constitution, and acknowledge the limited nature of government as intended by the nation's founding fathers.

2. GOAL: Protect private property and interests in private property and promote the continuation of private economic pursuits.

Objective 2A: Respect private property rights and consider the effects of policies, regulations, and federal and state decisions on these rights.

Objective 2B: Enforce the requirements for takings implication assessments pursuant to Executive Order 12630 and prepare comments.

Objective 2C: Recognize that the protection and preservation of privately owned land is desirable and necessary in Upper Chama SWCD.

3. GOAL: Ensure that the principles of due process are applied and followed at all levels of government.

Objective 3A: Provide notice of District proceedings and actions and facilitate, when possible, public notification of proposed actions, regulations, policies, and land use planning by federal and state agencies.

Objective 3B: Facilitate the opportunity of the citizens to be heard in the appropriate proceeding.

Objective 3C: Promote the disclosure and public education of proposed actions, regulations, policies, and land use plan decisions that affect Upper Chama SWCD.

Objective 3D: Enforce the applicable laws and rules prohibiting conflicts of interest.

Objective 3E: Respect and facilitate the due process rights of individuals and entities adversely affected by agency action to exercise their rights of an administrative appeal, including the right to a hearing on the record, with the right of cross-examination, before an impartial judge, who will promptly render a decision based on findings of fact and conclusions of law.

Objective 3F: Promote the protection of substantive due process rights.

Policy 1: Ensure that local, state, and federal agencies address regulatory actions that may affect a total or partial taking of property without compensation and that the proposed action is modified to avoid the taking, either in whole or in part. Examples of a regulatory taking include denial or limitation on access to private land or resources, denial of right-of-way to divert water or when the public is allowed to cross private land without a formal conveyance or permission of the landowner (Acequias etc.).

Policy 2: Ensure that the local, state, and federal agencies respect procedural due process rights by providing adequate public notice and the opportunity for a hearing, including an evidentiary hearing, when granted by statute. Regulatory actions, such as designation of critical habitat under the Endangered Species Act or denial of surface access across federal land, operate to inversely condemn private property without providing just compensation. The District supports providing legal remedies when federal or state governmental action operates to take property rights or some portion of the property right.

LAND TENURE, DISPOSITION, ACQUISITION, AND USE

An estimated 79% of the land in Upper Chama SWCD is privately owned and the majority lies adjacent to waterways. The private land comprises the County's tax base that must support most County services. The District recognizes that private land is essential to local industry and residents. An important check on the exercise of governmental authority is the protection of private property rights as provided in the United States Constitution and the New Mexico State Constitution.

Government action, which denies or restricts access to develop the mineral estate or water rights, can also be a taking. Moreover, land exchanges may not fully compensate the landowners and may reduce the total private land base in the District.

The power of eminent domain should be used sparingly, especially when the ultimate land owner is not a local or state government agency.

Land exchanges can have impacts similar to those of condemnation, when the land exchange reduces the private land in the county or disrupts the legal interests in the land, such as a surface use agreement, right-of-way, mineral lease, or a grazing permit. Many land exchanges either extinguish the interest or materially change the land use.

1. GOAL: Any land tenure adjustments by a federal or state government agency should be conditioned on no net loss of private land or private property rights and should fully compensate the landowner for the value of the property interest, including investment-backed expectations, and compensate Rio Arriba County for the lost property tax revenue.

Objective 1A: Private land, including isolated tracts, will only be acquired by state and federal government entities when it is consensual and there is clearly just and adequate compensation to the landowner and there is separate compensation to Rio Arriba County for the lost tax base.

Objective 1B: Support voluntary land exchanges between the federal government and private landowners to adjust property lines and improve access and land management.

Objective 1C: Support and facilitate the acquisition by land exchange or voluntary sale of isolated tracts of state and federally managed lands to improve land use efficiency.

Objective 1D: Local, state, and federal land agencies should not acquire any private lands or rights in private lands within the District without first ensuring that the proposed acquisition meets the Plan goals and objectives listed above, the acquisition is for a clearly established public use, and there is fair and just compensation.

2. GOAL: Facilitate local economic development while limiting impacts from land ownership adjustments.

Objective 2B: Recommend that local, state, and federal government entities investigate and attempt to increase local economic development within the District and that the citizens of the District suffer no adverse aggregate economic impacts from land ownership adjustments.

Objective 2C: Request consultation, coordination, communication, and cooperation when land tenure adjustments to federal and state land are proposed within the District.

Objective 2D: Request that when federal and state land agencies propose changes in land use, impact studies on the proposed change be conducted at the expense of the agency proposing the change, and that mitigation measures are adopted in coordination with the District. Impact studies should address community stability (socio-economics), local custom and culture, grazing rights, rangeland resources, water rights, flood prone areas, access, and other identified concerns of the District.

Objective 2E: Promote the classification of public lands for transfer or lease when the lands are isolated, difficult to management or it would benefit the public to be transferred.

Policy 1: Ensure that BLM accurately identifies land eligible for disposal under FLPMA or for lease or conveyance under the Recreation and Public Purposes Act and acts promptly to facilitate transfers when requested.

Policy 2: Request the opportunity to investigate and evaluate all proposed land ownership changes between private owners and state or federal government entities to determine if the proposal is in the best interest of the citizens of the District.

Policy 3: Request that local, federal, and state government agencies work with each other in implementing proposed land use planning activities through the principles of coordination, consultation, and cooperation with the District and consistency with local land use plans.

Policy 4: Request the opportunity to make recommendations on proposed public or private land withdrawals for hazardous and non-hazardous waste storage, as well as the types of such waste through the principles of coordination, consultation, and cooperation with the District and consistency with local land use plans.

Policy 5: Oppose any additional property acquisitions by the New Mexico Game and Fish or the U.S. Fish and Wildlife Service and or any other federal or state entity and request timely notification regarding any wildlife planning and/or management actions within District and adjacent counties in New Mexico by the New Mexico Game and Fish Department or the U.S. Fish and Wildlife Service.

ACCESS AND TRANSPORTATION

Access rights-of-way and water rights were critical to the early settlers, and they remain critical today. The federal government owns 19% of the estimated acres of land in Upper Chama SWCD. The state of New Mexico owns 1%, leaving 79%, in private ownership. Congress granted New Mexico two sections per township (Sections 16 and 36) for the support of the public schools. Many private landowners need rights-of-way across the state and federal lands to access their property, to use their water rights, and to exercise their grazing rights.

Today access to land, water, and natural resources remains critical to the economic stability and culture of the District and Rio Arriba County. The constitutionally protected right to travel is closely tied to access across federal land. Recreation users depend on trails and roads to hunt, camp, and enjoy the land and scenery in District. The use and development of natural resources depends on access across and to federal and state lands. The livestock operators need access to forage on federal land and access to move livestock and construction materials to maintain and build range structures. Landowners need access in the form of rights-of –way to divert water for hay/crops and to provide water for livestock, or to use water in relation to other development.

Increasing limits on access have the potential to strangle the local economy and alter the custom and culture while pushing greater number of people onto smaller areas of federal land.

In 1866, the Congress enacted a law to provide and protect access across federal lands for miners and others reliant upon water to earn their livelihood. Section 8 of Revised Statute

2477 ("R.S. 2477") provided simply that, "the right-of-way for the construction of highways over public land, not reserved for public uses, is hereby granted." [43 U.S.C.§932 (repealed Pub. L. 94-579)]. District and County miners and ranchers developed such rights-of-way in the form of roads and trails, which continue to be used today. Congress repealed R.S. 2477 in FLPMA but preserved all pre-existing rights-of-way.

This easement across public lands, not withdrawn from public use, made an immediately effective grant, which took effect as soon as the road was established by use or construction. This was called an *en praesenti* grant, because it required no further official action from the federal government. It was accepted whenever and wherever roads and ways were established over unreserved federal land by construction or otherwise, and were available for public use. These public highways remain available to this day for public use.

New Mexico law identifies procedures for each County to establish and record public roads. Once a road is recognized by the County, it is part of the county public road system. A public road remains a public road until the county officially vacates it or abandons it, as set out in the statute.

Recent Tenth Circuit case law has considered R.S. 2477 rights-of-way in the context of Quiet Title Act claims brought by Counties in Utah. In *Southern Utah Wilderness Alliance v. BLM*, 425 F.3d 735, 762-68, 776-78 (10th Cir. 2005), the court held that mechanical construction of a road was not required in order to accept the R.S. 2477 right-of-way grant and that state law governed how the grant was accepted. The Tenth Circuit has further held, in terms of the Quiet Title Act's 12-year statute of limitations, that land use plans, roadless area classification, and other agency actions do not trigger the running of the statute of limitations without an actual denial of use of the right-of-way at issue. *Kane County v. United States*, 772 F.3d 1205, 1216-18 (10th Cir. 2014); *San Juan County v. United States*, 754 F.3d 787, 795-96 (10th Cir. 2014).

Following the 2005 Tenth Circuit decision in *Southern Utah Wilderness Alliance,* Interior Secretary Norton issued an agency-wide directive adopting the holdings of the court and revoking all previous R.S. 2477 guidance. Departmental Implementation of *Southern Utah Wilderness Alliance v. Bureau of Land Management*, 425 F.3d 735 (10th Cir. 2005); Revocation of January 22, 1997, Interim Policy; Revocation of December 7, 1988, Policy (Mar. 22, 2006). While lengthy, the direction accepts the Tenth Circuit holding that state law defines when and how a public road was established, that BLM lacks authority to adjudicate or regulate public RS 2477 roads and that the road should include at least the disturbed area. The direction encouraged BLM to work with local governments by entering into nonbinding determinations to facilitate review of road work to evaluate the impacts on resources outside of the right-of-way.

Public use of rights-of-way established under R.S. 2477 may result in the extension of the easement for public travel over private land under the doctrine of adverse possession or when the public use arose before the land was conveyed into private ownership. Restricting access has the potential to limit or adversely affect the local economy.

Public access to routes of travel is essential to the Districts transportation and public access systems and to the economic, social, political wellbeing, custom and culture of the communities and citizens of Upper Chama SWCD. Because the District also depends upon the responsible use and development of public land resources, adequate, feasible, and fully-protected access is required to utilize and to protect these resources. Many land uses in the District depend upon roads and rights-of-way associated with general non-motorized and motorized travel.

The Rio Arriba County Board of Commissioners has determined and documented the rights-of-way in the County that fall under R.S. 2477.

Although FLPMA repealed R.S. 2477, the public highways, roads, and ways established before October 1976 are specifically preserved [43 U.S.C. §1769(a)].

The County's right, title, and interest in these rights-of-way include the right to evaluate and perform construction, reconstruction, and maintenance, which is reasonable and necessary for safe passage for the rights-of-way established prior to the repeal of R.S. 2477 or the reservation of the lands for public use.

Federal law also authorizes rights-of-way across federal land under the Alaska National Interest Lands Conservation Act ("ANILCA") or Title 5 of FLPMA. [16 U.S.C. §3210, and 43 U.S.C. §§1761-1769]. Under FLPMA, the applicant must pay cost–recovery fees to process the permit and full market value of the easement, unless the applicant is a county [43 U.S.C.§1764(g)]. Mineral lessees are entitled to access under the terms of a mineral lease. [43 C.F.R. §3101.1-2]. In many cases, these access rights are not public rights-of-way and do not establish public access.

1. GOAL: Support the historic right to travel over federal and state lands wherever necessary in pursuit of mining, oil and gas, ranching, farming, logging, recreational activities, motorized vehicle use, and all other historic uses without inhibiting traditional customs and culture.

Objective 1A: Participate in decision and planning processes with local, state, and federal governments affecting access and rights-of-way in Upper Chama SWCD, Rio Arriba County.

Objective 1B: Support mechanisms to help maintain the use of public roads; while protecting and/or mitigating any impacts on other resource values and respecting private property rights.

Objective 1C: Support opportunities for further economic development by ensuring that feasible access is available, while respecting private property rights.

Objective 1D: Support adoption of rules controlling off-road recreational use, where it

is necessary to protect soil, water, wildlife, and vegetation resources.

2. GOAL: Protect private property rights in the District while facilitating rights of access.

3. GOAL: Develop a coordinated approach to the issues of roads and rights of ways with local, state, and federal agencies and private landowners.

Objective 3A: Support coordination and concurrence between the District, local interested parties, and relevant federal and state land management agencies, prior to any proposed road closures and obliterations in the County.

4. GOAL: Coordinate with private landowners, local, state, and federal agencies to develop a complete inventory of all roads and rights-of-way in Upper Chama SWCD, Rio Arriba County.

Objective 4A: Inventory the public roads and rights-of-way, using tools such as databases, maps, GIS locations, photographs, and historical records, in order to document their existence and whether such roads or rights-of-way have been abandoned or vacated.

Objective 4B: Recommend that surface routes of travel along existing trails, roads, or highways of public value and of legal origin within the County be electronically mapped and recorded as local government thoroughfares in accord with County designations.

5. GOAL: Evaluate new rights-of-way and road systems in light of identified need, impacts on the District Plan, goals and objectives, and private property rights.

Policy 1*:* Recommend that any new construction of an access route be under a plan accepted by County planner or as permitted by respective land ownership. Pre-existing routes will be honored according to their identification and physical character. Route maintenance standards will be in accord with designated classification and need.

Policy 2: BLM must accept public rights-of-way instead of only authorizing local government road work or public use under Title V of FLPMA, which only provides for a revocable permit. BLM must also cease and desist from issuing rights-of-way or assessing fees over public roads, because BLM lacks jurisdiction to regulate commercial access on a public road and thus it lacks the authority to issue such a permit.

6. GOAL: Support identification, assertion, and protection of all County roads and public rights- of-way to protect the County's resources and promote public health, safety, and general welfare, including but not limited to, search and rescue, extreme weather, fire protection, resource conservation, health and law enforcement, and other services.

Objective 6A: Participate in local, state, and federal planning processes or any County planning process regarding transportation plans for new roads, reconstruction or maintenance

of existing roads, and road closures (permanent and seasonal) to address economic and scientific-based concerns for water, air quality, and public access purposes.

Policy 1*:* Federal law provided for rights-of-way and establishment of public highways across unreserved public domain. The resolution of the status of roads and rights-of-way under R.S. 2477 remains in controversy at the national level. RS 2477 (the Act of July 26, 1866) states in Section 8: "The right of way for the construction of highways over public lands not reserved for public uses, is hereby granted" [43 U.S.C. §932 (repealed)].
While RS 2477 was repealed in 1976, new access grants are available across public lands pursuant to Title V of FLPMA, [43 U.S.C. §§1761-1769], the Mineral Leasing and Coal Leasing Acts for lease development, [43 C.F.R. §3101.1-2], and to private land under Alaska National Interest Lands Conservation Act ("ANILCA)", [16 U.S.C. §3210].

Policy 2: Encourage identification and application of rights-of-way in order to support multiple uses on public lands, so long as there is adequate and just compensation of private property when the right-of-way crosses private land. BLM can only condemn a right-of-way "if necessary to secure access to public lands, and then only if the lands so acquired are confined to as narrow a corridor as is necessary to serve such purpose" [43 U.S.C.§1715(a)].

Policy 3: Participate in the federal NEPA process or any District or County planning process for communication, utilities, transmission, transportation and waterway corridors.

Policy 4: Support a transportation plan that optimizes accessibility across all federal and state managed lands within the District, while respecting private property rights.

Policy 5: Access to and/or across federal and state managed lands within the District should not entail encumbrances or restrictions on private property rights.

Policy 6: Support the identification of OHV loops and trail systems that respond to current and future demand for motorized recreation.

Policy 7: When the necessity for a closure has been established, additional trails and areas must be opened to offset the loss of that recreational opportunity.

ECONOMIC PROFILE AND DEVELOPMENT

One of the greatest challenges facing local governments today is the loss of the tax base, whether due to changes in land ownership or land uses. This is an even greater challenge in western states where the majority of the land is owned by the federal government. In order for any community to provide needed schools, health care, police protection, and other services, industry and commerce within the community must be supported and strengthened.

Economics pertain to the development and management of the material wealth of a government or community. Business and industries that have traditionally defined the

economy in Upper Chama SWCD, Rio Arriba County include revenue from: mining, power generation, oil and gas development and related services; farming, ranching, and livestock grazing; recreation and tourism (motorized and non-motorized recreation, water & land sports, hunting, fishing, hiking, etc.); residential or private property owner taxes, local businesses (private and corporate owned enterprises, etc.), and big game hunting, guide and outfitting, and other services. The abundant natural resources within the District provide opportunities for expanded economic growth. The County depends on these resources for economic viability and community stability. A primary purpose of this Plan is to foster cooperation, collaboration, communication and coordination among the County, federal, state, local governments and adjacent counties, because the communities cannot remain economically viable without equal access to federal and state resources.

Management activities on the federal, state, and private lands directly affecting the Upper Chama SWCD economy are oil and gas production, mining, power generation, agriculture, and recreation. These are the primary resource activities that provide income and promote community stability.

This Plan is a dynamic document, changing as more information becomes available and new situations arise. Economic and demographic data essential to the Plan will be included in later updates. The data should include both current and historical data for past decades and should give an indication of the trends, including people moving in and out. Data to be added may include:

1. Total personal income by major component (industry).
2. Full-time and part-time employment by major industry.
3. Transfer payments by major component (industry).
4. Agriculture income and expenses.
5. Total population and population by age categories.
6. Households by type.
7. School enrollments (private & public).
8. Tax revenues.
9. Historical livestock numbers converted to AUMs

[See Appendix A, Summary of Payment In Lieu of Taxes Paid to Rio Arriba County, New Mexico and Appendix B, Economic and Demographic Profile of Rio Arriba County, New Mexico]

Counties and states cannot tax the federal and or Tribal Trust lands within their boundaries. The federal government has several mechanisms to share revenues generated from federal land that (in part) compensate local governments for the loss of the tax base. These payments may be based on the amount of federal land within the state (and County), under the Payment-In-Lieu of Taxes Act ("PILT")[See Appendix A, PILT for Rio Arriba County, NM] which includes a share of revenues generated to the U.S. Treasury from coal, oil and gas or other leased minerals, timber harvest and livestock grazing [30 U.S.C. §§191, 192c; and 31 U.S.C. §6903; Appendix A, Summary of Payment In Lieu of Taxes Paid to Rio Arriba County, New

Mexico]. Thus, both the amount of federally-owned land within the County, the respective population, and how the land is used determine the payments to the state and, ultimately, to the County. Federal law directs payments to the state, and state law provides for distribution of some part of the revenue to the county of origin. This revenue structure requires the County to understand how activities and management actions on these federal, state, and privately-controlled lands affect the economic underpinnings of the local community. Federal land uses that generate revenues to the State and which support local communities include:

- 25% of Forest Reserve Fund
- Payments in Lieu of Taxes ("PILT")
- Taylor Grazing Act, Sections 3 and 15
- Mineral Leasing Act
- Mining and Materials Leasing Act
- Federal Coal Leasing Act
- Secure Rural Schools Act

[See Appendix A, Summary of Rio Arriba County PILT Payments.]

1. GOAL: Protect agricultural land and promote the continuation of agricultural land uses.

Objective 1A: Protect private property rights with respect to the right to use public land for agriculture uses.

Objective 1B: Support open market conditions for agriculture products.

Objective 1C: Protect and expand, as needed, water resources for agriculture uses.

Objective 1D: Support the District in identifying opportunities and prioritizing for economic development and diversification, (*i.e.* value-added products derived from natural resources and agriculture), business expansion and retention, telecommunication, and small business assistance.

2. GOAL: Support development and implementation of economic policy documenting the effects of federal and state lands management on the economic stability of Upper Chama SWCD, Rio Arriba County.

Objective 2A: Encourage research to address rural and urban economic issues.

Objective 2B: Support increasing the capacity of state and federal land resources to provide greater economic return to the County.

Objective 2C: Prohibit policies and actions that preclude or limit development or resource uses on federal surface, thereby placing all or most of the development impacts on private land.

3. GOAL: Ensure continued and consistent access to natural resources on federal and state lands in the District.

Objective 3A: Support the responsible use and development of natural resources while maintaining multiple-use management practices on state and federal lands and preserving adequate public and private access to federal lands.

Objective 3B: Support economic development and diversification of existing land uses through business expansion and retention.

4. GOAL: Promote the enforcement of laws providing for reduced regulatory costs for small businesses, such as farming and ranching and small governmental entities, including the District and County.

Objective 4A: Support and participate in identifying and quantifying the regulatory impacts on Upper Chama SWCD, Rio Arriba County, which is a local government entity protected under the Small Business Regulatory Enforcement Fairness Act [5 U.S.C. §§601-612].

Policy 1: The District will monitor and promote the enforcement of statutory and regulatory policies that require a federal agency to document the effects of regulatory actions on small businesses, which include many agricultural operations in the District and the County itself. [Small Business Regulatory Enforcement Fairness Act, 5 USC §601-612, Ex. Order 13272, August 13, 2002].

Policy 2: Participate in local, state, and federal land decision and planning processes to ensure the continued development and conservation of natural resources to provide growth and expansion of related industries, while ensuring the continued conservation of rangeland, soil, water, and wildlife resources.

Policy 3: Preserve or acquire access for power, telecommunications, transportation of energy, and for water development by rights-of-way or easements.

ENERGY / MINERAL RESOURCES

Energy and mineral resources occur without regard to whether the land is in private, state, or federal ownership. These resources have, and continue to, provide economic benefits and economic impacts for the citizens of Upper Chama SWCD, Rio Arriba County and the State of New Mexico. The District recognizes that effective development of its mineral resources is necessary to the economic wellbeing of the county, the state, and the nation. Energy and mineral resource extraction is also consistent with the local history, custom, and culture.

Much of Upper Chama SWCD, Rio Arriba County is included in the Rio Chama River Basin, producing 33% of the waters utilized in the state of New Mexico. In 2008, a joint report by several federal agencies, including the BLM, evaluated impediments to energy production on federal lands. The study found that roadless designations and restrictions on development

impeded development, but identified other factors, including the government's challenge with timely processing applications for permits to drill (APDs) and lack of infra-structure to transport oil or gas to markets. These factors make energy development in this region more difficult and costly. *Inventory of Onshore Federal Oil and Natural Gas Resources and Restrictions to Their Development – Phase III Inventory* (2008) (the complete report can be viewed at the District Office or online at http://www.blm.gov/wo/st/en/prog/energy/oil_and_gas/EPCA_III.html.

> Minerals: The minerals management objective for minerals is to provide opportunities for exploration and development of building stone, sand, and gravel as needed to provide for use while protecting other resources, as such resources may be governed by regulation.
>
> Locatable Minerals under General Mining Law 1872 [U.S.C. §§21*et seq*.]: The locatable minerals management objective is to ensure that public lands are available to explore, locate, and develop by mining claims while protecting other relative resource values. With the exception of lands withdrawn from mineral location, the District is open to filing of mining claims and exploration for and development of locatable minerals.
>
> Geophysical Exploration: The management objective for geophysical exploration activities is to provide opportunity for exploration of mineral resources and collection of geophysical data, while protecting other resource values.

1. GOAL: Encourage suitable mineral and energy resource exploration and development in the District, while conserving rangeland, soil, fish and wildlife habitat, air quality, visual and water resources.

Objective 1A: Encourage elimination of unreasonable or unfounded barriers, prohibitions, and impediments to mineral and energy resource exploration and development.

Objective 1B: Enforce requirements in FLPMA that BLM review land withdrawals should be reviewed in the federal planning process or immediately thereafter to ensure that they are still necessary and that BLM only withholds public lands from mining or mineral leasing pursuant to federal law or an official order of withdrawal that is published in the Federal Register with an explanation justifying the closure.

Objective 1C: Discourage the use of informal policies or unofficial classifications, such as lands with wilderness characteristics or mineral leasing closures, by federal agencies to withhold high energy potential areas from leasing or development. These practices violate 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.

Objective 1D: Support Executive Orders 13211 and 13212, as amended by Executive Order 13302 directing all federal agencies to facilitate the permitting and development of power distribution facilities and to remove regulatory impediments to the exploration and development of energy resources on public lands.

2. GOAL: Support a policy to promote mineral resource recovery by making federal and state lands within the Upper Chama SWCD, Rio Arriba County and elsewhere open to mineral leasing and development, subject to mitigation measures to be applied on a case-by-case basis in the permit according to state law.

Objective 2A: Support the retention of existing mineral and energy operations, consistent with sound economic and environmental practices.

Objective 2B: Support large and small-scale mineral and energy resource exploration consistent with sound economic and environmental practices to conserve rangeland, soil, and water resources.

3. GOAL: Ensure compliance with all existing local, state, and federal laws regarding oil, gas and mineral exploration and/or their production, so that the District's mandate to conserve rangeland, soil, and water resources are met.

4. GOAL: Protect the rights of land owners and surface owners so that mineral development can proceed consistent with the District's mandate to conserve rangeland, soil, and water resources.

Objective 4A: Enforce reclamation actions to ensure that the site-specific reclamation plan is appropriate for the soils, vegetation, and climate, that the site to be disturbed is evaluated in order to establish a baseline inventory of the qualities and characteristics of the site, that an adjacent reference site is identified to provide a working example of the disturbed site, 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. Local reclamation plans will involve the District and affected landowners.

Objective 4B: Require the federal land agencies to monitor completed reclamation to document success or to require additional measures to ensure that reclamation succeeds and that invasive non-native plants are eradicated.

Objective 4C: Support mitigation that is closely tied to actual impacts, such as replacement grazing forage for displaced grazing permittees or range / vegetation improvement projects to mitigate impacts on rangeland resources and wildlife habitat.

Objective 4D: Oppose off-site mitigation when the site is located on privately-owned land outside the project area, which effectively places private land in state or federal ownership; when it does not provide mitigation for the resources that are impacted; and when the site lacks

a nexus to the project area. The federal government has no authority to stipulate land uses on private or state lands and cannot require landowners unaffiliated with a project to burden their land with what would be the equivalent of a conservation easement. Further, the federal government must comply with unconstitutional conditions doctrine when conditioning approval of a permit upon mitigating impacts of a proposed project. *Koontz v. St. Johns River Water Mgmt. Dist.*, 133 S. Ct. 2586, 2595 (2013). The government "may not leverage its legitimate interest in mitigation to pursue governmental ends that lack an essential nexus and rough proportionality to those impacts." *Id.*

Objective 4C: Require detailed monitoring plan that involves the District and affected landowners to ensure that mitigation and reclamation actions are enforced and are successful. The monitoring plan will also require consistent and regular site review to measure the site's response to management measures and determine if it is appropriate to change either mitigation or reclamation to achieve the objectives.

5. GOAL: Support coordinated efforts between the local, state, and federal agencies in the inventory, evaluation, and development of mineral resources.

Objective 5A: Recommend that local, state, and federal agencies assess socio-economic impacts of any proposed changes to natural resource-related use plans that impact Upper Chama SWCD, Rio Arriba County School Districts.

Objective 5B: Recommend that local, state, and federal agencies conduct a thorough investigation of future mineral industry potential and the consequences of all land use decisions. Local, state, and federal planning documents should disclose consequences to future mineral development and economic impact of proposed policies or plans to the continuity of the Upper Chama SWCD, Rio Arriba County minerals industry.

Objective 5C: Request that local, state, and federal agencies notify the District of any proposed actions or regulations, which may impact minerals industry opportunities on state, federal, or private land within the County to enable the District to review and comment on local, state, or federal actions or changes significant to mineral and related industry opportunities in the County.

6. GOAL: Support beneficial mining efforts and their economic impacts or effects and encourage mining and milling efforts on private and public lands.

Objective 6A: Carefully evaluate proposed revisions of the General Mining Law of 1872 to determine the impacts, if any, for mining in the County. Discourage over-regulation that inhibits scientifically-sound mining practices.

Objective 6B: Ensure that private, state, and federal lands are open to mining exploration and development and ensure that such lands should continue to be used for that purpose.

Objective 6C: Encourage open access to, across, over, under, and through the state and

federal lands for prospecting and exploration to provide incentives for private investment in mineral development.

Policy 1: Make recommendations regarding any such proposed revisions of the General Mining Law of 1872 to the appropriate state and federal representatives in order to influence the outcome to favor the custom, culture, and economy of the County.

Policy 2: Mineral and energy resource exploration and development are among the historic uses on private, state, and federal land; their continuance is compatible with the principles of multiple-use on state and federal lands.

Policy 3: Support mineral and mining company efforts to conduct science-based research applicable to mining and mineral processing, subsidence, expansion, and new development that is environmentally and economically viable.

Policy 4: Local, state, and federal agency plans or management recommendations shall include a social and economic impact description (either brief or in-depth depending on the case needs) that addresses the effects on energy and mining development.

ALTERNATIVE ENERGY

The term alternative energy generally refers to non-carbon based energy. These include wind, geothermal, and solar, as well as nuclear power. New Mexico does not have any nuclear power plants, although it does have commercially viable uranium deposits. Even though alternative energy does not have carbon-based emissions, there are potentially significant environmental impacts associated with each. Both wind and solar energy development require separate transmission lines for the low voltage lines. These transmission lines require additional land to separate them from regular lines and provide potential raptor perching opportunities that threaten prey like the sage grouse and pygmy rabbit.

Wind energy requires the use of tall turbines that harness the winds of Upper Chama SWCD, Rio Arriba County. A wind energy site also requires an alternative energy source (carbon-based) to run the turbines when the wind is not sufficient and additional transmission facilities to tie the wind energy system into the grid. These facilities require the use of the surface, federal, state, and private land. Identified impacts can include injury or death to migratory birds caught in either the wind turbines or lines, surface disturbance, roads for maintenance, and changes in the skyline due to the permanent construction.

Solar energy requires a relatively large land area to install and maintain commercial grade solar panels. Like wind energy, supplemental fuels, usually natural gas or coal, are necessary to keep the system operational when weather obscures the sun. The predominance of federally-owned land and historic trails make a commercially viable solar energy project more difficult due to the impacts on the viewsheds along the historic trails in the county.

Geothermal energy has a longer record of providing commercially viable power. It does require, however, the drilling of numerous shallow wells to harness the geothermal power. A geothermal energy project also requires closely-spaced wells and related transmission facilities.

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. Wind and solar energy costs tend to outweigh the amount of electrical energy produced, even with significant federal funding and public support.

Along with alternative energies comes the development and use of transmission line rights-of-way to transport the energy generated by existing and/or reasonably foreseeable energy sources, such as from wind farms in New Mexico. The District will be actively involved throughout the NEPA process to ensure the transmission line projects have limited impacts on the environmental resources, private land, and existing land uses in Upper Chama SWCD, Rio Arriba County.

1. GOAL: Support alternative energy development where it is both commercially feasible and does not have disproportionate environmental impacts.

Objective 1A: Evaluate alternative energy projects proposed for Upper Chama SWCD, Rio Arriba County based on the same criteria applied to more traditional projects, including impacts of visual resources, wildlife habitat, soils and vegetation, and impacts on existing land uses.

2. GOAL: Support transmission line rights-of-way that follow, as closely as possible, the existing transmission corridor or other existing lines, and that have the least amount of impact on visual resources, wildlife habitat, soils and vegetation, and impacts on existing land uses.

Objective 2A: Encourage the federal government to address how the transmission line projects will impact existing mineral rights and future mineral development.

Objective 2B: Oppose any transmission line right-of-way that interferes with or adversely impacts private property rights when other reasonable alternative locations are available.

CLIMATE CHANGE

The issue of climate change is really composed of several questions, including: Have temperatures varied in the last century? Assuming yes, then are these temperature variations so outside of the historic and prehistoric variations as to prove a major trend that will continue? Are these temperature changes due to human activities, specifically the use of materials that emit $C0_2$ that warrant major changes in how power is generated and people live.

Scientists including the United Nations Intergovernmental Panel on Climate Change ("IPCC") concluded that the Earth's temperatures have increased at an alarming rate in the last five decades and that the increases are due primarily to carbon emissions. The conclusions of IPCC and accepted wisdom of much of the scientific community are strongly disputed by other equally prominent scientists. The scientific controversy gained importance in 2009 when East Anglia University emails of the leading climate change scientists were hacked and widely distributed.
The emails showed that the IPCC contributors actively discredited critiques of their data, ensured that scientists that questioned the conclusions regarding global warming now renamed climate change would never be published, and denied access to the data used and calculations made by IPCC for its published conclusions.

The release of the East Anglia emails lent further support to earlier publications calling into question the quality and validity of the statistical and scientific analysis used to support the premise of global warming. In 2010, the global warming scientists announced that the original data and calculations used to prove global warming were lost or misplaced. The loss of such data makes it virtually impossible to validate the original calculations that have led to a major policy shift in the United States and throughout the world.

While IPCC and the Global Warming Policy Foundation both launched investigations, they each concluded that climate change was still occurring. Meanwhile in the United States, the Environmental Protection Agency ("EPA") and other federal agencies are incorporating climate change policies into the regulatory system without examining the underlying data or responding to the significant scientific questions raised about whether there is climate change and whether it is due to carbon emissions.

Recent data also shows that temperatures are not rising in accordance with the models and in many cases scientists have determined that the actual temperatures are adjusted upward to conform to the premise of climate change. The questions relating to causation and whether short term variations are in fact long term support the conclusion that more research needs to be done before abandoning carbon fuels.

Revamping the regulatory system to reduce or eliminate carbon dioxide emissions would have significant impacts on New Mexico. As noted in the discussion of Alternative Energy, wind and solar sources of power have significant adverse environmental impacts, including loss and conversion of wildlife habitat, bird mortality from wind turbines, and loss of scenic resources. Public transportation in the form of high-speed trains and buses is not practical in New Mexico and other more sparsely populated states. New Mexico residents need automobiles and trucks to travel the state for work and recreation.

Switching to non-carbon emitting sources of power and travel has a double impact on New Mexico. It would reduce major economic drivers for the state: coal and oil and gas. Second, it would greatly increase the costs to individual residents for power and travel.

1. GOAL: Ensure that the underlying theories of climate change continue to be carefully

scrutinized and require better scientific documentation.

Objective 1A: Ensure that any project discussion of climate change reflects scientifically sound and balanced viewpoint of the scientific controversy.

Objective 1B: Quantify the costs and benefits of any regulatory changes adopted to address climate change.

Objective 1C: Oppose permanent investments based on the assumptions of climate change until the international scientific controversies are addressed with credible and quality data.

WATER RIGHTS

New Mexico is a prior appropriation doctrine state under which the right to use water is based on the date when a specified quantity of water was put to beneficial use, with preference given to the prior user or appropriation. New Mexico law establishes procedures and criteria for the recognition of water rights under the doctrine of prior appropriation.

Early miners, farmers and ranchers established water rights through the doctrine of prior appropriation. The earliest adjudicated rights in the Upper Chama SWCD date from the mid-1860s. As subsequent efforts were made to control the water, landowners brought suit to protect their prior appropriation rights. Today, holders of water rights are still struggling to preserve their rights against encroachment.

1. GOAL: Support allocation of water resources in Upper Chama SWCD, Rio Arriba County in accordance with New Mexico Water Law and the prior appropriation doctrine.

Objective 1A: Coordinate with the appropriate agencies in the land use inventory, planning, and management activities, which affect water resources in Upper Chama SWCD, Rio Arriba County, either directly or indirectly, to ensure consistency with the Plan.

2. GOAL: Support the protection of private rights and interests in irrigation and water development structures on public lands.

3. GOAL: Encourage the use of upstream storage structures and water retention to enhance available water for appropriation and beneficial use, through a combination of:

On-stream Storage
Off-stream Storage
Structural Storage
Non-structural storage

Policy 1: Use of water resources in Upper Chama SWCD, Rio Arriba County is necessary to meet the District's mandate to conserve rangeland, soil, wildlife, and water resources, and is also necessary to local culture and community stability with particular emphasis on the

economic stability of the community.

Policy 2: Pursuant to the doctrine of prior appropriation, the District discourages federal agency water right purchases. Furthermore, the District encourages federal agencies to lease water rights from the state or private water rights owners rather than claiming water for a federal agency.

Objective 3B: Water resources will remain under state control.

Policy 1: Federal water right claims will be carefully scrutinized to ensure that they meet the letter and the spirit of the New Mexico appropriation laws.

Policy 2: Oppose all efforts by federal agencies to limit or control appropriations and use of water, such as through the denial of rights-of-way necessary to put the water to beneficial use.

Objective 3C: Unappropriated water shall be used within the watershed.

Policy 3: Promote water projects that ensure that the unappropriated water is put to beneficial within the watershed.

WATER QUALITY

State and federal law regulate water quality with respect to point sources or discharges into any water body, which requires a National Pollution Discharge Elimination System ("NPDES") permit, and nonpoint sources of water pollution, which are regulated through Best Management Practices and watershed plans to limit erosion into specific streams. New Mexico Environmental Department (NMED) implements the water pollution laws, issues NPDES permits to implement and enforce federal effluent standards. As part of its regulation of nonpoint sources, the NMED has also identified impaired streams, total maximum daily loads of pollution, and participated in watershed planning to reduce erosion and runoff (See Appendix C, NMED 303d list).

The District is the responsible local government entity charged with protection of soil and water resources. Non-point source water pollution is regulated by the NMED. The District is responsible for the analyses and identification of contaminant sources; the development of Best Management Practices, which apply to nonpoint sources of water pollution; and the development of policies and implementation strategies for improving water quality within the County. Local, state, and federal agencies involved in planning and/ or implementing the New Mexico Water Quality Act need to cooperate, coordinate, and consult with the District, County and adjacent counties.

1. GOAL: Ensure that productive watersheds are maintained for water quality.

Objective 1A: Maintain healthy rangelands and control soil erosion for productive watersheds.

2. GOAL: Ensure the enforcement of the application of the "Credible Data Legislation," which provides the basis for surface water quality monitoring in Upper Chama SWCD, Rio Arriba County.

Objective 2A: Ensure that land use inventory, planning or management activities affecting point or nonpoint sources and water quality in Upper Chama SWCD, Rio Arriba County, either directly or indirectly, are coordinated through the District and are consistent with the Plan.

Objective 2B: Ensure that all management and watershed plans and land use practice modifications proposed by either local, state, or federal agencies premised on water quality issues are coordinated with the District and are consistent with the protection of private property rights.

Objective 2C: Recognize the economic and social benefits of customary land use activities in Upper Chama SWCD, Rio Arriba County and balance against the "social and economic value of the source of pollution."

Objective 2D: Support and facilitate water quality testing and monitoring programs that collect Credible Data.

Objective 2E: Encourage preparation of a prioritized list of watershed treatment measures to identify problems and suggest actions to solve those problems. These watershed treatment measures and Best Management Practices could include, but not be limited to: seeding, revisions in grazing practices, and the construction of retention ponds and runoff diversion structures.

Objective 2F: Support third-party monitoring only when the third party closely follows NMED and or New Mexico State University or other institutions that have demonstrated credible protocols, the data is available to all, and the third party has secured the landowner's permission to take samples.

Policy 1: The Watershed Strategic Plan will guide the management of water and watersheds and will be voluntary and locally led and may be put in motion by the 303D listing of a stream by the NMED. Watershed Management Plans can be prepared for geographical areas with similar problems, identify specific actions to be implemented to achieve specific goals, and prioritize actions based on the severity of the problem and the likelihood of success.

a) Communicate, coordinate, and consult with affected local landowners, permittees and lessees, municipalities, local, state, and federal agencies to assure protection or enhancement of existing water quality. Such protection must be consistent with the State of New Mexico water quality standards.

The District may undertake water quality monitoring and its agents may be guided by a locally led Watershed Advisory Group made up of affected landowners, permittees, lessees, and local, state and federal government to assure compliance. Support from the District, its agents, and partners will be utilized for project design and construction, along with guidance from the Nonpoint-Source Pollution Plan and applicable New Mexico approved Best Management Practices. If construction contracts are necessary, support will be sought from all appropriate local, state, and federal agencies and landowners.

3. GOAL: Request local, state, and federal agencies to notify the District of any proposed actions or regulations, which may impact water permitting and water rights on state, federal, or private land within the County to enable the District to review and comment on local, state, or federal actions or changes significant to water resources.

Objective 3A: Oppose any legislation, rules, or guidance that attempts to expand the government's jurisdiction over water sources beyond those granted by the CWA and Supreme Court precedent.

WATER/WATERSHEDS

Water, Acequias and associated water rights in the Upper Chama SWCD, Rio Arriba County are integral to municipal, industrial, agricultural, and recreational uses. Industry utilizes and controls substantial agricultural and industrial flow and storage water rights in the County. The agricultural uses of water from the Rio Chama and its tributaries are directly associated with viability of agricultural operations throughout the District.

New Mexico has a rich history of community acequias supporting agriculture [Chapter 72 Water Law & 73 Special Districts, NMSA 1978]. Approximately 800 acequias and community ditch associations serve many farmers or "parciantes" who make all, or part of their livelihood from farming and ranching. Farms served by acequias range in size from less than 1 acre to over 500 acres In New Mexico we say "agua es la vida" (water is life).

Traditional acequias in irrigated valleys of northern New Mexico provide multiple hydrological benefits including, aquifer recharge, temporary reservoir storage, and delayed return flow. Recent studies indicate that hydrologic functions of traditional acequia systems prolong the river runoff- hydrograph, save water through reduced transpiration loss from ground water storage in comparison to above ground storage, while ameliorating climatic variation on local and regional water users. Some aspects of the traditional acequia system resemble natural hydrologic processes and mitigate altered hydrologic characteristics. These altered characteristics include stream channelization and flood control structures. Irrigation via acequias provides functions similar to overbank flooding and meandering streams.

Watersheds within the Rio Chama:
There are thirteen (13) tributaries of the Rio Chama large enough to support irrigated

agriculture, and these include Cañones Creek, Polavadera Creek, the Rio de los Brazos, Rito de Tierra Amarilla, Rio Nutrias, Rio Cebolla, Rio Gallina, Rito de Canjilon, Rio Puerco de Chama, El Rito Colorado, Rio del Oso, Abiquiu Creek, and the Rio Ojo Caliente.

Water resources are simply supplies of water that can be drawn upon for various uses. The District is charged with facilitating water conservation and utilization within the District. The District is authorized to aid farmers and ranchers with water projects, as well as addressing water supplies district-wide.

As per this Plan, activities depending on water resources in the District include, but are not limited to: agricultural uses (irrigation of crops, livestock water, wells, etc.); municipal and community uses (city and unincorporated town water supplies); recreation uses (water skiing, motorized and non-motorized water recreation, fishing, swimming etc.); and wildlife uses (habitat for aquatic life, drinking for wild animals, etc.).

1. GOAL: Facilitate water resource development that assures the protection of water quantity for the future growth and protection of New Mexico water rights.

Objective 1A: Participate in partnerships with local, state, and federal agencies to implement effective watershed-based management to ensure adequate water flows and high water quality in the District's principal rivers and streams (both intermittent and perennial).

Objective 1B: Facilitate and when possible seek funding for appropriate reservoir development to supplement in-stream flows during dry or drought periods for both listed fish and wildlife species and human use according to New Mexico Law.

Objective 1C: Support additional water storage facilities (*i.e.* reservoir and reservoir rehabilitation projects) on private, state, and federal lands within the District and County.

Objective 1D: Participate as appropriate in water-resource management plans and decisions impacting the District and County and/or the interests of its residents.

2. GOAL: Recognize that the protection and development of water resources are essential to the conservation of soil, rangeland, and wildlife resources as well as the short and long-term economic viability and community stability.

Objective 2A: Coordinate with locally-led watershed planning so that mineral development, rangeland vegetation treatments, forest/woodland harvests, and other appropriate projects reduce effects on soil erosion rates or water quality.

3. GOAL: Ensure the enforcement of the appropriation and recognition of water rights pursuant to New Mexico law for the beneficial use and support the utilization of private water rights as the most effective means for providing water resources for agricultural, municipal,

industrial, domestic purposes, and fisheries.

Objective 3A: Recommend that water rights be recognized and allocated in accordance with state law, to individuals and/or agencies, which fund and develop new water sources while managing for established desired plant communities. Acequia historical, cultural and customs shall not be negatively impacted

4. GOAL: Protect and support the conservation of the water resources of the District.

Objective 4A: Strive to develop the water resources of the District based on adjudicated water rights so as to best protect water quantity and water quality while recognizing traditional custom and culture of the Acequias.

Objective 4B: Request that all emergency actions relative to water resources be subject to notice to the District.

5. GOAL: Facilitate and help to fund efforts to protect and enhance the quality and quantity of usable water by promoting and expanding the efficient management and use of water resources.

Objective 5A: Support maintenance, protection, and/or enhancement of existing water quality in the context of watershed management and development.

Objective 5B: Protect and enhance the quantity of water by promoting and expanding the efficient management of rangelands and forests and the use of water resources for healthy watersheds.

Objective 5C: Support the development, adoption, and implementation of water storage, distribution, and conservation plans and projects by the District, individual irrigators, Acequias, industrial users, aquatic recreation users, municipalities, and public and private landowners.

6. GOAL: Support development and retention of storage facilities that would allow the capture of excess spring runoff to be utilized later in the year.

Objective 6A: Work with private landowners to identify potential storage sites.

Objective 6B: Support the development and use of water by municipalities, so long as the appropriations and development are based on documented needs for consumptive and beneficial uses.

7. GOAL: Promote locally-led watershed planning.

Policy 1: Water needs of the Rio Chama will be satisfied before consideration is given to leasing water out of the Rio Chama or the sale or lease of water out of state. Any sale or lease of water out of basin or out of state will be mitigated by storage before the transaction is approved.

Policy 2: Support the protection of appropriated water rights so that "in-county and in-basin" water is made available to the District residents and Rio Chama Basin and its tributaries residents first, and then to New Mexico residents, before being used by non-Basin interests. The District does not support the sale or lease of water from the Rio Chama to downstream (out-of-state) users. If the State of New Mexico chooses to lease Rio Chama water to downstream users, revenue derived from the sale or lease of Rio Chama water should be returned to that Basin and be used to improve water storage, water wells, and distribution facilities within the Rio Chama. The District does not support the use, sale, or lease of Rio Chama water unless the storage needs of the Rio Chama have been met or mitigated. The District does not support the use of sale or lease revenues to improve water needs in other areas of the State until the needs of the Rio Chama and its tributaries have been met and or mitigated.

Policy 3: The protection of existing water rights and water uses within Upper Chama SWCD is of primary importance to the District's mandate to conserve rangeland resources, soil, and water to stabilize the agriculture industry, and to protect the tax base. Therefore, changes in water uses for federal, state, or local purposes that will potentially reduce the available water or adversely affect existing water rights should be carefully considered in relation to the effects on rangeland resources, soil, and water and the agriculture industry, as well as the history, traditions, and custom and culture of the County. The District requests consultation, cooperation, collaboration, communication and coordination with all local, state and federal agencies to any water use plans that have any effect on the Rio Chama and its tributaries to assure local land management plan consistency.

Policy 4: Oppose the conversion of agriculture water to municipal and industrial uses, while not interfering with the underlying rights to sell or change the water right. Facilitate construction of water storage and other facilities to preserve agriculture water while allowing for the diversification of the community which would otherwise require water.

Policy 5: During periods of drought or other emergencies, local, state, and federal agencies shall work closely with the District, the New Mexico Office of State Engineer, and other local, state, and federal agencies to address availability of water for critical needs, including agriculture and municipal uses.

Policy 6: Encourage and facilitate development of water storage facilities to meet New Mexico water needs.

Policy 7: Under the doctrine of prior appropriation, the District declares that historic and

customary beneficial uses(Acequias) under state law do and should take precedence over any and all in- stream flow use designations established under current New Mexico State Law.

Policy 10: The District requests notification of all proposed interstate and federal water development, conservation or other actions that may have an impact on the water rights or uses in Upper Chama SWCD, Rio Arriba County prior to initiating actions.

a) Recommend that any water quality programs (i.e. nonpoint source pollution programs) evaluate, mitigate, and minimize the impacts on Upper Chama SWCD, Rio Arriba County water rights, custom and culture, and economic viability.

b) Recommend that at least one District representative or designee from water resource interests is included in decision-making process for proposed actions by local, state, or federal agencies affecting water resources in the District.

c) Request notice of any actions or regulations which involve water resources on federal and state land within the county. The District will review and comment on local, federal or state actions or changes significant to water resource issues in the County.

IRRIGATION / AGRICULTURE

Irrigated crops contribute to the economic base of the District and are integral to the stability of livestock production, wildlife habitat, and farming while maintaining the local custom and culture. Due to the location and additional water, cropland and irrigated fields often provide key winter habitat for big game and other wildlife.

New Mexico has a rich history of community acequias supporting agriculture [Chapter 72 Water Law & 73 Special Districts, NMSA 1978]. Approximately 800 acequias and community ditch associations serve many farmers or "parciantes" who make all, or part of their livelihood from farming and ranching. Farms served by acequias range in size from less than 1 acre to over 500 acres In New Mexico we say "agua es la vida" (water is life).

Traditional acequias in irrigated valleys of northern New Mexico provide multiple hydrological benefits including, aquifer recharge, temporary reservoir storage, and delayed return flow. Recent studies indicate that hydrologic functions of traditional acequia systems prolong the river runoff hydrograph, save water through reduced transpiration loss from ground water storage in comparison to above ground storage, while ameliorating climatic variation on local and regional water users. Some aspects of the traditional acequia system resemble natural hydrologic processes and mitigate altered hydrologic characteristics. These altered characteristics include stream channelization and flood control structures. Irrigation via acequias provides functions similar to overbank flooding and meandering streams.

1. GOAL: Support maintenance and/or enhancement of productive watersheds for the preservation of irrigated agriculture.

Objective 1A: Assist in maintaining healthy rangelands and forests for productive watersheds.

Objective 1B: Assist and promote the continued use of Best Management Practices for erosion control on rangeland and irrigated cropland by local cooperators.

2. GOAL: Protect water rights and acequia/irrigation ditch easements.

Objective 2A: Support the enforcement and implementation of New Mexico Water Law and Acequia customary and cultural practices.

3. GOAL: Support maintenance and enhancement of water storage and conveyance structures.

4. GOAL: Support opportunities for grazing livestock on private, federal, and state lands, protection of property rights and equitable interests in land, science-based land stewardship, and promote Best Management Practices for the improvement and continued use of all rangelands and irrigated cropland within the District.

Objective 4A: Encourage private land owners, local, state and federal agencies to cooperate in defining desired plant communities on private, state, and federal lands within the District to control soil erosion.

Objective 4B: Support increased productivity of irrigated lands to increase and/or maintain animal unit months ("AUMs") in Upper Chama SWCD.

5. GOAL: Encourage agricultural viability as part of the custom and culture and beneficial impacts on public land uses in the District.

Objective 5A: Encourage the use of locally-led interdisciplinary groups to address agricultural issues in relation to public land uses on a case-by-case basis.

6. GOAL: Promote public education by providing information to urban and rural communities regarding agriculture, natural resource, and wildlife issues.

Objective 6A: Support and utilize local, state, and federal partnerships that provide financial and technical assistance for range improvement, timber management and irrigation practices.

Objective 6B: Develop information or utilize existing information regarding roles of irrigation, timber and range management to educate the public.

Objective 6C: Provide information to landowners and the general public on regulatory actions and their effects, including but not limited to, implementing the Federal Water Pollution Control Act, and the Endangered Species Act.

Objective 6D: Support Conservation Districts and their state associations in their efforts to assist resource managers on conservation actions and issues.

Policy 1: Oppose local, state, and federal agency land use plans, regulatory actions, including rules, or management recommendations, which do not address the regulatory impacts and consider mitigation that will decrease impacts on small businesses (including agriculture) and small government entities. [Ex. Order 13272 (Aug. 13, 2002)].

Policy 2: The characterization and conservation of soil and soil resources are fundamental to the proper development of all natural resource uses and are reflected in the legislative declaration of the District. Upper Chama SWCD does not have a digitized/published soil survey. The remaining private, state, and federal lands within the county with natural resource uses need to be publicized. Request that a county, state, and federal partnership be formed to fund a Natural Resource Conservation Service accepted Level III Soil Survey (digitized/published) for all lands within Upper Chama SWCD.

ACEQUIAS / DITCHES / CANALS

1. GOAL: Recognize and protect Acequia/Ditches/Canals easements as property rights while recognizing the customary and historical use of Acequias [Chapter 72 Water Law & 73 Special Districts, NMSA 1978].

Objective 1A: Encourage recognition of Acequia easements that include the right of the owner to enter, inspect, repair, and maintain an Acequia, canal or ditch.

Objective 1B: Encourage the implementation of policies that limit encroachment upon or impairment of easements for canals or ditches, without the permission of the easement owner.

Objective 1C: Encourage adoption and implementation of policies encouraging the owners of acequia/ditches/canals easements to be reasonable in the use of their easement and or follow state statue.

2. GOAL: Cooperate with Acequias, irrigation districts and ditch associations.

Objective 2A: Cooperate, coordinate, and consult with Acequias, irrigation districts and ditch associations in water planning and water related issues.

Policy 1: Ownership of water rights, ditch water rights, and related easements are distinct property rights.

Policy 2: Acequia commission should always be consulted before contemplating/planning sale of water within the drainage/watershed as per state statue.

FLOODPLAINS / RIVER TERRACES & WETLANDS

Floodplains are relatively broad and smooth valley floors constructed by active rivers and periodically covered with floodwater during periods of overbank flow. Floodplains usually

include the riparian and wetland areas. The flood plain is a part of the active erosion and depositional activity of river channels.

River terraces (benches) are abandoned floodplains that formed when their associated rivers flowed at high levels in the past. Many alluvium-filled valleys in the Upper Chama SWCD have terraces at their margins, which, when irrigated, are some of the most productive farmlands.

Wetlands help regulate water levels within watersheds, improve water quality, and reduce flood and storm damages. Wetlands are most common in floodplains along rivers and streams (riparian wetlands). They also occur in isolated depressions surrounded by dry land (for example: playas, basins), along the margins of lakes and ponds, and other low- lying areas, where the groundwater intercepts the soil surface or where precipitation sufficiently saturates the soil (vernal pools and bogs). Wetlands include marshes and wet meadows dominated by herbaceous plants; swamps dominated by shrubs, and wooded swamps dominated by trees.

The NRCS has primary responsibility for delineation of wetlands pursuant to an interagency Memorandum of Agreement dated January 6, 1994 [See Appendix D, Memo of Agreement, NRCS/ACOE]. The U.S. Army Corps of Engineers still has primary responsibility to issue a "dredge and fill" permit under Section 404 of the Clean Water Act when construction may affect the waters of the United States, such as filling in a wetland area [33 U.S.C. §1344]. Mitigation may be required in the form of replacement wetlands to meet the "no net loss" of wetlands policy.

Through implementation of policies and guidelines, the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) extended their jurisdiction over those waters protected by the Clean Water Act (CWA) to include waters that may affect waters of the U.S. Three U.S. Supreme Court decisions have defined and limited the scope of the EPA and Corps jurisdiction over waters: *United States v. Riverside Bayview Homes Inc.*, 474 U.S. 121 (1985), *Solid Waste Agency of Northern Cook County (SWANCC) v. U.S. Army Corps of Engineers*, 531 U.S. 159 (2001), and *Rapanos v. United States*, 547 U.S. 715 (2006). These cases created the rule that the EPA and Corps have jurisdiction over wetlands that are continuously adjacent to or have a significant nexus with traditional navigable waters under the CWA. In 2007, the EPA adopted direction consistent with the Supreme Court decision. In 2009, the EPA supported legislation to reverse the Supreme Court decisions in *SWANCC* and *Rapanos*, but the legislation failed. [Clean Water Restoration Act of 2009, S. 787, 111th Cong.]. The EPA then proposed to revise its 2007 CWA guidance to extend its regulatory authority through selective interpretation of the Supreme Court Decisions [76 Fed. Reg 24479]. This guidance was never made final due to the numerous comments that were received criticizing the EPA for not conducting rulemaking and failing to respect the previous decisions of the Supreme Court.

The EPA and Corps finally published the proposed rule Definition of Waters of the United States Under the Clean Water Act in April of 2014 [79 Fed. Reg. 22188]. The government received numerous comments on the proposed rule. The majority of the substantive comments criticized the rule for expanding its authority beyond those granted in the CWA and in conflict

with Supreme Court precedent. The EPA announced the final rule in May of 2015. The new rule provides the EPA and Corps with jurisdiction over waters that are not navigable; includes tributaries that are perennial, intermittent, or ephemeral, have bed, banks, and ordinary high water marks, and flow directly or indirectly to traditional waters; waters adjacent to traditional waters, including those within 100 feet of an ordinary high water mark of a traditional water or within a 100-year floodplain and 1500 feet of an ordinary high water mark of a traditional waters; and waters with a significant nexus to traditional waters, such as waters within the 100- year floodplain of a traditional water and waters within 4000 feet from the high tide line or ordinary high water mark of traditional waters. 80 Fed. Reg. 37054 (2015).

Twenty-seven states challenged the rule and industry groups filed their own challenges. The four state cases were consolidated in the Sixth Circuit Court of Appeals under multi-district litigation procedures. The Sixth Circuit enjoined EPA on October 9, 2015 from enforcing the rule on the basis that the plaintiffs had shown likelihood of succeeding on the merits. *In re: Environmental Protection Agency and Department of Defense Final Rule; "Clean Water Rule: Definition of Waters of the United States," 80 Fed. Reg. 37,054 (June 29, 2015)*, Nos. 15- 3799/3822/3853/3887.

1. GOAL: Encourage a cooperative, coordinated and collaborative approach to wetlands issues that conserves and protects soil and water resources and also protects rangeland, forestland and agriculture uses.

Objective 1A: Work with local, state, and federal agencies and landowners to achieve acceptable solutions and mutual benefits, both economic and otherwise, on these issues.

Objective 1B: Participate in the process to develop a consistent definition and accurate delineation of wetlands and lands adjacent to wetlands that can be applied in the District.

Objective 1C: In developing a wetlands definition, attempt to include the following components:

> Wetlands are naturally occurring areas of predominantly hydric soils that support hydrophytic vegetation due to existing wetland hydrology. [Glossary, pp. 101-102].
>
> Hydric soils are defined as soils formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part. *Id.*
>
> Hydrophytic vegetation is defined as development of plant communities specifically adapted for recurring inundation or saturation. Generally there should be a predominance or b of obligate wetland plants and

facultative wetland plants. *Id.*

Objective 1D: Ensure that regulation of wetlands does not impair property rights.

2. GOAL: Respect the role of local wetlands in the landscape which is different from and independent of national wetlands and related regulation.

3. GOAL: Oppose expansion of wetlands regulations and the government's jurisdiction over water sources as proposed by the EPA.

RIPARIAN AREAS

Riparian areas are zones bordering lakes, reservoirs, potholes, springs and seeps, wet meadows, vernal pools, and ephemeral, intermittent, or perennial streams. They are of prime importance to water quality, water quantity, stream stability, and fisheries and wildlife habitat. Abundant water, forage, and habitat attract a proportionately greater amount of use and conflict than their small area would indicate. They are vital to the livestock grazing industry, mining, and many are also well suited for development as high quality agricultural farmland.

A riparian area is an area along a watercourse or around a lake or pond. It also refers to a "corridor encompasses the stream channel and portion of the terrestrial landscape from the high water mark toward the uplands where vegetation may be influenced by elevated water tables, or flooding, or by the ability of soils to hold water." Citing Malcomb Hunter, Robert Naiman states:

> "At the smallest scale, the riparian zone is the immediate water's edge where some specialized plants and animals form a distinct community. At a larger scale, the riparian zone is the area periodically flooded by high water, the stream banks and flood plain. At the largest scale, the riparian zone is the band of land that has significant influence on the stream ecosystem, and/or is significantly influenced by the stream."

BLM describes riparian areas as those terrestrial areas where the vegetation complex and micro climate conditions are products of the combined presence and influence of perennial and/or intermittent water, associated high water tables and soils which exhibit some wetness characteristics. The term 'riparian area' often refers to the zone within which plants grow rooted in the water table of these rivers, streams, lakes, ponds, reservoirs, springs, marshes, seeps, bogs and wet meadows [Riparian Area Management, Riparian Wetland Soils BLM-Forest Service, Technical Reference 1737-19 (2003)].

Riparian areas are ecosystems that occur along watercourses or water bodies. They are distinctly different from the surrounding lands because of unique soil and vegetation characteristics that are strongly influenced by free or unbound water in the soil. Riparian ecosystems occupy the transitional area between the terrestrial and aquatic ecosystems. Typical examples would include floodplains, stream banks, and lakeshores.

Upland rangelands generally refer to all areas that are not in a riparian area or wetland. The uplands will vary by soil and plant species but do not have natural sources of water that otherwise change soils and plants.

1. GOAL: Encourage a coordinated and collaborative approach when establishing riparian and upland management plans and encourage the use of Best Management Practices.

Objective 1A: Encourage enhancement of the range resources through planned grazing systems that provide an accurate and verifiable system for comprehensive (short and long-term) monitoring and evaluation of the entire range resource within the grazing system.

Objective 1B: Encourage defining riparian areas as areas of land directly or indirectly influenced by permanent water. Riparian areas have visible vegetation or physical characteristics reflective of permanent water influence. Excluded are such sites as ephemeral streams or washes that do not exhibit the presence of vegetation dependent upon free water in the soil.

Policy 1: Support livestock and other managed uses of watersheds because properly managed multiple uses are compatible and consistent with watershed management.

Policy 2: Exclude from wetlands regulations, including mitigation or compensatory wetlands policies, those artificially-created wetlands that cease to be wetlands when the water project is repaired and the area dries up.

Policy 3: Require water quality monitoring as part of energy and right-of-way development projects to ensure groundwater and surface water quality is not degraded.

RANGELANDS, WOODLANDS AND FORESTS

Rangelands

The majority of the rangelands and riparian zones in the Upper Chama SWCD support an understory or periodic cover of herbaceous or shrubby vegetation suitable for rangeland management principles or practices. 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 is suitable for wildlife or domestic livestock grazing, including grasslands, woodlands, shrublands, and forest lands. Rangeland includes lands revegetated naturally or artificially to provide a plant cover that is managed like native vegetation. Rangelands in the Upper Chama SWCD consist of sage brush-steppe, grasslands, desert shrublands, and wet meadows.
A large percentage of land in the District is classified as rangeland. The soil and climate make the land best-suited for grass and shrubs, rather than farming. The BLM requires public rangelands to meet, maintain or make substantial progress towards meeting standards, which

were developed for New Mexico.

Forests & Woodlands

The Carson National Forest encompasses a large percentage of the forest type communities at the upper elevation as well into the Pinon/Juniper type at the lower elevations. Private forest/woodland communities exist throughout the district boundaries. The upper elevations include the Spruce/Fir/ Aspen while the mid-range elevations are dominated by Ponderosa Pine/Gamble Oak and at the lower elevations the Piñon/Juniper trees are dominant.

Most National Forests were reserved from the public domain to provide a perpetual supply of timber for home industries, to prevent destruction of the forest cover, and to maintain favorable conditions of flow. Subsequent legislation directs that the National Forests are to be managed for multiple use and sustained yield, based on standards and guidelines established in regulation and customized to each unit of the National Forest System through the land use planning process [16 U.S.C. §1604(c) and §1604(e)].

While there is limited commercial logging in Upper Chama SWCD, timber is cut for firewood and poles. On-going thinning projects are implemented to reduce fuel loads. These fuel loads threaten watersheds in the district that can lead to a catastrophic fire with significant negative outcomes to water quantity and quality.

Woodland product will be provided as a part of multiple use management while providing reasonable protection to other resources (managed on a sustained yield basis). Fuel wood, cedar posts, and other woodland products should be available for harvest by the public. Public utilization of the woodlands could be used along with prescribed burns to improve habitat for livestock and wildlife. Woodland management plans will be prepared to describe specific actions to be implemented to achieve objectives.

1. GOAL: Achieve good rangeland, forest, and woodland health to ensure healthy and vibrant watersheds for current and future generations and to sustain the stability of ranching and agriculture.

Objective 1A: Protect our natural resources capital assets by managing mortality and reducing fuel loads on rangeland and forest areas.

Objective 1B: Maintain and restore watershed health by demonstrating active rangeland, forest, and woodland management.

Objective 1C: Enhance and improve habitat.

Objective 1D: Continue to provide a wide variety of trees, shrubs, and seedlings to the community for windbreaks, shelterbelts, and aesthetic value for wildlife and agricultural use.

Objective 1E: Support the early detection and control of noxious and invasive weeds and

insect infestations.

2. GOAL: Support and promote a sustainable and continuous supply of forage, timber, wood products and bio-fuels, firewood, wildlife, fisheries, recreation, and water supplies utilizing multiple use on our public rangelands, forests, and woodlands.

Objective 2A: Request to be involved in the designation/management of areas that may require single-use or restrictive-use.

Objective 2B: 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.

Objective 2C: Support local land managers on site-specific management decisions based on sound science, compliance with New Mexico Standards for Healthy Public Rangelands and Best Management Practices.

Objective 2D: Ensure that rangeland health assessments identify all of the causal factors when there is a failure to meet the New Mexico Standards for Healthy Rangelands and that livestock grazing uses are not reduced to compensate for or mitigate the impacts of other causal factors. Engage assistance from the Range Task Force associated with New Mexico State University.

3. GOAL: Educate the public on the benefits of multiple use and long-term sustained yield of rangeland and woodland resources.

Objective 3A: Encourage public education documenting through science and practical experience the benefits of active management of rangelands, forest, woodlands and other areas.

Objective 3B: Support cooperation with public land managers, local organizations, boards and governments on the importance of public lands to local infrastructure maintenance.

Objective 3C: Support agreements with federal and state agencies to formalize a working relationship with local, state and federal land managers.

Policy 1: Encourage the creation of a model in Upper Chama SWCD that demonstrates how active rangeland management can meet economic needs, while maintaining and restoring watershed health.

Policy 2: Work with local, state and federal agencies in partnership to help assess the state of our rangelands, forests and woodlands.

Policy 3: Explore vegetation management and harvest methods, where applicable, that enhance wildlife habitat, through vigorous new growth and a natural mosaic and that reduce fuel loads.

Policy 4: Support local, regional, state and federal partnership in the manufacture and use of forest and forest by-products, including innovative ways to harvest timber.

Policy 5: Coordinate the monitoring of wildlife species with the New Mexico Game & Fish, permittees, private landowners, state and federal land managers in order to provide project engineering design, construction and prescribed burning support for resource enhancement. The forestlands/woodlands program will provide support through vegetation treatments for both rangeland and forest areas that will enhance wildlife habitat.

Policy 7*:* Recommend the following actions to assist in ensuring healthy and sustainable rangelands, forests, woodlands and other areas*:*

- Become actively involved in multi-jurisdictional/county level coordinating committees such as those formed under the National Fire Plan, or where these committees do not currently exist, initiate committee formation to address rangeland and forest management concerns..
- Examine criteria for the USDA - Forest Service and DOI competitive grant processes for the National Fire Plan to determine avenues to improve ranking of projects from New Mexico designed to address wildfire fuels mitigation.
- Seek cooperating or coordinating agency status where the District has jurisdiction, expertise or capacity within the District exists, to facilitate input into planning and management, providing review and comments to pre-planning project implementation, EA and EIS document development.
- Actively promote fuel reduction projects to protect watersheds, water quality, and vegetation, as well as sage grouse habitat.

Policy 8: Support the New Mexico State Forestry Strategic Plan with respect to management of forest resources on private land to achieve the best long-term return on investment and to promote healthy forests. Support efforts to encourage a similar and compatible policy with respect to forests on federal land that are eligible for harvest or intensive management to reduce the incidence of disease and insect infestation.

Objective 1E: Address the impacts of beetle infestation and disease.

Policy 1: Develop or participate in a coordinated plan to reduce fuel loads in forest areas that are already infested and manage the remaining forested areas to minimize further infestation.

Policy 2: Include in the plan soil conservation and renegotiation to restore the forested areas and improve forest health.

Policy 3: Ensure that recovered wood products are used, whether for building material or biofuels.

FLORA AND MANAGEMENT OF VEGETATION

Management of vegetation is based on the flora (plants) of a particular region, district, or geographical period; a description of such plants describes plants living in nature that include both native and introduced plants to the County as well as desirable and undesirable plants. As per this Plan, activities depending on native and introduced flora include, but are not limited to: agriculture (livestock carrying capacities, desired plant communities); weed (management); recreation and education (plant identifying, 4-H range judging, etc.); habitat management for domestic and wild animals; and species of concern (management of rare, threatened, and endangered plants or habitat for animal species of concern, including state sensitive species). Vegetation resources may be managed differently on private land, as compared with land owned by the State or the United States. The Plan attempts to consider vegetation resources on all lands, while respecting private land interests and rights.

The encroachment of juniper/piñon, pine, big sagebrush (Artemisia) into rangelands can reduce rangeland diversity and productivity and dewater riparian areas and wetlands. Similarly, the expansion of decadent and old sagebrush over thousands of acres in the Upper Chama SWCD threatens multiple uses and the maintenance of healthy rangeland conditions and habitat. The spread of invasive species, such as salt cedar and cheatgrass, by surface disturbing activities also threatens rangeland resources. More aggressive or intensive management of these vegetation communities will enhance and sustain multiple uses and increase rangeland productivity.

Upper Chama SWCD enjoys a diverse and abundant plant population. Private, state, and federal lands provide vital plant species managed for various consumptive and non-consumptive uses as part of the custom and culture of the area. Herbs provide a wide range of medicinal purposes in use by the local population for generations.

Goal 1: Encourage and facilitate reclamation and mitigation of the impacts on the forage resource that comes as a result of surface disturbance from mining, oil and gas, utilities, and recreation.

Objective 1A: Encourage land managers and landowners to seek technical assistance to mitigate surface disturbance to facilitate soil and water conservation and re-establishment of native or other desired vegetation.

Objective 2A: Encourage immediate reclamation after surface disturbing activities, site stabilization and intermediate reclamation, the use of native and sterile nonnative plant seeds, and monitoring of reclamation efforts to facilitate the re-establishment of native or other desired vegetation.

2. GOAL: Enhance the current amount of rangeland vegetation, by actively reversing the colonization and encroachment of rangelands by piñon, juniper, ponderosa pine and weed infestations.

3. GOAL: Participate in local plans to ensure an effective balance between sagebrush habitat

for wildlife species and grass vegetation for domestic and wild grazing animals.

4. GOAL: Support and work to identify range management objectives based on site potential, climate and land uses.

Objective 4A: Facilitate and support monitoring and evaluation of rangeland, soil, and water conditions to ensure that management decisions are based on sound and credible data as mandated in state and federal law.

5. GOAL: Support the establishment of habitats that are ecologically sustainable, diverse in species and structure and not manage habitat for the benefit of single wildlife species in the District based on site potential and climate, and set goals for plant management to benefit and protect rangeland resources, soil, and water.

Objective 5A: Work to secure NRCS accepted Level III Soil Survey on all lands in Upper Chama to identify Desired Plant Communities.

Objective 5B: Support a local, regional, state, and federal partnership effort to complete a Level III NRCS accepted, prioritized, digitized and published soil survey for all of the lands in Upper Chama SWCD and the Rio Arriba County (in-holding land pattern requires a three-way partnership).

Objective 5C: Support the use of the completed Soil Survey to manage highly erodible soils found in Upper Chama SWCD, to maintain productivity, minimize erosion, protect private and public water reserves, water quality, limit severe and critical erosion by restricting or mitigating surface disturbance so as to minimize soil erosion, and to restore degraded areas.

Objective 5D: Request local, state, and federal agencies to work with local public to develop Desired Plant Community goals for management areas. These goals shall provide for a variety of land uses and that will maintain and enhance the rangeland, soil, and water resources to stabilize the ranching and agriculture of the District, and, in turn, protect the custom and culture and economy of Upper Chama SWCD. Native vs. non-native species and desirable and non- desirable species shall be identified through a local-input process for the District.

Objective 5E: Request cooperation in identification of and recovery-planning efforts for sensitive, threatened and endangered plant species which evaluate, mitigate, and support the District's custom and culture, economic viability and community stability.

6. GOAL: Encourage and promote the protection of the grassland resources from the invasion and expansion of juniper/piñon pine, ponderosa pine, sagebrush, and non-native invasive plants and noxious weeds.

Objective 6A: Participate in the review of and encourage the inclusion of control measures for woody species.

Objective 6B: Work closely with local, state and federal agencies to identify areas for sagebrush management and control, based on wildlife habitat needs, without compromising overall rangeland vegetation productivity.

Policy 1: Recommend local, state and federal agency research and provide funding opportunities and compensation to landowners that provide high quality habitat for animal and plant wildlife species of concern.

Policy 2: The characterization and conservation of soil and soil resources are fundamental to the proper development of all natural resource use and is a legislative declaration of the District.

Utilize the digitized/published soil surveys and complete the Natural Resources Conservation Service accepted Level III Soil Survey (digitized/published) for all lands within Rio Arriba County.

Policy 3: Recommend that local, state, and federal partnership fund a NRCS-accepted Level III Soil Survey on all lands within Rio Arriba County.

Policy 4: Recommend locally driven efforts be initiated to identify Desired Plant Communities for areas within Upper Chama SWCD and the County.

Policy 5: Request to be notified by local, state and federal agencies as to any action or regulation which involves plants or vegetation management for wildlife on local, state and federal land within the District. The District will review and comment on local, state and federal actions or changes significant to plant and related wildlife issues in the District.

Policy 6: Recognize that the continued presence or possible listing of any rare plant species as endangered or threatened under the ESA or as sensitive heightens the need for private citizens, local, state and federal agencies to identify desired plant communities for areas within the District.

CONTROLLING WEEDS & PESTS

The spread of noxious and invasive weeds on all land is a national problem that threatens rangeland and farmland productivity [Ex. Order 13112 Invasive Species, (Feb. 3, 1999)]. Salt Cedar, hoary cress, knapweed, chicory and cheatgrass are noxious weeds that are particularly abundant in Upper Chama SWCD and adversely impact rangeland and farmland productivity. Any surface disturbing activities have the potential to increase the presence and spread of these noxious weeds. Weed seeds are transmitted primarily by wind, wildlife and birds but will take root more easily where the surface is disturbed. Upper Chama SWCD has a weed control program in place, in cooperation with the neighboring East Rio Arriba SWCD.

GOAL: Support and cooperate in the development of a comprehensive Upper Chama SWCD Weed Management Plan.

Objective 1A: Encourage the implementation of county weed control policies.

Objective 1B: Continue the District commitment to fund weed control programs. Review and be consistent with Weed & Pest plan or encourage working relationships.

1. GOAL: Support eradication, to the extent possible, of nonnative invasive plants and noxious weeds within District.

Objective 2A: Support the agreement with East Rio Arriba SWCD.

Objective 2B: Encourage the cooperation of local, state and federal governments for procurement of additional funding for CWMA for the control of weeds on all lands in the County.

Objective 2C: Support CWMA current and future efforts to identify the location of all noxious weeds, in particular hoary cress, knapweed and cheatgrass and similar invasive plants, and initiate management and/or eradication.

Objective 2D: Cooperate in noxious weed control to improve the productivity of federally-managed rangelands consistent with local, state and federal law and policies to eradicate noxious and invasive weeds, and to enhance native vegetation.

Objective 2E: Support cooperative agreements and, if necessary, legal actions to assure the protection of all lands from noxious weed invasion or occupation.

Objective 2F: Communicate, coordinate and consult with local, state and federal governments on education about the eradication of invasive alien species.

2. GOAL: Recognize the State of New Mexico Noxious Weed List and assist East Rio Arriba SWCD in monitoring efforts of invasive plant species and noxious weed infestations throughout the District.

3. GOAL: Support control of undesirable plants and pests, including pine and spruce beetle, by scientific methods including integrated pest management with consideration given to: competitive planting, bio-control by insects and weed eating mammals, cultural, chemical and mechanical treatments for both plants and pests, by cooperating with local, state and federal governments.

Objective 4A: Work closely with local, state, and federal health agencies to manage and monitor zoonotic and vector-borne diseases, including mosquitoes that transmit viruses, such as West Nile.

Objective 4B: Facilitate public education regarding effects of zoonotic and vector-borne diseases on game and wildlife, including impacts of West Nile virus and sylvatic plague on prairie dogs and mountain lions.

4. GOAL: Oppose efforts of special interest groups to attribute noxious weeds infestation to livestock grazing.

Objective 5A: Educate agency personnel and the public regarding the documented vectors of wind, wildlife, and birds for the transfer of noxious weeds and methods to eradicate infestations.

LIVESTOCK GRAZING

The production of livestock in Upper Chama SWCD is 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. The District shall strive to protect our ranching/farming heritage, as it is a primary foundation of the custom and culture of the District.

The production of livestock and livestock grazing are management tools that are used to maintain and enhance the rangeland resource. Improving the rangeland resource through livestock grazing benefits watersheds, wildlife, water quality and recreation, reduces wildfire risk, as well as providing needed forage for sustaining livestock production and wildlife habitat.

Pursuant to the Taylor Grazing Act, the public lands in Upper Chama SWCD were determined to be "chiefly valuable for livestock grazing" and were withdrawn from sale or homestead entry to be managed for grazing [43 U.S.C. §315, and Executive Order of November 26, 1934, No. 6910]. In 1964, Congress directed BLM to manage the public lands for multiple use and sustained-yield. With passage of FLPMA in 1976 and the Public Rangelands Improvement Act ("PRIA") in 1978, 43 U.S.C. §§ 1901-1908, Congress affirmed the multiple use mandates for public lands but identified livestock grazing along with mineral development, wildlife, and recreation, as primary multiple uses [Addendum Tab Nos. 28b, 28h, 29 at 133, 139, and 151, respectively, 43 U.S.C. §1702(l), §1732(a), §1901(a)(4)]. PRIA directed BLM to intensively manage public lands in order to improve and enhance rangeland conditions [43 U.S.C. §1901(b)]. Congress also earmarked $10 million each year to fund range improvement projects, including water development and vegetation treatment.

1. GOAL: Support and facilitate the continued use of private, state, and federal lands for the production of livestock.

Objective 1A: Support the continued use of federal and state lands for livestock grazing.

Objective 1B: Support the recognition and protection all private property rights, including water rights.

Objective 1C: Support the recognition and protection of the right to graze livestock on public lands through legal recognition of grazing preference rights.

Objective 1D: Support range livestock production that is environmentally and economically viable.

Objective 1E: Support locally-led coordinated resource management planning to resolve management conflicts and to ensure involvement of all interests.

2. GOAL: Coordinate with New Mexico Game and Fish Department (NMG&F) to ensure that wildlife and big game 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 NMG&F and request immediate adjustments in wildlife numbers when habitat capacity is exceeded. Federal and state agencies must be cognizant of habitat improvement that results in increase in wildlife number adjacent to private lands. Private lands are increasingly used by wildlife as the numbers increase placing a tremendous burden on limited resources. The situation has increased conflict with private landowners and the NMG&F department in recent years.

3. GOAL: Support management of rangelands to maintain and enhance desired plant communities that reflect historical livestock and wildlife number for the benefit of watershed health, water quality and quantity.

Objective 3A: Encourage compliance with the all applicable state and federal rangeland and livestock grazing laws, with state law being applied when there is no clear federal preemption.

Objective 3B: Encourage the use of coordinated planning (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/sagebrush control, re-seeding, fencing, salting plans, herding plans and grazing systems).

Objective 3C: Encourage utilization of rangeland standards and guidelines that are scientifically proven and peer reviewed and work to change standards and guidelines, when they are unnecessary and scientifically controversial or unproven.

Objective 3D: Support consistent monitoring of vegetation conditions.

4. GOAL: Support and facilitate range improvement projects to benefit rangeland, soil and water resources.

Objective 4A: Support enhancement of habitat for the benefit of livestock and wildlife through the use of range improvements.

Objective 4B: Ensure that water projects developed for livestock will be designed so that wildlife can use the water without hazard.

Objective 4C: Support decisions regarding range improvements to be made on an allotment basis, as they are an integral part of the use of state leases, private leases, private lands, other allotments, and the overall operation of each ranch enterprise. Facilitate funding and necessary environmental reviews to reduce costly delays.

Policy 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 and irrigated cropland within the District.

Policy 2: Use scientifically-sound management practices and the development of planned grazing systems and supporting infrastructure (i.e. - fences, reservoirs, spring developments, and vegetation treatments) with short- and long-term monitoring to evaluate whether goals and objectives are being met.

Policy 3: Oppose agency efforts to restrict the development of livestock water or other rangeland improvements.

Policy 4: Work cooperatively with the local ranchers and other interested parties to address resource concerns on a site-specific basis. These cooperative efforts may include, when appropriate, facilitating the Section 8 review, which refers to the requirement that a federal land agency "coordinate, consult, and cooperate" with the permittee or lessee and the state land agencies, when preparing an allotment management plan [43 U.S.C. §1752(d)].

Policy 5: Facilitate the use of prescribed fire and other approved methods to manage sagebrush, control weeds and tree encroachments, and to enhance, maintain or increase current grazing levels.

Policy 6: Recommend that local, state and federal agencies cooperate with the District and the agriculture industry to define desired plant communities on local, state and federal lands.

Policy 7: Encourage compliance with FLPMA's direction that livestock grazing be recognized as one of the primary multiple uses and that any decision to end livestock grazing must be reported to Congress and the BLM must revise its land use plan to reflect the elimination of grazing, and applicable executive orders must be modified. To the extent that BLM uses land use planning as the vehicle to end livestock grazing, it must do so with "careful and considered consultation, coordination and cooperation" with the grazing permittees, the state, and local government entities, including conservation districts [43 U.S.C. §§1701(a)(2); 1702(l); 1712(c)(9), 1712(e); and 1752(d)].

Policy 8: Work to increase productivity of rangeland to increase and/or maintain Animal

Unit Month ("AUMs") to maximum sustainable levels on rangeland in the Upper Chama SWCD.

Policy 9: Encourage mechanisms to allow flexibility for grazing allotments or grazing lease agreements, including the subleasing of grazing rights or allotments on state or public lands.

Policy 10: The District may seek cooperating agency status with respect to amendments or revisions of land use plans, activity plans or allotment management plans. When BLM or USFS proposes to eliminate livestock grazing, the District will identify person[s] to participate on the planning team, provide data and research regarding the role of grazing, and to facilitate the free flow of information.

Policy 11: It is the District's position that:

Management of public lands must maintain and enhance agriculture to retain its contribution to the local economy, customs, cultural and heritage as well as a secure national food supply.

Forests, rangelands, and watersheds, in a healthy condition, are necessary and beneficial for wildlife, livestock grazing, and other multiple-uses.

Management programs and initiatives that increase forage for the mutual benefit of the watersheds, livestock operations, and wildlife species should utilize all proven techniques and tools. Habitat improvement must not have an adverse impact on adjacent private lands.

Most of the public lands in the District were classified as chiefly valuable for livestock grazing and were withdrawn from operation of the general land laws which closed public lands to settlement but directed that they be open for mineral development and be managed for livestock grazing pursuant to the Taylor Grazing Act. The available forage was then allocated between wildlife and grazing preference holders, such that the established grazing preference represented the best professional judgment of the Bureau of Land Management at that time. The government cannot properly change these decisions without amending the original withdrawal and revising the land use plan based upon sound and valid monitoring data.

Forage allocated to livestock may not be reduced for allocation to other uses. Current livestock allocation will be maintained.

The government agencies should support financially the needed structural and vegetation improvements to ensure there is sufficient forage, especially when there is pressure from other land uses, and to maintain or improve overall vegetation and resource conditions.

The continued viability of livestock operations and the livestock industry should be supported on the federal lands within the District by management of the lands and forage 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, and the Public Rangelands Improvement Act, 43 U.S.C. §§1901, et seq.

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 an on-the-ground and scientific analysis. It opposes the relinquishment or retirement of grazing animal unit months in favor of conservation easements, wildlife, horses and other uses.

It opposes the transfer of grazing animal unit months to wildlife or horses.

Any reductions in domestic livestock animal unit months must be temporary and scientifically based upon rangeland conditions.

Policies, plans, programs, initiatives, resource management plans, and forest plans may not allow the placement of grazing animal unit months in a suspended use category unless there is a rational and scientific determination that the condition of the rangeland allotment or district in question will not sustain the animal unit months proposed to be placed in suspended use. Any grazing animal unit months that are placed in a suspended use category should be returned to active use when range conditions improve.

Policies, plans, programs, and initiatives related to vegetation management should recognize and uphold the preference for domestic grazing over alternate forage uses in established grazing districts while upholding management practices that optimize and expand forage for grazing and wildlife in conjunction with state wildlife management plans and programs in order to provide maximum available forage for all uses.

In established grazing districts, animal unit months that have been reduced due to rangeland health concerns should be restored to livestock when rangeland conditions improve, and should not be converted to wildlife use.

The proper management and allocation of forage on public lands is critical to the viability of the District's agriculture, recreation and tourism industry.

Management of forage resources directly affects water quality and water yields.

Increases in available forage resulting from conservation practice, improved range condition, or development of improvements by the livestock operators or other allocated forage user will be credited to that use.

Increases in available forage resulting from practices or improvements implemented by

managing agencies will be allocated proportionately to all forage allocations, unless the funding source specifies the benefactor.

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.

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 and wild horses. Reductions resulting from forage studies will be applied to the use responsible for the forage impact.

Permittee may sell or exchange permits. Such transactions shall be promptly processed. Changes in seasons of use or forage allocation must not be made without full and meaningful consultation, cooperation, and coordination with permittee.

The permitted seasons of use set forth in a management plan may be adjusted and still be in conformance with the plan if;

1. meeting, maintaining, or making progress towards meeting for range management standards officially adopted by the managing agency
2. managing agency and the permittee sign an agreement documenting monitoring plan
3. with coordination, consultation and cooperation, the managing agency develop grazing management practices determined necessary including those that provide for physiological requirements of desired plants.

Livestock allocations must be protected from encroachment by wild horses and wildlife.

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.

Policy 12: Federal law provides that the seasons of use are part of the grazing permit and these terms cannot be unilaterally changed.

Policy 13: NEPA documents addressing the impacts from full field oil and gas development must also provide for mitigation and compensation to the affected ranchers for loss of grazing and disruption.

FIRE MANAGEMENT

The District's forests, like most forests in the southwest, have been subject to a fire management approach that has made landscapes more susceptible to catastrophic fires outside the range of natural variation. The District recognizes the condition of the forested watersheds, their potential

for catastrophic fires, and subsequent environmental disaster, and therefore supports partnerships to initiate action to address this looming situation.

The District supports the sound use of fire management using well planned prescribed fuels reduction through, vegetative treatments, including salvage logging in burned forest areas. Wild fire that threatens life and property with the potential to cause catastrophic damage should be aggressively suppressed but done safely.

The District supports sound land management policies, including prescribed fire or use of managed natural starts to reduce fuel loads and the risk of catastrophic uncontrolled wildfire [Fire Management Plan, Carson National Forest.] The District recognizes that intense wildfires harm organic material in the soils, increase soil erosion, pollute water, cause significant damage to rangeland resources, water treatment facilities, irrigation systems, and the loss of fish and wildlife habitat. When forested or rangeland areas are not properly managed and fuel loads build up to catastrophic consequences. While natural wildfire may allow the landowner to improve vegetation, these situations are distinguished from use of "let it burn" policies in roadless or wilderness study areas that allow wildfires spread over thousands and even hundreds of thousands of acres or escape to destroy property and threaten communities.

Fire suppression policy should be guided by the need to achieve the highest level of protection for human safety and private property. Fire suppression may be necessary in areas where fire would endanger human safety and private property or valuable vegetation that supports and expands multiple uses or threatens habitat of sensitive species. The blanket fire suppression policy of the past has contributed to the extensive juniper piñon pine/conifer encroachment and decadent habitats. On rangeland and grassland areas, the combination of weather, drought and reduced use can also lead to fuel loading that facilitates larger, more intense wildfires. The role of wildfire and fire suppression in the context of maintaining sagebrush habitat is also controversial, with some evidence suggesting that past fire suppression decreased overall forage productivity and sagebrush habitat.

1. GOAL: Where appropriate, encourage well planned use of management ignited prescribed fire and natural ignited fire under prescription otherwise suppress fires.

Objective 1A: Suppress fires in areas where fire would endanger human safety and private property or valuable vegetation that supports and expands multiple uses and/or provides critical habitat for sensitive species.

Objective 1B: Participate in consideration of a limited and judicious use of wildfire, rather than favoring a "let it burn" policy, for areas where invading and expanding shrubs and trees are reducing the value of the rangeland resources.

Objective 1C: 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.

Objective 1D: Encourage development of vegetation treatments and use of livestock grazing to keep fuel loads within appropriate limits.

Objective 1E: Encourage the adoption of the following policies by regulatory entities:

Policy 1: Where rest prescriptions are appropriate, they may include the year of the burn, light late-season use in the year following the burn or moderate late season use in the second year following the burn. The same approach is recommended when chemical treatment is utilized requiring rest following treatment.

Policy 2: Post-fire grazing will not be limited when monitoring and evaluation produces relevant, accurate data that demonstrates grazing will not unduly harm the range.

Policy 3: In the planning of prescribed burns, where feasible, market the renewable timber resource while reserving desirable seed trees, before burning.

Policy 4: Fire should not replace timber harvest as the primary forest management tool.

Policy 5: Post-fire reclamation must also include aggressive efforts to limit or eradicate non-native and noxious weeds, including cheatgrass.

WILDLIFE

The term "wildlife" describes animals living in nature that are not domesticated or tamed. As per this Plan, activities in the District that depend on wildlife, include but are not limited to: hunting (elk, deer, antelope, bear, mountain lion, coyotes, grouse, rabbits, waterfowl, etc.); aquatic wildlife (fishing, managing endangered fishes etc.); passive recreation (bird watching, wildlife viewing, etc.); and species of concern.

Hunting big game, waterfowl and upland game birds has been a traditional part of life in the District even before the first settlers. In the early days, hunting was necessary for survival and, though today it is less essential, it still provides a food resource and recreation for many people. As such, it is a component of the custom and culture of the District.

The District is renowned for its big game hunting and provides excellent hunting for District residents and visitors. Employment as guides, selling supplies and equipment, meals, fuel and lodging to hunters provide income for District residents and contributes to the overall District economy.

Increased wildlife populations in some areas of the District have taxed the available habitat. Wildlife often migrate onto private property in large numbers through migration and grazing habits. This intensifies competition for available forage and exacerbates conflicts between wildlife habitat and management objectives to maintain rangeland/pastureland conditions for

livestock grazing. This conflict has been on the increase in recent years especially during winter and expanding year round in some areas. There is a real need for coordinated wildlife management, inventorying and harvest in order to balance habitat availability and wildlife populations.

The District enjoys a diverse and abundant game and non-game wildlife populations. This resource provides a variety of recreational opportunities and potential economic benefits.

Wildlife interests should be considered in all public land use/resource development decisions and the District supports responsible wildlife management practices that complement other District interests. The District supports reasonable critical habitat, seasonal closure, and other zones to restrict uses, so long as these regulations and policies do not create a "single-use" status. Habitat classifications, seasonal closures and other zones for specific species need to be adapted and adjusted to accommodate other resource uses and/or development in order to meet the spirit and direction of multiple uses.

1. GOAL: Support the maintenance and improvement of habitats in order to sustain viable and harvestable populations of big game and upland game species, as well as wetland-riparian area habitat for waterfowl, fur-bearers, and a diversity of other game and non-game species without sacrificing forage for range and agriculture interests and, further ensuring that wildlife management and habitat objectives reduce and/or avoid conflicts with other multiple uses.

Objective 1A: Request cooperation and coordination with the local, state and federal agencies to ensure a sustained harvest of game birds, fish, and mammals, which is beneficial to these game populations.

Objective 1B: Support wildlife management objectives and numbers based on what the range conditions and habitat can support. Wildlife habitats should be managed for sustainable wildlife populations that take into account obligations for livestock grazing and competing resource management objectives and drought.

Objective 1C: Support reasonable and science-based protection and restoration of critical winter range habitat, while respecting private property and considering the economic effects.

Objective 1D: 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.

Objective 1E: Recommend local, state and federal agencies research and provide funding opportunities and compensation to landowners for resource enhancement that benefits wildlife.

Objective 1F: Request the inclusion of at least one SWCD board member or designee to represent wildlife interests for any team-based decision making process by local, state or federal agencies which affects wildlife resources in the District.

Objective 1G: Support mitigation measures when conflicts with wildlife and livestock occur, in order to protect the range resource in a stable or improved trend. If reductions in grazing are required, allocations to wildlife and livestock will be reduced proportionately based on the quantified role that can be attributed to grazing with other causal factors, in accordance with New Mexico Standards for Healthy Rangelands in order to ensure that other resource uses are adequately protected [*See* Appendix E, New Mexico Standards for Healthy Rangelands BLM]

Objective 1H: Oppose closures or restrictions in traditional winter range areas for livestock permittees and oil and gas operators as both industries are heavily regulated and for the most part do not adversely affect wintering big game.

2. GOAL: Coordinate with the New Mexico Game & Fish Department to ensure that all affected landowners, lessees and permittees are consulted when developing specific Wildlife Management Plans for the District/County.

Objective 2A: Evaluate and comment on Wildlife Management Plans to ensure that they include annual head count, population targets, harvest guidelines, special hunts to mitigate damage to private property and rangeland resources, and guidelines for future site-specific management plans affecting upland, water fowl and big game habitat to meet the health of vegetation communities and rangeland health standards.

Objective 2B: Evaluate and comment on Wildlife Management Plans to achieve the objective of maintaining healthy wildlife populations balanced with resource carrying capacity and other land uses.

Objective 2C: Encourage rangeland and forest studies to monitor wildlife relationships to the available habitat and impacts of wildlife on vegetation enhancement projects.

Objective 2D: Help to fund cooperative studies with willing private landowners on wildlife damage to rangeland resources and related concerns.

Objective 2E: Help to fund the study of wildlife population fluctuations related to both habitat condition and other non-habitat impacts, which affect reproduction and survival.

Objective 2F: Encourage development of a recordkeeping system that tracks the incidence and disposition of wildlife damage on federal, state and private lands.

Objective 2G: Coordinate with local, state and federal agencies in adjacent state of Colorado on plans and regulations regarding wildlife to ensure consistency with this Plan.

Objective 2H: Encourage cooperation among local, regional, state and federal governments and private landowners in the management of big game and non-game wildlife species, including threatened and endangered species and state sensitive species populations.

Objective 2I: Encourage opening of access roads for late-season hunts when expected harvest quotas have not been met while preserving the integrity of other resource values. Encourage landowners on a voluntary basis to provide access onto private lands if a large number of targeted species are residing on private lands during the late-season hunt period, or if the landowner controls access to public land where the targeted animals are residing.

Objective 2J: Coordinate with the New Mexico Game & Fish to ensure consultation with all affected landowners, lessees and permittees in the development of specific wildlife population targets, harvest guidelines, and late-season and special hunts when harvest guidelines are not met.

3. GOAL: Help to fund the scientifically-based and peer-reviewed management and monitoring of wildlife resources and habitat impacts in the District to meet the multiple-use desires and objectives and the conservation of rangeland resources, soil, and water while respecting the legal grazing rights of ranching and agriculture interests and meeting other multiple use objectives, including mineral and energy development.

Objective 3A: Encourage wildlife management practices that sustain wildlife resources and habitat without measurably degrading other multiple use activities or private property rights.

Objective 3B: Support game herd population objectives and management decisions that will benefit the wildlife resource, including species viability, while taking into consideration and mitigating competition between wildlife species and domestic livestock.

Objective 3C: Recommend wildlife management agencies dedicate funds to compensate landowners for game damage based on problematic site needs.

Objective 3E: Recommend that regulatory agencies adopt bond release criteria for mine reclamation lands based on established criteria for habitat goals (topographic relief, surface water management techniques, establishment of diverse vegetation).

Objective 3F: Discourage the release through introduction or re-introduction of non-domesticated exotic [non-native] wildlife species, unless it is shown that there is adequate forage and habitat before introduction or re-introduction and that introduction or reintroduction will have no significant impact on existing wild game populations and domestic livestock grazing. Any introduced or reintroduced species should have the potential to increase sportsman opportunity and tax revenue without adverse effects on other land uses, such as canceling sheep grazing permit.

Objective 3G: Recommend that wildlife management agencies dedicate financial and personnel resources to predator management. Encourage sportsmen, landowners and private citizens concerned with the unreasonable take of wild game and domesticated stock by predators to support funding for predator control, including the purchase of management stamps

which are issued through licensing agents.

Objective 3H: Request to be notified by local, state and/or federal agencies of any actions or regulations that involve wildlife on private, state and federal land within the District. The District may review and comment on state or federal actions or changes significant to wildlife issues in the District.

4. GOAL: Ensure that proposed wildlife introductions on federal lands be evaluated by consulting with state and local government entities and involving the public. Wildlife introductions and populations that may encroach onto state and private lands will be planned and evaluated based on consistency with local land use plans in consultation with local government entities and with public involvement under NEPA, when it applies.

Objective 4A: Cooperative management agreements between permittees, agencies, and conservation organizations will be allowed, wildlife use will be limited to the allocated forage. Wildlife numbers in excess of those for which forage has been provided should be considered in trespass and removed.

5. GOAL: Mediate management of wildlife and wildlife habitat conflicts and competition with range resource management objectives for livestock grazing.

Objective 5A: Oppose the conversion of livestock AUMs to wildlife AUMs. Forage allocations should be based on recognized grazing preference rights and the results of scientific forage studies identifying available forage for wildlife and livestock.

Objective 5B: Ensure that forage for introduced animals will be allocated from existing forage allocated to wild horses and wildlife and not from livestock grazing allocations. Wildlife introductions should not entail additional land use restrictions or stipulations for mineral development or grazing.

Objective 5C: Recommend that season-of-use conflicts between livestock and wildlife be addressed by revisiting the wildlife population objectives and in annual allotment operating plans to provide for maximum flexibility to allow permittees to best utilize forage allocations for livestock.

Objective 5D: Work to ensure that forage adjustments to livestock grazing also make proportionate adjustments for wildlife and/or wild horses, when wildlife and/or wild horses are a causal factor in the area not meeting the New Mexico Standards for Healthy Rangelands.

Objective 5E: Support partnerships to monitor the fragmentation of wildlife habitat.

Policy 1: Encourage the use of local, state and federal financial and technical programs for wildlife habitat enhancement.

Policy 2: Support participation in local, regional, state and federal planning efforts that affect wildlife resources in the District.

Policy 3: Encourage formal agreements with appropriate local, state and federal agencies in developing and implementing plans for improving management of game and non-game wildlife populations in the District.

Policy 4: Participate in proposals to introduce or re-introduce wildlife to ensure that the proposal is consistent with local land use plans, that local government entities are consulted and that public involvement is encouraged.

Policy 5: Support efforts to responsibly reduce predation of sensitive species, increase hunting and fishing opportunities within appropriate carrying capacities, decrease game damage conflicts, and generally ensure that wildlife numbers do not lead to habitat and other management conflicts with other rangeland resource uses and management objectives, including ranching, agriculture, and mineral development since ranching, mining, energy development and hunting are all important to the custom and culture of the District. Actively support management solutions that will avoid converting livestock AUMs to wildlife AUMs.

Policy 6: Support responsible land management that adjusts for wildlife habitat needs, when it is appropriate and supported by sound science.

Policy 7: Well-managed resources uses are compatible with healthy and sustainable wildlife populations.

FISHERIES

Fishing, like hunting, plays an important role in the District life and is a major contributor to the area's economy. In the early days, fishing was a necessary part of survival, and though today it is less essential, it still provides a food resource and recreation for many people and is a vital part of the customs and culture within the District. The District provides ample fishing opportunity on high elevational small lakes, mountain streams and three water storage facilities.

1. GOAL: Support conservation efforts and enhancement of the fisheries resource in the District.

Objective 1: Support management to prevent spread of diseases, such as whirling disease.

2. GOAL: Support a balance between native and introduced species of fish where both are currently present in a fishery.

Objective 2: To scientifically determine that introduced (including non-native) species are not competing, displacing or harming the native fish populations, determine and consider the

economic impact on the District, prior to taking any action to introduce non-native species.

3. GOAL: Support a balance between the commercial (guides and outfitters) and recreational anglers.

Objective 3A: Support a coordinated approach when overcrowding or overuse becomes a problem.

4. GOAL: Encourage a coordinated approach when conflicts between anglers and other resource uses exist.

Objective 4A: Request that fisheries management occurs in consultation with the District. The creation of fisheries in headwater streams will receive low priority; however, preference will be given to a native species that is likely to provide recreational fishing as soon as possible after introduction or is likely to become a listed species and will sustain itself through natural reproduction.

Objective 4B: Ensure that instream flows needed to maintain or enhance fisheries are derived from water storage and do not impair water rights.

Policy 1: Preference will be given to a fish species that is likely to provide recreational fishing as soon as possible after introduction or is likely to become a listed species and will sustain itself through natural reproduction. The development of fisheries in one or more headwater streams is not discouraged, but is not likely to result in a significant addition to recreational opportunities in a quantitative sense and, therefore, should receive a very low priority for development. Development of such a fishery should not result in additional restrictions to the minerals industry nor adversely affect access to water by livestock and agriculture.

Policy 2: The fish habitat must be shown to exist prior to any introduction or reintroduction and any adverse impacts on existing uses must be mitigated.

Policy 3: Oppose the introduction or reintroduction of any predators, fish or wildlife.

RECREATION

The District has an array of recreational and tourism opportunities for residents and visitors alike. Visitors to these areas have a direct impact by drawing on county-provided infrastructure such as, law enforcement, emergency medical services and have a major impact on the area economy and tax base. Stores and shops, restaurants, hotels and motels, gas stations, outfitters and many more businesses depend on seasonal recreation and tourism for their livelihoods. Activities that traditionally define recreation and tourism in the District, include, but are not limited to: big game hunting, boating, trapping, fishing, off-road vehicle use, mountain biking, hiking, camping, snowmobiling, cross-country skiing, river rafting, bird and wildlife watching.

1. GOAL: Encourage a broad spectrum of public land recreational opportunities in the District, while protecting and conserving natural resources consistent with the Plan.

Objective 1A: Encourage recreational activities that enhance opportunities for economic development and maintain the custom and culture of the District.

Objective 1B: Encourage recreational activities on the lands in the District that increase the capacity for federal and state land resources to provide more economic return to the District.

Objective 1C: Locate and assess the areas where recreation uses are having adverse resource impacts.

2. GOAL: Encourage recognition of the social, cultural and economic significance of recreation in the region, and encourage implementation of policies that will evaluate the viability and impacts of various recreational opportunities, while ensuring protection of other resources and resource conservation of rangeland, water and soil resources.

3. GOAL: Encourage implementation of plans and programs that provide a balance of motorized and non-motorized recreational opportunities in the District.

4. GOAL: Support recreation in the management of state and federal lands that are consistent with the multiple uses of these lands, and to promote the continuation of historical access on state and federal lands to facilitate recreation uses.

Objective 4A: Encourage private sector development of recreation services and programs.

Objective 4B: Request to be notified of proposed management and fee options for recreation areas.

Objective 5: Maintain existing levels of recreation facilities and areas, including those for motorized use, and increase available facilities where there is demand for additional recreation, including motorized recreation, consistent with allocated land uses.

Policy 1: Resource development and recreation are not exclusive.

Policy 2: Recreation should not favor one type to the exclusion of others.

Objective 6: Analyze and provide for the increased demand for dispersed and motorized recreation opportunities in light of the importance of recreation to the economy and custom and culture.

PREDATOR CONTROL

The Animal Damage Control program is conducted with the cooperation of the Animal, Plant Health Inspection Service-Animal Damage Control, Wildlife Services ("APHIS-ADC, WS") of USDA pursuant to the Animal Damage Control Act [7 U.S.C. §426].

Predator control in New Mexico centers primarily on preventive control of coyotes, prairie dogs and foxes, which have hit unprecedented numbers in the last 20 years. ADC also addresses problem bears, mountain lions and wolves.

1. GOAL: Encourage control of predatory animals to reduce property damage and to protect livestock, wildlife and to protect the local economy and tax base, including the viability of the agriculture community.

Objective 1A: Support trapping as a historic and environmentally-sound method of controlling predatory animals.

Objective 1B: Encourage protection of private lands bordering federal and state lands from predatory animals and property damage.

Objective 1C: Encourage good husbandry and sound environmental restraints, including the option of chemical control.

Objective 1D: Encourage retention of and expansion of an animal damage control plan for the protection of livestock, crops and the control of disease- carrying animals.

Objective 1E: 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.

2. GOAL: Support management of predator populations at levels consistent with the optimum utilization of forage by wild and domestic ungulates.

Objective 2A: Encourage formal agreements with local, state and federal agencies to reduce the predation on wildlife and livestock and promote interstate cooperation and with adjoining conservation districts and counties.

3. GOAL: Support control of predators, rodents and insects, which are disease-bearing vectors that are a recognized threat to public health.

Objective 3A: Encourage coordination, communication and cooperation between local, state and federal health officials, along with veterinarians, weed and pest authorities and predator boards.

Policy 1: Coordinate, communicate, collaborate and cooperate with local, state and federal

agencies (i.e., Predatory Animal Boards, Weed and Pest Boards) regarding pest and predator control actions and regulations in and affecting the Upper Chama SWCD and promote agreements with state agencies and local boards in Colorado to ensure a comprehensive response to pests and predators.

Policy 2: 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.

WASTE MANAGEMENT

The disposal and cleanup of solid wastes are regulated by New Mexico Department of Environmental Quality pursuant to authority delegated in the Resource Conservation Recovery Act, [42 U.S.C. §§6901-6949a,]. Waste management issues arise in context of landfill sites for local governments and reclamation and site management for mining and oil and gas operations. State and federal law govern the standards for managing landfill sites and industrial development that generates various waste products. The District, however, has a direct interest in ensuring that the soil and water resources are protected. To accomplish this objective, the District will actively participate in landfill and other waste management site issues as well as related land management decisions regarding the management and cleanup of industrial sites.

1. GOAL: The District may communicate, coordinate and consult with private landowners, local business, local, state and federal governments on issues relating to existing and future landfill sites.

Objective 1A: Utilize current Best Management Practices to protect water resources, inform and achieve community awareness, and encourage the public to participate in waste management issues.

Objective 1B: Encourage the reuse and recycling of materials.

Objective 1C: Encourage municipal and county governments to provide levels of service adequate to meet the community's social, environmental, economic needs and obligations.

2. GOAL: The District may participate in development decisions to ensure that soil and water resources are protected and conserved.

Policy 1: Educate and inform local citizens concerning new markets for waste products.

SPECIAL LAND DESIGNATIONS

Wilderness

In the Wilderness Act of 1964, Congress established a National Wilderness Preservation System to be composed of federally managed lands called "wilderness areas," which are only

designated by Congress [16 U.S.C. §§1131-1134]. The Act defines a wilderness as "an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain" . . . "[in] contrast with those areas where man and his own works dominate the landscape" [16 U.S.C. §1131(a)].

Land management of wilderness areas is very restrictive because the Wilderness Act prohibits the use of mechanized equipment and motorized vehicles and generally prohibits permanent structures. Mineral development is also prohibited, subject to valid rights that predate wilderness designation. 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. Studies of livestock grazing in wilderness reveal that agencies use their discretion to progressively deconstruct livestock grazing.

Wilderness designation prohibits or hinders 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.

In 1976, FLPMA directed BLM to conduct a wilderness inventory and study of public land roadless areas that were greater than 5,000 acres in size [43 U.S.C.§1782]. FLPMA gave BLM 15 years to inventory, study and make recommendations to Congress on public lands suitable for wilderness designation. *Id.* The BLM wilderness review and study also addressed manageability of the areas and the potential mineral resources that could not be developed if the area were designated for wilderness.

In New Mexico, the BLM identified many acres as wilderness study areas (WSAs) and recommended a portion for wilderness designation. The President forwarded these recommendations to Congress in 1992 but Congress has not acted. Pending congressional action, all acres of WSAs have been managed so as to not impair their suitability for wilderness under the BLM interim management policy [43 U.S.C. §1782(c)].

While the WSAs are not withdrawn from mining or mineral leasing, federal law prohibits new mineral leasing [30 U.S.C. §226-3]. In addition, the nonimpairment management policy ("IMP") limits mineral development and all other uses to the levels that existed in 1976 [43 U.S.C. §1782(c)]; *see also* H-6330-Management of Wilderness Study Areas (2012). Most mineral leases, issued after 1976 and before 1987, included a stipulation that development is contingent on future designation. Livestock grazing activities are also restricted so that range improvements are often not approved and increases in grazing use are limited.

In 2003, the Interior Department reversed the previous administration policy issued in January 2001 requiring BLM to conduct new wilderness reviews on public lands and establish new WSAs [BLM IM 2003-195 Rescission of National Level Policy Guidance on Wilderness Review and Land Use Planning (June 20, 2003)]. Under the 2003 direction, no new WSAs are

to be established. [*See* also Appendix Tabs FF-2, BLM IM-2003-274, BLM Implementation of the Settlement of *Utah v. Norton* Regarding Wilderness Study; and Tab FF-3, IM-2003-275 change 1, Consideration of Wilderness Characteristics in Land Use Plans.] BLM affirmed that only Congress could designate wilderness and that BLM could not undertake *de facto* wilderness for areas that were not already WSAs.

Congress has been at an impasse with respect to the public land wilderness recommendations forwarded by the President in 1992. Some groups are working to develop compromise proposals at the local level that will preserve high value areas and protect historic land uses, like ranching. One such example is the Owyhee Initiative in southern Idaho [Owyhee Initiative, "The Owyhee Landscape Conservation Initiative Proposal."] The Owyhee Initiative is based on consensus reached by a group of county commissioners, ranchers, and conservation groups, who met for more than two years to reach a compromise. The compromise supports designation of some WSAs as wilderness, releases other WSAs from non-impairment management, drops all future R.S. 2477 assertions, and adopts a scientific review committee to guide future land management. The Owyhee Initiative was presented to members of the Idaho congressional delegation in spring of 2004.

In December 2010, Interior Secretary Ken Salazar announced Secretarial Order No. 3310 (SO 3310), Protecting Wilderness Characteristics on Lands Managed by BLM, and the BLM adopted guidelines implementing it. SO 3310 created the "lands with wilderness characteristics" (LWC) classification for lands inventoried and found to possess wilderness characteristics but which are not part of a Congressional designated wilderness area or a WSA. If during the land-use planning process or during project-specific NEPA reviews the BLM concluded that an area was appropriate for protection of wilderness characteristics, then it was required to designate the lands as Wild Lands or LWCs in the applicable Resource Management Plan (RMP).

Congress defunded SO 3310 in April 2011 and has continued the ban. The Interior Secretary has never rescinded the Order, but BLM suspended its Manuals implementing it and issued Instruction Memorandum (IM) 2011-154, providing direction to identify and manage the LWCs to preserve their wilderness qualities. In March 2012, the BLM replaced IM 2011-154 with two Manuals.
Despite Congress defunding SO 3310, the BLM continues to inventory public lands for their wilderness character and manage those areas designated as LWCs to preserve their wilderness character.

1. GOAL: Oppose efforts to use land classifications, such as LWCs or WSAs, to establish new *de facto* wilderness management areas outside of the already-identified WSAs in Upper Chama SWCD by participating in state and Federal land use planning processes.

Objective 1A: Uphold the legal requirements and qualifications set forth in FLPMA, including those providing for the continuation of existing uses in WSAs.

Objective 1B: Advocate the expeditious resolution of wilderness designation for the BLM

WSAs in the District.

Objective 1C: Review current wilderness recommendations in relation to the impacts on natural resource-based industries, the economic stability of the District, the custom and culture of the citizens of the District, the ability to develop water resources and to intensively manage rangeland resources.

Objective 1D: Recommend the release of WSAs that were not recommended for wilderness from non-impairment management and push for an end to the informal *de facto* wilderness management of all other "study areas."

Objective 1E: Oppose the designation of LWCs within the District and protection of these areas to preserve the lands wilderness characteristics as such designations interfere with other permissible uses of the land (i.e. oil and gas development, mining, recreation, and livestock grazing) and exceed BLM's authority.

2. GOAL: Actively participate in all other proposals for special use designations to determine whether they are warranted and to assess the impacts on the District's mandates.

Objective 2A: Insist on coordination, consultation, collaboration and cooperation, as well as consistency with local land use plans with regard to special land designations, such as areas of critical environmental concern, special recreation management areas and visual resource management areas.

Objective 2B: Support special land use designations only when they are consistent with surrounding conservation management; do not preclude future conservation options for rangeland resources, soil conservation, and conservation, development and utilization of water resources; and contribute to sound policy of multiple use, economic viability and community stability.

3. GOAL: Protect New Mexico's water resources, Acequias and water adjudication system from any claim of a federal reserved right arising out of a special use designation, including wilderness.

Objective 3A: 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 District regardless of wilderness designation. Enforce determination that wilderness designation does not create a reserved water right.

Objective 3B: Protect any interests in Acequias, 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.

Objective 3C: 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.

4. GOAL: Work for management of specific resources that offers protection within existing authority as an alternative to wilderness designation, which greatly limits land management for other resources and uses.

Policy 1: The District will work with citizens and county governments to communicate to Congress its recommendations regarding wilderness proposals. Said recommendations will be based upon the District's evaluation of impacts including areas adjacent to the county and may include proposals to Congress for modifications or adjustments of boundaries of proposed areas.

Policy 2: Acknowledge that wilderness, and the values of solitude and wilderness that attend it, are legitimate and important. Challenge the proposition that these values can only be attained by statutory designations that narrow rather than broaden the options available for landscape level conservation.

Policy 3: All wilderness designations should meet the requirements and qualifications set forth by the Wilderness Act of 1964.

Policy 4: The District supports resolution of the wilderness issue by Congress and release of the remaining wilderness study areas to multiple-use management. The District 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.

WILD AND SCENIC RIVERS

The Wild and Scenic Rivers Act provides for identification and designation of individual river segments for study and recommendation of river segments as a wild, scenic or recreation river [16 U.S.C. §§1271-1287]. The Act protects "certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values" [16 U.S.C. §1271].

Designation under the Wild and Scenic Rivers Act also withdraws a minimum of a ¼ mile corridor on each side of the river from the mining, and other appropriation laws and mineral leasing, subject to valid existing rights, contracts, and privileges [16 U.S.C. §1283] Examples of valid existing rights would include mineral leases, rights-of-way permits and R.S. 2477 rights-of-way. Traditionally grazing permits are called a privilege, since the right to graze is a privilege and does not convey any right, title or interest in the land [43 U.S.C. §315b]. Permits and contracts are also valid existing rights but depending on the terms of the contract or

permit, BLM/USFS may be able to modify the use. A mineral lease is recognized to be a property right and is construed like a contract. A valid existing right, like a valid mining claim, may be subject to less regulation.

BLM and the Forest Service must assess whether to recommend water ways for wild or scenic designation as part of the land use planning process [16 U.S.C.§1276(d)(1)].

1. GOAL: Participate in local, state and federal land planning processes for the designation and management of any Wild and Scenic River segments or similar designations in and adjacent to the District.

Objective 1A: Participate in proposals for Wild and Scenic River segment or similar designation in and adjacent to the District to protect the water resources in the District and future opportunities to develop and utilize such resources.

Objective 1B: Uphold the legal requirements and qualifications set forth by the Wild and Scenic Rivers Act, including those providing for the continuation of existing uses, privileges and contracts for designated rivers in and adjacent to or affecting the District.

Objective 1C: Review any proposed Wild and Scenic River recommendations in relation to the impacts on natural resource based industries, the economic stability of the District, and on the custom and culture of the citizens of Upper Chama SWCD and the ability to further develop and utilize water resources in the District.

Policy 1: The District will carefully evaluate Wild and Scenic River proposals to determine the impact on water rights and the ability to utilize water rights in the future and will work closely with the BLM and the Forest Service and the County to ensure that existing and future water development opportunities are protected and that unsuitable rivers are removed from consideration at the earliest opportunity.

Policy 2: In considering proposed segments' eligibility and suitability, the District will evaluate and prepare comments using the criteria in Department Manual 8351 - WILD AND SCENIC RIVERS - POLICY AND PROGRAM DIRECTION FOR IDENTIFICATION, EVALUATION, AND MANAGEMENT and Forest Service Manual 2354 and specifically quantifying the existing water rights and the likely restrictions on the exercise of such water rights.

AREAS OF CRITICAL ENVIRONMENTAL CONCERN

FLPMA defines an Area of Critical Environmental Concern follows "areas within the public lands where special management attention is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards" [43 U.S.C. §1702(a);

43 C.F.R.
§1601.1-59(definitions)].

The critical factor in management as an ACEC is the need to prevent irreparable harm to identified resources. The District' support for designation of an Area of Critical Environmental Concern (ACEC), as defined in 43 U.S.C. Sec. 1702, within federal land management plans will be withheld until:

- it is clearly demonstrated that the proposed area satisfies all the definitional requirements of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec. 1702(a);

- it is clearly demonstrated that the area proposed for designation as an ACEC is limited in geographic size and that the proposed management prescriptions are limited in scope to the minimum necessary to specifically protect and prevent irreparable damage to the relevant and important values identified, or limited in geographic size and management prescriptions to the minimum required to specifically protect human life or safety from natural hazards;

- it is clearly demonstrated that the proposed area is limited only to areas that are already developed or used or to areas where no development is required;

- it is clearly demonstrated that the proposed area contains relevant and important historic, cultural or scenic values, fish or wildlife resources, or natural processes which are unique or substantially significant on a regional basis, or contain natural hazards which significantly threaten human life or safety;

- the federal agency has fully analyzed regional values, resources, processes, or hazards for irreparable damage and its potential causes resulting from potential actions which are consistent with the multiple-use, sustained-yield principles, and the analysis describes the rationale for any special management attention required to protect, or prevent irreparable damage to the values, resources, processes or hazards;

- it is clearly demonstrated that the proposed designation is consistent with the plans and policies of the district where the proposed designation is located;

- it is clearly demonstrated that the proposed ACEC designation will not be applied redundantly over existing protections provided by other state and federal laws for federal lands or resources on federal lands, and that the federal statutory requirement for special management addition to those specified by the other state and federal laws;

- the difference between special management attention required for an ACEC and normal multiple-use management has been identified and justified, and that any determination of irreparable damage has been analyzed and justified for short and

long term horizons.

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"), [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 [16 U.S.C.§1533]. The ESA provides for listing of species through rulemaking, 16 U.S.C. §1533(a), and within a year after listing, the identification of critical habitat for the species [16 U.S.C. §1533(a)(3)(A)]. The Interior Department, through the USFWS, administers the ESA, with the exception of certain marine mammals and anadromous fish, which are under the jurisdiction of the National Marine Fisheries Service.

Only biological evidence is relevant to the decision whether to list, but economic and social impacts are to be considered in the designation of critical habitat [16 U.S.C. §1533(a)(3)(A)]. 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 [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.

For any federal project that may affect a listed species, the federal agency must first do a biological assessment, and then refer the issue of the impact to the USFWS, for actions that "may affect" the species [16 U.S.C. §1536; 50 Part 402]. The USFWS must determine if the action will jeopardize the continued existence of the species and make conservation recommendations. The proposed action cannot go forward until the USFWS completes its review and concludes that the project will not jeopardize the species. If the USFWS makes a jeopardy finding, the project is essentially stopped, despite the right to appeal to the ESA Committee [6 U.S.C. §1536].

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 USFWS, 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.

All of the above plans and agreements require some form of NEPA process, which provides an opportunity for public involvement.

1. GOAL: Participate in local, state and federal rulemaking and planning regarding the designation and management of any species designated in any category or classification for protection or consideration of protection, under the ESA in and adjacent to the Upper Chama SWCD.

Objective 1A: Encourage compliance with the applicable state and federal statutes, including preparation of an environmental impact statement when critical habitat is designated.

Objective 1B: Participate fully with local, state and federal agencies to prepare an analysis of local economic and social impacts that any such critical habitat designation will have on the District.

Objective 1C: 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 District.

Objective 1D: Investigate and oppose, when appropriate, any threatened or endangered species designation that may disrupt uses of the land and is not consistent with the Plan.

Objective 1E: 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 [16 U.S.C. §1533(b)(2)].

Objective 1F: Request cooperating agency status and participate in the coordinated preparation of recovery plans, reintroduction plans, habitat conservation plans, conservation plans or agreements, and candidate conservation agreements for species occurring within or adjacent to or affecting the District.

Objective 1G: Continue to provide education and information concerning state and federal wildlife agency purchases or leases of riparian easements and other land acquisitions for endangered species habitat based on the impacts these activities have on individual property rights and the ability to develop, utilize and conserve the water resources.

Objective 1H: Encourage cooperation between private landowners and local, state and federal governments to most effectively achieve protection of endangered and threatened species, rather than imposing land-use restrictions and penalties.

2. GOAL: Support participation 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.

Objective 2A: Oppose the introduction or transplant of threatened and endangered species within the boundaries of the District, unless the District and the County consent and it is done pursuant to specific terms and conditions that avoid disrupting existing land uses.

Objective 2B: 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.

Objective 2C: Recommend that federal agencies respect distinctions between special status species (state sensitive species, etc.) and those listed under the ESA.

Objective 2D: Participate in appropriate legislation and regulations directing management of threatened and endangered species and state sensitive species.

3. GOAL: Support delisting of species once population goals set out in recovery plans are achieved.

Policy 3A: Recovery plans must clearly state goals and describe the point that recovery is accomplished.

4. GOAL: Explore 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.

Objective 4A: Support and participate in conservation plan initiatives as an alternative to listing with the added condition that the respective conservation plan include criteria to evaluate existing data and science and to evaluate the effectiveness of the proposed conservation measures.

Objective 4B: Support the use of candidate conservation agreements with assurances for private land and candidate conservation agreements for federal lands as a mechanism to provide habitat for candidate species while allowing current land uses to continue.

Policy 1: Decisions to list a species as threatened or endangered need to be made on the basis of sound data and research that accurately assess the status of the species. When relatively little

is known about the species and its history, the Interior Department should delay listing, since it is very difficult to delist a species, even when it is later determined to have been erroneously listed as threatened or endangered. The pending status of review of the western sage grouse is one example, where it remains a game species in most western states and is still being considered for protection under the ESA.

Policy 2: Recovery efforts and/or conservation plans for threatened or endangered species should consider impacts to local interests. These interests include resource use and development activities such as ranching, agriculture, mining, oil and gas exploration and production, sand and gravel, wood products, power development and recreation.

Policy 3: The District supports recovery efforts for threatened and endangered species which evaluate, mitigate and support Upper Chama SWCD custom and culture and economic viability and community stability.

Policy 4: When planned introductions affect Upper Chama SWCD, the planning process will include NEPA analysis that will consider the appropriate number of animals to be introduced, the location of the target population and distribution, impacts on other multiple uses and the recreational opportunities to be provided.

Policy 5: Wildlife introductions and existing populations on non-BLM/USFS lands that "spill over" or migrate to BLM/USFS lands will be considered in trespass and will be removed, unless those populations and specific habitat boundaries are provided for in this Plan.

Policy 6: Recommend endangered fish recovery efforts continue only when based on a balance of scientific justification, conserving past and future adjudicated water rights, economic viability and community stability of the District.

Policy 7: Promote the interpretation of the ESA that the economic consequences must be considered with respect to the following actions: the jeopardy review to ensure that no proposed federal action will jeopardize the continued existence of a listed species, any approval of takings permits and designation of critical habitat. In addition, the USFWS must also include actions to mitigate the effects of designation of critical habitat.

Policy 8: Request that the USFWS follow the holding of the U.S. Supreme Court and acknowledge that economic consequences and/or a potential for a taking of private property are explicit concerns of the ESA [16 U.S.C. §1536]. Moreover, USFWS evaluation of proposed federal actions under the ESA will carefully weigh the potential jeopardy to the species against other factors, including the species use of private lands, ongoing conservation or management efforts on private and state land, and the existence of scientific controversies regarding the status of the species. Any reasonable alternatives will also take into account the social and economic factors. The USFWS will also communicate, coordinate and consult with the District and Rio Arriba County and potentially impacted property owners.

Policy 9: Recommend management activities for habitat of endangered, threatened or sensitive species be designed to benefit those species through habitat improvement. Current BLM/USFS policy treats candidate species and special status species (state sensitive species, etc.) as federally listed threatened and endangered species. This policy should cease until such time as NEPA analysis is completed for each such candidate or sensitive species, or they become listed pursuant to 16 U.S.C. §1533. The District's preferred management of these species would be development of conservation plans or agreements that would preclude federal listing.

Policy 10: To the greatest extent possible, any introductions or re-introductions of threatened or endangered species into the District or on lands adjacent to the District will be designated as nonessential experimental populations, and none will be introduced without NEPA compliance and public input. The boundaries of the District would be the boundaries for such nonessential experimental designated introductions. Public involvement, including the District, would be involved in developing plans for such introductions and decisions as to whether to implement such plans. Such introductions will not place an undue burden on other resource uses, including but not limited to, livestock grazing, oil and gas, recreation and mining.

CULTURAL, ARCHEOLOGICAL, GEOLOGICAL AND PALEONTOLOGICAL RESOURCES

Balancing the need for existing land uses and the classification, recording, and protection of cultural and archeological sites presents a significant challenge for local, state and federal agencies, which manage state and federal lands in the District. Although the Archaeological Resources Protection Act ("ARPA") of 1979 provides strict and meaningful penalties against vandals caught destroying sites on land, local, state and federal land managers do not have the resources to completely record or protect all sites warranting special care [16 U.S.C. §§470aa-470mm]. However, most sites found in the District are open-lithic scatters with a few tools and flakes not likely to be noticed by the general public. The District recognizes the need to develop public education and stewardship programs, which increase awareness about cultural sites in the District. Public education programs should focus on responsible visitation, the history and meaning of various sites found on public lands and the impacts of surface collecting and excavating existing sites. Site protection strategies need to be balanced with other current and future land uses.

The District contains many special features, which due to their remote and rugged nature, are largely self-protected. When an imminent threat to these special features is identified, mitigation efforts necessary to protect significant scientific, educational and recreational values will be identified. Many other special features are susceptible to damage by recreation seekers.

The District is also entitled to participate in proceedings and actions taken under the Advisory Council on Historical Preservation ("ACHP"). The District may not always need to be a consulting party, but will when the archeological and cultural resource reviews directly affect the District's mandate to conserve rangeland, soil and water resources and to stabilize

the ranching and agriculture industry, as well as the mining and oil and gas industries.

1. GOAL: Encourage the preservation of all parts of our cultural heritage.

Objective 1A: Facilitate the recognition of special features in the District, which may include: mines, mills, expedition routes, stage stops, livestock trail routes, horse corrals, campsites, buffalo jumps, pictographs and quarries.

2. GOAL: Support expansion of opportunities for scientific study, educational and interpretive uses of cultural and paleontological resources.

Objective 2A: Support monitoring of local, state and federal agencies in the provision of public visitation opportunities to cultural and archeological sites while providing sufficient site protection. This can be accomplished through local, state and federal agencies dedicating resources to identify and mark select cultural sites in the District.

Objective 2B: Request the right to be a consulting party with respect to local, state and federal actions that involve the protection and preservation of important cultural and paleontological resources and/or their historic record for future generations, including but not limited to, congressionally-designated historic trails and associated historic sites.

Objective 2C: Recognize the unique archeological features that occur on private, state and federal lands across the District. The District supports protection of private property owner's rights.

Objective 2D: Support responsible stewardship on cultural sites balancing resource protection with multiple uses.

3. GOAL: Support balancing the current and future land uses dictated by custom and culture with the protection of cultural sites.

Objective 3A: Support the resolution of conflicts between cultural or paleontological resources and other resource uses.

Objective 3B: Request that local, state and federal agencies notify the District of any actions or regulations, which may impact cultural and archeological resources on state and federal land within the County. The District will review and comment on state or federal actions or changes significant to cultural and archeological resources in the County.

Policy 1: Management of roads and trails that may be eligible for the NHRP but are not Congressional designated, should not be managed as if they were designated roads and trails and should not be included in the ¼ mile protective setback on either side of the trail. Any trail designation needs to respect private property rights.

Policy 2: Recommend local, state and federal agencies not jeopardize existing uses, such as rehabilitation of Acequia infrastructure. Historical designation of Acequias impacts the opportunity for financial assistance due to the reporting and documentation process. Acequias should be allowed to designate if the rehabilitation, modification, improvement has an impact on the historical designation and not the state or federal agencies.

Policy 3: Recommend local, state and federal agencies not jeopardize existing land uses, such as oil and gas exploration, mining, road maintenance, grazing and recreation through the protection of cultural and archeological sites. Compliance can be accomplished with mitigation measures that affect a balance of existing uses and the need to protect cultural sites.

Policy 4: Acknowledge that sites eligible for or listed on the NHRP will be managed for their local, regional and national significance, under the guidelines of the National Historic Preservation Act, (especially sections 106 and 110) and ARPA [16 U.S.C. §§470-470s; §§470aa-470mm].

Policy 5: Request to be recognized by federal agencies as a consulting party under Section 106 of the National Historic Preservation Act and subsequent amendment. Consulting party status will allow the District to work with local, state and federal agencies to facilitate typical multiple use activities when sites do not offer unusual or special cultural and archeological values.

Policy 6: Sites eligible for or listed on the NHRP will be managed to ensure against adverse effects through proper mitigation, if disturbance or destruction is not avoidable. Management prescriptions for sites that are not eligible for the NRHP will be determined on a case-by-case basis according to values and impacts involved.

Policy 7: Support development including, but not limited to, roads, pipelines and power lines that may cross trails in areas where previous disturbance has occurred and/or where the trail segment has lost the characteristics that contribute to its National Register significance.

Policy 8: When preserving evidence of historic farming and ranching that are important resources to the state and area, approach without placing undue burden with the documentation process and jeopardizing continued use and operation.

Policy 9: Oppose historical trail management of roads that are used by the public and were established by public use.

COMMUNICATION / TECHNOLOGY

Energy and minerals resources occur without regards to whether the land is in private, state, or federal ownership. These resources have, and continue to, provide economic benefits and economic impacts for the citizens of Rio Arriba County and the State of New Mexico. The District recognizes that effective development of its abundant mineral resources is necessary to the economic wellbeing of the county, the state, and the nation, therefore the importance of maintaining a well-defined Land Use Plan for District in

Rio Arriba County is vital to the wellbeing of all its stakeholders. Energy and mineral resource extraction is also consistent with local history, custom and culture of the surrounding area.

Natural gas in the District and Rio Arriba County is provided by New Mexico Gas Company. In 2014, New Mexico Gas Company was acquired by Tampa Florida-based TECO Energy. The service provided by New Mexico Gas Company is limited to a portion of the developed areas of the county. A map of the service territories supplied by the gas company schematically shows areas of service for the communities of Lumberton, Chama West, and Chama. Service availability in these communities is mostly limited to principle roadways.

Expansion of gas lines into residential neighborhoods is not viewed as a priority by the gas company as exemplified by their current policy for extending lines into neighborhoods, which requires the cost of a new gas line to be borne by the property owners adjacent to the new line.

Propane gas service is an alternative to natural gas service where pipelines do not exist. Propane is delivered by truck and stored usually in above-ground tanks. The standard tank size is 500 hundred gallons. There are several dealers who operate in the county.

Using current values, propane gas is nearly double the cost of natural gas when the amount of heat produced by each gas (BTUs) is measured. Many rural county residents heat their homes with wood to avoid using propane. The importance of maintaining access for multiple uses to federally managed lands remains vital to the majority of residents who depend on traditional wood gathering practices.

Electricity is provided to the District by Northern Rio Arriba County Electric Cooperative, Inc. (NORA) and NORA provides service for about 2,100 people in communities such as Lumberton, Chama, Canjilon and Ghost Ranch.

NORA source the majority of their electricity through Tri-State Generation and Transmission Association, which provides electric power to 44 distribution cooperatives in Colorado, Nebraska, New Mexico and Wyoming, and serves 1.5 million consumers. The company is based in Denver, Colorado and is a Touchstone Energy Cooperative

Tri-State makes available renewable performance payments to its members to support a variety of local/community-based renewable energy projects, including solar, wind, biomass, micro hydro, and geothermal and recovered heat energy.
There is one hydroelectric power-generating facility in the District. The facility at El Vado dam generates 8 megawatts and is owned and operated by Los Alamos County.

One of the keys to the overall economic health of a community is self-sustainability. This was proven in our region during the depression of 1929 and more recently the economic troubles felt globally as the housing market collapsed in 2008. Although the effects of the recent event had more impact, it was still fairly mitigated by the self- dependence which characterizes our region.

As the District becomes more connected to the global economy, it is apparent that the need for additional outlets of self- reliance should be identified and fostered. As with any other modern society, perhaps the most important of these is energy independence. In this arena solar technology holds promise, perhaps not as the total answer but certainly an important component. Due to the small land base and fragile environment, utilizing already disturbed areas to deploy this technology would be the most expeditious. Large scale arrays require a fairly large land mass and investment capital.

Roof mounted technology is quick, efficient and fairly cost effective. Combining this technology with micro-grid technology would vastly increase our self-reliance and decrease energy loss due to large transmission distances.

Additionally, the economic advantage of this idea is twofold. To the individual household it would help boost the local economy by keeping more money in the household coffers which would then translate into more local purchases. Teaming up with the local schools, colleges and our electricity utility cooperatives to help train a local workforce which is already nominally versed in this technology to increase their proficiency would provide a ready local work force for full deployment creating more jobs across different disciplines.

Solar technology itself is not the solution or remedy for economic self-reliance; it is however a key component worthy of strong consideration. If looked at from an overall perspective, combined, all of these components can have a very strong and long lasting impact.

TELECOMMUNICATIONS:

Windstream Communications provides primary land based telephone, cellular telephone, television and internet services to homes and businesses in the District. Other companies also offer cellular phone and wireless internet service where there is the proper range to a communication/transmission tower.

Rio Arriba County is currently working with several entities to provide high speed internet services throughout Rio Arriba County. The project, designated as REDI Net, entails initiating a middle-mile fiber optic broadband network in rural Northern New Mexico.

Providing high speed broadband will enhance the delivery of rural healthcare services, make public and higher education more accessible, and improve local government services, including public safety.

SOLID WASTE:

The North Central Solid Waste Authority provides for solid waste removal for residential and commercial accounts in the county. This waste authority was created by Rio Arriba County in 2004 and now is run as a separate organization. It has automated curbside collection of residential waste. Commercial or large residential waste can be taken to any of the four collection stations situated in the communities of Tierra Amarilla, Ojo Caliente, El Prado, Cordova, and the new Waste Transfer & Recycling Center in Alcalde. Curbside pickup of recyclable materials is not available currently. However, bins are provided for the material at the collection centers. For a reduced annual rate, customers can self-haul waste in-lieu of curbside pickup.

OIL AND GAS:

Oil and gas production in the western half of the County, known as the San Juan Basin, has produced enormous revenues for the state and has also provided local governments with a large portion of their yearly budget for the County. From 2003-2007, County oil revenues nearly doubled moving from $5.5 million dollars to just over $14 million dollars. Since 1950, the San Juan Basin has been an oil and gas basin of national importance. Currently Rio Arriba County has over 11,500 oil and gas wells on its portion of the San Juan Basin, mostly on Federal and Native American lands. Economically Rio Arriba

has seen little in the way of service industries associated with oil and gas development, as most of these businesses are located in San Juan County. However there are communities in the County, such as Lindrith, that exist because of the oil and gas production that has supplemented traditional ranching since the 1950s. The total jobs from the oil and gas industry in Rio Arriba is not known due to the fact that many who work in Rio Arriba County live in San Juan County or their businesses are located in San Juan County. Currently the total number of new wells permitted for the San Juan Basin is over 300 a year with roughly half of those wells constructed in Rio Arriba County. The Energy Resource Development District designated and mapped in this plan has been created to allow for further oil and gas development in the San Juan Basin.

SPECIAL LAND DESIGNATIONS:

Special Land Use designations used by BLM, US Forest Service, Bureau of Reclamations, for example: 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 plan, and develop mitigation measures where appropriate.

Goal: Encourage renewable energy resource development that is compatible with the surrounding community and does not negatively impact the environment.

- Strategy 1: Investigate partnerships with local utility companies to attract renewable energy production and identify and develop locations for targeted renewable industries.

Goal: It is the goal of the District to support beneficial use of renewable energy without hindering agriculture resources.

GOAL: Support working with other Districts/counties within the region to ensure that the District's telecommunications and informational highway interests are heard and addressed to protect and promote the health, safety, and general welfare of the citizens of the District.

Objective 1A: Support increasing the number of adequate broadband T1-lines available for government, business and non-profit organizations.

Objective 1B: Encourage the introduction of the newest technology for accessibility from all areas within the District. Such technology should include but not be limited to:

- Hyper Spectral Imagery
- Cellular Telephone coverage
- Infra-Red Imagery
- Remote location access
- Geographic Information Systems ("GIS") mapping
- Digitized Soil Survey
- Global Positioning Systems ("GPS")

- Electricity

Policy 1: Communications and associated technology are essential to the long-term vitality of the District. Construction of communication and technology infrastructure requires rights-of-way across federal land. Recent proposals to restrict new rights-of-way across public land threaten the ability of the District to develop the necessary technological infra-structure necessary to support communication and technological services.

Policy 2: Recognize and provide for the fact that some communication equipment is site sensitive and should have priority over other uses.

THE CONTINUING PROCESS

The District recognizes that the Plan is dynamic and adaptive and will be updated as needed. It will require the cooperation, work and dedication of many county residents. The ongoing planning will include consideration of historic, current and future land uses in Upper Chama SWCD.

GOAL 1: This Land Resource Plan and Policy shall be the basis for enforcing the FLPMA consistency requirements for public land management.

Policy 1: 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 Upper Chama SWCD.

UPPER CHAMA SWCD
DISTRICT LAND AND RESOURCE USE PLAN AND POLICY

Glossary of Terms

Access – A way of admittance, approach, entrance, passage, or ingress and egress.

Activity Plans – Allotment Management Plans ("AMPs"), Habitat Management Plans ("HMPs"), Watershed Management Plans ("WMPs"), Wild Horse Management Plans ("WHMPs"), and other plans developed at the local level to address specific concerns and accomplish specific objectives.

Agriculture – The art and science of growing crops and raising and breeding livestock. As

per this Plan, activities which traditionally define agriculture in Sweetwater County include, but are not limited to, cattle and sheep ranching; hay, grain and other small and large grain crop production; and alternative livestock (domestic and wild).

Air Quality – The amount of pollutants in the atmosphere determine the area's air quality. Federal and state law regulate as pollutants particulates, carbon dioxide, sulfur dioxide, nitrogen oxide, ozone, particulates, and other toxic air pollutants. National ambient air quality standards or "NAAQs" set maximum levels of pollutants.

Management systems include abatement and other measures to improve air quality, and to maintain air quality within a defined range. Ultimately the desired levels of air quality and the measures to be implemented are a political choice. This choice is usually based on subjective assessments of economic and social costs, benefits, feasibility, and other considerations. Air quality management strategies are not linear processes. Feedback is important to refine the strategy and help align it with circumstances, capabilities and needs.

Airshed – A geographic area that, due to topography, meteorology and climate share the same air.

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.

Archeology – The art and science of studying history from the remains of early human cultures as discovered chiefly by systemic excavations. Cultural resources are evidence of patterns from a way of life of a specific period, race or people. As per this Plan, items and activities which traditionally define archeological and cultural resources in the County include, but are not limited to, arrowheads, petroglyphs, pictographs, medicine wheels, bone hunting, rock hounding and historic trails.

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.

Areas of critical environmental concern or ACEC – Defined as "areas within the public lands where special management attention is required (when such areas are developed or

used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards." 43 U.S.C. §1702(a).

Archeological Resources Protection Act 1979 – Protects "archaeological resources and sites which are on public lands and Indian lands." The Act also promotes cooperation and information sharing between federal and state governments, the professional archaeological community, and individuals. 16 U.S.C. §470aa(b).

Archeological Resources – "Any material remains of past human life or activities which are of archaeological interest, as determined under uniform regulations promulgated pursuant to this chapter. Such regulations containing such determination shall include, but not be limited to, pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials or any portion or piece of any of the foregoing items. Nonfossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources under the regulations under this paragraph, unless found in archaeological context. No item shall be treated as an archaeological resource under regulations under this paragraph unless such item is at least 100 years of age." 16 U.S.C. §470bb(1).

Candidate Conservation Agreement – The USFWS 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.

Community Stability – Combination of factors to promote and sustain the viability of a community, including local economy, custom, and culture.

Conservation Plan – This term refers to situations when a state or states develop a management plan to protect a species that is proposed for listing under the ESA to persuade the USFWS not to list a species. The plan may be based on memorandum of agreement between federal and state agencies and may involve more than one state.

Cooperation – "[T]o act jointly or concurrently toward a common end." Black's Law 5th Ed. at 302.

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.

Coordination – "[A]djusted to, in harmony with." *Id*. at 303.

Consistency – "[H]aving 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.

Culture – The body of customary beliefs, social forms, and material traits including the traditions of racial, religious and social groups; their morals, knowledge, customs, religions, law, beliefs, superstitions and art.

Custom – As used in this Plan, custom is defined as the usage or practice of the people, which by common adoption and acquiescence, and by long and unvarying habit, has become compulsory, and has acquired the force of a law with respect to the place or subject-matter to which it relates, and a habitual practice, more or less widespread, which prevails within a geographic or sociological area.

Customs – The way people implement their culture—the way they traditionally use the land, make a living and act toward each other. Customs are the visible and tangible manifestations of the shared beliefs that bind a group of people into a community. In law, customs consist of "long established practice or usage, which constitutes the unwritten law, and long consent to which gives it authority. Customs are general, which extend over a state or kingdom, and particular, which are limited to a city or district."

***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.

Disruptive Activities – Human activities that directly interfere with key biological processes such as breeding, and which will have measurable and long-term impacts.

Acequia Easement – A right-of-way across land granting the right to construct and maintain a acequia. On public land, a right-of-way was granted across unreserved public lands when an acequia, ditch or a canal was constructed pursuant to R.S. 2339 and 2340, Act of July 26, 1866, ch. 262, Sec. 9, 14 Stat.
253, 254. These laws were repealed when Congress enacted FLPMA in 1976.

Ecological Site – An area of land with specific physical characteristics that differs from other areas both in its ability to produce distinctive kinds and amounts of vegetation and in its response to management.

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.

Flora – The wild plants of a particular region, district or geographical period; a description of such plants.

Forestland – Land that is now, or is capable of becoming, at least 10% stocked with forest trees and that has not been developed for non-timber use ("BLM"). As defined by the USDA Forest Service is land that is at least ten percent covered with trees (Forested Landscapes in Perspective, 1998).

Forest Health – A measure of the robustness of forest ecosystems. Aspects of forest health include biological diversity; air and water productivity; natural disturbances; and the capacity of the forest to provide a sustaining flow of goods and service for people.

This term is often used to express a collection of concerns – with respect to the alleged deterioration in the forest conditions, including both current problems and (*e.g*. – insect and disease infestations, wildfires, and related tree mortality) and risks of future problems (*e.g.* – too many small-diameter trees) (overstocking), excess biomass in an unnatural mix of tree species in mixed stands.

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 derived future resource base statement of the District 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."*

General Habitat Management Areas – Sage-grouse habitat that is occupied (seasonal or year- round) habitat outside of priority habitat.

Geophysical Exploration – The use of geological and geochemical techniques, including, but not limited to, core and test drilling, well logging techniques, and various sampling methods; in order to produce information and data in support of possible mineral resource exploration and development activities, including pipelines. It also includes any operation using gravity, magnetic and seismic survey methods to produce geologic information and data in support of possible mineral resource exploration and development activities.

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.

Habitat Loss – The permanent or effectively permanent removal of habitat cover needed by a particular wildlife species.

Highway – Includes, but is not limited to, pedestrian trails, horse paths, livestock trails, wagon roads, jeep trails, logging roads, homestead roads, mine-to-market roads, alleys, tunnels, bridges, dirt or gravel roads, paved roads and all other ways and their attendant access for maintenance, reconstruction and construction.

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.

Intention – A determination to act in a certain way: resolve. Synonyms for intention/intent are: purpose, design, aim, end, objective, goal, mean or what one proposes to accomplish or attain.

Irreversible and Irretrievable Commitment of Resources – 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 USFWS, pursuant to the 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," USFWS prepares a biological opinion, makes a determination regarding jeopardy, and recommends additional conservation measures that would mitigate the impacts on the species. If the USFWS makes a finding of jeopardy, the proposed federal action may not proceed.

Land Designation – The classification of tracts of land by Congress or a land managing agency to recognize distinctive and unique characteristics or uses.

"Let it Burn" – A land management policy (and philosophy) that limits or ends fire suppression in order to reintroduce the role of natural wildfire into an ecosystem. This policy is most often used in wilderness areas, where the use of firefighting equipment and tools is generally prohibited, or in the more remote areas of the National Park System. It also substitutes wildfire for logging or grazing to recreate pre-settlement environments.

Litter – The uppermost layer of organic debris on the soil surface, essentially the freshly fallen or slightly decomposed vegetal material.

Locatable Minerals – Minerals subject to exploration, development and disposal by staking mining claims as authorized by the Mining Law of 1872 (as amended). This includes valuable deposits of gold, silver and other uncommon minerals not subject to lease or sale.

Management Actions – Management actions are the specific actions prescribed by the BLM to achieve resource objectives, land use allocations or other program or multiple use goals.
Management actions include both grazing management practices and range improvements.

Memoranda of Understanding ("MOU") – An instrument setting forth the terms of an informal agreement, most often between a state or local government and a federal agency to establish operational arrangements or information sharing. It may also regulate technical or detailed matters, such as terms for mutual maintenance of roads or other facilities. It is typically in the form of a single instrument and may not require ratification.

Memorandum of Agreement ("MOA") – It is very similar to an MOU but will be worded as agreement rather than general understanding. Like an MOU, it will document an informal agreement between federal agencies, or divisions/units within an agency or department, or between a federal and state agency or unit of local government and will delineate tasks, jurisdiction, standard operating procedures or other matters which the agencies or units are duly authorized and directed to conduct.

Minerals – Naturally occurring homogeneous substances formed by organic or inorganic processes found on the surface or in the earth; deposits having some resource values such as coal, sand and gravel, precious and semi-precious metals, fossils and gemstones.

Multiple Land Use – Use of land for more than one purpose, for example, grazing of livestock, recreation and timber production. The term may also apply to the use of associated bodies of water for recreational purposes, fish and water supply. (UN).

Multiple-use – Multiple uses of the national forests means the "harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output." Multiple Use and Sustained Yield Act of 1960 (P.L. 86-517, June 12, 1960) as amended. Multiple use implies a sustained yield of outdoor recreation, range, timber, watershed and wildlife and fish values.

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).

Multiple-use land – A combination of balanced and diverse resource uses that considers long term needs for renewable and nonrenewable resources including recreation, rangeland, timber, minerals, water shed and wildlife along with scenic, scientific and cultural values.

Multiple-use Management – The management of all of the various renewable surface resources of national forest lands, for a variety of proposes such as recreation, range, timber, wildlife and fish habitat, and watershed.

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.

No surface occupancy ("NSO") – This term refers to a condition attached to a mineral lease which prohibits surface occupancy or development activities on the land. NSO is not a recognized term for other land uses or permits.

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.

Open Space – Any parcel or area of land or water that is essentially unimproved and is set aside, dedicated or reserved for public or private use for the enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, provided that such areas may be improved with only those buildings, structures, streets, and

off street parking and other improvements that are designed to be incidental to the natural openness of the land. An area of a lot either left in a natural state or receiving permeable vegetative landscape treatment such as ponds and lakes, either natural or manmade; and water features, grass shrubs, flowers, trees, ground cover, etc.

Prescribed burn – The deliberate use of fire to improve vegetation conditions or to reduce fuel loads in forests, grassland or rangeland areas.

Priority Habitat Management Areas – Areas that have been identified as having the highest conservation value to maintaining sustainable sage grouse populations. These areas include breeding, late brood-rearing, and winter concentration areas.

Public lands – The term "public lands" means "any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership, except-- (1) lands located on the Outer Continental Shelf; and (2) lands held for the benefit of Indians, Aleuts, and Eskimos." 43 U.S.C. §1702(e).

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 – Land on which the native vegetation (climax or natural potential) is predominantly grasses, grass-like plants, forbs or shrubs. This includes lands revegetated naturally or artificially when routine management of that vegetation is accomplished mainly through manipulation of grazing. Rangelands include natural grasslands, savannas, shrublands, most deserts, tundra, alpine communities, coastal marshes and wet meadows.

*The United States has 399 million acres of non-federal rangeland, about 30% of all non-federal rural lands, according to the 1992 National Resources Inventory***.** The BLM manages approximately 167 million acres of federal rangelands, and the Forest Service manages approximately 95 million acres of federal rangelands.

Rangeland Health – The degree to which the integrity of the soil and ecological processes of rangeland ecosystems are sustained.

Recovery Plan – The ESA requires the USFWS 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.

Recreation – An action or lack thereof, which results in relaxation, entertainment, and is enjoyed by those who participate.

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.

Resource Advisory Committee – As used in this Plan, the Resource Advisory Committee will refer to any committee established by the District to provide advice regarding various land and conservation issues. The term also refers to advisory committees established by the Bureau of Land Management to provide the BLM with advice regarding public land management issues, especially relating to livestock grazing pursuant to 43 C.F.R. Subpart 1784.

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.

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.

Riparian Area – An area along a watercourse or around a lake or pond.

"Riparian areas are ecosystems that occur along watercourses or water bodies. They are distinctly different from the surrounding lands because of unique soil and vegetation characteristics that are strongly influenced by free or unbound water in the soil. Riparian ecosystems occupy the transitional area between the terrestrial and aquatic ecosystems. Typical examples would include floodplains, stream banks, and lakeshores." USDA NRCS. "Riparian areas have one or both of the following characteristics: 1) distinctively different vegetative species than adjacent areas, and 2) species similar to adjacent areas but exhibiting more vigorous or robust growth forms. Riparian areas are usually transitional between [river or] wetland and upland." US FWS.

Riparian landscapes occur in the saturated soils along the streams of the County. Riparian or streamside areas are a valuable natural resource and impacts to these areas should be avoided whenever possible. Riparian vegetation plays an important role in protecting streams, reducing erosion and sedimentation as well as improving water quality, maintaining water table, controlling flooding, and providing shade and cover.

Riparian Zone – Those terrestrial areas where the vegetation complex and micro climate conditions are products of the combined presence and influence of perennial and or intermittent water, associated high water tables and soils which exhibit some wetness characteristics.
Normally used to refer to the zone within which plants grow rooted in the water table of these rivers, streams, lakes, ponds, reservoirs, springs, marshes, seeps, bogs and wet meadows. (BLM). "At the smallest scale, the riparian zone is the immediate water's edge where some specialized plants and animals form a distinct community. At a larger scale, the riparian zone is the area periodically flooded by high water, the stream banks and floodplain. At the largest scale, the riparian zone is the band of land that has significant influence on the stream ecosystem, and/or is significantly influenced by the stream." Malcomb Hunter.
Significantly – This term is used in the National Environmental Policy Act regulations, 40 C.F.R.
§1508.27, to define when a proposed action may significantly affect the human environment.

> Significantly as used in NEPA requires considerations of both context and intensity:
>
> (a)) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the

setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

(b) Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

(1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

(2) The degree to which the proposed action affects public health or safety.

(3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

(4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

(5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

(6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

(7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

(8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

(9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

(10) Whether the action threatens a violation of Federal, State, or local

law or requirements imposed for the protection of the environment.

Site Condition – This term describes existing soil, vegetation, wildlife and the physical site, in the context of precipitation and climate.

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.

There are more than 40 recognized special land designations exist nationwide. Pursuant to this Plan, multiple use is not a special land designation, rather it is a concept and management practice for most lands in Sweetwater County not assigned a special land designation.

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" identified by the BLM State Director, 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.

Split Estate – A tract of land where title to the surface estate is separate from title to some or all of the mineral rights. Split estates are common in the western United States, because private land conveyed under the homestead or stockraising homestead acts reserved the mineral rights to the United States. Under common law, the mineral estate is dominant and can be developed over the objections of the surface owner. Modern laws and case decisions have modified the rule but still recognize the right of the mineral owner to develop the mineral estate, even when the surface owner objects. If the United States owns the surface, it will require the mineral owner to reclaim the surface, secure permits to build roads and other facilities and post

reclamation bonds. If the surface is owned by a private landowner, then federal reclamation laws do not apply but state laws will.

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.

Surface disturbing activity – Refers to development activities that involve the removal of vegetation, topsoil, or overburden where there is a physical change to the surface, such as activities associated with mineral or energy development, rights-of-way, road construction or reconstruction. It does not include incidental disturbances associated with the construction, reconstruction, or maintenance of fences or corrals or stock tanks, livestock or wildlife grazing, or recreation uses.

Sustainable Yield – The yield from a renewable resource that can produce continuously at a given intensity of management.

Sustained Yield – A "high-level" output of renewable resources that does not impair the productivity of the land. The continuation of a healthy desired plant community.

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.

Terms and Conditions – Terms and conditions are very specific land use requirements that are made a part of the land use authorization in order to assure maintenance or attainment of the standard. Terms and conditions may incorporate or reference the appropriate portions of activity plans (e.g., Allotment Management Plans). In other words, where an activity plan

exists that contains objectives focused on meeting the standards, compliance with the plan may be the only term and condition necessary in that allotment.

Thoroughfare – Term means according to its derivation, a street or passage through which one can fare (travel); that is, a street or highway affording an unobstructed exit at each end into another street or public passage. If the passage is closed at one end, admitting no exit it is called a "cul de sac."

Title V of FLPMA – In 1976, Congress repealed almost all laws granting rights-of-way for various purposes and established a single title under which rights-of-way would be granted across public lands for any purpose, including power transmission lines, roads and pipelines.

Tracea – In old English law, the track or trace of a felon, by which he was pursued with the hue and cry; a foot-step, hoof-print or wheel track.

Trails – A trace is pathway made by passage of man-animal routing of extended travel. Vestiges of an established pathway by which man has persistently walked or trailed game or sought the easiest traverse of land establishing right-of-way access of natural law by horseback, travois, etc.

Trailshed – This term refers to the elements of managing historic trails and includes the linear landscapes, visual resources or viewshed, historic context and the corridor of the trail itself.

Tread Lightly – A BLM program to encourage recreation users to avoid damage to natural resources by leaving no or little evidence of recreation use.

Undue and unnecessary degradation – This term applies to activities on public lands managed by the Bureau of Land Management which is required to ensure that surface activities do not cause 'undue or unnecessary degradation.' BLM defines those impacts as being greater than those that would normally be expected from an activity being accomplished in compliance with current standards and regulations and based on sound practices, including use of the best reasonably available technology.

Upland – Those portions of the landscape which do not receive additional moisture for plant growth from run-off, streamflow, etc. Typically these are hills, ridgetops, valley slopes and rolling plains.

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 Resource – A part of the landscape important for its scenic quality. It may include a composite of landforms, water features, cultural features, terrain, geologic features OR vegetative patterns which create the visual environment. 2. The visible physical features of a landscape. (BLM).

Waste – Refuse; worthless or useless matter.

Water – All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems and all other bodies of water above or below ground which are partially or wholly in the state, border on the state or are within the jurisdiction of the state. Private waters that do not combine or have a junction with natural surface or underground waters are not included (for example, and isolated farm pone that does not infiltrate to ground water or connect to surface water). All springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State are subject to its jurisdiction.

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.

Weed – Any plant growing where it is not desired; a plant out of place, or unwanted plants, which, may be growing in a magnitude of situations.

"**Declared weed**" – Any plant, which the New Mexico Department of Agriculture have found,

either by virtue of its direct effect, or as a carrier of disease or parasites, to be detrimental to the general welfare of persons residing within a district.

Noxious weed – Plants that have been selected by the New Mexico Department of Agriculture to be targeted as noxious weed for control or eradication pursuant to the Noxious Weed Management Act of 1998.

Wetlands – Permanently wet or intermittently water-covered land areas, such as swamps, marshes, bogs, muskegs, potholes, swales and glades. Areas that are inundated by surface or ground water with a frequency sufficient to support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, wet meadows, river overflows, mud flats and natural ponds.

Although federal agencies, states and text book authors vary in the way in which they define wetlands, in general terms, wetlands are lands where water covers the soil or is present either at or near the surface of the soil or within the root zone, all year or for varying periods of time during the year, including during the growing season. The recurrent or prolonged presence of water (hydrology) at or near the soil surface is the dominant factor determining the nature of soil development and the types of plant and animal communities living in the soil and on its surface.
Wetlands can be identified by the presence of those plants (hydrophytes) that are adapted to life in the soils that form under flooded or saturated conditions (hydric soils) characteristic of wetlands (NAS 1995; Mitsch and Gosselink 1993). There also are wetlands that lack hydric soils and hydrophytic vegetation, but support other organisms indicative of recurrent saturation (NAS 1995).

The federal regulations implementing Section 404 of the Clean Water Act define wetlands as:

> *Those areas that are inundated or saturated by surface or ground water (hydrology) at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation (hydrophytes) typically adapted for life in saturated soil conditions (hydric soils). Wetlands generally include swamps, marshes, bogs, and similar areas* (40 C.F.R. §232.2(r)).

Jurisdictional wetlands, which are regulated by the U.S. Army Corps of Engineers ("US COE" or "Corps") under Section 404, must exhibit all three characteristics: hydrology, hydrophytes and hydric soils (US ACOE 1987). It is important to understand that some areas that function as wetlands ecologically, but exhibit only one or two of the three characteristics, do not currently qualify as Corps jurisdictional wetlands and thus activities in these wetlands are not regulated under the Section 404 program. Such wetlands, however, may perform valuable functions.

Another federal agency, the U.S. Fish and Wildlife Service defines wetlands as: lands that

are transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water, and that have one or more of the following attributes:
1. At least periodically, the land supports predominantly hydrophytes;
2. The substrate is predominantly undrained hydric soil; and
3. The substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year (Cowardin *et al*. 1979).

This definition differs from the EPA and U.S. Army Corps of Engineers definition used for jurisdictional wetlands, which requires that all three attributes (hydrophytes, hydric soils and hydrology) be evident. The 1987 Corps of Engineers Manual on wetland delineation does not consider unvegetated aquatic sites such as mudflats and coral reefs or vegetated shallow water to be wetland areas, whereas the Cowardin classification does (US ACOE 1987).

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 untrammeled 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.

Woodland Products – Harvestable items from Piñon – Juniper woodlands. These include fuel wood, posts, pine nuts and Christmas trees.

Woody – Woody plants such as trees or bushes– *i.e.* sage brush.

Wood Fiber Production – The growing, tending, harvesting and regeneration of harvestable trees.

Upper Chama SWCD LAND AND RESOURCE USE PLAN AND POLICY GLOSSARY OF ACRONYMS

AFO/CAFO OPERATION	ANIMAL FEEDING OPERATION/CONFINED ANIMAL FEEDING
ACEC	Area of Critical Environmental Concern
Ag	Agriculture
AML	Appropriate Management Level
AMP	Allotment Management Plan
ANILCA	Alaska National Interest Lands Conservation Act
ARPA	Archaeological Resources Protection Act
AUM	Animal Unit Month
BLM	UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT
BMP	Best Management Practice
CBM	Coalbed Methane
CEQ	Council on Environmental Quality
CWMA	Coordinated Weed Management Area
DPC	Desired Plant Communities
EA	ENVIRONMENTAL ASSESSMENT
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency

ESA	Endangered Species Act
FLPMA	FEDERAL LAND POLICY AND MANAGEMENT ACT OR THE "BLM ORGANIC ACT"
GIS	Geographic Imaging System
LRAC	Land and Resource Advisory Committee
LRUP	LAND AND RESOURCE USE PLAN AND POLICY
NEPA	National Environmental Policy Act
NMSGA	New Mexico Stock Growers Association
NRA	National Recreation Area
NRCS	NATURAL RESOURCES CONSERVATION SERVICE
NRHP	NATIONAL REGISTER OF HISTORIC PLACES
RMP	Resource Management Plan
USDA	United States Department of Agriculture
USFS	United States Forest Service
USFWS or FWS	United States Department of the Interior, Fish and Wildlife Service
USGS	United States Department of the Interior, United States Geological Survey
WSA	Wilderness Study Area

PUBLIC COMMENTS AND RESPONSE

The District provided for a public comment period which ended on ?????. The responses to the public comment follow.

APPENDIX A

PILT

Payments in Lieu of Taxes" (PILT) are Federal payments to local governments that help offset losses in property taxes due to non-taxable Federal lands within their boundaries. The original law is Public Law 94-565, dated October 20, 1976. This law was rewritten and amended by Public Law 97-258 on September 13, 1982 and codified at Chapter 69, Title 31 of the United States Code. The law recognizes the inability of local governments to collect property taxes on Federally-owned land can create a financial impact.

PILT payments help local governments carry out such vital services as firefighting and police protection, construction of public schools and roads, and search-and-rescue operations. The payments are made annually for tax-exempt Federal lands administered by the Bureau of Land Management, the National Park Service, the U.S. Fish and Wildlife Service (all bureaus of the Interior Department), the U.S. Forest Service (part of the U.S. Department of Agriculture), and for Federal water projects and some military installations. PILT payments are one of the ways the Federal Government can fulfill its role of being a good neighbor to local communities.

The Department of the Interior's (DOI) Office of the Secretary has administrative authority over the PILT program. In addition to other responsibilities, DOI calculates payments according to the formulas established by law and distributes the available funds. Applicable DOI regulations pertaining to the PILT program were published as a final rule in the Federal Register on December 7, 2004.

The formula used to compute the payments is contained in the PILT Act and is based on population, receipt sharing payments, and the amount of Federal land within an affected county. PILT payments are in addition to other Federal revenues (such as oil

and gas leasing, livestock grazing, and timber harvesting) the Federal Government transfers to states. The DOI has distributed nearly $8 billion dollars in PILT payments to states (except Rhode Island), the District of Columbia, Puerto Rico, Guam, and the Virgin Islands since these payments began in 1977.

U.S. Department of the Interior

Payments in Lieu of Taxes / County Payments

Share

County Payments

Select PILT List Type: Total Payments and Total Acres by State/County

Select State: Select a State **Select Year:** Select Fiscal Year

RESET

Payments and Acreage By State / County **Fiscal Year: 2017** **State: New Mexico**	PRINT

COUNTY	PAYMENT	TOTAL ACRES
BERNALILLO COUNTY	$209,245	89,731
CATRON COUNTY	$617,372	2,717,894
CHAVES COUNTY	$3,155,280	1,216,424
CIBOLA COUNTY	$1,848,110	788,622
COLFAX COUNTY	$166,163	74,317
DE BACA COUNTY	$111,013	44,423
DONA ANA COUNTY	$3,130,852	1,185,216
EDDY COUNTY	$3,509,582	1,574,349
GRANT COUNTY	$2,185,171	1,161,845
GUADALUPE COUNTY	$160,224	64,405
HARDING COUNTY	$122,233	71,867
HIDALGO COUNTY	$728,804	822,875
LEA COUNTY	$1,109,802	424,419
LINCOLN COUNTY	$1,719,351	921,816
LOS ALAMOS COUNTY	$88,768	35,169
LUNA COUNTY	$1,961,182	747,187
MCKINLEY COUNTY	$927,920	416,343
MORA COUNTY	$246,783	115,796
OTERO COUNTY	$3,266,296	1,529,891
QUAY COUNTY	$4,751	1,811
RIO ARRIBA COUNTY	$2,277,385	2,017,108
ROOSEVELT COUNTY	$28,284	10,937
SAN JUAN COUNTY	$2,272,465	861,228
SAN MIGUEL COUNTY	$834,513	392,451
SANDOVAL COUNTY	$2,237,717	908,475

SANTA FE COUNTY	$736,658	304,936
SIERRA COUNTY	$1,166,412	1,301,253
SOCORRO COUNTY	$1,412,258	1,560,821
TAOS COUNTY	$1,733,264	762,978
TORRANCE COUNTY	$322,490	161,434
UNION COUNTY	$154,208	58,894
VALENCIA COUNTY	$80,531	36,010
TOTAL	$38,525,087	22,380,925

APPENDIX B
New Mexico, Demographic Profile of Rio Arriba County, New Mexico

United States Census Bureau

All Topics

	Rio Arriba County, New Mexico
Population estimates, July 1, 2016, (V2016)	40,040
People	
Population	
Population estimates, July 1, 2016, (V2016)	40,040
Population estimates base, April 1, 2010, (V2016)	40,244
Population, percent change - April 1, 2010 (estimates base) to July 1, 2016, (V2016)	-0.5%
Population, Census, April 1, 2010	40,246
Age and Sex	
Persons under 5 years, percent, July 1, 2016, (V2016)	6.8%
Persons under 5 years, percent, April 1, 2010	6.7%
Persons under 18 years, percent, July 1, 2016, (V2016)	24.2%
Persons under 18 years, percent, April 1, 2010	24.6%
Persons 65 years and over, percent, July 1, 2016, (V2016)	17.8%
Persons 65 years and over, percent, April 1, 2010	14.1%
Female persons, percent, July 1, 2016, (V2016)	51.1%
Female persons, percent, April 1, 2010	50.6%
Race and Hispanic Origin	
White alone, percent, July 1, 2016, (V2016)(a)	76.7%
Black or African American alone, percent, July 1, 2016, (V2016)(a)	0.8%
American Indian and Alaska Native alone, percent, July 1, 2016, (V2016)(a)	19.7%

Asian alone, percent, July 1, 2016, (V2016)(a)	0.6%
Native Hawaiian and Other Pacific Islander alone, percent, July 1, 2016, (V2016)(a)	0.2%
Two or More Races, percent, July 1, 2016, (V2016)	1.9%
Hispanic or Latino, percent, July 1, 2016, (V2016)(b)	70.8%
White alone, not Hispanic or Latino, percent, July 1, 2016, (V2016)	12.7%
Population Characteristics	
Veterans, 2011-2015	2,394
Foreign born persons, percent, 2011-2015	5.7%
Housing	
Housing units, July 1, 2016, (V2016)	19,485
Housing units, April 1, 2010	19,638
Owner-occupied housing unit rate, 2011-2015	77.6%
Median value of owner-occupied housing units, 2011-2015	$155,900
Median selected monthly owner costs -with a mortgage, 2011-2015	$1,187
Median selected monthly owner costs -without a mortgage, 2011-2015	$259
Median gross rent, 2011-2015	$634
Building permits, 2016	0
Families & Living Arrangements	
Households, 2011-2015	13,730
Persons per household, 2011-2015	2.86
Living in same house 1 year ago, percent of persons age 1 year+, 2011-2015	93.9%
Language other than English spoken at home, percent of persons age 5 years+, 2011-2015	61.3%
Education	
High school graduate or higher, percent of persons age 25 years+, 2011-2015	81.5%
Bachelor's degree or higher, percent of persons age 25 years+, 2011-2015	16.6%
Health	
With a disability, under age 65 years, percent, 2011-2015	12.2%
Persons without health insurance, under age 65 years, percent	□□ 14.9%
Economy	
In civilian labor force, total, percent of population age 16 years+, 2011-2015	54.8%
In civilian labor force, female, percent of population age 16 years+, 2011-2015	55.3%
Total accommodation and food services sales, 2012 ($1,000)(c)	70,735
Total health care and social assistance receipts/revenue, 2012 ($1,000)(c)	141,487
Total manufacturers shipments, 2012 ($1,000)(c)	D

Total merchant wholesaler sales, 2012 ($1,000)(c)	43,659
Total retail sales, 2012 ($1,000)(c)	254,591
Total retail sales per capita, 2012(c)	$6,315
Transportation	
Mean travel time to work (minutes), workers age 16 years+, 2011-2015	26.2
Income & Poverty	
Median household income (in 2015 dollars), 2011-2015	$36,098
Per capita income in past 12 months (in 2015 dollars), 2011-2015	$19,678
Persons in poverty, percent	24.2%

Businesses	
Businesses	
Total employer establishments, 2015	558
Total employment, 2015	6,306
Total annual payroll, 2015 ($1,000)	221,430
Total employment, percent change, 2014-2015	1.5%
Total nonemployer establishments, 2015	1,873
All firms, 2012	2,186
Men-owned firms, 2012	1,161
Women-owned firms, 2012	672
Minority-owned firms, 2012	1,269
Nonminority-owned firms, 2012	797
Veteran-owned firms, 2012	158
Nonveteran-owned firms, 2012	1,893

Geography	
Geography	
Population per square mile, 2010	6.9
Land area in square miles, 2010	5,860.84

APPENDIX C

2016 State of New Mexico §303(d) List of Impaired Surface Waters

HUC: 13020102 - Rio Chama

Abiquiu Creek (Rio Chama to headwaters)
Abiquiu Reservoir
Arroyo del Toro (Rio Chama to headwaters)
Burns Lake (Rio Arriba-Laguna de Campo)
Canada de Horno (Rio Chama to headwaters)
Canjilon Ck (Perennial portions Abiquiu Rsrv to headwaters)
Canones Creek (Abiquiu Rsvr to Chihuahuenos Ck)
Canones Creek (Rio Chama to Jicarilla Apache bnd)
Chihuahuenos Creek (Canones Creek to headwaters)
Coyote Creek (Rio Puerco de Chama to headwaters)
El Rito Creek (Perennial reaches above HWY 554)
El Rito Creek (Perennial reaches below HWY 554)
Heron Reservoir
Hopewell Lake
Laguna de Campo (Burns Lake)
Placer Creek (Hopewell Lake to headwaters)
Poleo Creek (Rio Puerco de Chama to headwaters)
Rio Chama (El Vado Reservoir to Rito de Tierra Amarilla)
Rio Chama (Rito de Tierra Amarilla to Rio Brazos)
Rio Nutrias (Perennial prt Rio Chama to headwaters)
Rio Ojo Caliente (Arroyo El Rito to Rio Vallecitos)
Rio Puerco de Chama (Abiquiu Reservoir to HWY 96)
Rio Tusas (Perennial prt Rio Vallecitos to headwaters)
Rio Vallecitos (Rio Tusas to headwaters)
Rio del Oso (Perennial prt Rio Chama to headwaters)
Rito Encino (Rio Puerco de Chama to headwaters)
Rito de Tierra Amarilla (HWY 64 to headwaters)
Rito de Tierra Amarilla (Rio Chama to HWY 64)
Sexto Creek (Rio Chamita to CO border)

APPENDIX D

USDA-Natural Resources Conservation Service

NRCS Office of the Chief
Washington, D.C. 20250

United States Department of the Army
Office of the Assistant Secretary of the Army (Civil Works) Washington, D.C. 20310-0103

February 25, 2005

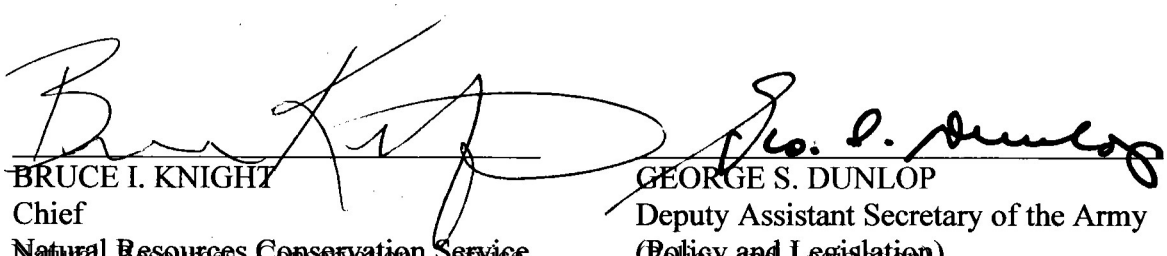
MEMORANDUM TO THE FIELD

SUBJECT: Guidance on Conducting Wetland Determinations for the Food Security Act of 1985 and Section 404 of the Clean Water Act.

We are pleased to distribute the enclosed Joint Guidance on conducting wetland determinations for the Clean Water Act and the Food Security Act. This guidance provides procedures for use by the Natural Resources Conservation Service (NRCS) and the Army Corps of Engineers (COE) personnel. This procedure replaces the coordination procedures between COE and NRCS that are outlined in the 1994 Memorandum of Agreement between the Departments of Agriculture, Interior, Army, and the Environmental Protection Agency concerning wetland delineations.

We encourage COE Districts and NRCS State offices to develop local partnerships to provide the most timely and accurate information to the public, and to address other wetland issues. We are strongly committed to protecting wetlands, and this guidance will allow us to do that while ensuring that Federal wetland programs are administered in a manner that minimizes their impacts on affected landowners.

Please feel free to call your respective Headquarters wetlands and regulatory program contacts with any questions.



BRUCE I. KNIGHT
Chief
Natural Resources Conservation Service

GEORGE S. DUNLOP
Deputy Assistant Secretary of the Army
(Policy and Legislation)

Attachment

JOINT GUIDANCE

FROM THE NATURAL RESOURCES CONSERVATION SERVICE (NRCS) AND THE ARMY CORPS OF ENGINEERS (COE) CONCERNING WETLAND DETERMINATIONS FOR THE CLEAN WATER ACT AND THE FOOD SECURITY ACT OF 1985

1. INTRODUCTION

. On January 6, 1994, the Departments of Agriculture (USDA), the Interior, the Army, and the Environmental Protection Agency entered into a Memorandum of Agreement (MOA), concerning the delineation of wetlands for the purposes of Section 404 of the Clean Water Act (CWA) and Subtitle C of the Food Security Act (FSA). The MOA was developed to streamline the wetland delineation process on agricultural lands, to promote consistency between CWA and FSA, and to provide predictability and simplification for USDA program participants. In January 2005, the Department of the Army and the Department of Agriculture withdrew from the MOA.

This joint guidance reaffirms our commitment to ensuring that Federal wetlands programs are administered in a manner that minimizes the impacts on affected landowners consistent with the important goal of protecting wetlands. We will continue to strive to minimize duplication between the FSA Wetland Conservation Provisions, which are referred to as 'Swampbuster,' and the CWA Section 404 Program, while recognizing the inherent differences in the purpose and statutory language of those laws.

Because of the differences now existing between CWA and FSA on the jurisdictional status of certain wetlands (e.g., prior converted or isolated wetlands may be regulated by one agency but not the other), it is frequently impossible for one lead agency to make determinations that are valid for the administration of both laws. The following guidance will apply to cases where sufficient overlap exists to enable the wetland delineation made by one agency to be accepted for determining the jurisdiction of the other.

11. DEFINITIONS

Agricultural commodity means any crop planted and produced by annual tilling of the soil, including tilling by one-trip planters, or sugarcane.

Agricultural use refers to open land planted to an agricultural crop, used for the production of food or fiber, used for haying or grazing, left idle per USDA programs, or diverted from crop production to an approved cultural practice that prevents erosion or other degradation.

Approved jurisdictional determination means a COE document stating the presence or absence of waters of the United States on a parcel, or a written statement and map identifying the limits of waters of the United States on a parcel. Approved jurisdictional determination is clearly designated appealable actions, and will include a basis of jurisdictional determination with the document.

Certified wetland determination means a wetland determination made by the Natural Resources Conservation Service (NRCS) that is of sufficient quality to make a determination of ineligibility for program benefits under the Food Security Act of 1985.
Jurisdictional determination (JD) means a written COE determination that a wetland and/or waterbody is subject to regulatory jurisdiction under Section 404 of the Clean Water Act (33 U.S.C. 1344), or a written determination that a waterbody is subject to regulatory jurisdiction under Section 9 or 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401 et seq.). Additionally, the term includes a written reverification of expired JDs and a written reverification of JDs where new information has become available that may affect the previously written determination. For example, such geographic JDs may include, but are not limited to, one or more of the following determinations: the presence or absence of wetlands; the location(s) of the wetland boundary, ordinary high water mark, mean high water mark, and/or high tide line; interstate commerce nexus for isolated waters; and adjacency of wetlands to other waters of the United States. All JDs will be in writing and will be identified as either preliminary or approved. JDs do not include determinations that a particular activity requires a DA permit.
Preliminary Jurisdictional Determinations are written indications that there may be waters of the United States on a parcel, or indications of the approximate location(s) of waters of the United States on a parcel. Preliminary JDs are advisory in nature and may not be appealed. Preliminary JDs include compliance orders that have an implicit JD, but no approved JD.

111. PROCEDURES

A. Wetland Determinations and Delineations:

1. NRCS Responsibility

(a) Wetland determinations on land for participants, or persons intending to become participants, in USDA programs when the proposed activity involves draining, dredging, filling, leveling or otherwise manipulating the land, as defined in the FSA, for the purpose of, or to have the effect of making possible the production of an agricultural commodity. This includes alteration of the land necessary to enable or maintain agricultural production (e.g., ditching and mechanized land clearing). This does not include new or ongoing silvicultural activities or other activities undertaken for a purpose that does not make production of an agricultural commodity possible. Persons who intend to become participants in USDA programs must submit USDA Form AD-1026, Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification to the Farm Service Agency.

(b) NRCS will inform landowners that wetland determinations performed by NRCS may not be valid for CWA jurisdiction and permitting requirements. NRCS will include the following language in all written wetland determinations provided to the landowner: "This certified wetland determination/delineation has been conducted for the purpose of implementing the wetland conservation provisions of the Food Security Act of 1985. This determination/delineation may not be valid for identifying the extent of the COE's Clean Water Act jurisdiction for this site. If you intend to conduct any activity that constitutes a discharge of dredged or fill material into wetlands or other waters, you should request a jurisdictional determination from the local office of the COE prior to starting the work."

(c) This guidance pertains to compliance with the Food Security Act for USDA program participants. Policy concerning NRCS technical and financial assistance and the protection of wetlands is located in the NRCS General Manual at Title 190, Part 410.26,

and is not applicable to the joint guidance. States are encouraged to work with the applicable COE Districts to develop guidance for wetland delineations made for other purposes.

2. COE Responsibility

   (a) Wetland determinations solely for CWA purposes, including determinations on forest lands.

   (b) Determining the geographic scope of COE jurisdiction over other waters, besides wetlands, located on agricultural land (e.g., rivers, streams, lakes, artificial waters, channelized waters, ditches, etc).

   (c) COE will inform the landowner, or person requesting a jurisdictional determination, that wetland determinations performed by COE on land which the landowner or requesting person intends to convert for agricultural production, may not be valid for FSA determinations. COE will include the following language in all written wetland determinations: "This delineation/determination has been conducted to identify the limits of COE's Clean Water Act jurisdiction for the particular site identified in this request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work."

3. Coinciding Responsibilities. In cases where both agencies need to make separate determinations of the extent of wetlands or waters on a site, the agencies will promptly consult with each other and attempt to conduct joint onsite determinations, or provide both determinations in the same time frame so that a landowner receives determinations that cover all waters on the site. When this cannot be accomplished in a timely manner, each agency will advise the person receiving its determination that the determination does not apply for the other agency or include the extent of that agency' s jurisdiction.

4. Reliance on Responsible Agency's Wetland Determinations. To the maximum extent permissible by current statute and regulation, NRCS and COE will rely on each other's wetland determinations. If there are areas on the site that are not included in the responsible agency's delineation, yet may be regulated by the other agency (e.g., isolated wetlands, abandoned prior-converted cropland or other waters), the responsible agency will inform the landowner in writing and the other agency (to the extent allowed by law) that additional areas on the site may also be under Federal jurisdiction.

5. Prior-Converted Cropland. Prior-converted cropland (PC) is identified for the purpose of implementing the FSA, and refers to wetlands that were converted from a non-agricultural use to cropland prior to December 23, 1985. While a PC area may meet the wetland hydrology criterion, production of an agricultural commodity or maintenance or improvement of drainage systems on the PC area, is exempt from the swampbuster provisions. A certified PC determination made by NRCS remains valid as long as the area is devoted to an agricultural use. If the land changes to a nonagricultural use, the PC

determination is no longer applicable and a new wetland determination is required for CWA purposes. Specific guidance will be provided by the Corps in the near future addressing how the Corps will treat PC designations for land that changes from agricultural to non-agricultural use.

6. Expiration of Wetland Determinations. Certified wetland determinations made by NRCS remain valid for swampbuster purposes as long as the land is devoted to agricultural use or until such time as the person affected by it requests review of the certification. A certified wetland determination made by NRCS that is determined valid for CWA purposes by COE will be effective for CWA purposes for a period of five years from the date it is final, in accordance with COE Regulatory Guidance
   Letter 94-01, unless new information warrants its revision before the expiration date.

B. Enforcement. Per the Food Security Act, USDA is required to make onsite determinations of noncompliance prior to withholding benefits from a landowner. In addition, the activities that result in a violation of the CWA and swampbuster may differ (e.g., per the CWA, a violation involves an unauthorized and non-exempt discharge of dredged or fill material into waters of the U.S. regardless of the purpose, whereas a swampbuster violation occurs only if the conversion is for the purpose of or makes possible the production of an agricultural commodity). Therefore, potential enforcement and/or compliance cases must be independently evaluated by each agency. The agencies will, however, coordinate their site visits as much as possible to minimize delay and inconvenience to the landowner and will attempt to make both determinations concurrently. Each agency will make a reasonable effort to inform the other agency of any significant actions taken to resolve a noncompliance or violation. The agencies will also explicitly state in any written correspondence to the landowner that actions taken to resolve a violation or noncompliance for that agency may not resolve the violation or noncompliance for the other agency.

C. Local Agreements. NRCS State offices and COE District offices are encouraged, in coordination with and approval from the Agencies' Headquarters, to develop local agreements to further refine these procedures, define Federal agency lead roles for wetland determinations that differ from those above to the extent practicable, or address other concerns or interests that will improve service to the public. Such local agreements shall seek to provide landowners with a single point of Federal contact and shall provide for technically accurate, consistent and timely determinations.

D. Methods of Conducting Wetland Determinations.

l. On-Site Determinations and Documentation. In most cases, wetland determinations will require an on-site assessment. Where available, data collected off-site, such as relevant satellite and low-altitude photography, will be used to supplement on-site methods in accordance with jointly approved mapping conventions. In all cases, the data and analyses used in the wetland determination will be documented sufficiently to demonstrate clearly the basis for the determination and the boundaries of the wetland, both for the person who requested the determination and to provide for interagency review, if appropriate.

2. The agencies will use the appropriate procedures in the current National Food Security Act Manual or the current COE or Federal wetland delineation manual applicable to the region, including current national guidance, to make wetland determinations.

E. Notification. Landowners will be notified in writing of all final wetland determinations. The written wetland determination will include the language provided in Part Ill. A. (l) and (2), above.

F. Appeals and/or Litigation: Wetland determinations conducted for FSA purposes may be appealed through the USDA appeals process. When an appeal or litigation results in a change to a wetland determination prepared by NRCS, NRCS will so notify the local COE District, and shall advise the landowner in writing that changes in the wetland determination resulting from the appeal or litigation are not valid for CWA purposes until accepted by COE. COE will determine whether the change in wetland status is valid for CWA purposes and advise the landowner and NRCS in writing of their conclusion. For the purposes of the CWA and COE Administrative Appeals Regulations, NRCS certified wetland determinations on agricultural lands, where COE has not verified the wetland boundary onsite, will be considered Preliminary Jurisdictional Determinations, as defined in 33 CFR *[8] 331.2.

G. Training. The agencies agree to continue to provide joint training opportunities for their field personnel involved in wetland determinations and delineations. This will include training in the wetland delineation methods of the National Food Security Act Manual, the current COE or Federal wetland delineation manual, wetland plant identification, hydrology tools for wetland delineation, and hydric soils identification.

H. Technical Assistance. The agencies agree to continue to provide appropriate technical assistance for all field personnel involved in wetland determinations and delineations.

IV. DISPUTE RESOLUTION

The agencies will make every reasonable effort to resolve any concerns or disputes related to these procedures at the local or regional level. Issues that cannot be resolved at the local or regional level, however, should be elevated to the appropriate headquarters office by the NRCS State Conservationist or COE District Engineer.

V. GENERAL

A. The policy and procedures contained within this guidance do not create any rights, either in substance or procedure, that are enforceable by any party. Deviation or variance from the administrative procedures included in this guidance will not constitute a defense for violators or others concerned with any CWA enforcement action.

B. As noted above, nothing in this guidance is intended to diminish, modify, or otherwise affect statutory or regulatory authorities of either the Corps or NRCS

C. Nothing in this guidance is intended, in any way, to affect the authority of a State or tribe to delineate or regulate wetlands pursuant to an approved Section 402 or Section 404 program.

States and Tribes are encouraged to develop similar agreements for their programs to ensure clear and reliable determinations for both CWA and Swampbuster purposes.

D. Nothing in this guidance will be construed as indicating a financial commitment by NRCS or COE for the expenditure of funds except as authorized in specific appropriations.

E. Duration. This guidance remains effective unless revised or rescinded by the Corps or NRCS, upon written notice to the other agency.

APPENDIX E

New Mexico Standards for Healthy Rangelands (BLM)

43 CFR 4180.2 - Standards and guidelines for grazing administration.

§ 4180.2 Standards and guidelines for grazing administration.

(a) The Bureau of Land Management State Director, in consultation with the affected resource advisory councils where they exist, will identify the geographical area for which standards and guidelines are developed. Standards and guidelines will be developed for an entire state, or an area encompassing portions of more than 1 state, unless the Bureau of Land Management State Director, in consultation with the resource advisory councils, determines that the characteristics of an area are unique, and the rangelands within the area could not be adequately protected using standards and guidelines developed on a broader geographical scale.

(b) The Bureau of Land Management State Director, in consultation with affected Bureau of Land Management resource advisory councils, shall develop and amend State or regional standards and guidelines. The Bureau of Land Management State Director will also coordinate with Indian tribes, other State and Federal land management agencies responsible for the management of lands and resources within the region or area under consideration, and the public in the development of State or regional standards and guidelines. State or regional standards or guidelines developed by the Bureau of Land Management State Director may not be implemented prior to their approval by the Secretary. Standards and guidelines made effective under paragraph (f) of this section may be modified by the Bureau of Land Management State Director, with approval of the Secretary, to address local ecosystems and management practices.

(c)

(1) If a standards assessment indicates to the authorized officer that the rangeland is failing to achieve standards or that management practices do not conform to the guidelines, then the authorized officer will use monitoring data to identify the significant factors that contribute to failing to achieve the standards or to conform with the guidelines. If the authorized officer determines through standards assessment and monitoring that existing grazing management practices or

levels of grazing use on public lands are significant factors in failing to achieve the standards and conform with the guidelines that are made effective under this section, the authorized officer will, in compliance with applicable laws and with the consultation requirements of this part, formulate, propose, and analyze appropriate action to address the failure to meet standards or to conform to the guidelines.

(i) Parties will execute a documented agreement and/or the authorized officer will issue a final decision on the appropriate action under § 4160.3 as soon as practicable, but not later than 24 months after a determination.

(ii) BLM may extend the deadline for meeting the requirements established in paragraph (c)(1)(i) of this section when legally required processes that are the responsibility of another agency prevent completion of all legal obligations within the 24-month time frame. BLM will make a decision as soon as practicable after the legal requirements are met.

(2) Upon executing the agreement and/or in the absence of a stay of the final decision, the authorized officer will implement the appropriate action as soon as practicable, but not later than the start of the next grazing year.

(3) The authorized officer will take appropriate action as defined in this paragraph by the deadlines established in paragraphs (c)(1) and (c)(2) of this section. Appropriate action means implementing actions pursuant to subparts 4110, 4120, 4130, and 4160 of this part that will result in significant progress toward fulfillment of the standards and significant progress toward conformance with the guidelines. Practices and activities subject to standards and guidelines include the development of grazing-related portions of activity plans, establishment of terms and conditions of permits, leases, and other grazing authorizations, and range improvement activities such as vegetation manipulation, fence construction, and development of water.

(d) At a minimum, state and regional standards developed or revised under paragraphs (a) and (b) of this section must address the following:

(1) Watershed function;

(2) Nutrient cycling and energy flow;

(3) Water quality;

(4) Habitat for endangered, threatened, proposed, candidate, and other special status species; and

(5) Habitat quality for native plant and animal populations and communities.

(e) At a minimum, State or regional guidelines developed under paragraphs (a) and (b) of this section must address the following:

(1) Maintaining or promoting adequate amounts of vegetative ground cover, including standing plant material and litter, to support infiltration, maintain soil moisture storage, and stabilize soils;

(2) Maintaining or promoting subsurface soil conditions that support permeability rates appropriate to climate and soils;

(3) Maintaining, improving or restoring riparian-wetland functions including energy dissipation, sediment capture, groundwater recharge, and stream bank stability;

(4) Maintaining or promoting stream channel morphology (e.g., gradient, width/depth ratio, channel roughness and sinuosity) and functions appropriate to climate and landform;

(5) Maintaining or promoting the appropriate kinds and amounts of soil organisms, plants and animals to support the hydrologic cycle, nutrient cycle, and energy flow;

(6) Promoting the opportunity for seedling establishment of appropriate plant species when climatic conditions and space allow;

(7) Maintaining, restoring or enhancing water quality to meet management objectives, such as meeting wildlife needs;

(8) Restoring, maintaining or enhancing habitats to assist in the recovery of Federal threatened and endangered species;

(9) Restoring, maintaining or enhancing habitats of Federal proposed, Federal candidate, and other special status species to promote their conservation;

(10) Maintaining or promoting the physical and biological conditions to sustain native populations and communities;

(11) Emphasizing native species in the support of ecological function; and

(12) Incorporating the use of non-native plant species only in those situations in which native species are not available in sufficient quantities or are incapable of maintaining or achieving properly functioning conditions and biological health.

(f) Until such time as state or regional standards and guidelines are developed and in effect, the following standards provided in paragraph (f)(1) of this section and guidelines provided in paragraph (f)(2) of this section will apply and will be implemented in accordance with paragraph (c) of this section.

(1)*Fallback standards.*

(i) Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate and landform.

(ii) Riparian-wetland areas are in properly functioning condition.

(iii) Stream channel morphology (including but not limited to gradient, width/depth ratio, channel roughness and sinuosity) and functions are appropriate for the climate and landform.

(iv) Healthy, productive and diverse populations of native species exist and are maintained.

(2)*Fallback guidelines.*

(i) Management practices maintain or promote adequate amounts of ground cover to support infiltration, maintain soil moisture storage, and stabilize soils;

(ii) Management practices maintain or promote soil conditions that support permeability rates that are appropriate to climate and soils;

(iii) Management practices maintain or promote sufficient residual vegetation to maintain, improve or restore riparian-wetland functions of energy dissipation, sediment capture, groundwater recharge and stream bank stability;

(iv) Management practices maintain or promote stream channel morphology (e.g., gradient, width/depth ratio, channel roughness and sinuosity) and functions that are appropriate to climate and landform;

(v) Management practices maintain or promote the appropriate kinds and amounts of soil

organisms, plants and animals to support the hydrologic cycle, nutrient cycle, and energy flow;

(vi) Management practices maintain or promote the physical and biological conditions necessary to sustain native populations and communities;

(vii) Desired species are being allowed to complete seed dissemination in 1 out of every 3 years (Management actions will promote the opportunity for seedling establishment when climatic conditions and space allow.);

(viii) Conservation of Federal threatened or endangered, proposed, candidate, and other special status species is promoted by the restoration and maintenance of their habitats;

(ix) Native species are emphasized in the support of ecological function;

(x) Non-native plant species are used only in those situations in which native species are not readily available in sufficient quantities or are incapable of maintaining or achieving properly functioning conditions and biological health;

(xi) Periods of rest from disturbance or livestock use during times of critical plant growth or regrowth are provided when needed to achieve healthy, properly functioning conditions (The timing and duration of use periods shall be determined by the authorized officer.);

(xii) Continuous, season-long livestock use is allowed to occur only when it has been demonstrated to be consistent with achieving healthy, properly functioning ecosystems;

(xiii) Facilities are located away from riparian-wetland areas wherever they conflict with achieving or maintaining riparian-wetland function;

(xiv) The development of springs and seeps or other projects affecting water and associated resources shall be designed to protect the ecological functions and processes of those sites; and

(xv) Grazing on designated ephemeral (annual and perennial) rangeland is allowed to occur only if reliable estimates of production have been made, an identified level of annual growth or residue to remain on site at the end of the grazing season has been established, and adverse effects on perennial species are avoided.

[60 FR 9969, Feb. 22, 1995, as amended at 61 FR 59835, Nov. 25, 1996; 71 FR 39508, July 12, 2006]

United States Department of the Interior
OFFICE OF THE SOLICITOR
Washington. D.C. 20240

To: Secretary

Management

From:
Subject: for Grazing Administration;
I. Introduction and Summary
Pursuant to 43 C.F.R. Subpart 41 80 of the grazing regulations,' the New Mexico State Director for the Bureau of Land Management (BLM) has requested Secretarial approval of four proposed State Standards for Public Land Health and seven proposed Guidelines for Livestock Grazing Management (hereinafter "New Mexico S&Gs"). State or regional standards and guidelines developed by a State Director "may not

be implemented prior to their approval by the Secretary." 43 C.F.R. $41 80.2(b). If approved, the proposed New Mexico S&Gs would replace the "fallback" standards and guidelines at 43 C.F.R. $ 41 80.2(f) which are now in effect in New Mexico.'

We have reviewed the New Mexico S&Gs and conclude that parts of them must be disapproved because they are, as explained below, inconsistent with the grazing regulations and other applicable law.

11. The Requirements of the Grazing Regulations

A. Overview

Under Subpart 41 80, State or regional standards are "specific measures of rangeland health." 60 I Grazing Administration -- Exclusive of Alaska, 60 Fed. Reg. 9894 (Feb. 22, 1995) (codified at 43 C.F.R. $$ 4.77, 1784.0-1 to 1784.6-2, and 41 00.0-1 to 4 180.2).

BLM promulgated fallback standards and guidelines at 43 C.F.R. $ 4180.2(f), to "remain in effect until State or regional standards and guidelines are in effect." 60 Fed. Reg. at 9899. The "fallbacks" were included in Rangeland Reform because "[tlhe Department recognizes the importance of putting standards and guidelines in place in a timely manner." Id. Fallback standards and guidelines "may be modified by the Bureau of Land Management State Director, with approval of the Secretary, to address local ecosystems and management practices." 43 C.F.R. $ 4 180.2(b).

Fed. Reg. at 9899 (emphasis added). State or regional guidelines are "acceptable or best management practices in keeping with the characteristics of a State or region such as climate and landform." Id.(emphasis added).

These standards and guidelines for grazing administration are a key component of the rangeland reform regulations. They help determine whether the range is healthy, and if it is not, and if livestock grazing is a significant factor in that lack of health, they require that action be taken to redress it. That is, "[alppropriate action" is mandatory "as soon as practicable but not later than the start of the next grazing year upon determining that existing grazing management practices or levels of grazing use on public lands are significant factors in failing to achieve the standards and conform with the guidelines that are made effective under this section." 43 C.F.R. 41 80.2(c) (emphasis added) (hereinafter "significant-factor determination").

Once a "significant-factor determination" is made, the BLM may choose from among a number of appropriate actions. These include changing permitted use,3 preparing or amending an allotment management plan,4 authorizing range improvements,' modifying the terms and conditions of permits or lease^,^ or issuing grazing decisions.'

B. Fundamentals of Rangeland Health

State or regional standards and guidelines "must provide for conformance with the fundamentals of 4 150.1 ." 43 C.F.R. 4 180.2(b). The "fundamentals," also known as the "Fundamentals of Rangeland Health," are four ecological objectives that apply to domestic livestock grazing use on public lands throughout the West. They are:

(a) Watersheds are in, or are making significant progress toward, properly functioning condition, including their upland, riparian-wetland, and aquatic components; soil and plant conditions support infiltration, soil moisture storage, and the release of water that are in balance with climate and landform and maintain or improve water quality, water quantity, and timing and duration of flow.

(b) Ecological processes, including the hydrologic cycle, nutrient cycle, and energy flow, are maintained, or there is significant progress toward their

'See 43 C.F.R. 9 41 10.3.
See 43 C.F.R. fj 4120.2.
See 43 C.F.R. $4120.3.
See 43 C.F.R. $ 4130.3-3.
'See -43 C.F.R. Subpart 4160.

APPENDIX F

RESOURCES FOR RESEARCHING DATA RELATED TO LOCAL ECONOMICS, CUSTOM AND CULTURE

Revised 10/7/2014

Agriculture

http://nass.usda.gov/Statistics_by_State/New_Mexico/index.asp

Description: The USDA's National Agricultural Statistics Service (NASS) conducts hundreds of surveys every year and prepares reports covering virtually every aspect of U.S. agriculture. Production and supplies of food and fiber, prices paid and received by farmers, farm labor and wages, farm finances, chemical use, and changes in the demographics of U.S. producers are only a few examples. Here you can find state specific data for the following subjects: crops and plants, demographics, economics and prices, environmental, livestock and animals.

http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm

Description: Web Soil Survey (WSS) provides soil data and information produced by the National Cooperative Soil Survey. It is operated by the USDA Natural Resources Conservation Service (NRCS) and provides access to the largest natural resource information system in the world. NRCS has soil maps and data available online for more than 95 percent of the nation's counties and anticipates having 100 percent in the near future. The site is updated and maintained online as the single authoritative source of soil survey information.

Soil surveys can be used for general farm, local, and wider area planning. Onsite investigation is needed in some cases, such as soil quality assessments and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center or your NRCS State Soil Scientist.

http://www.agcensus.usda.gov/

Description: The Census of Agriculture is the leading source of facts and figures about American agriculture. Conducted every five years, the Census provides a detailed picture of U.S. farms and ranches and the people who operate them. It is the only source of uniform, comprehensive agricultural data for every state and county in the United States. Participation by every farmer and rancher, regardless of the size or type of operation, is vitally important. By responding to the Census, producers are helping themselves, their communities and all of U.S. agriculture.

The 2012 Census of Agriculture collected information concerning all areas of farming and ranching operations, including production expenses, market value of products, and operator characteristics. This information is used by everyone who provides services to farmers and rural communities - including federal, state and local governments, agribusinesses, and many others. Census data is used to make decisions about many things that directly impact farmers, including:

- community planning
- store/company locations
- availability of operational loans and other funding

- location and staffing of service centers
- farm programs and policies

http://aces.nmsu.edu/ces/dairy/index.html
Description: The Extension Dairy program provides NM dairies with sound scientific information related to environmental impacts such as carbon footprint, air emissions, water usage, etc. as an asset in federal or State regulatory matters, as well as a tool to help show public stakeholders about the industry's economic and environmental impact.

http://www.usgs.gov/state/state.asp?State=NM
Description: The USGS is a science organization that provides impartial information on the health of our ecosystems and environment, the natural hazards that threaten us, the natural resources we rely on, the impacts of climate and land-use change, and the core science systems that help us provide timely, relevant, and useable information.

County Websites (Example) http://www.chavescounty.net/reports.php

Description: This website gives information on the topics: Local Agriculture, population, labor, transportation, utilities, tax base, major employers, education, economy and climate
Agriculture (size of county, land ownership, livestock, crops); Population (population and commuter populations); Labor (per capita personal income, employment and unemployment numbers and unemployment rate); Transportation (air transportation, rail transportation, road transportation/trucking); Utilities (electric, natural gas, water); Tax information (gross receipts tax, property taxes); Major employers (list of major employers and their respective industry); Education (higher education statistics, Independent school districts); Economy (economic contributing factors, housing market); Climate (2013 climate outlook) **Topics may change per location, to better suit that county*.

http://www.mrcog-nm.gov/land-and-water/water
Description: Water planning reports, middle Rio Grande water assembly, estancia water basin regional water plan, LUP resources including various maps, community profiles, local government plans (land use plans), Focus 2050 Regional Plan.

http://wrri.nmsu.edu/wrdis/wrdis.html
Description: The overall mission of the NM WRRI is to develop and disseminate knowledge that will assist the state and nation in solving water problems. Through the funding of research and demonstration projects, the institute utilizes knowledge and experience of researchers throughout the state to solve New Mexico's pressing water problems. Research is conducted by faculty and students within the departmental structure of each New Mexico university campus. In-house staff administers the institute's programs, conducts special research projects, and produces a variety of issue reports.

Socioeconomic

http://archive.sba.gov/advo/research/profiles/09nm.pdf
Description: Business information, small employers, large employers, male owned, female owned, workforce information, income and finance, employment by industry and firm size, establishment and employment turnover by quarter.

http://quickfacts.census.gov/qfd/states/35000.html
Description: Provides quick access to Census Bureau links for New Mexico demographic, business and government summary statistics.

http://www.city-data.com
Description: By collecting and analyzing data from numerous sources, we're able to create detailed, informative profiles of all cities in the United States. From crime rates to weather patterns, you can find the data you're looking for on City-Data.com.

http://bber.unm.edu/
Description: The Bureau of Business and Economic Research (BBER) at the University of New Mexico is committed to contributing to the understanding of economic and demographic issues in New Mexico by collecting and disseminating information, providing technical expertise, and analyzing and conducting applied research for a diverse constituency including community organizations, businesses, labor unions, government officials, academia, students and others. Through these efforts, BBER will further the public service and educational missions of the University of New Mexico and contribute to the economic well-being of New Mexico residents.apartment information.

http://www.census.gov/econ/nonemployer/index.html
Description: Non employer Statistics is an annual series that provides subnational economic data for businesses that have no paid employees and are subject to federal income tax. The data consist of the number of businesses and total receipts by industry. Most non employers are self-employed individuals operating unincorporated businesses (known as sole proprietorships), which may or may not be the owner's principal source of income.

http://www.bls.gov/
Description: The Bureau of Labor Statistics of the U.S. Department of Labor is the principal Federal agency responsible for measuring labor market activity, working conditions, and price changes in the economy. Its mission is to collect, analyze, and disseminate essential economic information to support public and private decision-making. As an independent statistical agency, BLS serves its diverse user communities by providing products and services that are objective, timely, accurate, and relevant. http://beta.bls.gov/maps/cew/us provides maps with county labor statistics.

http://www.census.gov/geo/reference/
Description: Population, geography, business, state maps, county maps, state geography changes, quick facts for multiple counties.

http://www.eia.gov/state/?sid=NM
Description: The U.S. Energy Information Administration (EIA) collects, analyzes, and disseminates independent and impartial energy information to promote sound policymaking, efficient markets, and public understanding of energy and its interaction with the economy and the environment.

Cultural

http://econtent.unm.edu/cdm/
Description: New Mexico Digital Collections is a central search portal for digital collections about New Mexico. A service of the University of New Mexico Libraries, we provide access to digitized photographs, manuscripts, posters, oral histories, videos, maps, and books from libraries, museums, and cultural centers across the state. Historical documents, art, old newspapers, cultural documents, New Mexico Waters contains historical source materials about rivers, irrigation, ecology, and the economic impact of water resources on communities in New Mexico, primarily along the Rio Grande.

Climate

http://weather.nmsu.edu/products/drought/
Description: NM climate maps, drought, climate information for NM, data from weather stations. Data products are based on climate data collected from around the state and the data is formatted tell a specific story.

- NM Climate Maps (Courtesy of WRCC)
- NM Drought Information

http://www.ncdc.noaa.gov/sotc/
Description: The State of the Climate is a collection of monthly summaries recapping climate-related occurrences on both a global and national scale. Topics covered include: drought, wildfires. Global analysis, upper air, national snow and ice, global ice and snow, El Nino/Southern Oscillation, tornados, etc. Drought portal, climate timeline tool: climate history for the last 1000 years.

http://www.blm.gov/ras/
Description: BLM Rangeland Administration System: This site can be queried to get the number of AUMs permitted and authorized on BLM grazing allotments.

http://www.fs.fed.us/rangelands/reports/
Description: Grazing Statistical Summary Reports: A USDA Forest Service publication providing statistics on grazing use at the forest level.

Visit UNM and NMSU library online

WALK-IN LOCATIONS:
For local Ag Production/Revenue Statistics:
County Extension Office
Local FSA office
NRCS Office
Economic development councils
Rural Development Office in USDA

For local information on customs and culture:
Local museums
Local Library:
Chamber of commerce

APPENDIX G

Federal Laws

• Federal Land Policy and Management Act (FLPMA) 43 USC §1712 (c) (9) (c) In the development and revision of land use plans, the Secretary shall– (9) to the extent consistent with the laws governing the administration of the public lands, coordinatethe land use inventory, planning, and management activities of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the States and local governments… …keep apprised of State, local, and tribal land use plans; assure that considerationis given to those State, local, and tribal plans that are germane in the development of land use plans for public lands… …assist in resolving…inconsistencies between Federal and non-Federal Government plans… …Land use plans of the Secretary under this section shall be consistent with State and local plans to the maximum extent he finds consistent with Federal law and the purposes of this Act.

• National Forest Management Act (NFMA) 16 USC §1604 (a) As a part of the Program provided for by section 1602 of this title, the Secretary of Agriculture shall 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 planning processes of State and local governments and other Federal agencies.

National Environmental Policy Act (NEPA) 42 USC §4331 (a) & (b) (a) The Congress…declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans. (b) In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

• Endangered Species Act (ESA) 16 USC §1531 (c)(2) It is further declared to be the policy of Congress that Federal agencies shall cooperatewith State and local agencies to resolve

water resource issues in concert with conservation of endangered species. 16 USC §1533 (b)(1)(a) The Secretary shall make determinations required by subsection (a)(1) of this section solely on the basis of the best scientific and commercial data available to him after conducting a review of the status of the species and after taking into account those efforts, if any, being made by any State or foreign nation, 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 other conservation practices, within any area under its jurisdiction; or on the high seas.

Coordination • Not optional for agencies (BLM, USFS), but…

APPENDIX G - continued

• Requires official land use plan or policies
• Interaction/negotiation to seek consistencybetween land use plans/policies
• Different levels of investment in coordination
• Coordination Process

Consistency Reviews • Under FLPMA (part of coordination)
• Under NEPA –applies to ALL agencies
• Governor's Consistency Review (BLM regs)