



Doña Ana Soil & Water Conservation District

Land Use Plan OFFICIAL USE Revised December 10, 2015

The Doña Ana Soil and Water Conservation District (DASWCD 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.

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Executive Summary

Sections 73-20-25 through 73-20-48 NMSA 1978, are the summary description of the New Mexico Soil and Water Conservation District Act (Act). The Doña Ana Soil and Water Conservation District (District) is the administrative body responsible for the dictates of the law in all areas of Doña Ana County outside of the administrative boundaries of the Caballo Soil and Water Conservation District.

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 floodwater 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 is charged with assisting, contracting, and rendering financial aid to the stakeholder community.

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

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

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

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

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

Within the algorithm of control of zero net loss, farmland 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 as a result of restrictive land use designations.

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

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

1.1 Introduction

The Doña Ana Soil and Water Conservation District (DASWCD or District) Land Use Plan (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, preserve 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.

By allowances derived from covenants of the law found in 73-20-33, Soil and Water Conservation Districts; creation, DASWCD was formed June 17, 1966 and includes all areas of Doña Ana County outside of those lands administered by the Caballo Soil and Water Conservation District in the Northwest part of the county.

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 (ESA), 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 science to evaluate whether a listing is necessary or if other conservation efforts will be successful.

This Plan has been developed, in part, because regulatory decisions that diminish the value of private property or deprive citizens of access to natural resources can have a substantial affect on the economy of the community and those elements that shape the community's custom and culture. An ESA listing needs to be implemented on the basis of local support and governance and transparency shall be maintained. Federal law, in particular, establishes national policies that focus on national interests, rather than local interests. While federal land use and planning decisions may create benefits for state and national citizens outside of the DASWCD, they may also transfer a disproportionate amount of the costs and responsibilities to local communities and citizens.

There is an identified need to promote public understanding that land and water are the most important resources within DASWCD, and, as such, be used in a sustainable way. Emphasis is placed on the need to create a viable working landscape. It is a dynamic plan.

1.1.1 Background

1.1.1.1 Location

Geographically, the District is in the Rio Grande sector of the Mexican Highlands portion of the northern Chihuahuan Desert and the fertile floodplain of the Rio Grande Valley,

southern New Mexico. The District's southeastern boundary is the Texas state line and the southwestern southern boundary is Mexico.

1.1.1.2 History

For more than 400 years, travelers between Mexico City and Santa Fe traversed DASWCD area leaving a fascinating history that predates that of Jamestown and Plymouth. Native Americans established routes for trade and communications long before the arrival of the Europeans, one of these trade routes would later become the route of El Camino Real.

As New Mexico grew in population, Arizona and new counties were carved from the original boundaries. By 1900, the Rio Grande Valley became a prime agricultural region. Completion of the Elephant Butte Dam and canal project in 1916 strengthened the agricultural viability of the area. With the establishment of the White Sands Missile Range, the area began to see large increases of population in and around the City of Las Cruces. The rest of the area remains a rich agricultural region.

According to the 2012 USDA Census of Agriculture, the market value of agricultural products sold within this area is \$351,032,000. Doña Ana County is ranked number one in the nation in pecan production, number 2 in the state for cotton and vegetable production and 5th in the state for cattle production.

1.1.1.3 Land Status

The Federal Government owns a little over 70% of the land in Doña Ana County, but this land is managed by several different federal agencies pursuant to different federal laws and policies. With over 1,736 square miles of federally managed Bureau of Land Management (BLM) lands (46.7% of land in Doña Ana County), BLM is the largest landowner. The Department of Defense manages 23.3% of the land, the State Land Trust manages 11.3%, Department of Agriculture manages 4.9%, US Fish and Wildlife Service manages 2.6% and National Parks Service manages 2.5%, only 8.6% of the land is privately owned.

1.1.1.4 Elevations

Elevation ranges between 2,842 feet above sea level to 8,958 feet above sea level.

1.1.1.5 Climate

Climate varies according to elevation but predominantly the District's precipitation range is 8" to 20" in the higher elevations; temperatures range from an average 23°F in the winter to 95°F in July. The growing season (frost free days) range 160 days in the higher elevations to 230 in the Rio Grande Valley.

1.1.1.6 Watersheds

DASWCD is wholly within the Rio Grande basin and Rio Grande subregion as delineated by the US Geological Survey, and has four main 8-digit hydrologic unit watersheds: Jornada Draw (NM), Tularosa Valley (NM/TX), Mimbres (NM) and Las Cruces-El Paso (NM/TX).

1.1.1.7 Vegetation

The District is ecologically classified in one Level III ecoregion: The Chihuahuan Desert ecoregion is dominated by Chihuahuan semi-desert grasslands and desert scrub vegetation. This desert ecoregion extends from the Madrean Archipelago in southeast Arizona to the Edwards Plateau in south-central Texas. It is the northern portion of the southernmost desert in North America that extends more than 500 miles south into Mexico.

Level IV ecoregions within the District include; Chihuahuan Basins and Playas, Low Mountains Bajadas, Chihuahuan Montane Woodlands, Rio Grande Floodplains and Lava Malpais.

The District physiography includes:

Chihuahuan Basins and Playas - These low elevation areas are some of the hottest and most arid habitats in the state. The playas and basin floors have saline or alkaline soils and areas of salt flats, dunes, and windblown sand. Deep depressions or grabens filled with sediment to form flat to rolling basins. Alluvial basins surrounding the major river (Rio Grande).

Low Mountains Bajadas - Numerous, mid-elevation mountain ranges separated by basins, ephemeral streams and scattered springs.

Chihuahuan Montane Woodlands - Upper peaks, slopes and canyons of mountain ranges. Ephemeral streams and scattered springs. The higher mountainous areas are a major refuge for larger ungulates, such as mule deer and desert bighorn sheep.

Rio Grande Floodplains - River channel and floodplain, low terraces, levees. Hydrology has been altered by upstream impoundments by Elephant Butte and Caballo reservoirs and by channelization. Annual flooding of terraces and benches has been eliminated. Riparian woodlands and shrublands have been greatly reduced and invasive salt cedar has expanded.

Lava Malpais - Irregular plains of lava flows, cinder cones, lava tubes, collapse pits, caves.

The District vegetative type by Level IV ecoregions include: Chihuahuan Basins and Playas Saline flats and alkaline playa margins: fourwing saltbush, seepweed, pickleweed, and alkali sacaton. Gypsum land: gyp grama, gyp mentzelia, and Torrey ephedra. Desert shrub land: creosotebush, tarbush, yuccas, sandsage, viscid acacia, tasajillo, lechuguilla, mesquite, and ceniza.

Low Mountains Bajadas - Desert shrubs, such as sotol, lechuguilla, yucca, ocotillo, lote bush, tarbush, and prickly pear, with a sparse cover of gramas and other grasses. At higher elevations, scattered one-seeded juniper and pinyon pine. Strips of gray oak, velvet ash, and little walnut along intermittent and ephemeral drainages, and oaks may spread up north-facing slopes from the riparian zones.

Chihuahuan Montane Woodlands - Evergreen woodland with Emory oak, gray oak, alligator juniper, Mexican pinyon, and bunchgrasses. Some ponderosa pine, southwestern white pine, and relict Douglas fir grow at the highest elevations in a few areas. In these higher ranges, trees sometimes grow with a grassy understory, or with a brush cover of bigtooth maple, madrone, little walnut, oak chaparral, and grapevines. Grasses include gramas, bluestems, muhlys, and threeawns.

Rio Grande Floodplains - Cottonwood-willow, velvet ash, screwbean mesquite, seep willow, alkali sacaton, skunkbush, creosotebush, invasive salt cedar. Narrow bands of cropland, orchards, vineyards, and small farms occur. The southern Rio Grande Valley in New Mexico is still an important wintering area for sandhill cranes, snow geese, and other migratory waterfowl. Urban land uses are spreading in the Las Cruces area.

Lava Malpais - Mixed shrubs, cacti, and grasses including; creosote, mesquite, sotol, yuccas, beargrass, cholla, prickly pear, and hedgehog cactus and a few scattered juniper.

1.1.1.8 Current Land Resource Use

Chihuahuan Basins and Playas - Shrubland, some remnant grassland, barren land. Wildlife habitat, limited livestock grazing, public (BLM, State) and military land (Fort Bliss). Some irrigated cropland of mostly hay and alfalfa, with some cotton, chile peppers, onions, pecans, and corn or sorghum for silage or greenchop. Some urban land.

Low Mountains Bajadas - Shrubland, some sparse woodland, cattle ranching, wildlife habitat and some mining. Mostly public land (BLM, State) and military land (White Sands Missile Range, Fort Bliss).

Chihuahuan Montane Woodlands - Mixed and evergreen woodland and forest. Wildlife habitat, livestock grazing. Majority of this type is military land (White Sands Missile Range) or public land (BLM, State, FWS).

Rio Grande Floodplains - Narrow bands of farmland that produce hay and alfalfa, chili peppers, onions, cotton, pecans, and corn for silage. Pasture, livestock grazing, and urban are also additional uses for this ecoregion.

Lava Malpais - Bare rock, shrubland. Wildlife habitat, recreation. Mostly public (BLM, State) and military land (White Sands Missile Range).

1.1.1.9 Soils/Geology

Includes alluvial fans, internally drained basins, several disjunct hilly areas that have a mixed geology and river valleys mostly below 4500 feet. The major Chihuahuan basins formed during Tertiary Basin and Range tectonism when the Earth's crust stretched and fault collapse resulted in sediment-filled basins. The mountainous terrain has shallow soil, exposed bedrock, and coarse rocky substrates. Alluvial fans of rubble, sand, and gravel build at the base of the mountains and often coalesce to form bajadas.

The Lava Malpais region includes three separate areas: the impressively long Carrizozo Lava flow in the northern part of the Tularosa Basin, an area of Quaternary lava in the Jornada del Muerto, and, in the south, the Aden-Afton basalt flow. The Carrizozo lava, one of the younger volcanic features in New Mexico, flowed from a small cinder cone or vent called Little Black Peak, located at the northern end. Pahoehoe lava texture, collapse pits, lava tubes, and other volcanic features are found here. Mixed shrubs and grasses occur on the lava, taking advantage of available moisture and warmer ground temperatures created by solar absorption. Some species of rodents and reptiles found here have developed abnormally dark coloration, called melanism, for camouflage against the dark lava. Several species of bats occupy some of the intact lava tubes. The Jornada del Muerto field formed where a small central volcano produced multiple lava flows. The topography of the combined vent and surrounding lava flows forms a shield-type volcano profile. Large lava tubes occur south of the central vent. These tubes were mined for bat guano early in the century. Aden Crater on the Aden-Afton field is also a well-preserved small shield volcano.

1.1.2 Authority

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

It is declared to be the policy of the legislature 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, preserve wildlife, protect the tax base and promote the health, safety and general welfare of the people of New Mexico.

73-20-26 NMSA 1978 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.”

73-20-45. Specific powers of districts. (2003) DASWCD 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 effectuating 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.”

1.1.3 Adoption

By adoption of this Plan according to the Act, the District hereby records its intention to engage in decision making that pertains to all soil and water resources within its jurisdiction as provided under the law. The statement of purpose includes the recognition of the statutory requirements, regulations and court mandates of local, county, state, and federal agencies to comply with plans adopted under the concept and definition of coordination noted herein. 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. The District will coordinate with the various agencies to participate in and advance such effort. DASWCD is committed to a positive planning process with federal and state agencies and local governments. DASWCD will equitably consider the best interests of all the people within DASWCD’s jurisdictional boundary and the State of New Mexico in the use of state and federal lands. DASWCD 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 DASWCD’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.

DASWCD 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.

1.2 Primary Planning Guidance

1.2.1 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, cattle ranching; hay and alfalfa, chile peppers, onions, cotton, pecans, and corn for silage 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 – Agreement between FWS and 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.

Compensable property right – 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

Cooperation – Process created to marry the general attempt to blend respective areas of responsibility, authority and expertise of intergovernmental partners in creating more effective land planning partnerships.

Cooperating Agency – **1.** Generally referenced to the intergovernmental partnership essential in preparing resource management plans, partnering with tribes and state and local governments before and while Environmental Impact Statements (EISs) are prepared. **2.** The agent acting upon and within the framework of intergovernmental efforts in achieving early and consistent partnership involvement, incorporating local customs and cultures as well as state and local land use requirements, address intergovernmental issues, avoid duplication of effort, enhance local credibility of plans and EISs, encourage support for management decisions, and build relationships of trust.

Coordination – **1.** Process created by Congress to ensure consistency of federal plans and activities with local government plans and policies. **2.** Coordination is defined as the act of coordinating; harmonious adjustment or interaction; one that is equal in importance” (American Heritage Dictionary). Coordination is more than “cooperate” or “consult. The courts have defined the term as well: “The concept of ‘coordination’ means more than trying to work together with someone else. To ‘coordinate’ is ‘to bring into a common action, movement, or condition’; it is synonymous with; harmonize.” (California Native Plant Society .v City of Rancho Cordova, 172 Cal. App 4th 603, 91 Cal. Rpt. 3d 571 (Third App. Dist. 2009). **3.** Specifically the 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 plans and policies.

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).

de facto Wilderness Management – Land management policy that is imposed without congressional direction or authority that mirrors or is similar to the management of areas designated by Congress as wilderness pursuant to the 1964 Wilderness Act. The management restrictions and prohibitions include: the prohibition of construction of new roads; restriction or prohibition on reconstruction or maintenance of existing roads; prohibition of mining or mineral development; restrictions on activities that would require permanent structures or facilities, or restrictions on motorized vehicle use or the use of mechanical tools or means of travel.

Desired Plant Community – A plant community which produces the kind, proportion and amount of vegetation necessary for meeting or exceeding the land use plan/activity plan objectives established for an ecological site(s). The desired plant community must be

consistent with the site's capability to produce the desired vegetation through management, land treatment, or a combination of the two.

Economics – Pertaining to the development and management of the material wealth of a government or community.

Erosion – (v.) Detachment and movement of soil or rock fragments by water, wind, ice, or gravity. (n.) The land surface worn away by running water, wind, ice or other geological agents, including such processes as gravitational creep.

Federal Land – All land and associated natural resources owned and managed by the United States. Federal lands include, but are not limited to, public lands, federally reserved lands, federal mineral leases, federal geothermal leases, federal forage leases, federal rights-of-way, but categorically exempted are lands and resources to which private interest or title is attached.

Forms of Production – The forms of production component include the things you have or need to produce to retain or attain the desired quality of life. The derived forms of production statement of the District reads as follows: “The quality of life we strive for will be achieved by continuing to maintain and enhance sustainable and optimum production of renewable and 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 DASWCD reads as follows: “Through the efforts of cooperation and communication among the local people, our community will have a beneficial impact on sustaining a strong and viable multiple-use of our lands, including agricultural, industrial, mineral production, commercial, recreational and historical uses, which together will provide the continued ability to generate wealth and growth and needs of our community.”

Grazing Management Practices – Grazing management practices include such things as grazing systems (rest-rotation, deferred rotation, etc.), timing and duration of grazing, herding, salting, etc. They do not include physical range improvements.

Guidelines (For Grazing Management) – Guidelines provide for, and guide the development and implementation of, reasonable, responsible, and cost-effective management actions at the allotment and watershed level which move rangelands toward statewide standards or maintain existing desirable conditions. Appropriate guidelines will ensure that the resultant management actions reflect the potential for the watershed, consider other uses and natural influences, and balance resource goals with social, cultural/historic, and economic opportunities to sustain viable local communities. Guidelines, and, therefore, the management actions they engender, are based on sound science, past and present management experience and public input.

Habitat Conservation Plan – A plan approved by USFWS to protect habitat for a species listed under the ESA located on private land. The habitat conservation plan allows private landowners to use or develop the land, even though the activities may adversely affect a listed species. The plan will also include a “takings permit” which will permit the incidental loss of habitat or potential harm to a listed species.

Habitat Fragmentation – An event that creates a greater number of habitat patches that are smaller in size than the original contiguous tract(s) of habitat.

Historical Value – **1.** The collective contributions of objects and values derived and established in recorded history that has an impact on 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 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 irreversibly committed because the site can be reclaimed.

Jeopardy Review – The FWS, pursuant to the ESA, must evaluate all federal actions that may adversely affect a species that is listed under the ESA to determine whether the proposed action is likely to jeopardize the continued existence of the species. 16 U.S.C. §1536. As part of the jeopardy review, which is also called a “Section 7 review,” 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 were 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.

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

sustained yield of outdoor recreation, range, timber, watershed and wildlife and fish values.

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

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 and generally set forth in the Act. Natural resources may be commercial or noncommercial in nature.

Non-impairment management – The standard for determining whether to allow actions or activities on public lands that have been classified as wilderness study areas either by Congress or the Bureau of Land Management. The action or activity may be allowed so long as the impacts will not impair the areas suitability for wilderness or will not degrade the wilderness values to preclude its inclusion in the National Wilderness Preservation System.

Objective – An objective is a site-specific statement of a desired rangeland condition. It may contain qualitative (subjective) elements, but it must have quantitative (objective) elements so that it can be measured. Objectives frequently speak to change. They may measure the avoidance of negative changes or the accomplishment of positive changes. They are the focus of monitoring and evaluation activities at the local level. Objectives may measure the products of an area rather than its ability to produce them, but if they do so, it must be kept in mind that the lack of a product may not mean that the standards have not been met. Instead, the lack of a particular product may reflect other factors such as political or social constraints. Objectives often focus on indicators of greatest interest for the area in question.

Occupied Range (Territory) - To constitute an occupied range (territory) a pair, 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).

Private Property – As protected from being taken for public uses.

Public Lands – Lands open for sale or other disposition under the general land laws to which no claims or rights of others have been attached.

Rights-of-way – This term generally refers to “an easement, lease, permit or license to occupy, use or traverse lands” and such right may be created by federal or state statute, deed, contract or agreement, or permit. A right-of-way may also include: Any road, trail,

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

RS2477 Rights of Way – RS2477 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 an understory or periodic cover of herbaceous or shrubby vegetation amenable to rangeland management principals or practices. Land on which the principal natural plant cover is composed of native grasses, forbs, and shrubs that are valuable as forage for livestock and big game. Any land supporting vegetation suitable for wildlife or domestic livestock grazing, including grasslands, woodlands, shrublands and forest lands.

Range Condition – The current productivity of a rangeland relative to what the land could naturally produce based on the site’s soil type, precipitation, geographic location and climate

Range Improvements – Range improvements include such things as corrals, fences, water developments (reservoirs, spring developments, pipelines, wells, etc.) and land treatments (prescribed fire, herbicide treatments, mechanical treatments, etc.).

Range Management – The art and science of planning and directing range use intended to use the sustained maximum animal production and perpetuation of the natural resources.

Rangeland Preservation Area – a conceptual federal land designation that balances access and land uses, and is in the process of being defined.

Recharge – The addition of water to an aquifer by infiltration, either directly into the aquifer or indirectly by way of another rock formation. Recharge may be natural, as when precipitation infiltrates to the water table, or artificial, as when water is injected through wells or spread over permeable surfaces for the purpose of recharging an aquifer.

Recovery Plan – The ESA requires the USFWS to prepare a plan to improve the status of a listed species to the point where the species need no longer be listed. A recovery plan typically sets population goals, identifies tasks to reverse or arrest the decline of a species and criteria for delisting the species.

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 U.S. Forest Service land use policy, “RNA” is an area identified as a reference area to evaluate the impacts of management in similar environments, including

areas for research and areas to be protected for biodiversity or threatened, endangered and sensitive species.

Resource Management Plan (RMP) – Law requires a plan to be created for the management and use of federal lands. This plan is referred to as the RMP. It is expected to use and observe the principles of multiple use and sustained yield set forth in FLPMA and other applicable laws. Its construction is also consistent with local soil and water conservation district land use plans. Conflict between local land use plans and federal resource management plans must be resolved by the Secretary before the Record of Decision is signed and implementation takes place.

Resource Universe – The dynamic system manifested by the marriage of soil and water and how it embraces historic, present and future aspects of the stability and enhancement of the immensely important economy, safety, customs and culture of the community within DASWCD.

Riparian – An area along a watercourse or around a lake or pond. It also refers to a corridor which encompasses the stream channel and that portion of the terrestrial landscape from the high water mark toward the uplands where vegetation may be influenced by elevated water tables, or flooding, or by the ability of soils to hold water.

Riparian Pasture - Pastures of rangeland containing both upland and riparian vegetation that are managed together to obtain specific management objectives. Because they are separate from the rest of the ranch, riparian pastures can be grazed or rested depending on current conditions and riparian needs (Kauffman et al. 1983, Swanson 1987, Platts and Nelson 1985, Elmore and Kauffman 1994).

Runoff – Water not absorbed by soil or landscape on which it falls or 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. Also, the part of the precipitation that appears in surface streams.

Soil – Loose material from the earth's surface in which all things grow, from which lands within the DASWCD generate upwards of \$.75 billion annually, and which constitutes geologic sedentary and sedimentary accumulations.

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 a recovery 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 byproducts, 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.

Title V of FLPMA – In 1976, Congress repealed almost all laws granting rights-of-way for various purposes and established a single title under which rights-of-way would be granted across public lands for any purpose, including power transmission lines, roads and pipelines.

Unintended consequences – 1. Have an impact on 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 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 that manifest as a white or brown haze. This is a major issue regarding national parks and wilderness areas, which are Class I air quality areas and are given the highest level of protection.

View – The sight or prospect from a particular point, typically an appealing sight.

Viewshed – The geographic area surrounding the visual area to be inventoried and managed.

Visual Condition Class – The Clean Air Act recognizes four air quality classes with Class I applying to national parks and wilderness areas and Class II applying to all other federal land areas, such as National Forests, National Wildlife Refuges, and public lands. Visual conditions are affected by particulates, emissions including ozone, sulfur oxide, nitrogen oxide, carbon dioxide and the chemical reactions caused by humidity and sunshine.

Visual Quality or Visual Resource Management Objective – Standards established in land use plans prepared by the Forest Service or the Bureau of Land Management to apply to specific land areas based on the scenic qualities and land uses. The land use plans may require modifications to facilities to reduce the visual impacts.

Visual Resources - Visual resources in the District are a composite of landforms, human and animal life forms, water features, cultural features, terrain, geologic features and

vegetative patterns which create the visual environment. These visible physical features are important to the landscape and the scenic quality of the County.

Visual Resource Management ("VRM") – The designation of BLM surface lands for visual resource protection and management as part of the land use planning process. The VRM classification takes into account scenic values, sensitivity based on land uses permitted and distance or remoteness. See BLM H8410-1.

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 DASWCD.

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 stream flow 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 untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this chapter an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value. 16 U.S.C. §1131(a).

Wilderness Area – Tracts of land designated by an act of Congress to be part of the National Wilderness Preservation System.

Wilderness Study Area or WSA – An area of land identified by Congress or a federal agency pursuant to Congressional direction to be evaluated for its suitability for designation by Congress as part of the National Wilderness Preservation System. With respect to public lands managed by the Bureau of Land Management, it refers to tracts of public lands determined to meet the definition of wilderness based on the wilderness inventory and review conducted by the Bureau of Land Management pursuant to Section 603 of the Federal Land Policy and Management Act, 43 U.S.C. §1782. A WSA typically meets the definition of wilderness in that it is "an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human

habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.” 16 U.S.C. §1131(c.).

Wildlife – Populations, variety, and distribution of birds, mammals, reptiles, amphibians, invertebrates and plants

Willing Seller – An owner of private property who elects to sell his property to an NGO or government body due to demands imposed on him by the government.

1.2.2 Annual Action Plan

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

1.2.3 Policies and Procedures

The DASWCD Board sets policies and procedures through passage of resolutions at board meetings which are open to the public pursuant to the New Mexico Open Meetings Act. Resolutions passed for the purpose of amending this plan are found in their entirety in the Appendix, Section 2.2.

1.2.4 Emergency Plans—(for dams and structures)

This section is under development.

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

This section is under development.

1.3 Purpose, Custom and Culture, and Goals

1.3.1 Purpose

The purpose of the Plan is to guide policy with respect to 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 preservation 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 absence of water supplies.

1.3.2 Customs and Culture

DASWCD believes that the American concept of government of the people, by the people, and for the people is best served when government affairs are conducted as close to the people as possible (i.e. at the local government level). The District finds it desirable to address the use and management of these important resources, especially watersheds,

rangeland, soil, and water conservation, and farmland within the political jurisdiction of DASWCD as the heart of its comprehensive planning efforts.

DASWCD recognizes the importance of Agriculture and its extension of enterprise and resource dependence 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 wellbeing. DASWCD is seriously concerned that increased federal regulations and restrictive land use designations, within the dominion of federal land ownership, will reduce the economic viability of farms and ranches. To reverse such trends, DASWCD supports, encourages and promotes policies, management actions or decisions that lead to the long-term economic strength of the underpinnings of these customs and cultures.

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

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

The Federal Lands Policy and Management Act of 1976 (FLPMA) Section 102 lists 8 values: Scientific, Scenic, Ecological, Environmental, History, Archeological, Air and Atmospheric, and Water. History is the only one that reflects customs and culture. Modern agency management reflects only scenic, archeological, ecological, environmental, air and atmospheric, and water. Federal land management plans are totally silent on historical features. DASWCD 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 the coordination process with local, state, and federal agencies to conceptualize 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 in order to maintain a state of robust opportunities for future generations.

1.3.3 Goals

1.3.3.1 Resources

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, fully supporting public safety, the customs and economic stability and viability of our industries, and the general welfare of the citizens of the District.

1.3.3.2 Plans and Policies

Provide the plans and policies that direct the DASWCD in coordination with local, state, and federal bodies and agencies in regards to planning, outlining, orchestrating, scheduling, mapping, designing, manipulating, conceptualizing, formulating, designing,

plotting, or strategizing land use plans that will affect the soil, water, and other resources of the District today, tomorrow, or further into the future.

1.3.3.3 Legal Responsibility

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.

1.3.3.4 Minimize Unintended Consequences

Work to reduce any possibility of unintended consequences from decisions and actions that may be taken by agencies that can negatively impact the District; its economy, its tax base and the people it serves. Such action, in general, seeks to minimize the harm to the local land users from ongoing governmental conduct.

1.4 Primary Planning Guidance and Directives; General Matrix of Balanced Objects and Values

The state of New Mexico has authorized the creation of DASWCD with powers and duties to accomplish the legislative determination of the act.

Congress has mandated stabilization of soil and water through the Soil and Water Resources Conservation Act . . . "Recognizing that the arrangements under which the Federal Government cooperates . . . through conservation districts, with other local units of government and land users, have effectively aided in the protection and improvement of the Nation's basic resources . . . it is declared to be policy of the United States that arrangements and similar cooperative arrangements be utilized to the fullest extent practicable . . ."

Congress has mandated . . . "Federal agencies shall coordinate with local and state agencies to develop comprehensive solutions to prevent, reduce and eliminate pollution in concert with programs for managing water resources."

Through 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.

The District intends to work with all federal agencies to ensure resource management plans or management framework plans list known inconsistencies between their plans and district plans and submit those inconsistencies to the Governor of New Mexico. Agencies are obligated to take all practical measures to resolve conflicts between federal and local government land use plans.

Federal Agencies are required to submit a notice of intent to prepare, amend, or revise a resource management plan to State Agencies, consistent with State procedures for coordination of Federal activities.

The District lands must be managed in a manner that will protect the quality and balance of natural resources as defined by the Act with the scientific, scenic, historical, ecological, environmental, air and atmospheric, water resources, and archeological values with the intent to provide both stewardship and continued human occupancy and use.

1.4.1 Objectives

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

The District constituency must have a regulatory environment that works for them, not against them, and minimizes any harm to District land users. The regulatory environment should enhance lives, safety, and resources and improve the economy without imposing unacceptable or unreasonable costs. All regulatory policies must recognize the private sector and private markets are the engines for economic growth. New regulatory approaches should respect the role of local and state governments by adopting 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 the needs of the District.

1.4.2 Resource Concerns

The following Resource concerns are indicators of ecosystem health within DASWCD.

- **Soil** and all of soil related precautionary measures to maintain the integrity, wellbeing and improvement of this all-important resource.
- **Water resources** and all forms of water as noted in the definition section so noted herein. New Mexico's Water Code was enacted in 1907. Conditions have changed. The state's population has increased nearly seven times, surface waters have become over-appropriated, and water users have become increasingly dependent on ground water and water from projects such as dams.
- **Agriculture** as a culmination of the dynamic union of soil and water with human relationships.
- **Livestock and Wildlife** and the beneficial externalities that exist with this important natural resource and the beneficial application and development of water resources.
- **Recreation** and the general well being of the District community.
- **Riparian habitat** - To provide guidance for the restoration and protection of riparian habitats within DASWCD and the general health and function of the greater watershed.
- **Range and Grassland** improvement through various means including brush control and the expanding successes of measures applied by landowners and agencies for the well being of soil and water resource health. It is also important that state and federal agencies continue to provide access to rangelands at levels consistent with proper range management, custom and culture and the protection of equitable property rights.
- **Stormwater Management** – public safety and the Elephant Butte Irrigation District's (EBID) right to capture and divert any and all flood waters from the foot of Elephant Butte Dam to the Texas/ New Mexico state line including but not limited to all wild and controlled arroyos within that greater area including the west slope of the Franklins.
- **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 DASWCD boundaries.

- **Predator Control** - DASWCD is pledged to perform various tasks including but not limited to preservation of wildlife.
- **Customs and Culture** - The future and its many unanswered questions of water supply, population growth, and continuing soil resource needs, and, particularly, the preservation, perpetuation, renewal, improvement, protection and expansion of the farmland base, and the Past (historic) with its implicit promise held forth in the state's constitution and the Federal Lands Policy and Management Act of 1976 (FLPMA). It is paramount the fulfillment of such a process is maintained with highest standards that represents all citizenry equally. Collectively, the past and future represent the Customs and Culture of the District.
- **Outreach and Education**, to garner the support, understanding, and backing of our community and partner agencies.
- **Threatened and Endangered/Sensitive Species**, especially those 37 listed species specific to New Mexico and the targeted multi-species mega-settlement list, is a dynamic management process. The status of any listed species must be known and all additions or removals must be coordinated with the District. The Districts conservation plans must be taken into account prior to any federal or state protection of a species.
- **Special Land designations**, especially those changes that are done beyond congressional action, produce unintended consequences, and affect the threat to and net sum loss of multiple use lands, must be known and discussed with the District and be a matter of public record in District meeting minutes.
- **Visual Resources**, Visual resource management or VRM is defined by the BLM based on naturalness, scenic qualities and permitted land uses. BLM recognizes four classes, with Classes I and II having the greatest values. The planning process first inventories the viewshed or scenic qualities. Class I is a natural landscape such as a national wilderness area or ACEC with scenic qualities. Classes II through IV are inventoried based on scenic quality, sensitivity (land use), and distance. These three factors are evaluated in light of land uses permitted under BLM's land use plan. The combined evaluation leads to the designation of VRM classes.

There is a risk that BLM land use plans will use VRM classes to restrict land uses, rather than having the VRM class reflect the permitted land uses. When that occurs, the VRM classes may restrict livestock grazing or energy development by managing the viewshed to be natural or like wilderness, even though the land use plan otherwise permits energy development and livestock grazing. Such action reduces the local tax base limiting the ability of the District, other special districts, the county and the state to sufficiently fund the necessary services and infrastructure that support the community. VRM classifications should be narrowly tailored to reflect previous and current land use decisions and appropriate land uses. The VRM classifications should also take into account the Districts current and future soil erosion and flood control plans to ensure federal restrictions do not harm the health and safety of the community.

All inventories of VRM's shall be done in coordination with the District as required by federal statute (43 U.S.C.A. 1712(c)(9)) and consistency must be reached with the Districts plans to prevent harm to the citizens.

- **Resource Management Plans** are land use plans required by FLPMA. They must be updated from time to time for the use of federal lands. This includes matters of planning and regulation of the uses of non-Federal land in proximity to such public lands. In such plans, however, the Secretary shall coordinate the crafting of such plans and shall keep apprised of state and local plans, assure consideration is given to such plans, shall assist in resolving inconsistencies between Federal and nonfederal plans and shall make federal plans consistent with local plans.

The process and the interaction with the agency shall proceed according to law. Four major factors combine to give local oversight to the process. The first is the District Land Use Plan. It sets the groundwork for local needs. Second and third are Coordination and Cooperating Agency Status, respectively, and are further mechanisms to assure local voice to the actions.

Finally, a Consistency Review is also a tool for local control. Allowances for such a final review are forth under 43 CFR 1610.3-2(e) for allowing the Governor to identify inconsistencies in resource management plans and to provide written recommendations thereof to the State BLM director. Any such discrepancies identified by the Governor must be resolved before the BLM can issue a Record of Decision. Since the Governor does not ordinarily interpret or make judgments on local plans, policies, or programs, soil and water conservation districts have the opportunity to complete their own consistency review that the Governor will submit and include by reference in communications with BLM.

- **Watershed** -Watersheds have five essential functions: collect water that falls as rain or snow; store water and snow in various amounts and for different lengths of time; release water as runoff; filter and clean stored water and runoff; provide habitat for plants and animals.

1.4.2.1 Soil

Goal: Provide proactive support for corrective and conservation practices and programs to conserve, protect, and beneficially develop the soil resources of the District.

Objectives:

1. Assure the responsibilities set forth in the Act will be upheld for the full enjoyment and benefit of the citizens of DASWCD.
2. To insure the policies and actions of the local, state, and federal government in matters of soil resource protections are fully inured to the benefit of the resource.
3. Encourage land managers and landowners to seek technical assistance to mitigate surface disturbance to facilitate soil and water conservation and re-establishment of native or other desired vegetation.
4. Support the use of the completed Soil Survey to manage highly erodible soils found in DASWCD, to maintain productivity, minimize erosion, protect private and public water reserves, water quality, limit severe and critical erosion by restricting or mitigating surface disturbance to minimize soil erosion, and to restore degraded areas.

1.4.2.2 Water Resources

New Mexico is a landlocked state. Under New Mexico's State constitution, all water is managed by the state of New Mexico. DASWCD 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 watersheds are severely burned, more critical water sources are jeopardized, more communities are threatened and other natural values are placed at risk.

Under the doctrine of prior appropriation, the District declares that historic and customary beneficial uses under state law, do and should take precedence over any and all other designations established under current New Mexico State Law.

Goal: Water is essential for promoting economic well being and provides a high return on investment. Water is a necessity for agriculture, residents, industry, and many service activities. DASWCD 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.

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.

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

Objectives:

- 1.** Assure the responsibilities set forth in the Act will be upheld for the full enjoyment and benefit of the citizens of the District.
- 2.** To assure the policies and actions of the local, state and federal government in matters of Water Resource protections are fully inured to the benefit of that resource. New Mexico State water planning directives call for river, riparian and watershed restoration that protects water supply and improves water quality.
- 3.** Protect and support the conservation of the water resources of the District.
- 4.** DASWCD will support coordinated, leveraged, multi-partner efforts that are needed to scale up watershed restoration.
- 5.** Request that all emergency actions relative to water resources be subject to notice to the District.
- 6.** Explore, research and promote aquifer storage and recovery strategies within DASWCD boundaries.
- 7.** Explore, research and promote combined geothermal and desalination projects within DASWCD.
- 8.** Water reuse can extend water supplies, but it requires additional infrastructure and more sophisticated systems. Elevate the idea of water reuse systems with communities, county government, and water users to help determine which of the three major approaches fits best (indirect, direct or potable direct) within DASWCD.

9. DASWCD encourages increased efficiency, timeliness and fairness with the adjudication process and supports coordination with local, state and federal agencies on the transfer of irrigation water rights to meet present and future agricultural, domestic and industrial water requirements within the DASWCD.

10. Coordinate with federal agencies to insure the District's policies are considered and consistency achieved to resolve water resources issues in concert with the conservation of endangered species, pursuant to 16 U.S.C.A. 1531(c)(2).

1.4.2.3 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.

Goal: It is the intent of DASWCD to take an aggressive attitude to the preservation and enhancement of Agriculture as it relates to the basic resources of soil and water within the District. Research is disclosing that the American farming model has not only been correct in terms of aggressively pursuing scientific methodology to increase production on a basic production unit basis, it has been a major factor in the lessened rate of species disappearance in the lower latitudes since world demand for expanded farming there has been slowed. (See Stanford Research schedules 2012)

Agriculture contributes to the economic base of Doña Ana County and is integral to the stability of livestock production, wildlife habitat, and farming while maintaining the local custom and culture. Due to the location and additional water, cropland and irrigated fields often provide key winter habitat for wildlife.

Guidance: Sections 47-9-1 through 47-9-7 NMSA 1978 “Right to Farm Act” - The purpose of the Right to Farm Act is to conserve, protect, encourage, develop and improve agricultural land for the production of agricultural products and to reduce the loss to the state of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed a nuisance.

Objectives:

1. DASWCD’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 DASWCD so productive and so important to the Resource Universe. All agriculture is dependent on proper soil erosion control, flood prevention, wildlife and species management, which are the responsibilities of this District.
2. It is incumbent on soil and water conservation districts to minimize drift between Agriculture and various agencies, our land grant university and local, state, and federal governments. DASWCD intends to aggressively solidify those vital relationships.
3. DASWCD intends to take a lead in communicating and seeking government-to-government endeavors with other districts for the benefit of Agriculture.

1.4.2.4 Livestock and Wildlife

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

Goal: It is the goal of DASWCD to institute and manage vegetation and landscape projects that will:

- Maximize grassland development for livestock and wildlife, collectively
- Expand water supplies and systems to support such populations on an availability standard
- Encourage research to determine benefits of more complex grazing practices
- Work with the New Mexico Department of Game and Fish (NMDGF) to elevate quality hunt opportunities
- Educate the general public of the benefits and the symbiotic relationships of livestock and wildlife in this desert environment and
- Encourage wildlife management practices that sustain wildlife resources and habitat without measurably degrading other multiple use activities or private property rights.

DASWCD strongly urges land management agencies to: upon termination of a permit, to compensate the livestock permittee for the remaining value of improvements or allow removal of such improvements that permittee made on his/her allotment.

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

DASWCD will coordinate with the land management agencies to ensure adjustments in grazing allocations reflect the availability and type of forage, and will be applied proportionately to livestock or wildlife based on their respective dietary need. Any suspended AUMs shall be returned to permitted AUMs when conditions warrant.

Guidance: In various laws and grazing guidelines, Congress has time and again 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 will not impair the value of a grazing unit when such a right is pledged as a debt security by the permittee.

The historic and cultural values of the livestock industry are recognized while emphasizing healthy landscapes that support multiple use management. New or proposed rules and regulations shall be consistent with state statutes and local land use plans. Livestock management actively promotes rangeland health through adaptive management principles and innovative livestock practices.

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.

DASWCD strongly supports the following statement, “The mandate of the Taylor Grazing Act of 1934, 43 U.S.C. §§531 et seq, is not furthered by management practices designed to reduce grazing in order to improve the range.”

Objectives:

1. The District will support opportunities for livestock grazing on private, state and federal lands. This includes advocating for the protection of equitable property rights, science-based land stewardship, and promotion of Best Management Practices for the improvement and continued use of all rangelands within the District.

- 2.** Coordinate with federal agencies, other state agencies, New Mexico Department of Agriculture (NMDA) and New Mexico State University (NMSU) to incorporate the most dynamic arid grasslands endeavors known to the world today where possible.
- 3.** Coordinate with federal land management agencies to ensure federal management activities regarding wildlife and livestock grazing do not negatively impact the District's activities designed to prevent soil erosion and ensure flood prevention. Grazing management decisions can trigger future erosion and flood issues if not carefully coordinated with the District's plans.
- 4.** Coordinate with the NMDGF to develop specific wildlife harvest targets, quality hunts, depredation mitigation, and future management plans to unite private/agency endeavors.
- 5.** Support wildlife management objectives and numbers based on what the range conditions and habitat can support. Wildlife habitats should be managed for sustainable wildlife populations that take into account obligations for livestock grazing and competing resource management objectives.
- 6.** Encourage wildlife management practices that sustain wildlife resources and habitat without measurably degrading other multiple use activities or private property rights.
- 7.** Support the use of federal and state lands for livestock grazing.
- 8.** Work with all landowners and land managers to increase productivity of rangeland to increase and/or maintain AUMs at 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.
- 9.** Support the recognition and protection of all private property rights, including water rights.
- 10.** Coordinate with district livestock producers, federal agencies New Mexico Cattle Grower's Association, NMSU, NMDA, and other affiliated parties to promote a robust and healthy livestock industry within the District.
- 11.** Promote and coordinate water distribution system installation and infrastructure improvements to benefit all wildlife and livestock health and welfare within the District.
- 12.** Promote and coordinate other valuable and essential work that will provide a healthy environment for the beneficial use of resources that are implicit in the husbandry of wildlife and livestock endeavors.
- 13.** Recommend that crucial or critical habitat designations consider economic impacts to the human environment, possible conflicts with other land uses, and protection of private property rights.
- 14.** Recommend local, state and federal agencies research and provide funding opportunities and compensation to landowners for resource enhancement that benefits wildlife.
- 15.** Review and promote the therapeutic effects of grazing complexity.
- 16.** 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, brush control, re-seeding, fencing, salting plans, herding plans and grazing systems).

1.4.2.5 Recreation

Goal: It is the goal of DASWCD to conserve, perpetuate, and expand the good stewardship of outdoor recreation within the District while protecting and conserving natural resources consistent with the Plan.

Guidance: Recreation is important to the citizens of the District. The unique outdoor recreational opportunities found in the District are great assets. DASWCD values the opportunity and freedom these lands provide and encourages balanced management goals that include ethical outdoor involvement including hunting, hiking, camping, wildlife viewing, rock climbing, off road mechanical sports, and other outdoor recreational activities. DASWCD strongly advocates the rights of recreation enthusiasts to continue lawful access to federal lands.

Objectives:

1. Promote outdoor activities of all types.
2. Include outdoor recreation implicit in Customs and Culture as standards amongst District endeavors.
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. Encourage recreational activities on the lands in DASWCD that increase the capacity for federal and state land resources to provide more economic return to Doña Ana County.
5. Encourage implementation of plans and programs that provide a balance of motorized and non-motorized recreational opportunities in the District.
6. Coordinate with federal agencies on access issues to ensure that management decisions do not prevent existing and future soil erosion and flood control projects. Work with the federal agencies to help them understand the complexity of the District's current and long term plans for the purpose of achieving consistency with the local plans.

1.4.2.6 Riparian Habitat

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

BLM describes riparian areas as those terrestrial areas where the vegetation complex and microclimate conditions are products of the combined presence and influence of perennial and/or intermittent water, associated high water tables and soils which exhibit some wetness characteristics.

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, channelization has severely limited, and in most cases eliminated the water/land relationship that would normally have allowed the establishment of riparian vegetation along the river corridors which in turn supports 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 to prevent soil erosion and flooding with the goal of maximizing their productivity, biological diversity, and sustainability.

Guidance: DASWCD adheres to coordination as provided under Section 8 of the Public Rangelands Improvement Act of 1978 for riparian areas and wetlands under the jurisdiction of a federal agency.

DASWCD 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 and other non-native invasive species.

Objectives:

1. Promote the perpetuation and enhancement of Riparian Habitat. Participate in a coordinated approach with Federal and State agencies when establishing riparian and upland management plans that includes consideration of the District's soil erosion and flooding policies based on Best Management Practices.
2. DASWCD will promote riparian management based on the New Mexico Non-Native Phreatophyte/Watershed Management Plan templates and protocols.

1.4.2.7 Range and Grassland

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

Goal: It is the goal of DASWCD to promote cutting edge management of arid-lands stewardship within the District. Also, work to increase productivity of rangeland to increase and/or maintain Animal Unit Month ("AUMs") to maximum sustainable levels on rangeland in the District.

Guidance: The continued viability of livestock operations and the livestock industry should be supported on federal lands within DASWCD 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.

Livestock producers do more than contribute to the economic stability of the community, which helps the District, but are also the primary entities that help to implement the Districts programs. For these reasons, any relinquishment or retirement of grazing animal unit months in favor of conservation easements, wildlife, and other uses can harm the Districts objectives. Any reductions in domestic livestock animal unit months must be temporary and scientifically based upon rangeland conditions.

One of the most interesting combinations of Range and Grassland management opportunities in the world exists within the District. The combination of arid lands range and grassland conditions, an engaged body of federal land ranchers, NMSU, The Jornada Experimental Range, the Range Improvement Task Force, state and federal agencies, NRCS, APHIS and DASWCD all exist and or reside within the District. It is the long term goal of the District to combine these influences to undertake a dynamic process in which a federal land designation should be sought to elevate the concept of a rangeland and grassland improvement district. If there is an arid grassland opportunity, it is within the boundaries of the District. The District develops, approves and implements projects that fit within this vision for our future.

Objectives:

- 1.** Engage the BLM, NMDA, NMSU and appropriate cooperators in establishing an arid lands grazing district.
- 2.** Identify pertinent coordinating projects to achieve such objectives.
- 3.** Create world-class arid lands sustainable research and production unit.
- 4.** Forage reductions resulting from forage studies, fire, drought or other natural disasters will be implemented on an allotment basis and applied proportionately based on the respective allocation to livestock and wildlife.
- 5.** Adjustments 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.
- 6.** Work with the BLM to expand and replicate the “Restore New Mexico” program to all areas of DASWCD.
- 7.** Discourage any new federal or state land acquisition within DASWCD boundaries.
- 8.** 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.
- 9.** Encourage the use of coordinated resource management plans (allotment management plans or coordinated activity plans) for each grazing allotment that allow for the flexibility and updating of management during the ten-year term of the grazing permit. (i.e. water development, juniper/mesquite control, reseeding, fencing, salting plans, herding plans and grazing systems).

1.4.2.8 Stormwater Management

Goal: It is the position of DASWCD to support the local citizenry in the unencumbered right to protect themselves and their private property from the ravages of floods. The District is against any administrative land designations or policies that would result in obstruction of such private property protection and/or threaten the safety of the public.

Proposed changes in land use designations by state and federal agencies must be coordinated with the District to ensure that such changes do not preclude future projects that will aid in stormwater management and the safety of the public.

DASWCD will assist and coordinate with Elephant Butte Irrigation District (EBID) and the South-Central New Mexico Stormwater Management Coalition (SCNMSMC), to capture, manage and put to beneficial use all stormwater emanating from controlled and wild arroyos within the District. This is fundamental to the safety and health of every citizen within the District.

Guidance: In 2008, EBID gained a victory for District water matters when a lawsuit was settled with El Paso Water Improvement District #1. In that agreement EBID was granted “an equitable use” of water, which included the right to capture and return for beneficial use all flood waters within the District. Although such monsoonal sourced water is unpredictable and not easily managed, it represents a new source of water for the EBID water users and for aquifer recharge. The settlement of EBID v. El Paso Water Improvement District #1 (Texas) allows such a cooperative venture.

Objectives:

1. To protect the life, limb, and property of all citizens within the District from uncontrolled flooding.
2. To work to limit agency restrictions of projects, access, and planning that would obstruct such safety and welfare measures within the District.
3. DASWCD expects to participate in all policy and funding decisions made concerning dam maintenance and safety within District boundaries.
4. Coordinate with responsible agencies to capture and return all floodwaters within the District to beneficial use.
5. To assist in funding and administering the process of uniting natural watersheds and EBID infrastructure.
6. When reviewing proposed subdivisions, DASWCD will recommend historical arroyos to be defined as open space, no lots platted in arroyos, and arroyos not to be redirected to send the overflow across roads.
7. To plan for an expanded water management system.
8. To work with BLM, Doña Ana County Flood Commission, and EBID to determine locations of dams for the purpose to “protect life and safety from natural hazards” (FLPMA Sec. 103(a)) to properly identify ACEC requirements.

1.4.2.9 Wildfire

In New Mexico, the notion of what constitutes a “large” wildfire has grown substantially over the past decade. Since 2000, the size of the largest fire recorded in New Mexico has

more than quintupled. Wildfire severity is increasing and fires are spreading at unprecedented rates.

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

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

Goal: It is the goal of DASWCD to support the right of local citizens to protect their private property from wildfire. Where appropriate, encourage limited utilization of fire and otherwise, encourage fire suppression in areas that threaten communities and private infrastructure, to support and expand multiple uses and to achieve vegetation management goals. The District’s 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: DASWCD must be notified and coordinated with on any post-fire land use or restrictions that could inhibit access to the watershed for conserving or developing natural resources, providing for flood control, preserving wildlife, protecting the tax base or promoting the health, safety and general welfare of the people of this District.

Objectives:

1. DASWCD strongly supports training for all volunteer fire department members in the basics of wild land fire fighting. To accomplish this, the District will support New Mexico State Forestry Division and any other land management agency with fire 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. DASWCD will coordinate with the appropriate agencies to help design and implement post fire rehabilitation projects that mitigate the downstream effects of flooding and debris flows after wildfires.
3. Post-fire grazing will not be limited when monitoring and evaluation produces relevant, accurate data that demonstrates grazing will not unduly harm the range. To ensure the health and safety of the public for such projects, border security and/or law enforcement shall have full access to such lands.
4. The District will assist in developing plans and projects that strike a balance of beneficial use of fire and the detrimental effects of intense wildfire. Fire should not be used to replace proper timber harvest as the primary forest management tool.
5. Through coordination with federal 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 rancher, and to protect excessive soil erosion. Vegetative treatments and use of livestock grazing shall be utilized to keep fuel loads within appropriate limits.

1.4.2.10 Predator Policy

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: 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

Objectives:

1. Support control of predators, rodents and insects, which are disease-bearing vectors that are a recognized threat to public health.
2. Reintroduction and introduction plans should provide for compensation to livestock operators for actual value of loss, including replacement cost, including direct and incidental expenses relating to the loss, and prompt payment thereof.
3. Support predator control based on a balance between the best 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.

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

Guidance: Refer to Appendix B, DASWCD Resolution No. 2014-04-1 for DASWCD policy on federal endangered predators.

1.4.2.11 Customs and Culture

Historical, Environmental And Six Other Values, Collectively Known As Managed Values. Resource Management Plans, Standards, and Guidelines.

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

Guidance: FLPMA provides for effective use of the Agency administered lands by providing continuity of uses for roads, power, water, grassland, and natural gas. The Act also mandates multiple use of the Agency administered lands, provides for continuing inventory and classification reviews of such lands. The Agency is required to comply with such matters including the values set forth in the Declaration of Policy of the Act. Those values span the primary planning and guidance and directives contents included herein but also apply to outdoor recreation and human occupancy and use.

The Act is the organic basis of managing federal lands in the West and DASWCD intends to coordinate in a manner that elevates all values equally without prejudice or inferred

cardinal value. This includes the blending of historical and environmental values that have, heretofore, become bookends of manifested priorities. The presence of humans in this landscape is elevated in importance. Title I, Short Title, Declaration of Policy, and Definitions.

The Agency must follow the consistency and coordination requirements of FLPMA when the Secretary is making decisions regarding the actual management of federal lands.

Federal agencies are obligated to coordinate their planning processes with local government land use plans. 43 C.F.R. §1610.3-1(a).

Objectives:

1. The equality and respect for Customs and Culture created in over 413 years of recorded history must be held inviolate. DASWCD intends to maintain such a balance in the face of federal and state management policies that are often driven by forces outside of the jurisdiction of the District.

2. Coordinate with the agencies and provide data to ensure all federal agency land use plans, regulatory actions, including rules or management recommendations consider mitigation that will decrease impacts on small businesses (including agriculture) and small government entities. Any action by an agency that harms small entities as defined in the Regulatory Flexibility Act shall be inconsistent with the District's plans and policies.

1.4.2.12 Outreach and Education

Goal: It is the goal of DASWCD is to garner the support, understanding, and backing of our community and partner agencies.

Guidance: Participate, foster and have a more active role in local, state, and federal relationships and understanding.

Objectives:

1. Promote cooperation with DASWCD cooperators, organizational partners and entities such as town councils, county commission, state and federal agencies.

2. Continue promoting DASWCD programs through the District's website and brochures.

3. Disseminate and promote partner agencies programs through above listed avenues.

4. Develop information regarding roles of farm and range management to educate the public.

5. Work with area elementary schools to raise awareness of importance of soil and water conservation practices.

6. Continue to support Soil Stewardship programs.

1.4.2.13 Endangered 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 District’s plans, policies and projects.
- Additionally, it is the policy “of the Congress that Federal agencies shall cooperate with State and local agencies to resolve water resource issues in concert with conservation of endangered species.” (16 U.S.C. 1531(c)(2)). The DASWCD 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 science when making a decision whether to list, but economic and social impacts are to be considered in the designation of critical habitat. [Addendum Tab No. 12a at 38, 16 U.S.C. §1533(a)(3)(A)].
- Critical habitat designations must take local socio-economic impacts into account. Areas may be excluded as critical habitat based upon economic impacts unless the failure to designate the area as critical habitat would result in extinction of the species. Area designations that preclude the District from carrying out its soil erosion and floodwater management projects will cause economic harm to the community and shall not be included as critical habitat unless absolutely essential to the survival of the species.
- Once a species is listed, it cannot be “taken,” which is broadly defined to mean any direct harm to the species or harassment, which, in turn, includes disruption in activities or loss of critical habitat. [Addendum Tab No. 12c-ii at 59, 50 C.F.R. §17.3]. If a ‘take’ is likely to occur on private land, the landowner must secure a takings permit under Section 10 of the ESA, and often does so under a habitat conservation plan which also requires compliance with NEPA. [Addendum Tab No. 12c at 59].

The ESA is the basis for several planning mechanisms:

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

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

The following species have been listed within the jurisdictional boundaries of DASWCD:

Yellow Billed Cuckoo

The yellow-billed cuckoo is protected as a threatened species under the Endangered Species Act. The western population of the yellow-billed cuckoo, an insect-eating bird found in riparian woodland habitats, winters in South America and breeds in western North America. The major threat to yellow-billed cuckoos has been loss of riverside habitat. The final listing rule became effective November 3, 2014. FWS's next step is the designation of critical habitat for the species and development of a recovery plan.

Comment/Expectations: In order to properly manage the watershed and water resources, DASWCD must be notified and coordinated with on decisions regarding the yellow-billed cuckoo.

Northern Aplomado Falcon

A nonessential experimental population (NEP) of the northern Aplomado falcon was established in New Mexico and Arizona on July 26, 2006, (71 FR 42298). NEP designation under section 10(j) of the Endangered Species Act lessens land-use restrictions associated with the Endangered Species Act, which made re-establishment of Aplomado falcons in New Mexico and Arizona less controversial to land managers and increased the number of reintroduction sites. The NEP designation was considered to be potentially the fastest method to re-establish Aplomado falcons in New Mexico and Arizona. Authorities and directives for maintaining and restoring Aplomado falcon habitat remain part of all federal agencies' regulations and policies under their section 7(a)(1) responsibilities. The northern Aplomado falcon is one of three subspecies of the Aplomado falcon and is the only subspecies recorded in the United States. This subspecies was listed by the Service as an endangered species on February 25, 1986, (51 FR 6686). In New Mexico, the range of the Aplomado falcon apparently receded westward in the early 1900s, with birds being reported primarily from the southwestern counties. The subspecies is listed as endangered by the States of New Mexico, Arizona and Texas. Currently, long-term drought, shrub encroachment in areas of Chihuahuan grasslands, and the increased presence of the great-horned owl (*Bubo virginianus*), which preys upon Aplomado falcons, may be limiting recovery of this subspecies (Hunt et al. 2013). Between 2006 and 2011, a total of 337 Aplomado falcons were reintroduced at sites in southern New Mexico. At present, there is approximately one-half the number of pairs recommended for reclassification of the subspecies to threatened status.

Comment/Expectations: In order to properly manage the watershed and water resources, DASWCD must be notified and coordinated with on all reintroductions of the northern Aplomado falcon within District boundaries, prior to any release.

Least Interior Tern (ILT) (E)

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

ILT were first reported from the drainage in 1974 (Downing 1980), occupying salt flats on Bitter Lake NWR, adjacent to the Pecos River. Lott (2006) provided monitoring records showing persistence and an increase in numbers of ILT on the refuge from 1987 through 2006. In the Rio Grande, ILT are known to nest only on reservoirs (Lott 2006). These have been only periodically and partially surveyed during the period of record, and while persistence is likely, data are insufficient to indicate trends. There are no data to demonstrate historical occupation of natural rivers in the Rio Grande drainage by ILT. It is possible that the Rio Grande is outside of the historical range of the species, and that

reservoir construction during the 20th century provided an opportunity for ILT range expansion into the drainage. It is also possible that the source of the Rio Grande colonization was eastern least terns from the Gulf of Mexico (e.g., Whittier 2001).

Comment/Expectations: In order to properly manage the watershed and water resources, DASWCD must be notified and coordinated with on decisions on the Least Interior Tern.

Sneed's Pincushion Cactus (E)

Distribution of the species is Doña Ana County, New Mexico and El Paso County, Texas. The cactus is restricted to limestone and grows in cracks on vertical cliffs or ledges in Chihuahuan desert scrub at elevations of 3,900 to 7,700 feet. All Franklin Mountain New Mexico populations of this plant are restricted to Paleozoic Fusselman Dolomite formations of the Silurian Age. Common plant communities associated with the cactus include creosote (*Larrea tridentata*), Torrey yucca (*Yucca torreyi*), gramma grasses (*Bouteloua* spp.), sotol (*Dasyllirion wheeleri*), ocotillo (*Fouquieria splendens*), and lechugilla (*Agave lechugilla*). Several other cactus species may also be found within the range of Sneed's pincushion cactus.

Although the population of *E. sneedii* var. *sneedii* is distinct as a whole, it may be difficult to assign some plants in the population to a specific taxon without the aid of geographic information and this variation continues to present difficult taxonomic problems. In 2005 at a New Mexico Rare Plant Technical Council Meeting, Council members concluded that *E. sneedii* var. *sneedii* represents a population of plants that is geographically defined and sufficiently distinct from other closely related populations that it deserves taxonomic recognition.

This species is locally common within its area of distribution. The southern portion of the Franklin Mountains population has been affected by urban development of El Paso. Private and commercial collecting has had an impact on this species. According to the NM Rare Plant Council, this cactus is now propagated commercially on a large scale and is readily available to the public.

Comment/Expectations: In order to properly manage the watershed and water resources, DASWCD must be notified and coordinated with on decisions on the Sneed's Pincushion Cactus.

Goal: Participate in all decisions and proposed actions, including NEPA procedures for an Environmental Assessment or Environmental Impact Statement, 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.

Guidance:

The District will work to continuously coordinate with the USFWS to be aware of all matters of listing that impact its administrative boundaries and evaluating the impact of all USFWS decisions on its water resources, economy and conservation measures.

Objectives:

1. Promote coordination between USFWS and the District.
2. Address the impact of all actions with the statutory requirements of the Act including the impact to the managed value of History.

3. Oppose the introduction or transplant of threatened and endangered species within the boundaries of DASWCD, unless the District consents and it is done pursuant to specific terms and conditions that avoid disrupting existing land uses.
4. Any proposed introduction or transplant of threatened and endangered species within the boundaries of DASWCD must be coordinated with the District to ensure consistency with the District's plans, water resource issues are resolved, and economic impacts are mitigated.
5. Coordinate with federal agencies in all decisions and proposed actions, including NEPA procedures for an EA or EIS, which affect the District regarding sensitive, threatened, or endangered species recovery plans, introductions or reintroductions, habitat conservation plans, conservation agreements or plans, or candidate conservation agreements.
6. 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.
7. Recommend that federal agencies respect distinctions between special status species (state sensitive species, etc.) and those listed under the ESA.
8. Participate in appropriate legislation and regulations directing management of threatened and endangered species and state sensitive species.
9. Support delisting of species once population goals set out in recovery plans are achieved.

1.4.2.14 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 flood control measures 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.

In 1976, FLPMA directed BLM to conduct a wilderness inventory and study of public land roadless areas that were greater than 5,000 acres in size. [Addendum Tab No. 28I at 150, 43 U.S.C. §1782]. FLPMA gave BLM 15 years to inventory, study and make recommendations to Congress on public lands suitable for wilderness designation. The BLM wilderness review and study also addressed manageability of the areas and the

potential mineral resources that could not be developed if the area were designated for wilderness.

In New Mexico, the BLM recommended 958,751 acres for wilderness designation. The President forwarded these recommendations to Congress in 1992 but Congress has not acted. Pending congressional action, the 958,751 acres of wilderness study areas have been managed so as to not impair their suitability for wilderness under the BLM interim management policy. [Addendum Tab No. 28I at 150, 43 U.S.C. §1782(c)]. There are 7 wilderness study areas within the DASWCD boundary that affect approximately 215,085 acres.

In 2003, the Interior Department reversed the previous administration policy issued in January 2001 requiring BLM to conduct new wilderness reviews on public lands and establish new wilderness study areas. Under the 2003 direction, no new wilderness study areas are to be established. BLM affirmed that only Congress could designate wilderness and that BLM could not undertake de facto wilderness for areas that were not already wilderness study areas.

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:

- Designated Wilderness
- BLM Wilderness Study Areas
- USFWS areas proposed for Wilderness Designation
- USFS Wilderness Study Areas or areas of Recommended Wilderness
- National Park Service areas Recommended or proposed for Designation
- Lands with Conservation Easements or similar restrictive devices
- Areas of Critical Environmental Concern
- National Monuments
- Lands with Formal Critical Habitat
- Any roadless island of the public lands.

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

Guidance:

- Federal law, specifically FLPMA, requires federal agencies to coordinate inventory, planning 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.

- Wilderness is defined in the Wilderness Act (16 USC 1131-36) as: (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.

Objectives:

1. Promote viability and health of the development of the District's natural resources.
2. Address the dictates of the Soil and Water Conservation District Act, and protect the managed value of History.
3. Maintain integrity of federal land designations as set forth in organic legislation.
4. Defend against production decreases inherent in updated Resource Management Plans.
5. Guard citizenry against inverse condemnation actions promulgated by nonresidents.
6. Uphold the legal requirements and qualifications set forth in FLPMA, including those providing for the continuation of existing uses in wilderness study areas.
7. Advocate the expeditious resolution of wilderness designation for the BLM WSAs in DASWCD.
8. Review current wilderness recommendations on the impacts on natural resource-based industries, the economic stability, the custom and culture of the citizens of DASWCD, the ability to develop water resources and to intensively manage rangeland resources.
9. Recommend the release of wilderness study areas that were not recommended for wilderness from non-impairment management and push for an end to the informal de facto wilderness management of other "study areas."
10. Ensure that a wilderness designation does not affect state authority over water resources and that New Mexico's substantive and procedural laws controlling appropriation and allocation of water resources remain the primary authorities governing the waters in District regardless of wilderness designation. Enforce determination that wilderness designation does not create a reserved water right.
11. Protect any interests in ditches, reservoirs or water conveyance facilities and easements or rights-of-way associated with those interests from impairment or diminution by any wilderness or other special use designations.
12. Reaffirm that the rights to access, enter, inspect, repair and maintain those interests are not affected by any future wilderness designation, including the use of mechanized vehicles and equipment for repairs and maintenance of such facilities.

13. The DASWCD supports resolution of the wilderness issue by Congress and release of the remaining wilderness study areas to multiple-use management. The DASWCD 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 Visual Resources

Visual resources in DASWCD are a composite of landforms, human and animal life forms, water features, cultural features, terrain, geologic features and vegetative patterns that create the visual environment. These visible physical features are important to the landscape and the scenic quality of Doña Ana County.

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

There is a risk that BLM land use plans will use VRM classes to restrict land uses, rather than having the VRM class reflect the permitted land uses. When that occurs, the VRM classes may restrict livestock grazing, by managing the viewshed to be natural or like wilderness even though the land use plan otherwise permits livestock grazing.

Goal: Support the protection of the visual resource while maintaining economic stability and the underlying land use allocations. Protect private land uses and state land rights and federal land use allocations by adjusting VRM classifications to be consistent with the land uses.

Guidance: VRM classifications should be narrowly tailored to reflect previous and current land use decisions and appropriate land uses.

Objectives:

- 1.** Coordinate with local, state and federal planning actions that affect the visual resource and VRM classifications that affect land uses.
- 2.** Oppose the use of VRM classifications that will impair or impede land uses on private and state lands.
- 3.** Oppose the use of VRM classifications that undercut the federal land use allocation, including grazing permits, special use permits, and oil and gas leases.

1.4.2.16 Resource Management Plans (RMP)

Goal: RMPs are the guiding management plans for the majority of lands within the District. As such, they are hugely important to the citizenry and the resource base as set forth in the Act. One of the most important duties of the District is to interact with any agency with the intention of updating or making changes to the local RMPs. The goal is to diligently protect the resource base as set forth in the Act.

Guidance: 43CFR 1610.3-2(e) sets forth the protocol for maintaining consistency between the local land use plan and the RMP. A consistency review is the outcome.

Objectives:

1. The District will coordinate with BLM and other agencies in the matter of RMPs.
2. The District will use its authority to submit Consistency Reviews to the Governor.
3. The District will use its authority to guide and make recommendations to the Governor.

1.4.2.17 Watershed Management

The majority of New Mexico's watersheds 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 increase of invasive species 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 climactic variations.

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

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

Goal: DASWCD projects will be designed to contribute to healthy watersheds that provide a reliable supply of high-quality water and other benefits for New Mexico by implementing long term, coordinated, comprehensive watershed-scale restoration projects that foster ecosystem function and resilience.

Guidance: The Watershed Protection and Flood Prevention Act of 1964 states: Purpose, Section 1. Erosion, floodwater and sediment damages in the watersheds of the rivers and streams of the United States, causing loss of life and damage to property, constitute a menace to the national welfare; it is the sense of Congress that the Federal Government should cooperate with the States and their political subdivisions, soil and water conservation districts, flood prevention or control districts and other local public agencies for the purpose of preventing such damages, of furthering the conservation, development utilization and disposal of water, and the conservation and utilization of land and thereby of preserving, protecting, and improving the Nation's land and water resources and the quality of the environment.

Objectives:

1. Support maintenance, protection, and/or enhancement of existing water quality in the context of watershed management and development.

2. Protect and enhance the quantity of water by promoting and expanding the efficient management of rangelands and forests and the use of water resources for healthy watersheds.
3. Support community-based coordination with stakeholders.
4. Integration of Best Management Practices that incorporate peer-reviewed science.
5. Expedited implementation of watershed and landscape restoration and enhancement projects at the site-specific and landscape levels.
6. Promote flexibility in authorities and programming.

1.4.2.18 Travel Management Plan

The roads within the District are hugely important. The placement and construction of roads has been predicated on more than 150 years of history. Routes are not random and arbitrary, and have been placed or engineered on the basis of accessing points of water and accompanying infrastructure, watershed maintenance, farm to market links, residential development, points of interest, outdoor pursuits, public utilities, mineral and or gravel deposits, private and public rights-of-way, health and human safety networks, communication links, administrative demarcations, range assessments, and border security access.

Such widespread networks include but are not limited to trails, two tracks, maintained gravel roads, unimproved gravel roads, surfaced roads, and ways of all sorts that accommodate the customs and culture of the landscape as well as support the current and future economy and security of the District as a whole.

Travel management is a critical concern and cannot be arbitrarily altered, modified, expanded or halted without input and assessment of the macro needs of the constituents of the District and the governing board.

DASWCD advocated all Federal, State and local governments to adhere to all applicable laws and customs governing the management, maintenance, and perpetuation of the network of roads, trails and Off Highway Vehicle areas within the District. DASWCD expects changes will not be arbitrary and shall adhere to established rules governing transparency and decision making.

All open trails and roads shall be designated as open. Full open access shall be made available to the public lands for local purposes such as safety, health, economics, and use of recreation as assured by all applicable Federal Statutes and Executive Orders of the President. No road or trail shall be closed unless public safety or health demands its closing. No RS 2477 rights of way shall be closed.

Consideration of road closures shall be a coordinated process involving local governments, including but not limited to, Doña Ana County, Doña Ana County Sheriff's Department, Doña Ana Soil and Water Conservation District, Elephant Butte Irrigation District, Search and Rescue, EMS, and the Fire Department.

Goal: DASWCD will coordinate at the regional, watershed, and project level with the Bureau of Land Management (BLM) during Travel Management Planning activities.

Guidance: The Federal Lands Policy and Management Act of 1976, Multiple-Use, Sustained Yield Act of 1960, National Environmental Policy Act of 1969, Public Rangelands Improvement Act of 1978, The Mining Act of 1866 (most specifically Section 8 thereof), various policy manuals and the Soil and Water Conservation Act of 1977 require adherence to local land use planning for matters affecting the health, safety, welfare, and tax base of the district citizenry. This is a general matter that reflects the statutory requirement to prevent the economic disruption and harm to the local customs and culture of the District.

Among other things, the Wilderness Act of 1964 (Public Law 88-577) generally prohibits the use of motor vehicles in wilderness. The law contains special provisions for motor vehicle use when required in emergencies or as necessary for the administration of the area. Motor vehicles may also be permitted for special uses such as access to private inholdings, to support grazing, or to exercise valid existing rights.

Objectives:

1. Advocate that all established roads are maintained or even enhanced especially the national security avenues along the border and within the Organ Mountain Desert Peaks National Monument.
2. Support community based coordination with stakeholders.
3. Protect private and public rights of access and or restrictions thereof.
4. Maintain all decisions for travel management on the basis of local plans and customary and historical use of ways.
5. DASWCD expects BLM to follow its Travel Management priorities which state "Comprehensive travel management planning should address all resource use aspects, including recreational, traditional, casual, agricultural, commercial, and educational. As such, this involves more than motorized or off-highway vehicle activities, and includes the travel needs for all BLM administered resource management programs for such purposes of mineral extraction, energy production, livestock grazing, wildlife enhancement projects and recreation.
6. DASWCD expects BLM to address travel needs for private inholdings, grazing permittees, industry, and state and local administrative actions that require access to BLM public lands.

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 DASWCD. This Land Use Plan shall be the basis for enforcing FLPMA and NFMA consistency requirements for public land management.

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

References:

The themes and the contents of any long-range plan will not be concluded within this Plan. Rather, the conceptual integrity of such an undertaking will be based on more than 75 pieces of legislation that govern Agriculture and the defined underpinning resources of soil and water. A partial list of those legal guidelines are included but not limited to the following:

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

And others notwithstanding the ongoing nature of this Plan.

“In the implementation of this [Act], the Secretary [of Agriculture] shall utilize information and data available from other Federal, State, and local governments” . . . [including DASWCD] 16 U.S.C. § 2008 “Presidential Executive Order 12372 as amended by EO12416 . . . Intergovernmental Review of Federal Programs.”

Congress has mandated stabilization of soil and water through the Soil and Water Resources Conservation Act . . . “Recognizing that the arrangements under which the Federal Government cooperates . . . through conservation districts, with other local units of government and land users, have effectively aided in the protection and improvement of the Nation’s basic resources . . . it is declared to be policy of the United States that arrangements and similar cooperative arrangements be utilized to the fullest extent practicable . . .” 16 U.S.C. § 2003

“Presidential Executive Order 12630 . . . Governmental Actions and Interference with Constitutionally Protected Property Rights.”

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.” 33 U.S.C. § 1251(g).

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. 43 C.F.R. §1610.3-1.

BLM is required to follow the consistency and coordination requirements of the Federal Lands Policy Management Act (FLPMA) when the Secretary is making decisions directly affecting the actual management of the public lands, whether formally characterized as “resource management plan” activity or not. *Uintah County, Utah V. Norton*, Civ. No. 2:00-CV-0482J (Memorandum Opinion, Sept. 21, 2001 citing *State of Utah v. Babbitt*, 137F. 3d 1193, 1208 (10th Cir. 1998).

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. 43 C.F.R. §1610.3-2(e). Agencies are obligated to take all practical measures to resolve conflicts between federal and local government land use plans. 43.C.F.R. §§1610.3-1C, (2),(3).

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,” 43.C.F.R. §1610.3-1(e).

“The mandate of the Taylor Grazing Act is not furthered by management practices designed to reduce grazing in order to improve the range”.

“The Public Rangelands Improvement Act of 1978 provides that the Secretary of Interior “shall manage the public rangelands in accordance with the Taylor Grazing Act, FLPMA, and other applicable law consistent with the public rangelands improvement program pursuant to this act.” 43U.S.C. §1901-1908.

“The Act authorized the Secretary to issue grazing permits on a preferential basis with preference to be given to those landowners engaged in the livestock business.” Taylor Grazing Act of 1934 43 U.S.C. 315.

Agencies are obligated to coordinate its planning processes with local government land use plans. 43 C.F.R. § 1610.3-1 (a).

Prior to BLM resource management plan or management framework plan approval, the BLM shall submit a list of known inconsistencies between the BLM plans and local plans to the governor. 43.C.F.R. § 1610.3-2(e)

“The goal of such management shall be to improve the range conditions of the public (federal) rangelands so that they become as productive as feasible in the accordance with the rangeland management objectives established through the land use planning process . . .” FLPMA, 43 U.S.C. § 1903.

The Secretary “shall manage the public rangelands in accordance with the Taylor Grazing Act”, Public Rangelands Improvement Act of 1978, 43 U.S.C. § 1901-1908.

The Taylor Grazing Act of 1934, 43 U.S.C. § 315, was passed primarily to provide stabilization of the western livestock industry.




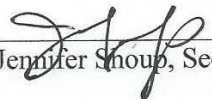
Doña Ana Soil and Water Conservation District

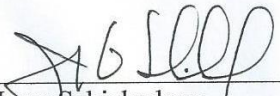
The Doña Ana Soil and Water Conservation District
(DASWCD) formally adopted this Land Use Plan on
December 10, 2015.

DASWCD Board of Supervisors

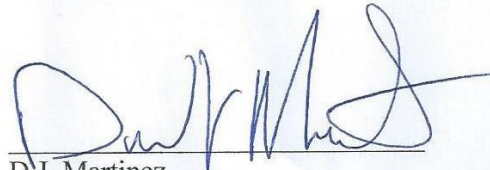

Joe Delk, Chairman

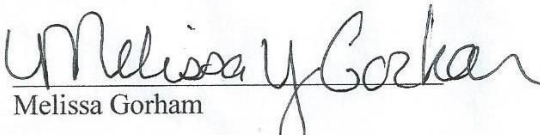

Steve Wilmeth, Vice-Chairman


Jennifer Shoup, Secretary/Treasurer


Jerry Schickedanz

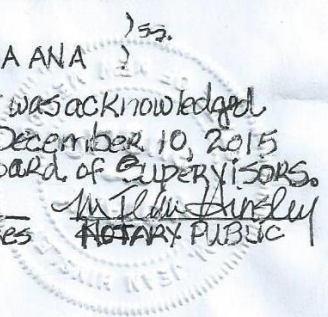

Dudley Williams


D.J. Martinez


Melissa Gorham

STATE OF NEW MEXICO)

COUNTY OF DONA ANA)
32

This instrument was acknowledged
before me on December 10, 2015
by DASWCD Board of Supervisors.
12-21-2018
My Commission Expires

NOTARY PUBLIC




Doña Ana Soil and Water Conservation District


The Doña Ana Soil and Water Conservation District
(DASWCD) formally adopted this Land Use Plan on
January 22, 2015.


DASWCD Board of Supervisors


Joe Delk, Chairman


Steve Wilmeth, Vice-Chairman

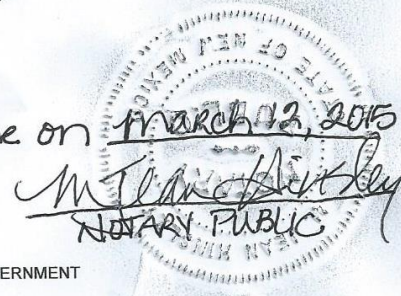

Jennifer Shoup, Secretary/Treasurer


Sam Calhoun


Dudley Williams


D.J. Martinez

State of New Mexico)
County of Dona Ana } ss.
This instrument was acknowledged before me on MARCH 12, 2015
by the listed individuals
my Commission Expires : 12/21/18



CONSERVATION • DEVELOPMENT • SELF-GOVERNMENT



Doña Ana Soil & Water Conservation District

— LAND USE PLAN —

Adopted July 14, 2011

DASWCD Board of Supervisors

Original signed by:
Joe Delk, Chairman

Original signed by:
Ed Provencio, Vice-Chairman

Original signed by:
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