



December 20, 2023

U.S. Bureau of Land Management
New Mexico State Office
Attn: Melanie Barnes, State Director
301 Dinosaur Trail
Santa Fe, NM 87508

Submitted via e-Planning: <https://eplanning.blm.gov/eplanningui/project/2026232/510>

Re: Comments on Draft EA; Q2 2024 Competitive Oil and Gas Lease Sale – BLM, Pecos District Office; DOI-BLM-NM-P000-2023-0002-EA

Dear Bureau of Land Management:

New Mexico Wilderness Alliance (New Mexico Wild) is a nonprofit organization dedicated to the protection, restoration, and continued enjoyment of New Mexico's wildlands and wilderness areas, with thousands of members across the state. We appreciate this opportunity to provide comments on the draft EA for Q2 2024 Competitive Oil and Gas Lease Sale on lands managed by the BLM Pecos District Office proposed by the New Mexico State Office of the Bureau of Land Management (BLM). These comments are timely submitted by December 20, 2023.

As raised during previous lease sales and in our scoping comments for this lease sale, we continue to strongly oppose BLM's nomination of parcels in or near areas that have been designated for the protection of important resource values and areas that have been proposed for or merit administrative designation for the protection of important resource values. Specifically, we highlighted in our scoping comments that ten of the nineteen parcels included on the June 2024 Oil and Gas Preliminary Parcel List for New Mexico conflict with a designated ACEC, a proposed ACEC, or an area that may merit administrative designation and management as Lands with Wilderness Characteristics (LWCs). We are extremely disappointed that all ten of these parcels have been carried forward into the draft EA for this project. The BLM's nomination of these parcels contravenes the spirit and intent of the Biden Administration's Executive Order on Tackling the Climate Crisis at Home and Abroad, the Department of Interior's America the Beautiful Initiative, the BLM's proposed Conservation and Landscape Health Rule, and the BLM's proposed Fluid Mineral Leases and Leasing Process Rule. Furthermore, it is shameful that the BLM continues to consistently degrade existing and potential protected areas through its oil and gas leasing program. We strongly urge the BLM to not lease any parcels that conflict with existing designated areas or areas that merit one or more administrative designations.

Wilderness | Wildlife | Water

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I. The BLM Should Not Lease Parcels Within Existing ACECs.

Preliminary proposed sale parcels NM-2024-06-6819 and NM-2024-06-6831 are located within the Chosa Draw Caves Complex ACEC, which was designated in the 1988 Carlsbad Resource Management Plan (RMP).¹ This ACEC “contains 2,200 acres of hydrologically important gypsum karst. It has significant caves, sinking streams, springs, and numerous sink holes. The area is sensitive to soil erosion and surface disturbing activities. The cave resources provide recreational opportunities as well as habitat for cave adapted animal species and point sources for ground water recharge.”² The management goal for the Chosa Draw Caves Complex ACEC is “to protect the sensitive karst resources and fragile surface to subsurface interactions. Of primary importance is protection of this significant hydrologic area. Other management goals are to enhance cave based recreation, education, and scientific use opportunities.”³

It is well established that oil and gas development poses a threat to subterranean cave and karst resources because these landscapes are fragile and extremely vulnerable to surface impacts. Additionally, the road construction, use, and maintenance typically required for mineral development can significantly impact cave and karst systems because roads contribute to erosion and sedimentation of water bodies, and road impacts often outlive the industries they serve.

Karst aquifers are recharged by rainwater moving rapidly through fractures in the bedrock and sometimes through open conduits and cave passages that transport water into the groundwater system. There is often little filtering of the water as it makes its way through cave and karst resources. As a result, contaminants from accidental leaks or spills from industrial processes can easily move from the surface into the aquifer system from leaky well casings, pipelines, and tanks or other hazardous materials spills. Groundwater tracing in the karst area near Carlsbad Caverns has shown the potential for pollutants from industrial leaks and spills to travel through the complex underground network of fractures and joints within the limestone and gypsum into drinking water supplies.⁴

Although the Carlsbad RMP includes a management prescription to “apply no surface occupancy (NSO) stipulation to future oil and gas leases on 1,160 acres,”⁵ it is unclear if or where these 1,160

¹ U.S. Dep’t of Interior, BLM Roswell District, NM, Carlsbad Resource Management Plan (Sept. 1988), available at https://eplanning.blm.gov/public_projects/lup/64444/97039/117201/PDO_-_CFO_-_1988_-_Carlsbad_RMP.pdf [hereinafter 1988 Carlsbad RMP].

² 1988 Carlsbad RMP, Appx. C – Special Management Areas, p. C-6.

³ *Id.*

⁴ Geologic Resources Division, Natural Resource Program Center (2007). Carlsbad Caverns National Park Geologic Resource Evaluation Report. Natural Resource Report NPS/NRPC/GRD/NRR. Denver, CO.

⁵ 1988 Carlsbad RMP, Appx. C – Special Management Areas, p. C-6.



acres overlap with the proposed lease sale. Furthermore, because the Chosa Draw Caves Complex ACEC was established specifically to protect cave and karst resources and it is well understood that oil and gas drilling has a high potential to adversely impact cave and karst resources, the proposed lease parcels within the ACEC (NM-2024-06-6819 and NM-2024-06-6831) should be removed from the lease sale.

II. The BLM Should Not Lease Parcels in Areas with Pending ACEC Nominations.

Nine parcels nominated for lease sale are located within two ACECs nominated by New Mexico Wild during scoping for the Carlsbad RMP revision in 2010 and 2011, and about which the BLM has yet to make a designation decision. Specifically, parcels NM-2024-06-0461, NM-2024-06-6819, NM-2024-06-6831, NM-2024-06-6832, and NM-2024-06-6835 are located within the proposed Chihuahuan Desert Rivers ACEC,⁶ and parcels NM-2024-06-0453, NM-2024-06-0454, NM-2024-06-6821, and NM-2024-06-6829 are located within the proposed Salt Playas ACEC.⁷ New Mexico Wild took care to develop nominations that met BLM requirements, draw accurate maps that would protect relevant and important values, meet with BLM and other stakeholders during the nomination process, and visit the areas on the ground. In the ongoing resource management planning process, the BLM found that both ACECs possess relevant and important values, as outlined in BLM's ACEC manual, and the BLM included both within the alternatives and discussion set forth in the draft resource management plan and environmental impact statement issued in 2018.⁸

The Chihuahuan Desert Rivers ACEC, totaling approximately 103,800 acres along the Texas border, includes the riparian corridors of the Delaware, Pecos, and Black rivers. New Mexico Wild submitted the nomination in recognition of the scarcity of water in desert ecosystems and to protect the area's outstanding biodiversity, including listed state species, BLM sensitive species, and possibly a federally listed species, the Texas Hornshell Mussel. The National Audubon Society has designated the Delaware River as an Important Bird Area, noting that this is one of the few sites in Eddy County with native cottonwood/riparian area.⁹ It is important to note that this ACEC is

⁶ N.M. Wilderness Alliance, Proposal for the Designation of Chihuahuan Desert Rivers Area of Critical Environmental Concern, attached [hereinafter Chihuahuan Desert Rivers ACEC Nomination].

⁷ N.M. Wilderness Alliance, Proposal for the Designation of Salt Playas Area of Critical Environmental Concern in the Carlsbad Field Office, attached (hereinafter Salt Playas ACEC Nomination).

⁸ Dep't of Interior, BLM Carlsbad Field Office, Pecos District, NM, Draft Resource Management Plan and Environmental Impact Statement, Vol. I. pp. 2-51, 2-52 (Aug. 2018), *available at* [https://eplanning.blm.gov/public_projects/lup/64444/153042/187358/BLM_CFO_Draft_RMP_-_Volume_I_-_EIS_-_August_2018_\(1\).pdf](https://eplanning.blm.gov/public_projects/lup/64444/153042/187358/BLM_CFO_Draft_RMP_-_Volume_I_-_EIS_-_August_2018_(1).pdf).

⁹ National Audubon Society, Important Bird Areas,



also the site of Chevron’s Hayhurst Master Development Plan, and the subject of an IBLA appeal brought in 2016 by New Mexico Wilderness Alliance, The Wilderness Society, and National Parks Conservation Association. This IBLA appeal ultimately resulted in settlement discussions and an agreement between Chevron, BLM, and conservation groups which emphasized the critical importance of this area.

The Salt Playas ACEC, totaling approximately 58,000 acres, would protect Carlsbad’s salt lakes, which serve as essential stops for migratory shore birds and as water recharge areas that accumulate rain and snow. Most of the salt playas contain water year-round, and many have a spring system associated with them. These salt playas provide a type of habitat that is very limited but vital to the overall biodiversity in southeast New Mexico, and the list of shorebirds that use them in the Carlsbad area may be unequalled by any other site in the state. The salt playas also have significant archeological and historical value. Unfortunately, people often use these areas for waste disposal. Over the years, the areas nominated for ACEC designation have been impacted by increasing oil and gas development in the Permian Basin, despite our request in the initial nominations (and many subsequent requests) that BLM use its authority under BLM Manual 1613 to use interim management to treat the nominated ACECs as if they had already been designated to preserve the relevant and important values contained in each.¹⁰

The BLM’s obligation under FLPMA to “give priority to the designation and protection of areas of critical environmental concern”¹¹ dictates that the BLM cancel the proposed lease sale parcels within proposed ACECs. The fact that the ACECs are under consideration for designation in the draft Carlsbad RMP shows that the BLM has found these areas meet the relevance and importance criteria for ACEC designation and contain important public lands resources. BLM’s ACEC manual requires that all areas which meet the relevance and importance criteria must be “fully considered” for designation in resource management planning.¹² Authorizing the sale of these parcels precludes the BLM’s ability to fully consider the designation of these ACECs and risks a future determination that oil and gas impacts have eliminated their relevant and important values.

https://gis.audubon.org/portal/apps/sites/?_gl=1*6yjh7p*_ga*MTAxOTMxODQ2OS4xNjg3NTMzOTQ0*_ga_X2XNL2MWTT*MTY5NTE1ODc0OC4xMC4wLjE2OTUxNTg3NDguNjAuMC4w#/nas-hubsite

¹⁰ Chihuahuan Desert Rivers ACEC Nomination, *supra*, p. 9 (“While this proposal is under consideration, BLM should use its authority under BLM Manual 1613, .21E (Provide Temporary Management of Potential ACEC, if Necessary) to treat this area as if the ACEC has already been designated and comply with all management prescriptions. This will ensure that no further degradation of this area occurs before it is officially designated an ACEC through the Resource Management Plan revision.”).

¹¹ 43 U.S.C. § 1712(c)(3).

¹² BLM Manual 1613, Areas of Critical Environmental Concern, part .21 (Sept. 1988), *available at* https://www.ntc.blm.gov/krc/system/files?file=legacy/uploads/5657/5_1613_ACEC_Manual%201988.pdf.

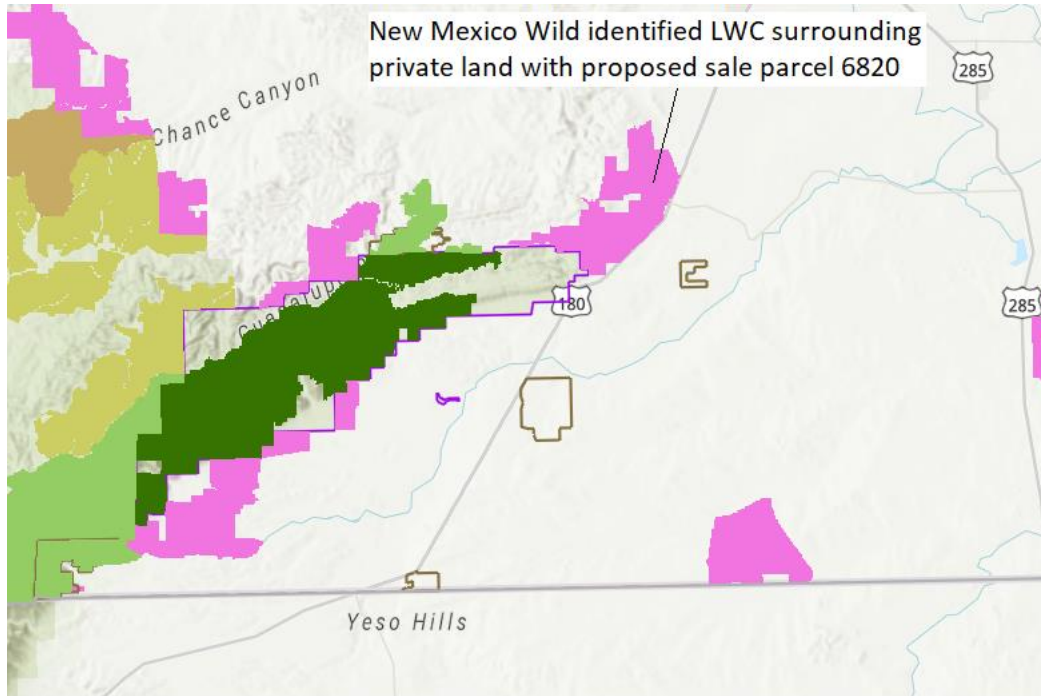


The BLM should cancel the proposed lease sale of parcels NM-2024-06-0461, NM-2024-06-6819, NM-2024-06-6831, NM-2024-06-6832, NM-2024-06-6835 within the proposed Chihuahuan Desert Rivers ACEC, and parcels NM-2024-06-0453, NM-2024-06-0454, NM-2024-06-6821, and NM-2024-06-6829 within the proposed Salt Playas ACEC. Additionally, the BLM should follow the direction in Manual 1613 to provide interim management for these nominated ACECs, including special management prescriptions that preclude new oil and gas leasing, until the evaluation is completed through the BLM's planning process.

III. The BLM Should Not Issue Leases that Impact Lands with Wilderness Characteristics or National Park Units.

One parcel proposed for lease sale, NM-2024-06-6820, is located on private property (split estate) surrounded by public lands identified by New Mexico Wild as possessing wilderness characteristics during inventories conducted between 2005 and 2010. While it is likely that portions of this citizen identified LWC have been impacted by oil and gas drilling during the time that has passed since we conducted our inventory, it is also likely that portions of the area still retain wilderness characteristics that could be lost as a result of access to and/or development of the sale parcel.

The citizen identified LWCs, including the lands surrounding proposed sale parcel NM2024-006-6820, are shown in pink on the figure below.



Under BLM Policy Manual 6310, the BLM must maintain an inventory of all public lands and their resources and other values, including lands with wilderness characteristics (LWCs), on a continuing basis. Further, this Policy Manual states that BLM will determine when it is necessary to update its wilderness characteristics inventory, including when the public or BLM identifies wilderness characteristics as an issue when the BLM is conducting a NEPA analysis, when the BLM is undertaking a land use planning process, or when the BLM has new information concerning resource conditions, including wilderness characteristics information submitted by the public, among other reasons.¹³

In addition to being located within an area identified as having wilderness characteristics, this proposed sale parcel is located less than three miles from the boundary of Carlsbad Caverns National Park. Not only would the development of this sale parcel risk impacting the cave and karst resources that Carlsbad Caverns National Park was established to protect, the sale and development of this parcel could also have other direct impacts on park resources, including adverse impacts to night skies and wildlife caused by methane flaring.

¹³ BLM Policy Manual 6310 – Conducting Wilderness Characteristics Inventory on BLM Lands, 1.6 Policy, A. Maintaining the Inventory, pp. 1-2 to 1-3.



Given the above, parcel NM-2024-06-6820 should be removed from this lease sale and should not be proposed for future lease sales unless and until the BLM completes an LWC inventory on surrounding public lands. Moreover, the BLM should close this area to oil and gas leasing if the BLM conducts an inventory and concurs that surrounding lands have wilderness characteristics or concludes that the development of this parcel could adversely impact resources within Carlsbad Caverns National Park.

IV. Conclusion and Recommendations

Proceeding with lease sales in existing ACECs, proposed ACECs, potential LWCs, or in close proximity to Carlsbad Caverns National Park would violate the purpose and intent of the Biden Administration’s Executive Order on Tackling the Climate Crisis at Home and Abroad, the Department of Interior’s America the Beautiful Initiative, the BLM’s proposed Conservation and Landscape Health Rule, and the BLM’s proposed Onshore Oil and Gas Leasing Rule.

Acknowledging the ongoing and deepening climate and mass extinction crises, President Biden’s Executive Order on Tackling the Climate Crisis at Home and Abroad directs the Secretary of the Interior, in consultation with other leaders in the federal government, to recommend steps to conserve at least 30 percent of our lands and waters by 2030.¹⁴ The Department of Interior’s America the Beautiful Initiative similarly implores that “we work together to conserve, connect, and restore 30 percent of our lands and waters by 2030 for the sake of our economy, our health, and our well-being.”¹⁵

In its proposed rule for Conservation and Landscape Health,¹⁶ the BLM seeks to protect intact landscapes, restore degraded habitat, and make wise management decisions based on science and data. To support these activities, the proposed rule would clarify that conservation is a “use” on equal footing with other uses within FLPMA’s multiple-use framework. The rule would also revise the existing ACEC regulations to better meet FLPMA’s requirement that the BLM prioritize the designation and protection of ACECs.

In its proposed rule for Fluid Mineral Leases and Leasing Process,¹⁷ the BLM seeks to incorporate preference criteria into its onshore oil and gas regulations. These preference criteria would assist the BLM with its consideration of lease sale parcels and decrease conflicts with other uses and

¹⁴ Executive Order 14008: Tackling the Climate Crisis at Home and Abroad, Sec. 216 (Jan. 27, 2021), available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>.

¹⁵ U.S. Dep’t of Interior, America the Beautiful, available at <https://www.doi.gov/priorities/america-the-beautiful>.

¹⁶ Dep’t of Interior, BLM, Conservation and Landscape Health, 88 Fed. Reg. 19583 (Apr. 3, 2023).

¹⁷ Dep’t of Interior, BLM, Fluid Mineral Leases and Leasing Process, 88 Fed. Reg. 47562 (July 24, 2023).



resources. Under the criteria, the BLM should generally avoid leasing lands with important fish and wildlife habitats or connectivity areas; historic properties, sacred sites, or other high value cultural resources; or the presence of recreation and other important uses or resources. Recent guidance already directs the BLM to consider these factors.¹⁸

As described above, we are concerned that the proposed Chihuahuan Desert Rivers ACEC and Salt Playas ACEC have been impacted by ongoing oil and gas leasing by the BLM, and associated development. Similarly, the New Mexico Wild identified LWCs described above have likely been impacted by oil and gas development. The age of the 1988 Carlsbad RMP has played a role in allowing this degradation to occur. Its grossly outdated management guidance does not acknowledge or address climate change, increasingly severe loss of biodiversity, increasing development and habitat fragmentation on federal public lands, or other related issues. Additionally, due to the age of this RMP, potential and proposed ACECs, LWCs, and other lands important for conservation have not been protected through the BLM's planning process and have suffered from ongoing and increasing impacts from oil and gas development and other land uses.

Currently, there are approximately 1.7 million acres of designated Wilderness in New Mexico. The total acreage of National Parks, National Monuments, National Preserves, National Historical Parks, National Conservation Areas, and National Recreation Areas in New Mexico is approximately 1.6 million acres, which includes approximately 420,000 acres designated as Wilderness. In sum, without double counting overlapping Wilderness acreages, there are approximately 2.88 million acres of federal lands protected as Wilderness, National Parks, National Monuments, National Preserves, National Historical Parks, National Conservation Areas, and National Recreation Areas in New Mexico, equating to approximately 3.7% of the State. New Mexico Wild has identified approximately 6 million acres of additional land through on-the-ground inventory and agency data that we believe would qualify for wilderness designation (including existing ACECs), equating to approximately 7.7% of the State. Together, existing and potential protections on federal land in New Mexico total approximately 11.4% of the State – a far cry from the 30% of lands and waters specified in the President's Executive Order on Tackling the Climate Crisis at Home and Abroad.

In furtherance of the public interest and the policies of the Biden administration, the BLM should avoid new oil and gas leasing on our remaining intact landscapes of conservation value. As described above, we need all these intact lands to meet our climate and biodiversity goals. We

¹⁸ Dep't of Interior, BLM, Instructional Memorandum 2023-007, *Evaluating Competitive Oil and Gas Lease Parcels for Future Lease Sales* (Nov. 21, 2022), available at <https://www.blm.gov/policy/im-2023-007>.



cannot afford to continue degrading existing designated and protected areas, or undeveloped lands and habitats meriting additional protection.

We implore the BLM to remove proposed lease sale parcels NM-2024-06-0453, NM2024-06-0454, NM-2024-06-0461, NM-2024-06-6819, NM-2024-06-6820, NM-2024-06-6821, NM-2024-06-6829, NM-2024-06-6831, NM-2024-06-6832, and NM-2024-06-6835 from the New Mexico Q2 2024 Competitive Oil and Gas Lease Sale. Moreover, in the future the BLM should avoid proposing lease sales in areas with high conservation value that are under existing or potential administrative protection.

Sincerely,

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