



Roosevelt
Soil and Water Conservation District

LAND USE PLAN

Adopted April 14, 2015
Updated April 3, 2016



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

**Roosevelt
Soil and Water Conservation District
LAND USE PLAN**

Executive Summary

1.0 INTRODUCTION

1.1 Background

1.2 Authority

1.3 Adoption

2.0 PRIMARY PLANNING GUIDANCE

2.1 Plan Definitions

2.2 Annual Action Plan

2.3 Policies and Procedures

2.4 Emergency Plans—(for dams and structures)

2.5 Coordination Agreements—(local, state and federal agencies)

3.0 PURPOSE, CUSTOM AND CULTURE, AND GOALS

3.1 Purpose

3.2 Custom and Culture

3.3 Goals

4.0 PRIMARY PLANNING GUIDANCE AND DIRECTIVES (PPGD)

4.1 Objectives

4.2 Resource Concerns

4.2-1 Water Resources

4.2-2 Soil Resources

4.2-3 Agriculture

4.2-4 Range and Grassland

4.2-5 Livestock and Wildlife

4.2-6 Energy

4.2-7 Wildfire

4.2-8 Custom and Cultures

4.2-9 Partners and Recreation

4.2-10 Riparian Habitat

4.2-11 Threatened, Endangered / Sensitive Species

4.2-12 Predators

4.2-13 Outreach and Education

4.2-14 Special Land Designations

4.2-15 Watershed Management

EXECUTIVE SUMMARY

Sections 73-20-25 through 73-20-48 NMSA 1978 is the summary description of the New Mexico Soil and Water Conservation District Act (Act). The Roosevelt Soil and Water Conservation District (District) is the administrative body responsible for the dictates of the law in Roosevelt County outside of the administrative boundaries of the Border and Central Curry Soil and Water Conservation Districts. RSWCD was formed circa 1941 and there are approximately 3,008,534 acres within RSWCD boundaries.

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

The District will coordinate projects on the land with federal, state, and local agencies for such remedy and enhancement of the resource base. The District has the authority, concerning natural resources, to assist, contract, and render financial aid, when practical, to the stakeholder community.

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

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

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

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

The Plan is predicated on the District always being in full knowledge of agency Schedules of Proposed Actions (SOPA), state agency plans, and local government planning. The Plan is also dependent on enhancing and strengthening stakeholder presence culminating from strong local custom and culture. Such a matter of importance must be judged on zero net loss of privately held lands which equates positively to concentration of assisted projects.

Within the algorithm of control of zero net loss, farm and range land must further be protected on the same basis. All other matters explicit and implicit in the Plan strongly adhere to that basic premise.

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

Endangered Species Act (ESA) policies have been increasingly driven by litigation, which has diverted attention and resources away from species recovery. It is this District's policy, to the maximum extent possible including 'cooperating agency status' and 'coordination' as defined by congressional action, to participate in all decision processes associated with federal and state agencies management actions relating to all sensitive, threatened, and endangered species, including candidate species.

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

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

1.0 INTRODUCTION

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

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

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

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

Federal land decision-making is burdened by an administrative process that needlessly complicates and delays necessary actions. The National Environmental Policy Act (NEPA), for example, was enacted to ensure that environmental effects were taken into account by public decision makers. Likewise, land use planning under the National Forest Management Act (NFMA) and the Federal Lands Policy Management Act (FLPMA) attempt to make the process of public land decision making better informed and more rational. While the intent of such procedural requirements are appropriate, in practice these procedures have become an obstacle and a stumbling block to effective land management.

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

1.1 BACKGROUND/HISTORY

Roosevelt County sits in eastern New Mexico and was created in 1903 from Chaves and Guadalupe Counties. The County was named for Theodore Roosevelt, the twenty-sixth President of the United States, who had enlisted in the New Mexico Rough Riders when he climbed San Juan Hill during the Spanish-American War. Portales, the county seat, is the home of Eastern New Mexico University and it is near the major Blackwater Draw archaeological discoveries of “Bison Nomads.” Over 11,000 years ago the area was the home of the Paleo-Indian Culture at Blackwater Draw. Early investigations recovered evidence of a human occupation in association with Late Pleistocene fauna, including Columbian mammoth, camel, horse, bison, sabertooth cat and dire wolf.

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

The largest agricultural impact to the local economy is the dairy industry. With approximately 40 dairies and 65,000 head of cows, the county produces 1.3 billion pounds of milk annually. Besides peanuts and milk other products grown locally are sorghum, wheat for grain, cotton, alfalfa and green chile as a niche market. Beef cattle are raised on rangeland which occupies the majority of the county’s landmass.

LOCATION

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

DISTRICT LAND STATUS

Roosevelt County has a total of 1,566,609 acres of which 211,928 (13.5%) is State land, 50,769 (3.2%) is Military (US Bombing range), 12,627 (.8) is federal and the remaining 1,291,296 (82.4) is private.

ELEVATION

Ranges between 4,000 feet above sea level to 4,780 feet above sea level.

CLIMATE

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

WATERSHEDS

The United States Geological Survey (USGS) has designated twenty-one major regions (river basins) for the nation. Regions are further divided into subregions and New Mexico contains portions of five regions: Arkansas-White-Red, Texas Gulf, Upper Colorado, Lower Colorado, and the Rio Grande. Within New Mexico the Rio Grande region is divided into two subregions, the Pecos and the Rio Grande.

RSWCD is wholly within the Pecos subregion as delineated by the USGS, and has four main 8-digit hydrologic unit watersheds: Lost Draw (NM/TX), Upper Pecos (NM), Yellow House Draw (NM/TX), Black Water Draw (NM/TX).

VEGETATION/GEOLOGY

The District is ecologically classified in one Level III ecoregion: 1) **Southern Shortgrass Prairie**. The shortgrass prairie was historically dominated by expanses of blue grama, side-oats grama, four-wing saltbush, little bluestem and buffalo grass. Within this ecoregion, two key terrestrial habitat types have been identified: The Western Great Plains Sandhill Sagebrush Shrubland, and the Western Great Plains Shortgrass Prairie. The lesser prairie-chicken and sand dune lizard in particular have received much attention in this habitat type.

Ecoregions within the District include; Shinnery Sands, Llano Estacado, and Conchas/Pecos Plains.

The District physiography includes; *Llano Estacado* - Level, elevated plains, decreasing in elevation from west to east. Few to no streams. Surface water in numerous ephemeral pools or playas. ***Shinnery Sands*** - Smooth plains, sand hills and dunes. Intermittent or spring-fed streams are rare, mostly little or no stream network. ***Conchas/Pecos Plains*** - Broad, rolling plains, tablelands, piedmonts, river valleys. Mostly ephemeral and some intermittent streams; a few perennial rivers cross the ecoregion. The Pecos River is often dry in places due to diversions and permeable geology.

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

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

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

CURRENT LAND RESOURCE USE

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

SOILS

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

1.2 AUTHORITY

Sections 73-20-25 through 73-20-48 NMSA 1978 considered and resolved by legislative action, the purpose of the Act declared that 1) the land, waters and other natural resources are the basic physical assets of New Mexico, and their stewardship and development are necessary to protect and promote the health and general welfare of the people of the state; 2) the improper use of land and related natural resources, soil erosion, and water loss result in economic waste in New Mexico through the deterioration of the state's natural resources, and; 3) appropriate corrective and conservation practices and programs must be encouraged and executed in New Mexico to conserve and develop beneficially the soil, water and other natural resources of the state;

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

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

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

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

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

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

1.3 ADOPTION

By adoption of this Plan in accordance with the Act, the District hereby records its intention to engage in decision making that pertains to all soil and water resources within its jurisdiction as provided under the law. The statement of purpose includes the recognition of the duties, statutory requirements, court mandates, executive orders, and policies of local, county, state, and federal agencies to comply with plans adopted under the concept and definition of coordination noted herein. This also facilitates the coordination of local, county, state, and federal planning efforts with the local planning efforts of the District.

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

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

RSWCD believes that resource and land use management decisions made in a coordinated manner by federal and state agencies and local government entities will maintain and revitalize multiple use of state and federal lands within and affecting the District and will enhance environmental quality. The District will coordinate with the various agencies to participate in and advance such effort. The District will review the Plan every year and update when appropriate.

2.0 PRIMARY PLANNING GUIDANCE

2.1 PLAN DEFINITIONS

- **Agriculture** – The art and science of growing crops and raising and breeding livestock. According to this Plan, activities which traditionally define agriculture in the District include, but are not limited to, poultry, cattle, sheep, hogs and pigs; hay, grain, chile, vegetables melons, potatoes, and other crop production.
- **Animal Unit Month (“AUM”)** – The quantity of forage required by one mature cow and her calf (or equivalent, in sheep or horses, for instance) for one month. The amount of forage needed to sustain one cow, five sheep, or five goats for a month. In the United States, a full AUMs fee is charged for each month of grazing by adult animals if the grazing animal (1) is weaned, (2) is 6 months old or older when entering public land, or (3) will become 12 months old during the period of use.
- **Area of Critical Environmental Concern (ACEC)** – areas within public lands where special management attention is required to protect and prevent irreparable damage to important historic, cultural and scenic values, fish and wildlife resources, or other natural systems or processes, or to protect life and safety from natural hazards.
- **Archeological and Historic Preservation Act 1974** – Provides for “the preservation of historical and archeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed as the result of (1) flooding, the building of access roads, the erection of workmen's communities, the relocation of railroads and highways, and other alterations of the terrain caused by the construction of a dam by any agency of the United States, or by any private person or corporation holding a license issued by any such agency or (2) any alteration of the terrain caused as a result of any Federal construction project or federally licensed activity or program.” 16 U.S.C. §469.
- **Candidate Conservation Agreement** – US Fish and Wildlife Service (FWS) by policy may enter into an agreement with a state agency, local government or private landowner to protect or manage habitat for a species that is proposed for listing but is not yet listed. Under the terms of the agreement, generally an agreed-upon amount of land is set aside or earmarked to be conserved for the candidate species. The landowner may also receive compensation and assurances that if the species is listed, the landowner will not be required to adopt additional conservation measures.
- **Clean Water Act** – The Federal Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.) is the foundation for surface water quality protection in the United States. Congress gave States and tribes the option for taking primary responsibility for water pollution control.
- **Compensable Property Right** – Is any type of right to specific property, personal or real, tangible, which, when reduced or taken for public purposes, is due just compensation under the Fifth Amendment of the United States Constitution.
- **Conservation** - Management of the human use of natural resources to provide the maximum benefit to current generations while maintaining capacity to meet the needs of future generations. Conservation in-

cludes both the protection and rational use of natural resources.

- **Conveyance of Harm** – The loss or detriment suffered by resource users because of intrusion of uncoordinated actions.
- **Cooperation** – Process created by Bureau of Land Management (BLM) to marry the general attempt to blend respective areas of responsibility, authority, and expertise of governing bodies and agencies for creating more effective land planning partnerships.
- **Cooperating Agency** – 1. Generally reference to the partnership agent in the relationship of preparing resource management plans, partnering with Tribes, state, and local governments (intergovernmental partners) before, during, and after plans and Environmental Impact Statements (EISs) are prepared. 2. The agent acting upon and within the framework for intergovernmental efforts in achieving early and consistent partnership involvement, incorporating local customs and culture as well as state and local land use requirements, address intergovernmental issues, avoid duplication of effort, enhance local credibility of plans and EISs, encourage support for management decisions, and build relationships of trust.
- **Coordination** – 1. Process created by Congress to ensure consistency of federal plans and activities with local government plans and policies. 2. Coordination is defined as the act of coordinating; harmonious adjustment or interaction; one that is equal in importance” (American Heritage Dictionary). Coordination is more than “cooperate” or “consult. The courts have defined the term as well: “The concept of ‘coordination’ means more than trying to work together with someone else. To ‘coordinate’ is ‘to bring into a common action, movement, or condition; it is synonymous with; harmonize.” (California Native Plant Society v City of Rancho Cordova, 172 Cal. App 4th 603, 91 Cal. Rpt. 3rd 571 (Third App. Dist. 2009). 3. Specifically the National Forest Management Act (16 U.S.C.§§ 1604 (a)) requires the Secretary of the Department of Agriculture to: develop, maintain and as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management processes of state and local governments and other federal agencies. 4. Specifically the Federal Land Policy and Management Act (43 U.S.C.A. 1712(c)(9)) requires the Secretary of the Department of Interior to: a. Keep apprised of local plans; b. assure consideration is given to the local plans; c. assist in resolving inconsistencies with local plans; d. meaningfully involve local governments in the planning process; and e. ensure land use plans are consistent with local land use plans.
- **Coordination Process** – a process by which local government engages in a government-to-government dialogue with state and federal agencies in a constructive effort to achieve consistency between state and federal land use plans and actions with local government.
- **Coordinated Resource Management (“CRM”)** – A group of people working together to develop common resource goals and resolve natural resource concerns. CRM is a people process that strives for win-win situations through consensus-based decision-making.
- **Culture** - Culture is defined as the customary beliefs, social forms and material traits of a group; an integrated pattern of human behavior passed to succeeding generations. *Webster’s New Collegiate Dictionary*, 227 (1975).

- **Custom** - Custom is a usage or practice of the people, which by long and unvarying habit, has become compulsory and has acquired the force of law with respect to the place or subject matter to which it relates. *Bouvier's Law Dictionary*, 417 (1st ed. 1867).
- **Data Quality Act** - Section 515 of the Treasury and General Governmental Appropriations Act for Fiscal Year 2001 (Public Law 106-554) directed the Office of Management and Budget to issue guidelines to “provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information [including statistical information] disseminated by Federal agencies.”
- **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 and activity plan objectives established for an ecological site(s). The desired plant community must be consistent with the site's capability to produce the desired vegetation through management, land treatment, or a combination of the two.
- **Economics** – Pertaining to the development and management of the material wealth of a government or community.
- **Erosion** – (v.) Detachment and movement of soil or rock fragments by water, wind, ice, or gravity. (n.) The land surface worn away by running water, wind, ice or other geological agents, including such processes as gravitational creep.
- **Federal Lands**—All land and associated natural resources owned and managed by the United States. Federal lands include, but are not limited to, public lands, federally reserved lands, federal mineral leases, federal geothermal leases, livestock grazing allotments and leases, federal rights-of-way, but categorically exempted are lands and resources to which private interest or title is attached.
- **Forms of Production** – The forms of production component include the things you have or need to produce to retain or attain the desired quality of life. The derived forms of production statement of the District reads as follows: “The quality of life we strive for will be achieved by continuing to maintain and enhance sustainable and optimum production of renewable and nonrenewable resources and to encourage and support the motive and means to enhance economic opportunity and education.”
- **Future Resource Base** – The future resource base component includes the people, land and community we live in and the services available, and what we will need to sustain and enhance our quality of life and forms of production. The future resource base statement of RSWCD reads as follows: “Through the efforts of cooperation and communication among the local people, our community will have a beneficial impact on sustaining a strong and viable multiple-use of our lands, including agricultural, industrial, mineral production, commercial, recreational and historical uses, which together will provide the continued ability to generate wealth and growth and needs of our community.”

- **Grazing Management Practices** – Grazing management practices include such things as grazing systems (rest-rotation, deferred rotation, etc.), timing and duration of grazing, herding, salting, etc. They do not include physical range improvements.
- **Guidelines (For Grazing Management)** – Guidelines provide for and guide the development and implementation of, reasonable, responsible, and cost-effective management actions at the allotment and watershed level which move rangelands toward statewide standards or maintain existing desirable conditions. Appropriate guidelines will ensure that the resultant management actions reflect the potential for the watershed, consider other uses and natural influences, and balance resource goals with social, cultural and 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 FWS 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 than the original contiguous tract(s) of habitat.
- **Historical Value** – 1. The collective contributions of objects and values derived and established in recorded history that impact the character of the District and contribute directly to the customs and cultures related to the use and protection of natural resources as described in the Act. 2. The primary managed value as set forth in Federal Land Policy and Management Act (FLPMA) that applies to natural resources and the respective resource users as set forth in the Act.
- **Indicator** – An indicator is a component of a system whose characteristics (e.g., presence, absence, quantity and distribution) can be measured based on sound scientific principles. An indicator can be measured (monitored and evaluated) at a site or species-specific level. Measurement of an indicator must be able to show change within timeframes acceptable to management and be capable of showing how the health of the ecosystem is changing in response to specific management actions. Selection of the appropriate indicators to be monitored in a particular allotment is a critical aspect of early communication among the interests involved on the ground. The most useful indicators are those for which change or trend can be easily quantified and for which agreement as to the significance of the indicator is broad based.
- **Irreversible and Irretrievable Commitment of Resources** – 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.
- **Invasive Species** - A species whose introduction does or is likely to cause economic or environmental harm or harm to human, animal, or plant health.
- **Jeopardy Review** – The FWS, pursuant to the Endangered Species Act (ESA), must evaluate all federal actions that may adversely affect a species that is listed under the ESA to determine whether the pro-

posed action is likely to jeopardize the continued existence of the species. 16 U.S.C. §1536. As part of the jeopardy review, which is also called a “Section 7 review,” FWS prepares a biological opinion, makes a determination regarding jeopardy, and recommends additional conservation measures that would mitigate the impacts on the species. If the FWS makes a finding of jeopardy, the proposed federal action may not proceed.

- **Lands with Wilderness Characteristics** – lands that fit the strict definition of wilderness as set forth in the Wilderness Act, e.g., ‘5000 contiguous acres’, etc., and are allowed by strict inventory methods as defined by FLPMA.
- **Managed Values** - Values attached to the management of federal lands as set forth in FLPMA. Such values are identified to protect the quality of management, preserve certain lands in their natural condition, provide food and habitat for fish, wildlife, and domestic animals, and provide for outdoor recreation, human occupancy and use. The eight identified managed values are scientific, scenic, historical, ecological, air and atmospheric, water resources, and archeological.
- **Multiple Use** – 1. Balanced and diversified management of federal lands and their various public resources to best meet present and future economic and resource needs of the American people. 2. Management of lands and their various resource values so that they are used in the combination that will best meet the present and future needs of the citizenry and the American people. 3. A combination of balanced and diverse resource uses that include managed values as set forth in FLPMA.
- **Natural Resources** – As used in this Plan, all renewable and nonrenewable material in its native state which when extracted has economic value as it pertains to the protection and beneficial use of soil and water. Natural resources may be commercial or noncommercial in nature.
- **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.
- **Objectivity** - Includes whether disseminated information is being presented in an accurate, clear, complete, and unbiased manner. In a scientific or statistical context, the original or supporting data shall be generated, and the analytical results shall be developed, using sound statistical and research methods.
- **Occupied Range (Territory)** - To constitute an occupied range (territory) a pair, a male and female, of any identified species must be present for at least one life cycle, including the successful production of viable offspring. The appearance of a single individual in an area does not constitute occupied range (territory).
- **Objective Peer Review** - A third party review by experts of similar competence to the producers of the work, outside of the organization or entity making the claim, to ensure it meets specific criteria and to prevent dissemination of irrelevant findings, unwarranted claims, unacceptable interpretations, and personal views.

- **Private Property** – As protected from being taken for public uses.
- **Public Lands** – Lands open for sale or other disposition under the general land laws to which no claims or rights of others have been attached.
- **Rainwater harvesting** - The accumulation and deposition of rainwater for reuse on-site, rather than allowing it to run off. Uses include water for garden, water for livestock, water for irrigation.
- **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.
- **RS2477 Rights of Way** – Revised Statute 2477 was a self-executing law. When the conditions were met, the right-of-way grant was made. No further action by the grantee or by Congress was necessary to validate it.
- **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** – Ensure a sustained yield of rangeland products while protecting and improving the basic range resources of soil, water, and plant and animal life. Besides producing forage for livestock and wildlife, a range can provide timber, minerals and recreational opportunities. RSWCD subscribes to the concept of multiple use, which requires that all the resources of a rangeland be managed simultaneously, using constant monitoring and adjustments to provide a mix of material products and intangible assets that best satisfy the needs of the land, landowners and the general public.
- **Rangeland Preservation Area** – a conceptual federal land designation that balances access and land uses, and is in the process of being defined.
- **Recharge** - The addition of water to an aquifer by infiltration, either directly into the aquifer or indirectly by way of another rock formation. Recharge may be natural, as when precipitation infiltrates to the water table, or artificial, as when water is injected through wells or spread over permeable surfaces for the purpose of recharging an aquifer.

- **Recovery Plan** – The ESA requires the FWS to prepare a plan to improve the status of a listed species to the point where the species need no longer be listed. A recovery plan typically sets population goals, identifies tasks to reverse or arrest the decline of a species and criteria for delisting the species.
- **Recreate** – to refresh by means of relaxation and enjoyment, as restore physically or mentally. 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, an RNA is an area identified as a reference area to evaluate the impacts of management in similar environments, including areas for research and areas to be protected for biodiversity or threatened, endangered and sensitive species.
- **Riparian** – An area of land directly influenced by permanent water. It has visible vegetation or physical characteristics reflective of permanent water influence. Lake shores and stream banks are typical riparian areas.
- **Riparian Zone** - A riparian zone or riparian area is the interface between land and a river, lake or stream. Plant habitats and communities along the river margins and banks are called riparian vegetation, characterized by hydrophilic plants. Riparian zones are important in ecology, environmental management, because of their role in soil conservation, their habitat biodiversity, and the influence they have on fauna and aquatic ecosystems, including grasslands, woodlands, wetlands, or even non-vegetative areas.
- **Runoff** - Water not absorbed by soil or landscape to which it is applied. Runoff occurs when water is applied too quickly (application rate exceeds infiltration rate), particularly if there is a severe slope. Storm water runoff is created by natural precipitation rather than human caused or applied water use. The part of the precipitation that appears in surface streams.
- **Senior Water Rights** - Have earlier priority date and claimants who hold them have a higher priority to divert water from a stream or water body than those with more junior rights. However, in times of scarcity, when there is not enough water to meet demand in a basin, those who need water for domestic and livestock use have first right to water, regardless of one’s priority date.
- **Soil** – Loose material from the earth’s surface in which all things grow, from which lands within the RSWCD generate upwards of \$.75 billion annually, and which constitutes geologic sedentary and sedimentary accumulations.
- **Special Land Use Designations** – Refers to the classification or designation tracts of land by Congress or a federal agency to recognize and protect distinctive or unique characteristics. Designations by Congress are permanent and may include national monuments, national parks, national park preserves, na-

tional 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.

- **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.
- **Standards** – Standards are synonymous with goals and are observed on a landscape scale. Standards apply to rangeland health and not to the important byproducts 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 byproducts.
- **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.
- **Unintended Consequences** – 1. Impact or damages that do not directly and immediately flow from the act or the policy implementation. 2. The result of unforeseen circumstances that are not predictable or immediately apparent to the casual observer without local input.

- **Visibility Protection Plan** – A plan that implements the requirements of the Clean Air Act.
- **Visibility or Visibility Impairment** – Visibility refers to amount or lack of haze that obscures the ability to see great distances. Visibility impairment measures the extent of haze composed of various air pollutants which manifest as a white or brown haze. This is a major issue with respect to national parks and wilderness areas, which are Class I air quality areas and are given the highest level of protection.
- **View** – The sight or prospect from a particular point, typically an appealing sight.
- **Viewshed** – The geographic area surrounding the visual area to be inventoried and managed.
- **Visual Condition Class** – The Clean Air Act recognizes four air quality classes with Class I applying to national parks and wilderness areas and Class II applying to all other federal land areas, such as National Forests, National Wildlife Refuges, and public lands. Visual conditions are affected by particulates, emissions including ozone, sulfur oxide, nitrogen oxide, carbon dioxide and the chemical reactions caused by humidity and sunshine.
- **Visual Quality or Visual Resource Management Objective** – Standards established in land use plans prepared by the Forest Service or the Bureau of Land Management to apply to specific land areas based on the scenic qualities and land uses. The land use plans may require modifications to facilities to reduce the visual impacts.
- **Visual Resources** - Visual resources in the District are a composite of landforms, human and animal life forms, water features, cultural features, terrain, geologic features and vegetative patterns which create the visual environment. These visible physical features are important to the landscape and the scenic quality of the District.
- **Water** – To supply with water. Irrigate, sub-irrigate, dampen, vaporize, humidify, hose, spray, douse, drench, submerge, immerse, saturate, plunge, dip, splash, sprinkle, moisten, wet, and soak. In all forms, i.e. subterranean, surface, captured, recaptured, processed or wild. All waters (subterranean, ponds, pools, stream, river, wild and or contained arroyos) within the footprint of RSWCD.
- **Water Conservation** - Is reducing the use of water through technologic or social methods. It includes policies, practices, and education that promote the efficient use of water such as minimizing losses, reducing waste, minimizing use, and protecting availability for future uses. These policies and practices can range from more efficient practices in farm, home, and industry to capturing water for use through water storage or land-use practices.
- **Water Right** - Legal rights to use a specific quantity of water, on a specific time schedule, at a specific place, and for a specific purpose.
- **Watershed** – The total land area, regardless of size, above a given point on a waterway that contributes runoff water to the flow at that point. It is a major subdivision of a drainage basin. The United States is generally divided into 18 major drainage areas and 160 principal river drainage basins containing about 12,700 smaller watersheds. The entire region or land area that contributes water to a drainage system or stream, collects and drains water into a stream or stream system or is drained by a waterway (or into a lake or reservoir). More specifically, a watershed is an area of land above a given point on a stream that contributes water to the streamflow at that point. A region or area where surface runoff and groundwater

drain to a common watercourse or body of water. The area drained by a river or river system enclosed by drainage divides. An area of land that drains to a single water outlet. A watershed is also known as a sub-basin.

- **Wilderness Act of 1964** – Congress established the National Wilderness Preservation System to protect and preserve those areas deemed to be wilderness, which is defined as: A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this chapter an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value. 16 U.S.C. §1131(a).
- **Wilderness Area** – Tracts of land designated by an act of Congress to be part of the National Wilderness Preservation System.
- **Wilderness Study Area or WSA** – An area of land identified by Congress or a federal agency pursuant to Congressional direction to be evaluated for its suitability for designation by Congress as part of the National Wilderness Preservation System. Regarding 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 non-domestic birds, mammals, reptiles, amphibians, invertebrates and plants.

2.2 ANNUAL ACTION PLANS

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

2.3 POLICIES AND PROCEDURES

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

The District wants to 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.

2.4 EMERGENCY ACTION PLANS – (FOR DAMS AND STRUCTURES AND FILED FOR REFERENCE)

2.5 COORDINATION AGREEMENTS – (SUCH AS THE ROOSEVELT COUNTY LAND USE POLICY PLAN, PARTICIPATING, COOPERATING, AND STEWARDSHIP AGREEMENTS WITH STATE AND FEDERAL AGENCIES)

3.0 PURPOSE, CUSTOM AND CULTURE, AND GOALS

3.1 PURPOSE

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

The purpose of the Plan is to guide policy concerning soil and water natural resource conservation and enhancement as needed and is intended to provide a framework for local, county, state, and federal agencies in land use planning that affect the resource universe in the District. Additionally the Plan is meant to safeguard the historic, traditional, conceptual and future conservation measures of these resources against all encroachments that may jeopardize their sanctity and beneficial use. This plan is designed to protect the production and safeguarding of legitimate and worthwhile agricultural products, to ensure the sanctity of private rights, to allow and encourage expansion of resource supplies, and to defend the active engagement of public safety for District citizenry created by the presence and absences of water supplies.

3.2 CUSTOMS AND CULTURE

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

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

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

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

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

3.3 GOALS OF THE PLAN

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

4.0 PRIMARY PLANNING GUIDANCE AND DIRECTIVES

- The state of New Mexico has authorized the creation of RSWCD with powers and duties to accomplish the legislative determination of the Act.
- Congress has mandated stabilization of soil and water through the Soil and Water Resources Conserva-

tion Act . . . “Recognizing that the arrangements under which the Federal Government cooperates . . . through conservation districts, with other local units of government and land users, have effectively aided in the protection and improvement of the Nation’s basic resources . . . it is declared to be policy of the United States that arrangements and similar cooperative arrangements be used to the fullest extent practicable . . .”

- Congress has mandated . . . “Federal agencies shall coordinate with local and state agencies to develop comprehensive solutions to prevent, reduce and eliminate pollution in concert with programs for managing water resources.”
- With District coordinated actions, federal agencies must be consistent with officially approved and adopted local land use plans, as long as such local plans are consistent with federal law and regulations.
- Work with all federal agencies to ensure resource management plans or management framework plans list known inconsistencies between their plans and district plans and submit those inconsistencies to the Governor of New Mexico. Agencies are obligated to take all practical measures to resolve conflicts between federal and local government land use plans.
- Federal Agencies are required to submit a notice of intent to prepare, amend, or revise a resource management plan to State Agencies, consistent with State procedures for coordination of Federal activities.
- Executive Order 12630 mandates . . . “Federal Agencies are required to analyze the economic effects or taking implications of the proposed policies, decisions, rules and regulations on the private property, private property rights and investment backed expectations of individual citizens.”
- Federal agencies are obligated to coordinate their planning processes with local government land use plans. **43 C.F.R. §1610.3-1(a)**. The National Environmental Policy Act (NEPA) commands federal agencies to “discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned).
- Congress intended NEPA to apply to every action that significantly affects the quality of the human environment and the thresholds of local conditions are best observed and measured by local expertise. Considering the existing climate conditions in New Mexico, the effects on the population dynamics of fauna and flora are critical to the conditions affecting the community as well as the endangered species
- The District lands must be managed in a manner that will protect the quality and balance of natural resources as defined by the Act with the scientific, scenic, historical, ecological, environmental, air and atmospheric, water resources, and archeological values with the intent to provide both stewardship and continued human occupancy and use.

4.1 OBJECTIVE

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

The District constituency must have a regulatory environment that works for them, not against them, and minimizes any conveyance of harm to District land users. The regulatory environment should enhance lives, safety, and resources and improve the economy without imposing unacceptable or unreasonable costs. All regulatory

policies must recognize the private sector and private markets are the engines for economic growth. New regulatory approaches should respect the role of local and state governments and adopt regulations that are effective, consistent, sensible, and understandable. It is, therefore, imperative to set planning guidance for lands and resource interactions as they apply to matters of the District.

4.2 RESOURCE CONCERNS - No priority ranking has been established for the following resources concerns. The District will focus on each concern equally.

1. **Water resources**
2. **Soil**
3. **Agriculture**
4. **Range and Grassland**
5. **Livestock and Wildlife**
6. **Energy**
7. **Wildfire**
8. **Customs and Culture**
9. **Partners and Recreation**
10. **Riparian habitat**
11. **Threatened and Endangered / Sensitive Species**
12. **Predator Control**
13. **Outreach and Education**
14. **Special Land Designations**
15. **Watershed Management**

4.2-1 WATER RESOURCES

Under New Mexico's State constitution, all water is managed by the state of New Mexico. In 1931, the New Mexico Legislature passed the state's Groundwater Code. The Code gave the State Engineer control over groundwater administration. There are 39 underground water basins in New Mexico. The District is located in the Portales Basin.

The majority of the District's water source is from the Ogallala Aquifer. The Ogallala Aquifer is an underground water reservoir, created more than a million years ago through geologic action and covers about 174,000 square miles mainly in Nebraska, Kansas, Oklahoma, and parts of New Mexico, Texas, South Dakota, Wyoming, and Colorado. The Ogallala is part of the **High Plains Aquifer System**.

Water in the High Plains (Ogallala) aquifer of eastern New Mexico is primarily derived from infiltration of precipitation or seepage from intermittent surface flow in streams. The rate of precipitation recharge varies from area to area in response to changes in climatic, soil, and topographic conditions. Most precipitation recharge likely occurs during periods of snowmelt or prolonged rainfall when water is available for percolation and evapotranspiration rates are small. In eastern New Mexico, the aquifer supplied water to about 320,000 acres of irrigated farm and ranch land from about 6,000 wells. Groundwater withdrawal during the 1980s was about 519,000 acre-feet per year. The Ogallala will continue to be the lifeblood of the area only if it is managed properly.

New Mexico has two primary agencies that have the responsibility for administering water throughout the state, the Office of the State Engineer (OSE) and the Interstate Stream Commission (ISC). The New Mexi-

co Environment Department (NMED) has lead supervision over water quality. New Mexico has a type of water law called the "prior appropriation" system, which is found in most western states. This system gives preference in times of water shortage to those water rights with the oldest priority dates. The priority date of a water right is the date the water was first put to "beneficial use" on the land.

The Portales Underground Water Basin (A declared UWB is an area of the state proclaimed by the State Engineer to be underlain by a groundwater source having reasonably ascertainable boundaries. By such proclamation the State Engineer assumes jurisdiction over the appropriation and use of groundwater from the source.) has been declared closed to new appropriations by the State Engineer. This area has a very limited saturated thickness and relatively high rates of water level decline. The life expectancy of the groundwater supply in the Portales and Clovis area is predicted to be less than 13 and 20 years, respectively, according to analysis using groundwater models. New sources of groundwater supply have not been identified. A number of communities in the Portales basin plan on using the Ute Pipeline Project as an alternate supply when the High Plains Aquifer is no longer a viable source of water. The groundwater basins along with conservation measures will remain a backup source in times of drought. Water levels in these basins are also affected by pumping in Texas.

Currently, The Office of the State Engineer (OSE) maintains an administrative policy over water rights in which the user must put that water to "beneficial" use. A water right must continue to be used in perpetuity in order for the appropriator to maintain control of that water right. Historically, the conservation of water has not been categorized as "beneficial use." This administrative philosophy has resulted in a condition in which water rights holders cannot conserve their water rights in times of plenty for use in times of prolonged shortage. In 2003, the legislature modified the New Mexico statutes to include some provisions to promote water conservation without fear of loss of right due to failing to apply the water to beneficial use.

Additionally, NMSA 1978 72-5-28 (G), indicates that "periods of nonuse when water rights are acquired and placed in a state engineer-approved water conservation program, by an individual or entity that owns water rights, a conservancy district..., a soil and water conservation district..., and acequia or community ditch association, an irrigation district ..., or the interstate stream commission shall not be computed as part of the four-year forfeiture period.

NMSA 1978, Section 3-27-2 (2009) was amended in 2009 to prohibit municipalities from condemning water sources used by, water stored for use by, or water rights owned or served by an acequia, community ditch, irrigation district, conservancy district, or political subdivision of the state.

According to the 2016 Northeast Regional Water Plan (Water Plan), "Roosevelt County addresses water use through Ordinance 93-7, which is a broad land use policy ordinance. In addressing water, the ordinance recognizes that the County's protection and development of its water resources are essential to its short and long-term economic and cultural viability. The Ordinance also mandates that any transfer of water use be carefully considered in relationship to the history, traditions, culture, customs, and economy of the County. The ordinance further declares that the County shall promote and pursue development of existing and future water rights. The ordinance also requires that the County be notified of all intrastate, state and federal actions that have impact on the water of the County."

Although no drinking water is currently supplied by surface water, Eastern New Mexico Rural Water System project is being designed to supply renewable surface water for future municipal and industrial needs in the southern part of the Northeast New Mexico planning region.

The Water Plan also states “The City of Portales regulates water use through two plans: the Water Conservation Plan (Wilson, 2014) and the Water Conservation and Drought Contingency Plan (2013).

The Water Conservation Plan describes measures to be undertaken by the City to promote water conservation within the City's Water Utility Department service area. The Plan provides an overview of the need for conservation and a summary of the conservation measures that are expected to meet that need. The Plan updates the City's 2001 Water Conservation Plan by providing information on current water supply and use trends, an updated water demand reduction goal, evaluations of the City's water supply system and water use, and enhanced water conservation measures that have been adopted by the City to meet that goal.

The goal of the Drought Contingency Plan is to conserve water resources and to provide drought management restrictions. Under the Plan, drought management restrictions apply when water availability, well pumping conditions, temperature and weather considerations, and other factors indicate the need for restriction of water consumption in order to preserve and protect water supplies for essential needs. The Plan describes recommended ongoing conservation practices and outlines the three stages of water rationing and restriction.”

Federal Reservation: The doctrine of federally reserved water rights was developed over the course of the 20th Century. Simply stated, federally reserved rights are created when the United States sets aside land for specific purposes, thereby withdrawing the land from the general public domain. In doing so, there is an implied, if not expressed, intent to reserve an amount of water necessary to fulfill the purpose for which the land was set aside. Federally reserved water rights are not created, or limited, by State law. Federally reserved lands within the District include Cannon Air Force Base.

Regulation of pollution and water quality for the Nation's waters has been achieved through a partnership between the state and federal government. This relationship has been successful because of the recognition that not all waters need to be subject to federal jurisdiction and that states have the primary responsibility of regulating waters within their individual boundaries. This federal-state partnership was established under the 1972 Clean Water Act (CWA).

Prior to the 2015 rule making process conducted by the Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps), the extent of the federal government's authority under the CWA was limited to “navigable waters,” which under the then CWA, defined as “waters of the United States”. Twice, the Supreme Court has reaffirmed the federal- state partnership under the CWA, when it told the federal agencies that there are limits to federal jurisdiction under the CWA. RSWCD strongly supports the Supreme Court rulings.

EPA and the Corps amended the regulatory definition of “waters of the United States” to conform to the Northern Cook County and Rapanos decisions. Final Rule, 80 Fed. Reg. 37054 (June 29, 2015) codified at 33 C.F.R. pt 328; 40 C.F.R. pts 110, 112, 116, 117, 122, 230, 232, 300, 302, and 401. The new definition covers: 1) waters used for interstate or foreign commerce; 2) interstate waters; 3) the territorial seas; 4) impounded waters otherwise meeting the definition; 5) tributaries of the foregoing waters; 6) waters, including wetlands, adjacent to the foregoing waters; 7) certain specified wetlands having a significant nexus to the foregoing waters; and 8) waters in the 100-year floodplain of the foregoing waters. 40 C.F.R. § 302.3.

Several states and industry groups have challenged the new definition in federal district courts and courts of appeal. In one such challenge, the district court granted a preliminary injunction temporarily staying the rule. *North Dakota v. EPA*, 2015 WL 5060744 (Aug. 27, 2015). Because the New Mexico Environment Department and the New Mexico Office of the State Engineer are plaintiffs in this case, the stay is effective

and the new definition does not now apply in New Mexico. The United States is likely to appeal the decision.

RSWCD recognizes that New Mexico must act now to protect our watersheds and water supply. With every year that goes by without a large-scale solution, more acres are severely burned, more critical water sources are jeopardized, and other natural values are placed at risk.

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

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

- **Guidance:** All New Mexico water laws and State and federal laws that regulate water quality regarding point and nonpoint sources of water pollution.

- **Objectives:**

The District will:

1. Coordinate with researchers to instigate a means to maintain and improve the Ogallala Aquifer. As well as coordinate with the appropriate local entities on the development of and set up a framework for continuing broad-based discussions on water issues as well as encourage locally driven collaborative solutions.
2. Coordinate with the appropriate agencies in the land use inventory, planning, and management activities, which affect water resources in RSWCD, either directly or indirectly, to ensure consistency with the Plan.
3. Promote research that helps cooperators transition to lower water requiring crops or livestock based forage systems or improved dryland crop production systems.
4. New Mexico State water planning directives call for river, riparian and watershed restoration that protects water supply and improves water quality. RSWCD supports the regional planning update and will participate with future planning efforts.
5. The State Engineer will coordinate with the District to ensure historical water use for farming and ranching is secure within RSWCD boundaries.
6. Coordinate with the New Mexico State Engineer's Office to secure permanent water rights within RSDWD. Explore, research and promote aquifer storage and recovery strategies within RSWCD.
7. Coordinate with local and state agencies on the transfer of irrigation water rights to meet present and future agriculture, domestic and industrial water requirements and the resulting erosion from the abandoned lands.

8. Water quality degradation - Promote continued research on improving water quality, methods of re-charging the underground water basin.
9. Water reuse can extend water supplies, but it requires additional infrastructure and more sophisticated systems. Elevate the idea of water reuse systems with communities and help determine which of the three major approaches fits best (indirect, direct or potable direct) within RSWCD.
10. Promote and provide technical assistance to RSWCD agriculture producers for the Regional Conservation Partnership Program (RCPP) to implement agricultural water enhancement activities on agricultural land for the purposes of conserving surface and ground water and improving water quality.
11. Collaborate with the Environmental Protection Agency and Army Corps of Engineers on matters concerning "Waters of the US." and the new proposed definitions for but not limited to; tributary, 100-year floodplain, all waters adjacent to navigable waters...including wetlands, ponds, lakes, and similar waters; and ditches are considered tributaries.

4.2-2 SOIL

Healthy soil gives us clean air and water, bountiful crops and forests, productive grazing lands, diverse wildlife, and beautiful landscapes. Soil quality, is defined as the continued capacity of soil to function as a vital living ecosystem that sustains plants, animals, and humans. Soil contains living organisms that when provided the basic necessities of life (food, shelter, and water) perform functions required to produce food and fiber. Soil health is an assessment of how well soil performs all of its functions now and how those functions are being preserved for future use. Healthy soil cannot be determined by measuring a single outcome so indicators are used. Indicators are measurable properties of soil or plants that provide clues about how well the soil can function. Indicators can be physical, chemical, and biological properties, processes, or characteristics of soils. They can also be morphological or visual features of plants.

Dynamic soil quality is how soil changes depending on how it is managed. Management choices affect the amount of soil organic matter, soil structure, soil depth, and water and nutrient holding capacity. Soils respond differently to management depending on the inherent properties of the soil and the surrounding landscape.

Soil cover conserves moisture, reduces temperature, suppresses weed growth, and provides habitat. This is true regardless of land use; range, cropland, pasture, or hayland.

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

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

- **Objectives:**
The District will:

1. Ensure the policies and actions of the local, state, and federal government in matters of soil resource protections are fully inured to the benefit of the resource.
2. Encourage land managers and landowners to seek technical assistance to mitigate surface disturbance and to facilitate soil and water conservation. Reestablish native or other desired vegetation. Further the progress of the establishment of permanent vegetative cover on poor quality cropland from which water rights have been removed.
3. Accelerate projects such as brush control which support the natural replenishment of our grass base.
4. Assist district cooperators, Roosevelt, and Curry Counties in planning disposal of saline water accumulations from activities within the District
5. Promote soil testing to ensure proper applications of liquids and solids - **Dairy Industry**
6. Promote and provide technical information to energy companies, Roosevelt, and Curry Counties and district cooperators on layout, design, and maintenance to reduce erosion and how to implement drainage structures on county, private, and energy company's access roads.
7. Provide technical information on native grass reseeding of any disturbed soils including but not limited to transmission, pipeline and wind energy pads.

4.2-3 AGRICULTURE

“The land, waters, and other natural resources are the basic physical assets of New Mexico, and their preservation and development are necessary to protect and promote the health and general welfare of the people of the state.” 73-20-26. Legislative determination; purpose of act. (1965), Chapter 73 Article 20, Sections 25 through 49, New Mexico Statutes, 1978, Annotated.

Irrigated crops contribute to the economic base of Roosevelt County and are integral to the stability of livestock production, wildlife habitat, and farming while maintaining the local custom and culture.

RSWCD's Land Use Plan comprehensively provides the policies that allow for the continuation of farming and ranching with all the associated and supporting businesses that have made lands within RSWCD so productive. All agriculture is dependent on proper soil erosion control, flood prevention, wildlife and species management, which are the responsibilities of this District.

- **Goal:** It is the intent of RSWCD to take an aggressive attitude to the perpetuation and enhancement of Agriculture as well as protect water rights within the District.
- **Guidance:** Sections 47-9-1 through 47-9-7 NMSA 1978 “Right to farm Act” - The purpose of the Right to Farm Act is to conserve, protect, encourage, develop and improve agricultural land for the production of agricultural products and to reduce the loss to the state of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed a nuisance.

Rather than adopting an attitude and/or policy support for acceptance of a stabilized, diminishing or re-treating agriculture base, RSWCD will pursue alternatives for expanding the emphasis of Agriculture and protecting the industry from anti-agricultural bias regardless of the source.

- **Objectives:**

The District will:

1. Minimize the drift between Agriculture and various agencies, our land grant university, and local, state, and federal governments. RSWCD intends to aggressively solidify those vital relationships.
2. Take a lead in communicating and seeking government to government endeavors with other districts for the benefit of Agriculture.
3. Reach legal and policy standards that result in zero net loss attrition of the farmland base.
4. Advocate during periods of drought or other emergencies, local, state, and federal agencies shall work closely with the District, the NM State Engineer, and other local, state, and federal agencies to address availability of water for critical needs, including agriculture and municipal uses.

4.2-4 RANGE AND GRASSLAND

“The land, waters, and other natural resources are the basic physical assets of New Mexico, and their preservation and development are necessary to protect and promote the health and general welfare of the people of the state.” 73-20-26. Legislative determination; purpose of act. (1965), Chapter 73 Article 20, Sections 25 through 49, New Mexico Statutes, 1978, Annotated.

Stewardship of vegetation composition, cover, and production is the foundation of sustainable rangeland management. A key component of rangeland ecosystem management is maintaining vegetation ground cover and productivity within a desirable mix of herbaceous and woody plants.

Effective, economically sustainable native invasive species management systems must be based on available biological and ecological peer reviewed science of the specific species. The District will also rely upon knowledge gained from past successes and failures in managing native invasive species, woody native shrubs and other noxious range and grassland species.

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

RSWCD’s Land Use Plan comprehensively provides the policies that allow for the continuation of farming and ranching with all the associated and supporting businesses that have made lands within RSWCD so productive and so important. All agriculture is dependent on proper soil erosion control, flood prevention, wild-life and species management, which are the responsibilities of this District.

- **Goal:** Support and facilitate the continued use of private, state, and federal lands for the production of livestock. Also, work to increase productivity of rangeland to increase and/or maintain Animal Unit Month ("AUMs") to maximum sustainable levels on rangeland within District boundaries as well as maintain and enhance desired plant communities for the benefit of watersheds, wildlife, water quality, recreation and livestock grazing.

- **Guidance:** The continued viability of livestock operations and the livestock industry should be supported on federal lands within RSWCD by management of the lands and natural resources, by the proper optimization of animal unit months for livestock, in accordance with supportable science and the multiple use provisions of the Federal Land Policy and Management Act of 1976, 43 U.S.C §§1701 et seq., the provisions of the Taylor Grazing Act of 1934, 43 U.S.C. §§531 et seq, 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 “on-the-ground” and scientific analysis. This is essential to the proper operation of the District. Livestock producers do more than contribute to the economic stability of the community, which helps the District, but are also the primary entities that help to implement the Districts programs. Any reductions in domestic livestock animal unit months must be temporary and scientifically based upon rangeland conditions.

- **Objective:**

The District will:

1. Work closely with local, state and federal agencies to identify areas for brush management and control, based on wildlife habitat needs, without compromising overall rangeland vegetation productivity. Promote and develop treatment projects for brush management on lands that have invasive species such as but not limited to; mesquite, salt cedar, and cholla.
2. Support the recognition and protection all private property rights, including water rights.
3. Encourage the use of coordinated range management plans (allotment management plans or coordinated activity plans) for each grazing allotment that allow for the flexibility and updating of management during the ten-year term of the grazing permit. (*i.e.* water development; juniper, salt cedar and mesquite control; reseeding, fencing, salting plans, herding plans and grazing systems).
4. Support management of rangelands to maintain and enhance desired plant communities for the benefit of watersheds, wildlife, water quality, recreation and livestock grazing.
5. Support and facilitate range improvement projects to benefit rangeland, soil and water resources.
6. Coordinate with federal and state agencies on any planned or potential federal or state land acquisition within RSWCD boundaries. Encourage federal and state land management agencies to focus on lands currently under its responsibility.

4.2-5 LIVESTOCK AND WILDLIFE

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

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

RSWCD will urge land management agencies to: upon termination of a grazing permit, livestock permittee will be compensated for the remaining value of improvements such as water infrastructure, or be allowed to remove such improvements that permittee made on his or her allotment.

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

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

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

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

- **Objectives:**
The District will:

1. Support opportunities for livestock grazing on private, state and federal lands. This includes advocating for the protection of equitable property rights, science-based land stewardship, and promotion of Best Management Practices for the improvement and continued use of all rangelands within the District.
2. Coordinate with the NMDGF to develop specific wildlife harvest targets, quality hunts, depredation mitigation, and future management plans to unite private / agency endeavors.
3. Ensure that water projects developed for livestock will be designed so that wildlife can use the water without hazard.
4. Promote and coordinate water distribution system installation and infrastructure improvements to benefit all wildlife and livestock health and welfare within the District.
5. Encourage private landowners to plan, develop, and implement resource management plans that meet

the standards of grazing management systems through: proper stocking, deferred and rotational grazing, erosion control, control of poisonous and noxious plants, water development and distribution, and fencing.

6. Promote and coordinate water distribution system installation and infrastructure improvements to benefit all wildlife and livestock health and welfare within the DSWCD.
7. Recommend local, state and federal agencies cooperate with the District and the agriculture industry to define desired plant communities on local, state and federal lands.
8. Work with all landowners and land managers to increase productivity of rangeland to increase and/or maintain AUMs that maximum sustainable levels on rangeland. Any grazing AUMs that are placed in a suspended use category should be returned to active use when range conditions improve.

4.2-6 ENERGY/UTILITIES

All energy sources have some effect on our environment. Energy resources occur without regard to whether the land is private, state, or federal ownership. These resources have, and continue to, provide economic benefits for the citizens within the jurisdictional boundaries of the District.

The District recognizes that effective development of its abundant energy resources is necessary to the economic well-being of the county, the state, and the nation. Energy resource extraction is also consistent with the local history, custom, and culture.

- **Goal:** RSWCD will coordinate with and participate in all planned, developed or updated energy / renewable energy projects within the District's jurisdictional boundaries. RSWCD expectations are that all energy projects will not cause direct or indirect harm to rangeland, soil, air quality, and water resources as well as wildlife habitat.

Protect the rights of landowners and surface owners so that mineral development can continue consistent with the District's mandate to conserve soil and water resources.

- **Guidance: Sections 73-20-25 through 73-20-48 NMSA 1978**, considered and resolved by legislative action, the purpose of the Act declared that 1) the land, waters and other natural resources are the basic physical assets of New Mexico, and their preservation and development are necessary to protect and promote the health and general welfare of the people of the state; 2) the improper use of land and related natural resources, soil erosion, and water loss result in economic waste in New Mexico through the deterioration of the state's natural resources, and; 3) appropriate corrective and conservation practices and programs must be encouraged and executed in New Mexico to conserve and develop beneficially the soil, water and other natural resources of the state.

- **Objectives:**

The District will:

1. Encourage coordination between the energy developer and relevant local, state, and federal agencies during all phases of the development of an energy project.
2. Federal agencies will consult and coordinate with the District on all *Energy Policy Act of 2005* Sec-

tion 368. Energy Right-of-Way Corridors on Federal Lands designations within District boundaries.

3. Coordinate with the appropriate agencies and energy developer to avoid locating energy facilities/transmission lines in areas identified as having a demonstrated high risk to wildlife, water resources, historical sites and agriculture land uses.
4. Promote wise use of any energy source that develops within RSWCD boundaries.
5. Discourage the use of informal policies or unofficial classifications by federal agencies to withhold high energy potential areas from leasing or development. This policy violates FLPMA's requirement that public lands be managed in accordance with land use plans and that decisions to withhold public lands from mineral development must be evaluated in terms of the social and economic effects and reported to Congress.
6. Require reclamation actions that ensures site-specific reclamation plans are appropriate for the soils, vegetation, and climate. Ensure the disturbed sites are immediately stabilized to conserve soil. Ensure that interim vegetation is planted to hold soils, including the use of sterile, nonnative seeds, and that the final reclamation is done on disturbed areas by using native species when seeding or planting.
7. Coordinate with appropriate land manager to ensure that pipelines corridors, transmission lines, facilities, and other rights-of-ways are properly maintained to minimize soil and natural resource damage.
8. Strongly support appropriate solar use.
9. Avoid introduction and spread of non-native invasive species by the contractors by requiring the contractors to follow RSWCD policies for non-native invasive/noxious plant control. Contractors should inspect and clean their vehicles and equipment arriving from areas with known invasive species issues. Contractors should use locally sourced topsoil when applicable and monitor for and rapidly remove non-native invasive/noxious weeds at least annually.
10. Coordinate with Roosevelt County on developing best management practices and ordinances for abandoned renewable energy facilities.

4.2-7 WILDFIRE

Wildfire is a function of fuel loads and drought. Both issues are part of the resource management aims and obligations of the District's responsibilities. Detrimental and beneficial outcomes of fire regimes need to be determined on the greater landscape within RSWCD boundaries

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

IN New Mexico the notion of what constitutes a "large" wildfire has grown substantially over the past dec-

ade. Since 2000 the size of the largest fire recorded in New Mexico has more than quintupled. Wildfire severity is increasing and fires are spreading at unprecedented rates.

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

- **Goal:** RSWCD will support the right of local citizens to protect their private property from wildfire. Planned and unplanned ignitions can achieve land and resource management goals. However, fire management should be only one tool in the restoration process and should be integrated with all other land management activities.

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

- **Guidance:** The District recognizes wildfire is a function of fuel loads and drought. Both issues are part of the resource management aims and obligations of the District's responsibilities.

- **Objectives:**

The District will:

1. Support training for all volunteer fire department member in the basics of wildland firefighting. To accomplish this the District will support NM State Forestry Division and any other land management agency with suppression responsibilities, in the training of VFD and RFD fire departments. The ultimate objective is to have a majority of volunteers that are qualified and can be allowed to have unencumbered access to all lands within the District.
2. Through coordination with land management agencies and landowners, the District will assist in developing 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 landowner and to protect excessive soil erosion. Vegetative treatments and use of livestock grazing shall be used to keep fuel loads within appropriate limits
3. Assist in developing plans and projects that strike a balance of beneficial use of fire and the detrimental effects of intense wildfire.
4. Continue to support area Community Wildfire Protection Plans; Roosevelt and Curry County Fire Department, Department of Defense fire department and RFDs.
5. Post-fire grazing will not be limited when monitoring and evaluation produces relevant, accurate data that demonstrates grazing will not unduly harm the range.
6. Encourage development of vegetation treatments and use of livestock grazing to keep fuel loads within appropriate limits.

4.2-8 CUSTOM AND CULTURE

The people of Roosevelt County have traditionally earned their livelihood from activities associated with natural resources. The economy of the County in the past and today depends on the availability and utilization of natural resources. Directly or indirectly, the majority of the people employed in Roosevelt County depend on farming / ranching, recreation, and other activities related to the availability of natural resources. Collectively, the past and future represent the customs and culture of the District.

- **Goal:** To coordinate all activities in a manner that will protect the quality of customs and culture derived from historical and environmental values; that, where appropriate, will use and protect all lands in a condition that will promote land health which contributes to community economic freedom and security. The District will undertake such actions in a manner that serves all citizens with a high standard of ethical and objective leadership.
- **Guidance:**
 - Due Process and Protection of Private Property**
 - The U.S. Constitution created a form of government characterized by:
 - Limited powers granted to the federal government, with all unenumerated powers being reserved to the respective states.
 - Separation of those limited powers into legislative, judicial, and executive branches.
 - Creation of a process where the branches act to check and balance the power of the other branches.
 - Guarantee rights of due process and just compensation when private property is taken for public use.
 - Grant of authority to Congress to make rules and regulations governing federal property.

RSWCD intends to maintain balance within the actions of federal and state government in land use planning within the District.

- **Objective:**

The District will:

 1. Protect private property and interests in private property and promote the continuation of private economic pursuits.
 2. Respect private property rights and consider the effects of policies, regulations, and federal and state decisions on these rights.
 3. Recognize that the protection and preservation of privately owned land is desirable and necessary in Roosevelt County.
 4. Work with the county and communities to reduce the conversion of prime farmland and rangeland to urban and industrial use. Encourage retaining Class I land for agricultural purposes.

4.2-9 PARTNERS AND RECREATION

The District has a wide array of recreational and tourism opportunities for residents and visitors alike. Visitors to these areas have a direct affect by drawing on county-provided infrastructure such as, law enforcement,

emergency medical and waste disposal services and have a major impact on the area economy and tax base. Store owners, restaurants, hotels and motels and many more interests depend on recreation and tourism for their livelihoods.

- **Goal:** It is the goal of RSWCD to conserve, perpetuate, and expand the good stewardship of outdoor recreation within the District.
- **Guidance:** Recreation is important to the citizens of the District. The unique outdoor recreational opportunities found in the District are great assets. RSWCD values the opportunity and freedom these lands provide and encourages balanced management goals that include ethical outdoor involvement including hunting, hiking, camping, wildlife viewing, off road mechanical sports, and other outdoor recreational activities. RSWCD strongly advocates the rights of recreationists to continue lawful access to federal lands.
- **Objectives:**
The District will:
 1. Promote cooperation with RSWCD cooperators, organizational partners and entities such as town councils, county commissions, state and federal agencies. RSWCD will maintain existing and develop new partnerships to implement best management practices on all lands within RSWCD boundaries.
 2. Encourage recreational activities that enhance opportunities for economic development and maintain the custom and culture of the District
 3. 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 use, conservation of rangeland, water and soil resources.

4.2-10 RIPARIAN

Riparian areas are zones bordering lakes, reservoirs, closed playa lakes, 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 and many are also well suited for development as high quality agricultural farmland.

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.

In New Mexico and within this District, channelization has severely limited, and in most cases eliminated the water/land relationship that would normally have allowed the establishment of riparian vegetation along drainage corridors which in turn support healthy wetland systems. Instead there are degraded banks (that result in severe soil erosion and sediment build up in rivers and reservoirs) and the loss of habitat for fisheries, waterfowl and wildlife.

- **Goal:** Maintain, restore, improve, and protect riparian areas so that they are in proper functioning condition for their productivity, biological diversity, and sustainability.
- **Guidance:** “Riparian ecosystems” are defined as an assemblage of plant, animal, and aquatic communities whose presence can be either directly or indirectly attributed to stream induced or related factors (Kauffman and Krueger 1984). Riparian ecosystems support a greater diversity of plants and animals than upland habitats do. A significant percentage of all wildlife in the Southwest uses riparian habitat (Thomas et al. 1979, Johnson et al. 1977).

Due to have a variety of riparian habitats within RSWCD, we strongly supports the *New Mexico Non-Native Phreatophyte/Watershed Management Plan*. The District understands that the riparian lands in New Mexico have been seriously affected by the infestation of non-native phreatophytes.

- **Objectives**

The District will:

1. Promote the perpetuation and enhancement of riparian habitat. Encourage a coordinated approach when establishing riparian and upland management plans and encourage the use of Best Management Practices.
2. Educate the value of balanced watershed management which includes riparian habitat.
3. Encourage a coordinated approach when establishing riparian and upland management plans and encourage the use of Best Management Practices.
4. Promote riparian management based on the *New Mexico Non-Native Phreatophyte/Watershed Management Plan*.

4.2-11 THREATENED, ENDANGERED / SENSITIVE SPECIES

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

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

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

Additionally, it is the policy “of the Congress that Federal agencies shall cooperate with State and local agen-

cies to resolve water resource issues in concert with conservation of endangered species.” (16 U.S.C. 1531(c)(2)) The RSWCD has holds specific authority to manage water resources within our jurisdiction, and therefore, all actions carried out under the Endangered Species Act must be coordinated with the District to resolve any water resource issues that may arise.

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

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

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

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

The ESA is the basis for several planning mechanisms:

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

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

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

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

The ESA makes it unlawful for a person to “take” a lesser prairie chicken without a permit or authorization. Take is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct.” Harm is defined to include significant habitat modification or degradation if it results in death or injury to a LPC by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Landowners who participate in the activities protected under the 4(d) rule would be exempt from the take prohibitions of the ESA and no additional actions would be required by the landowner.

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

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

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

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

However, after entering into a Candidate Conservation Agreement with Texas and according to the FWS, unprecedented commitments to voluntary conservation agreements now in place in New Mexico (that provided for long term conservation) for the dunes sagebrush lizard, it was determined not to be endangered and would not be listed at this time. **Comment/Expectations: To meet the District's statutory responsibilities, RSWCD must be notified and coordinated with if the status of the Dunes Sagebrush lizard changes to ensure the District's policies are considered.**

New Mexico Wildlife of Concern has a total of 118 species and subspecies on the 2012 list of threatened and endangered New Mexico wildlife. The list includes 2 crustaceans, 25 mollusks, 24 fishes, 6 amphibians, 15 reptiles, 32 birds and 14 mammals. New Mexico lists a species as endangered if it is in jeopardy of extinction or extirpation from the state; a species is threatened if it is likely to become endangered within the foreseeable fu-

ture throughout all or a significant portion of its range in New Mexico. Species or subspecies of mammals, birds, reptiles, amphibians, fishes, mollusks, and crustaceans native to New Mexico are listed as threatened or endangered under the Wildlife Conservation Act (WCA).

The following Threatened / Sensitive species are listed by the NM State Game Commission within RSWCD boundaries: Least Shrew (*Cryptotis para*), Eastern Red Bat (*Lasiurus borealis*), Red Fox (*Vulpes vulpes*), Swift Fox (*Vulpes velour*), Western Spotted Skunk (*Spilogale gracilis*), Ringtail (*Bassariscus astutus*), White-tailed Deer [Sandhill] (*Odocoileus virginianus texana*), Black-tailed Prairie Dog (*Cynomys ludovicianus ludovicianus*), Lesser Prairie-Chicken (*Tympanuchus pallidicinctus*), Bald Eagle (*Haliaeetus leucocephalus*), Peregrine Falcon (*Falco peregrinus*), Arctic Peregrine Falcon (*Falco peregrinus tundrius*), Whooping Crane (*Grus americana*), Baird's Sparrow (*Ammodramus barde*), Loggerhead Shrike (*Lanius ludovicianus*), Mountain Plover (*Charadrius montanus*), Least Tern (*Sternula antillarum*), Yellow-billed Cuckoo (western pop) (*Coccyzus americanus occidentalis*), Sprague's Pipit (*Anthus spargueii*) and Varied Bunting (*Passerina versicolor*).

Species of Concern - taxa for which further biological research and field study are needed to resolve their conservation status or are considered sensitive, rare, or declining on lists maintained by Natural Heritage Programs, State wildlife agencies, other federal agencies or professional/academic scientific societies. Federal agencies include Species of Concern for planning purposes only. **The following are listed as federal Species of Concern within RSWCD boundaries:** Burrowing Owl (*Athene cunicularia*), Baird's Sparrow (*Ammodramus bairdii*), Peregrine Falcon (*Falco peregrines*), and Arctic Peregrine Falcon (*Falco peregrius tundrius*).

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

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

Guidance: The District will work to continuously coordinate with the FWS for the purposes of: 1) being aware of all matters of listing that affect its administrative boundaries and 2) allowing the District to evaluate the impact of all decisions on its water resources, economic impact and conservation measures.

- **Objectives**
The District will:

1. Promote coordination between FWS and the District.
2. Advocate management of the entire ecosystem, recognizing the full array of interactions within an ecosystem, including humans, rather than considering single issues, species, or ecosystem services in isolation.
3. Promote critical habitat improvement. However, there must be allowances for traditional uses such as but not limited to grazing, irrigation, and wood cutting. The actions must benefit both the endangered species and the other user's customs and culture.

4. Address the impact of all actions with the statutory requirements of the ESA including the impact to the managed value of History.
5. Oppose the introduction or transplant of threatened and endangered species within the boundaries of RSWCD, unless the District consents and it is done pursuant to specific terms and conditions that avoid disrupting existing land uses.
6. Coordinate with federal agencies in all decisions and proposed actions, including NEPA procedures for an Environmental Assessment (“EA”) or Environmental Impact Statement (“EIS”), which affect the District, regarding sensitive, threatened, or endangered species recovery plans, introduction or re-introductions, habitat conservation plans, conservation agreements or plans, or candidate conservation agreements.
7. 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.
8. Recommend that federal agencies respect distinctions between special status species (state sensitive species, etc.) and those listed under the ESA.
9. Participate in appropriate legislation and regulations directing management of threatened and endangered species and state sensitive species.
10. Support delisting of species once population goals set out in recovery plans are achieved. **1.4.2.12**

4.2.12 PREDATOR CONTROL

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

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

- **Objective:**
The District will:
 1. Support control of predators, rodents and insects, which are disease-bearing vectors that are a recognized threat to public health.
 2. Support predator control based on a balance between the best objective science available, economics,

and logistics, evaluated on a case-by-case basis using currently recognized methods of predator control that remain as viable options for predator control, until new and better technology offers new options.

3. 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.

PREDATOR POLICY

- RSWCD shall, to the maximum extent possible, participate in all decision processes associated with management actions relating to all threatened and endangered species, including candidate species.

4.2-13 OUTREACH AND EDUCATION

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

The District will:

1. Continue promoting RSWCD programs through newsletters, newspaper ads and articles, and informational brochures.
2. Disseminate and promote partner agencies programs through above listed avenues.
3. Continue to support Soil Stewardship programs.
4. Support and promote RSWCD programs at County Fairs and any other local, state or national activity pertinent to the RSWCD

4.2-14 Special Land Designations

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

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

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

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

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

Areas contiguous with lands that already have been identified as having wilderness potential, or are set aside for conservation through conservation easements or other such instruments will not be considered as candidates for special designation because such designations would create too large of an area inaccessible for future soil erosion and flood control measures. Such areas include:

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

- **Guidance:** Federal law, particularly FLPMA and NFMA requires federal agencies to coordinate plans, programs and management activities with local governmental entities. Natural resource management as set forth in the Act dictates protections for local customs and culture through the tax base.

- **Objectives:**
The District will:

1. 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 Roosevelt County regardless of wilderness designation. Enforce determination that wilderness designation does not create a reserved water right.
2. Protect any interests in ditches, reservoirs or water conveyance facilities and easements or rights-of-way associated with those interests from impairment or diminution by any wilderness or other spe-

cial use designations.

3. Support resolution of the wilderness issue by Congress and release of the remaining wilderness study areas to multiple-use management. RSWCD 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.

1.4.2-15 WATERSHED MANAGEMENT

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

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

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

- **Goal:** RSWCD strongly supports the critical need for healthy watersheds that provide a reliable supply of high-quality water and other benefits for New Mexico by implementing long term, collaborative, comprehensive watershed-scale restoration projects that foster ecosystem function and resilience.
- **Guidance:** Support 1) community-based collaboration with stake holders; 2) integration of Best Management Practices that incorporate peer-reviewed science; 3) expedited implementation of watershed and landscape restoration and enhancement projects at the site-specific and landscape levels; and 4) flexibility in authorities and programming. 5) Management should be directed towards achieving desired future conditions e.g. promoting active range management on suitable lands across all jurisdictional lands.
- **Objective:**

The District will:

1. Promote and support increasing partnerships and exchanges between natural resource agencies, local government and private landowners on watershed restoration projects.

2. Support the maximum area of land possible to be excluded from single-use or restrictive-use designations, so that excluded land is available for active and sound management on public lands.
3. Promote and support increasing partnerships and exchanges between natural resource agencies, local government and private landowners.

A Continuing Process . . .

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

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

REFERENCES:

1. Soil and Water Conservation District Act (2009)
2. Revised Statute 2477 of 1866
3. Desert Land Act of 1877
4. Carey Act of 1894
5. National Irrigation Act of 1902
6. The Reclamation Act of 1905
7. Antiquities Act of 1906
8. Stock-Raising Homestead Act of 1916
9. General Exchange Act of 1922
10. Recreation and Public Purposes Act of 1926
11. Fish and Wildlife Coordination Act of 1934
12. Taylor Grazing Act of 1934
13. Soil Conservation and Domestic Allotment Act of 1935
14. Bankhead-Jones Act of 1937
15. Mineral leasing Act for Acquired Lands of 1947
16. Watershed Protection and Flood Prevention Act of 1954
17. Townsite Act of 1958
18. Multiple-Use, Sustained Yield Act of 1960
19. Food and Agriculture Act of 1962
20. Wilderness Act of 1964
21. Land and Water Conservation Act of 1965
22. Water Resources Planning Act of 1965
23. Community Planning and Resource Development-Soil Surveys 1966
24. Noxious Plant Control Act of 1968
25. National Environmental Policy Act of 1969
26. Environmental Quality Improvement Act of 1970
27. Water Bank Act of 1970
28. Mining and Minerals Policy Act of 1970
29. Federal Insecticide, Fungicide, and Rodenticide Act of 1971
30. Rural Development Act of 1972

31. Agriculture and Consumer Protection Act of 1973
32. Endangered Species Act of 1973
33. Disaster Relief Act of 1973
34. Federal Land Policy and Management Act of 1976
35. Payment in Lieu of Taxes Act, 1976
36. Resource Conservation and Recovery Act of 1976
37. Energy Research and Development Administration Act of 1977
38. Food and Agriculture Act of 1977
39. Soil and Water Conservation Act of 1977
40. Clean Water Act of 1977
41. Renewable Resources Extension Act of 1978
42. Water Research and Development Act of 1978
43. Public Rangelands Improvement Act of 1978



Roosevelt
Soil and Water Conservation District

LAND USE PLAN

Adopted

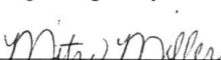
April 14, 2015

RSWCD Board of Supervisors

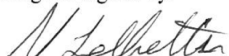
Original signed by:


Mike Cone, Chair

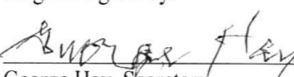
Original signed by:


Mitzi Miller, Vice-Chair


Original signed by:


Rick Ledbetter, Treasurer


Original signed by:


George Hay, Secretary

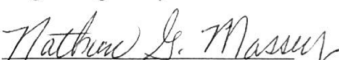
Original signed by:


Don Sanders, Board Member

Original signed by:


Quentin Carnes, Board Member

Original signed by:


Nathan G. Massey, Board Member

Certificate of Acknowledgement

State of New Mexico

County of Roosevelt

On April 14, 2015, before

me _____, (date) _____ (notary)

personally appeared,

Mike Conde

Rick Ledbetter

Don Sanders

Nathan G. Massey

Mitzi Miller

George Hays

Quentin Carnes

_____, (signers)

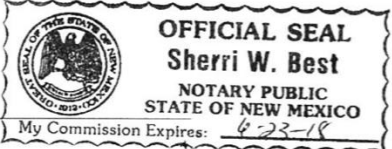
personally known to me

WITNESS my hand and official seal

Sherri W. Best

(notary signature)

My Commission Expires: June 23, 2018



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

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

1. RSWCD shall, to the maximum extent possible (including cooperating agency status), participate in all decision processes associated with management actions relating to Mexican wolf, including the Recovery Program.
2. No Mexican Wolves should reside within the boundaries of RSWCD until critical habitat is officially designated in compliance with all provisions of the Endangered Species Act, all wolves found or located within the boundaries of RSWCD shall be removed by the appropriate federal or state agencies.
3. RSWCD opposes management actions that may lead to the presence or increased numbers of Mexican wolves within or near the District including:
 - a. Expansions or designations of geographic areas within or near the District in which the Mexican wolves may be released
 - b. The release of Mexican wolves on public or private lands within or near the District;
 - c. Expansion of the geographic areas that the Mexican wolf may occupy.
4. RSWCD favors the ability of livestock owners to take necessary measures to protect their livestock from wolf predation. RSWCD opposes changes in federal management practices or regulations that reduce the current right of landowners to protect their property including livestock and pets and personal safety and safety of others from Mexican wolves.
5. Individuals and landowners who reasonably believe that one or more Mexican wolves pose a threat to their property or safety may take reasonable actions to discourage the presence of wolves on or near their property, including but not limited to fencing, guard dogs, noise deterrents, and chemical repellents.
6. A livestock owner may "take" (i.e., kill or injure), without first obtaining a permit, any Mexican wolf actually engaged in the killing, wounding, or biting of the owner's livestock or pets. See 50 C.F.R. § 17.84 (k)(3)(v).
7. Permits for "take" of Mexican wolves should be granted without regard to any Mexican wolf population thresholds.
8. Federal agencies who are considering entering into agreements with landowners allowing for the release of Mexican wolves on private property must notify RSWCD and all adjoining property owners.

RESOLUTION - 2014
NOTICE OF INTENT TO SUE REGARDING THE LESSER
PRAIRIE-CHICKEN LISTING DECISION

WHEREAS, on March 27th, 2014, the United States Department of Interior, Fish and Wildlife Service (FWS), listed the lesser prairie-chicken (*Tympanuchus pallidicinctus*), a species in the grouse family, as threatened under the Endangered Species Act of 1973 (as amended) (ESA); and

WHEREAS, the listing of the lesser prairie-chicken as a threatened species will adversely affect communities, industries, and citizens who are located within, reside, ranch, farm, and use the millions of acres of mixed ownership lands identified as lesser prairie-chicken habitat in the states of Colorado, Kansas, New Mexico, Oklahoma and Texas; and

WHEREAS, tens of thousands of employees in the energy, utility, and agriculture industries depend on reasonable access to their job sites within the areas impacted by this adverse listing decision to financially support their families and the communities in which they reside; and

WHEREAS, the impacts of the listing decision to the robust energy, agriculture and utility employment sectors in the region, will also adversely impact thousands of support jobs necessary to sustain the economic health, vitality, and development within the region; and

WHEREAS, local industrial and employment sectors are actively engaged in actions to conserve and mitigate impacts to native wildlife species, including the lesser prairie-chicken; and

WHEREAS, the scope of protection offered by FWS in listing the Lesser Prairie Chicken as a threatened species under the ESA is unnecessary and excessive and will result in harm to working families, local industries and communities, and will adversely affect economic development progress as well as the continued economic growth of the State of New Mexico; and

WHEREAS, the five states of Colorado, Kansas, Oklahoma, Texas, and New Mexico (States), in unprecedented collaboration with cooperating stakeholders, developed and are actively implementing a historic range-wide conservation plan as formally endorsed in October 2013 by the FWS which addresses all known threats to the future existence of the lesser prairie-chicken; and

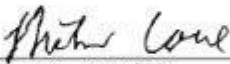
WHEREAS, the States are fully implementing the aforementioned range-wide plan in continued voluntary collaboration with industry and landowners and are poised to conserve and manage lesser prairie-chickens now and into the foreseeable future with no apparent conservation or regulatory need for federal ESA overreach; and

WHEREAS, ROOSEVELT SOIL & WATER CONSERVATION DISTRICT submitted substantive comments regarding the above harm to the United States Department of Interior FWS, thus attaining legal standing in the matter of the listing decision and resultant harm to our businesses, communities, and citizens.

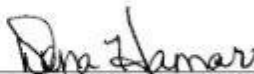
NOW THEREFORE, BE IT RESOLVED BY THE ROOSEVELT SOIL & WATER CONSERVATION DISTRICT THAT:

- 1. We endorse being a signatory party to a Notice of Intent to sue the United States regarding several substantive issues related to the ESA listing decision as described above.**
- 2. We encourage the Governor of the State of New Mexico, Susana Martinez, to formally oppose the listing of the lesser prairie-chicken by joining the parties in the Notice of Intent to sue the United States regarding the listing decision as it will have an adverse effect on citizens and continued economic development and growth within the State of New Mexico.**

This Resolution was approved and adopted this 6 day of JUNE, 2014.
ROOSEVELT SOIL & WATER CONSERVATION DISTRICT



Chairman (or XXX???)

ATTEST: 

RESOLUTION #2-2016

ROOSEVELT SOIL & WATER CONSERVATION DISTRICT

RSWCD Resolution for updates made to the comprehensive Land Use Plan

ABSTRACT: The Roosevelt Soil and Water Conservation District has in place a comprehensive Land Use Plan (Plan). The Plan is a compilation of executable policy for natural resource management and land use of lands within the District. Being dynamic, from time to time additions or adjustments to policy will be effected to more accurately reflect the conditions and needs of the resources and the constituency.

WHEREAS, the District is compelled under the Soil and Water Conservation Act of 1977 to develop comprehensive plans for natural resource conservation, development, and utilization including but not limited to, flood prevention, control and prevention of soil erosion and the development, utilization and disposal of water, and

WHEREAS, the District will review the Plan every year and update when appropriate, and

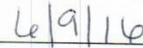
WHEREAS, the District must insure such decisions are consistent with state and federal statutes as well as Plan policies,

NOW THEREFORE LET IT BE RESOLVED, on this 9th day of June, 2016, RSWCD being in session in accordance with the Open Meetings Act and a quorum being present, does hereby adopt the following updates for the Plan.

LET IT BE FINALLY RESOLVED,



Mike Cone, Chairman
Roosevelt Soil & Water Conservation District



Date

These resolutions
vote as following:

passed upon a motion made
by Rick Ledbetter and seconded by

- Mitzi Miller
- Don Sanders
- Mike Cone
- George Hay
- Rick Ledbetter
- Quentin Carnes
- Sharon Davis

Mitzi Miller
Don Sanders
Thit Con
G. Cotton
J. Hay
Quentin Carnes
(absent)

ATTEST:

Dawn Pruitt
SIGNATURE

6/9/16
DATE

Admin Asst
TITLE

