August 28, 2024

Submitted electronically via BLM e-Planning project website:
https://eplanning.blm.gov/eplanning-ui/project/64954/570

Tracy Stone-Manning
BLM Director
Attention: Protest Coordinator (HQ210)
Denver Federal Center, Building 40 (Door W-4)
Lakewood, CO 80215

Re: Protest Regarding Rio Puerco Field Office Proposed Resource Management Plan and Final Environmental Impact Statement

Dear Director Stone-Manning,

Pursuant to 43 C.F.R. § 1610.5-2, the New Mexico Wilderness Alliance (New Mexico Wild) protests the portions of the Rio Puerco Field Office Proposed Resource Management Plan (RMP) and Final Environmental Impact Statement (FEIS)[1] that address the management of Lands with Wilderness Characteristics (LWCs), including travel management decisions that affect LWCs. New Mexico Wild is a 501(c)(3) nonprofit organization dedicated to the protection, restoration, and continued enjoyment of New Mexico's wild lands and wilderness areas. New Mexico Wild has a long-standing interest in the management of Bureau of Land Management (BLM) lands in New Mexico and engages frequently in the decision-making processes for land use planning and project proposals that could potentially affect wilderness-quality lands and other important natural and cultural resources managed by the BLM in New Mexico.

New Mexico Wild has participated throughout the Rio Puerco planning process, with a focus on the protection of LWCs. On May 30, 2008, New Mexico Wild submitted scoping comments regarding the need to protect LWCs and to address travel management through this planning process,

[1] U.S. Dep't of Interior, BLM, Rio Puerco Field Office, Proposed Resource Management Plan Final Environmental Impact Statement (July 2024) [hereinafter Proposed RMP/FEIS].

among other things.[2] Also in 2008, New Mexico Wild submitted a Citizens' Wilderness Inventory report[3] and a proposal for a Special Recreation Management Area (SMRA) in the Petaca Pinta area.[4] In 2012, New Mexico Wild submitted comments[5] on the Rio Puerco Draft RMP and Draft EIS.[6]

New Mexico Wild has standing to submit this protest based on our participation in this planning process and because approval of the Proposed RMP and FEIS would adversely affect our interest in the LWCs managed by the Rio Puerco Field Office. New Mexico Wild's Staff Attorney, Sally Paez, is authorized to file this protest on behalf of the organization and its members. The BLM released the Proposed RMP and FEIS on August 9, 2024. This protest is timely submitted by September 9, 2024.

I. Statement of the Issues Being Protested

A. The BLM Should Protect the Wilderness Characteristics of all Lands with Wilderness Characteristics that BLM Identified in this Planning Process.

B. The BLM Erred by Proposing to Manage a Portion of the BLM-Identified LWCs as Open to Cross-Country Off-Highway Vehicle (OHV) Use.

C. The BLM Should Have Conducted a More Comprehensive Lands with Wilderness Characteristics Inventory During the Sixteen Year-Period that Elapsed between Scoping in 2008 and the Issuance of the Proposed RMP/FEIS in 2024.

II. Statement of the Parts of the Plan Being Protested

New Mexico Wild protests the parts of the Proposed RMP/FEIS that address the BLM's management of LWCs. The Proposed RMP/FEIS addresses management of LWCs in multiple

[2] **Attachment 1**, New Mexico Wilderness Alliance and The Wilderness Society, Rio Puerco RMP Scoping Comments (May 30, 2008).
[3] *See* **Attachment 2**, New Mexico Wilderness Alliance, BLM Wilderness Inventory, Colorado Plateau Region Inventory Complexes (2008).
[4] **Attachment 3**, New Mexico Wilderness Alliance and The Wilderness Society, Scoping Proposal for Petaca Pinta SRMA (Oct. 15, 2008).
[5] **Attachment 4**, New Mexico Wilderness Alliance, The Wilderness Society, Sierra Club – Rio Grande Chapter, WildEarth Guardians, New Mexico Sportsmen, Back Country Horsemen of New Mexico, and New Mexico ConservAmerica, Comments on Draft RMP/DEIS (Nov. 26, 2012); *see also* Proposed RMP/FEIS, Vol. 4, Appendix R, p. R-5 (identifying our comments as Comment Letter #90).
[6] BLM, Albuquerque District, Rio Puerco Field Office, Rio Puerco Resource Management Draft Plan & Environmental Impact Statement (Aug. 2012) [hereinafter Draft RMP/DEIS].

sections, including Volume 1, Part 2.2.8,[7] Part 3.10,[8] and Part 4.2.8[9]; Table 2-6[10] and Table 3-15[11]; and in Volume 4, Appendix R[12] and Appendix S.[13]

The BLM proposes to adopt Alternative C, which would not protect all BLM-identified LWC acreage and would open a portion of the LWCs to cross-country off-highway vehicle (OHV) travel. New Mexico Wild urges the BLM to adopt Alternative B, which would protect all BLM-identified LWC acreage, and to continue updating and maintaining a comprehensive LWC inventory, consistent with the laws, regulations, and policies that apply to the BLM.

III. Argument

A. The BLM Should Protect the Wilderness Characteristics of all Lands with Wilderness Characteristics Identified in this Planning Process.

New Mexico Wild's protest arises under the Federal Land Policy and Management Act of 1976 (FLPMA),[14] the Wilderness Act,[15] and BLM regulations[16] and guidance addressing management of LWCs. FLPMA directs the BLM to manage federal "public lands under principles of multiple use and sustained yield."[17] In doing so, the BLM must "protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; . . . preserve and protect certain public lands in their natural condition; [and] provide food and habitat for fish and wildlife."[18] Managing LWCs to protect wilderness characteristics furthers the BLM's ability to protect these related resources and values.

FLPMA imposes an affirmative legal duty on BLM to "prepare and maintain on a continuing basis an inventory of all public lands and their resource and other values (including, but not limited to, outdoor recreation and scenic values), giving priority to areas of critical environmental concern."[19]

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[7] Proposed RMP/FEIS, Vol. 1, pp. 2-26 to -29.
[8] *Id.* pp. 3-32 to -33.
[9] *Id.* pp. 4-37 to -41.
[10] *Id.* p. 2-27.
[11] *Id.* p. 3-33.
[12] *Id.* at Vol. 4, pp. R-51 to -55.
[13] *Id.* at Maps 2-14 to -16.
[14] Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. §§ 1701-1785.
[15] Wilderness Act of 1964, 16 U.S.C. §§ 1131 to 1136.
[16] *See generally* 43 C.F.R. Part 1600.
[17] FLPMA, 43 U.S.C. § 1732(a).
[18] *Id.* § 1701(a)(8).
[19] *Id.* § 1711(a).

BLM's inventory must include lands that have wilderness characteristics, as described in the Wilderness Act.[20] The BLM must keep this inventory "current so as to reflect changes in conditions and to identify new and emerging resource and other values."[21] Additionally, FLPMA mandates that BLM must inventory and consider LWCs during the resource management planning process.[22]

In 1980, in accordance with FLPMA, the BLM conducted a nationwide inventory of its lands for wilderness characteristics, which included the lands managed by the Rio Puerco Field Office.[23] "The 1980 inventory resulted in the designation of eight WSAs [Wilderness Study Areas]. A portion of the Ojito WSA was later designated as a Wilderness, while the others remain in WSA status."[24]

Early in this planning process, New Mexico Wild conducted a Citizens' Wilderness Inventory of lands managed by the BLM Rio Puerco Field Office, consistent with FLMPA and the Wilderness Act, and submitted the final inventory reports in 2008.[25] During the scoping period in 2008, New Mexico Wild met with the BLM[26] and urged the BLM "to study all the areas identified by the New Mexico Wilderness Alliance as having wilderness characteristics" and to "propose protective management to ensure the ongoing health of these lands and the maintenance of their wilderness characteristics."[27]

In 2010, the BLM updated the wilderness inventory for the Rio Puerco Field Office.[28] The BLM considered areas where changes to the landscape have occurred since the 1980 inventory, such as "land acquisition, road decommissioning, facility removal, and reclamation projects."[29] The BLM conducted an undated wilderness inventory in areas where these factors were identified."[30] The new inventory identified seven areas consisting of 37,514 acres (outside of designated Wilderness areas and WSAs) that had wilderness characteristics, as follows:

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[20] *Ore. Natural Desert Ass'n v. BLM*, 531 F.3d 1114, 1119 (9th Cir. 2008).
[21] FLPMA, 43 U.S.C. § 1711(a).
[22] *Id.*
[23] Proposed RMP/FEIS, Vol. 1, p. 3-32.
[24] *Id.* at 3-78.
[25] *See* **Attachment 2**.
[26] See BLM, Albuquerque District, Rio Puerco Field Office, Public Scoping Summary Report, Rio Puerco Resource Management Plan Revision/Environmental Impact Statement, pp. 25 (Sept. 2008) (documenting meeting between BLM and New Mexico Wild on April 21, 2008).
[27] *Id.* at 40-41.
[28] Proposed RMP/FEIS, Vol. 1, p. 3-32.
[29] *Id.*
[30] *Id.*

- Chamisa E (2,239 acres);
- Cimarron Mesa (7,329 acres);
- Ignacio Chavez A (2,462 acres);
- Ignacio Chavez B (1,541 acres);
- Ignacio Chavez C (72 acres);
- Petaca Pinta A (38 acres); and
- Volcano Hill (23,843 acres).[31]

In August 2012, the BLM released the Rio Puerco Draft RMP/DEIS, which proposed three categories for managing the LCWs identified during the inventory process: (1) protect wilderness characteristics; (2) minimize impacts to wilderness characteristics; and (3) not managed to protect wilderness characteristics.[32] In Draft Alternative B, the BLM proposed to protect wilderness characteristics on all 37,514 acres of BLM-identified LWCs. In the BLM's Preferred Draft Alternative C, the BLM proposed to protect wilderness characteristics on 26,110 acres, to minimize impacts to wilderness characteristics on 4,075 acres, and to not protect wilderness characteristics on 7,329 acres.[33] In our 2012 comments, New Mexico Wild and our partners urged the BLM to adopt Alternative B and to manage all 37,514 acres of BLM-identified LWCs to protect wilderness characteristics, noting that these LWCs comprise just 5% of the surface acreage managed by the Rio Puerco Field Office.[34]

In July 2024, twelve years after the release of the Draft RMP/DEIS, the BLM issued the final Proposed RMP/FEIS. The Proposed RMP/FEIS simplifies the three-category approach taken in the Draft RMP/DEIS by using only two categories for LWC management: (1) protect wilderness characteristics; and (2) emphasize multiple use.[35] LWCs managed to "emphasize multiple use" would receive no protection for wilderness characteristics.[36] LWCs that are managed to protect wilderness characteristics would be subject to the following management prescriptions:

- Close to extraction of leasable minerals.
- Close to mineral material sales.
- Recommend for withdrawal from locatable mineral entry.

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[31] *Id.* pp. 3-32 to 3-33.
[32] Draft RMP/DEIS, pp. 2-38 to 2-39.
[33] *Id.* at Table 2:14: Summary of Management Decisions for LWCs by Alternative.
[34] **Attachment 4**, p. 14.
[35] Proposed RMP/FEIS, Vol. 1, pp. 2-26 to 2-29.
[36] *Id.* p. 2-29; *see also* p. 2-27, Table 2-6, n.16 (explaining that the category of "not protected" in the DEIS was changed to "emphasize multiple use" in the FEIS "to reflect current policy and nomenclature. The on-the-ground management and effects are the same.").

- Retain public lands in federal ownership.
- Prohibit forest product removal.
- Close to travel, except for authorized use.
- Manage as ROW exclusion.
- Allow no new wildlife and range developments that are inconsistent with the maintenance of Wilderness characteristics.
- Allow for the maintenance of existing wildlife and range developments.
- Allow no new recreational developments.
- Allow surface-disturbing activities on a case-by-case basis when necessary for reclamation, emergencies, or valid existing rights. Include mitigation to minimize impacts on Wilderness characteristics.
- Manage as VRM II.[37]

Under the BLM's preferred alternative, Proposed Alternative C, the BLM would protect wilderness characteristics on only 26,610 acres of LWCs and would manage the remaining 10,800 acres of LWCs to emphasize multiple use.[38] The acreage proposed to be managed to emphasize multiple use constitutes about 29%, nearly a third of the total BLM-identified LWCs.

The BLM made changes to its proposed management of several of the LWC units between publication of the Draft RMP/DEIS and publication of the Proposed RMP/FEIS. We support BLM's elimination of the "minimize impacts to wilderness characteristics" category because having less categories will simplify management and further the public's ability to understand the rules that apply to an area.[39] We commend BLM for choosing to protect wilderness characteristics in Ignacio Chavez A, Ignacio Chavez B, and Ignacio Chavez C in its preferred Alternative C.[40] And we support the BLM's proposal to protect wilderness characteristics in a portion of Cimarron Mesa.[41] We oppose, however, the BLM's decision to remove protection for a portion of Volcano Hill, which would open the area to motorized travel on designated routes, and to designate portions of Cimarron Mesa as an open off-highway vehicle (OHV) play area.[42]

The LWCs that BLM proposes to manage to emphasize multiple use include 6,900 acres of the Volcano Hill unit (which consists of 23,800 total acres) and 3,900 acres of the Cimarron Mesa unit

[37] *Id.* p. 2-26.
[38] *Id.* p. 2-27.
[39] *Compare* Draft RMP/DEIS, Table 2.14, *with* Proposed RMP/FEIS, Table 2.6.
[40] *Id.*
[41] *Id.*
[42] Proposed RMP/FEIS, Vol. 1, p. 4-39.

(which consists of 7,300 total acres).[43] These LWCs would remain open to various types of surface disturbance, including fluid mineral development, extraction of salable minerals, and ROW authorizations. On the 6,900 acres of the Volcano Hill unit, the BLM would limit motorized travel to designated primitive roads and trails. Alarmingly, however, the 3,900 acres of the Cimarron Mesa unit "would be open to motorized travel," including unrestricted cross-country travel by off-highway vehicles (OHVs) and other motorized transportation.[44] Allowing motorized travel on 10,800 acres of LWCs will impact the wilderness characteristics of these lands and impact an array of other resources and values, as described further below.

Based on New Mexico Wild staff experience visiting and recreating in the Volcano Hill and Cimarron Mesa area, we are concerned that the topography and vegetation type in this area – coupled with its remote location – will allow increasing unauthorized motorized incursions and associated impacts in and around these LWCs if they are opened to motorized vehicle use (and particularly cross-country OHV use), even in part.

Additionally, the 10,800 acres of LWCs managed to emphasize multiple use would suffer significant degradation of visual and scenic resources because they would be managed as Visual Resource Management (VRM) Class IV, which allows "major modifications to the existing character of the landscape" and "high-level landscape changes."[45] As recognized in the Proposed RMP/FEIS, "When lands with wilderness characteristics are managed to VRM Class III or IV, wilderness values, such as naturalness, could be compromised."[46] The BLM's proposal to change the management of certain LWCs to VRM Class IV has the potential to result "in a high level of change to those acres."[47]

The BLM's own analysis in the Proposed RMP/FEIS demonstrates why it is irresponsible and inappropriate to allow surface-disturbing activities in LWCs, especially motorized or cross-country OHV use. First, whereas LWCs provide outstanding opportunities for solitude or primitive forms of recreation, "actions that create surface disturbance impact the natural character of these areas and the setting for experiences of solitude and primitive recreational activities."[48] "Motorized uses," in particular, "detract from opportunities for both solitude and primitive forms of recreation."[49]

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[43] *Id.* p. 2-27.
[44] *Id.* p. 4-39.
[45] *Id.*
[46] *Id.*
[47] *Id.* p. 4-116.
[48] *Id.* p. 4-37.
[49] *Id.*

Second, surface-disturbing activities, and especially motorized travel, cause significant adverse impacts to an array of natural and cultural resources and values that the BLM must protect under FLPMA. Regarding cultural resources, the "primary concern for adverse impacts . . . relates to surface and subsurface disturbance of the artifacts, features, and architecture of sites that reduce their integrity, alter their association with traditional values, and reduce the potential to recover data."[50] Regarding natural resources, as described in the Proposed RMP and FEIS, surface disturbance and motorized travel have significant adverse effects on paleontological resources,[51] riparian resources,[52] vegetative communities,[53] special status species,[54] and wildlife.[55] Given that Alternative C would cause significant adverse impacts to LWCs and an array of other resources and values, New Mexico Wild strongly objects to the proposal to manage 10,800 acres of LWCs to "emphasize multiple use."

Instead, the BLM should adopt Alternative B, which would protect wilderness characteristics on all 37,514 acres identified by the BLM and benefit many other resources and values. First, management to protect wilderness characteristics would benefit cultural and natural resources. As recognized in the Proposed RMP/FEIS, decisions that "restrict surface disturbance" or "close or limit travel" result in "[b]eneficial impacts on cultural resources."[56] Additionally, "managing lands to protect their wilderness characteristics . . . would benefit riparian resources by reducing direct disturbance of riparian habitat."[57] Protecting wilderness characteristics "would generally benefit special status species by reducing habitat degradation and fragmentation."[58] Protecting wilderness characteristics would also minimize adverse impacts on vegetative communities because "the primary indicator of impacts on vegetation is the acres of surface disturbance caused by management decisions regarding other resources."[59] BLM sensitive plant species are known to occur in the habitat present at Cimarron Mesa, and Alternative B would prevent Alternative C's "adverse impacts on rare plants, due to direct disturbance of vegetation by vehicular travel,"[60] and the contribution of OHV use "to habitat fragmentation and habitat degradation, including the spread of noxious weeds."[61] Alternative B would also have beneficial

[50] *Id.* p. 4-18.
[51] *Id.* p. 4-55.
[52] *Id.* p. 4-72.
[53] *Id.* p. 4-112.
[54] *Id.* p. 4-106.
[55] *Id.* p. 4-126.
[56] *Id.* p. 4-18.
[57] *Id.* p. 4-72.
[58] *Id.* p. 4-106.
[59] *Id.* p. 4-112.
[60] *Id.* p. 4-106.
[61] *Id.* p. 4-107.

impacts on paleontological resources because "[v]ehicle closures reduce the likelihood that fossil resources would be damaged by vehicles."[62]

Perhaps most significantly, protecting wilderness characteristics under Alternative B would benefit wildlife resources. "Volcano Hill (23,800 acres) and Cimarron Mesa (7,300 acres) are mainly composed of short to medium shrubby grasslands. These grasslands are prime habitat for pronghorn antelope, the species likely to be most affected by any of the alternative prescriptions. Cimarron Mesa has little piñon-juniper woodland and is low to moderate in tree density, which is potential habitat for elk and deer."[63] Adopting "Alternative B could positively impact wildlife through the restrictions on the development of mineral materials, travel, ROWs, livestock grazing, recreational developments, and surface disturbance activities. All of these actions have potential for disturbance or removal of wildlife habitat."[64]

In addition to benefiting cultural and natural resources, management to protect wilderness characteristics would support some of BLM's other management responsibilities. For example, closing areas to motorized travel "would have a beneficial impact on fire management" because "20 percent [of fire starts] are anthropogenic; therefore, closing portions of the Decision Area to travel would reduce human activity within those closed areas and possibly prevent fires caused by humans from occurring."[65] Managing lands to protect wilderness characteristics would also have beneficial impacts on grazing because "[r]estrictions on surface-disturbing activities within special designations promote improved vegetative communities and range conditions by reducing the likelihood that forage would be removed through development activities."[66] Additionally, based on the BLM's analysis, the proposal to restrict mineral development under Alternative B "would not result in an actual adverse impact on future mineral resource developments" because the LWCs in the planning area have low mineral potential.[67]

Finally, protecting wilderness characteristics would support local communities, local economies, and the visitor experience. Regarding social and economic conditions, management prescriptions to protect LWCs "maintain and perhaps enhance nonmarket values associated with natural

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[62] *Id.* p. 4-55.
[63] *Id.* p. 4-125.
[64] *Id.* p. 4-126.
[65] *Id.* p. 4-27.
[66] *Id.* p. 4-44. Note the potential for confusion on page 4-38 of the Proposed RMP/FEIS, which states, "Alternative B would not allow livestock grazing to occur within lands with wilderness characteristics." This is inconsistent with Table 4-29, which shows that under Alternative B, 34,270 acres would be available for livestock grazing within LWCs, and with Proposed RMP/FEIS Part 2.2.8.4.1, which does not include any grazing limitation within prescriptions for LWCs managed to protect wilderness characteristics.
[67] *Id.* p. 4-48

amenities protected on these lands" and "may attract new residents and tourists to the area, which would then contribute to area economic activity. Natural amenities and quality of life have been increasingly recognized as important factors in the economic prospects of many rural communities in the West[.]"[68] Similarly, "[l]ands with wilderness characteristics management decisions would have beneficial impacts on recreation and visitor services. These lands would provide increased recreational opportunities to user groups that prefer wilderness characteristics such as solitude and primitiveness[.]"[69]

The BLM should choose Alternative B to protect the LWCs that the BLM identified in this planning process, which comprise only 5% of the lands managed by the Rio Puerco Field Office, both to protect the wilderness resource and to benefit the other natural and cultural resources that BLM must protect under FLMPA.

B. The BLM Erred by Proposing to Manage a Portion of the BLM-Identified LWCs as Open to Cross-Country Off-Highway Vehicle (OHV) Use.

As explained in Section III.A above, BLM's preferred Alternative C would allow "cross-country OHV use and play (Open OHV)" on 3,900 acres of LWCs within the Cimmaron Mesa Special Recreation Management Area (SRMA), as well as in an additional 1,200-acre parcel.[70] We strongly object to the Open OHV designation on LWCs.

As a preliminary matter, we are disappointed that the BLM did not engage in comprehensive travel management planning as part of this planning effort and has postponed the completion of a Travel Management Plan (TMP).[71] The Proposed RMP/FEIS provides objectives to develop and implement comprehensive travel management planning at some unspecified time in the future and sets forth "limited management prescriptions" that would apply until a TMP is complete.[72] Based on the BLM's Land Use Planning Handbook, at a minimum the BLM should update the Final RMP to include a schedule for completing a TMP, which should not exceed five years.[73]

[68] *Id.* pp. 4-82 to 4-83.
[69] *Id.* p. 4-58.
[70] *Id.* at Vol. 2, Appendix P, p. P-13.
[71] *Id.* at Vol. 1, p. 2-122.
[72] *Id.*
[73] BLM Manual, Land Use Planning Handbook, H-1601-1, Appendix C, Section II.D, Comprehensive Trails and Travel Management (03/11/05) ("If the decision on delineating travel management networks is deferred in the land use plan to the implementation phase, the work normally should be completed within 5 years of the signing of the ROD for the RMP.").

Regarding the Proposed RMP/FEIS, the BLM's proposal to open LWCs to OHV use is inconsistent with the BLM's binding regulations and the interim travel management prescriptions set forth in the Proposed RMP/FEIS. The adverse impacts to federal public lands from OHV use, and particularly cross-country OHV use, were highlighted as a significant issue more than 50 years ago when in 1972 President Richard Nixon issued Executive Order 11644—Use of Off-Road Vehicles on the Public Lands. In that order, President Nixon directed the federal agencies to control and direct OHV use on public lands to ensure for the protection of resources, visitor safety, and user conflict.

The 1972 Executive Order served as the basis for and was codified into Title 43 C.F.R. 8340 – Off Road Vehicles. These regulations require BLM to "designate all public lands as either open, limited, or closed to off-road vehicles."[74] The BLM's designations must "be based on the protection of the resources of the public lands, the promotion of the safety of all the users of the public lands, and the minimization of conflicts among various uses of the public lands."[75] Any areas or trails open for ORV use must be located "to minimize damage to soil, watershed, vegetation, air, or other resources of the public lands, *and to prevent impairment of wilderness suitability*."[76] Additionally, open areas or trails must "be located to minimize harassment of wildlife or significant disruption of wildlife habitats," especially threatened or endangered wildlife and their habitat.[77] Finally, BLM is obligated to close areas and routes to ORV use if ORVs are causing or will cause considerable adverse effects on wilderness suitability.[78]

The interim travel management provisions set forth in the Proposed RMP/FEIS incorporate many of the provisions and criteria from the BLM's travel management regulations. Despite recognizing these regulations, however, the BLM has proposed to manage 3,900 acres of the Cimarron Mesa unit as "open to motorized travel," allowing unrestricted cross-country travel by OHVs and other motorized transportation. Designating LWCs as "open" to cross-country OHV use will result in the impairment of wilderness suitability of these lands, harassment of wildlife, fragmentation of habitat, damage to soils and vegetation, and pollution to air and water resources. "Management decisions that propose open travel could result in vegetation loss, rutting, increased soil erosion, and impacts on water quality."[79] Areas open to off-road travel "could introduce invasive and noxious weeds to these areas."[80] "Motorized travel use can cause damage to vegetation used as wildlife forage and cover, cause noise disturbance, and result in mortality of wildlife through vehicular collisions or unauthorized removal of both plant and animal species. OHV use therefore

[74] 43 C.F.R. § 8342.1.
[75] *Id.*
[76] 43 C.F.R. § 8342.1(a) (emphasis added).
[77] 43 C.F.R. § 8342.1(b).
[78] 43 C.F.R. § 8341.2.
[79] Proposed RMP/FEIS, Vol. 1, p. 4-90.
[80] *Id.* p. 4-114.

generally has adverse impacts on wildlife species, especially birds[.] . . . OHV use also contributes to habitat fragmentation and habitat degradation."[81]

As any visitor to federal public lands in the western United States readily observes, the federal land management agencies continue to struggle to adequately manage OHV use and the substantial and widespread impacts from unauthorized motorized uses. The BLM should not be opening portions of BLM-identified LWCs to motorized use given that these lands maintain increasingly rare wilderness characteristics (not to mention other important resource values), and amount to a small fraction of the land managed by the Rio Puerco Field Office.

Given the significant adverse impacts of cross-country OHV travel, we strongly oppose the designation of LWCs or adjacent lands in the planning area as open, which allows for unlimited cross-country travel. The BLM should use just two categories for motorized access to LWCs: (1) limited, which restricts use to specific designated travel routes; and (2) closed.[82] Additionally, the BLM should ensure that lands in or adjacent to LWCs are managed to prevent motor vehicle incursions into LWCs.

C. The BLM Should Have Conducted a More Comprehensive Lands with Wilderness Characteristics Inventory During the Sixteen Year-Period that Elapsed between Scoping in 2008 and the Issuance of the Proposed RMP/FEIS in 2024.

New Mexico Wild urges the BLM to conduct additional comprehensive inventories of LWCs managed by the Rio Puerco Field Office. As detailed above, the BLM updated its wilderness inventory in 2010. But the BLM's 2010 inventory focused only on areas with obvious and significant changes since 1980, such as newly acquired lands, decommissioned roads, and removed facilities, and omitted several qualifying areas that had been identified by New Mexico Wild in our 2008 inventory. Moreover, there have been recent changes to BLM's regulations and policy guidance, which should result in the BLM conducting additional updates to its LWC inventory.

First, as described above, in 2008 New Mexico Wild submitted its Citizens' Inventory of LWCs on the Colorado Plateau, which included multiple units within the Rio Puerco Field Office Planning Area.[83] Based on the planning record, it appears that the BLM's inventory failed to include some of the LWCs described in the Citizens' Inventory, including the following units or portions thereof:

[81] *Id.* p. 4-127.
[82] See *id.* p. 4-109 (describing categories of motorized access management).
[83] **Attachment 2.**

1. Red Flat Wash Citizens' Inventory Unit: The Red Flat Wash Citizens' Inventory Unit is part of the Greater Cerro Pomo Complex. The unit is located in the southwest corner of the Planning Area and consists of 12,120 acres of BLM land.[84] The vast majority of the unit is in Cibola County, although a small portion (approximately 1280 acres) is on BLM land in Catron County, just south of the Planning Area. The portion of the unit within the Planning Area nonetheless exceeds the 5,000-acre minimum for consideration and meets the other criteria to qualify as LWCs. The BLM should have considered this unit in its wilderness inventory as part of this planning effort.

2. Sierra Lucero Citizens' Inventory Unit: The Sierra Lucero Citizens' Inventory Unit is part of the Petaca-Pinta Complex and partially overlaps the BLM's Cimmaron Mesa Inventory Unit.[85] The Sierra Lucero unit consists of 30,764 acres of BLM land, much larger than the BLM's Cimmaron unit, which consists of only 7,329 acres. The Proposed RMP/FEIS does not appear to provide a rationale for reducing the size of this unit. The BLM should have considered the larger Sierra Lucero unit in its wilderness inventory as part of this planning effort.

3. San Luis Citizens' Inventory Unit: The San Luis Citizens' Inventory Unit is part of the Cabezon Country Complex.[86] Located north of Cabezon WSA and east of the La Leña WSA, the unit and consists of 7,800 acres of BLM land and encompasses a portion of the San Luis Mesa Raptor ACEC, as proposed under both Alternative B and BLM's preferred Alternative C.[87] The BLM should have considered the San Luis unit in its wilderness inventory as part of this planning effort.

4. Cerro Cuate Citizens' Inventory Unit: The Cerro Cuate Citizens' Inventory Unit is part of the Cabezon Country Complex.[88] The unit is comprised of 8,406 acres of BLM land and is surrounded by WSAs, including the Empedrado, La Leña, Cabezon, and Chamisa WSAs.[89] The unit encompasses a portion of the Cabezon ACEC as proposed under Alternative B but falls outside the boundary of the Cabezon ACEC as proposed in BLM's preferred Alternative C.[90] The BLM should have considered the Cerro Cuate unit in its wilderness inventory as part of this planning effort.

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[84] *Id.* pp. 14-15.
[85] *Id.* pp. 26-31, 34. As a point of clarification, note that the Citizens' Inventory refers to a different unit as "Cimarron Mesa," which is located outside the Planning Area in Catron County.
[86] **Attachment 2**, pp. 36-42, 44.
[87] Proposed RMP/FEIS, Vol. 4, Appendix S, Maps 2-55, 2-56.
[88] **Attachment 2**, pp. 36-42, 46.
[89] *Id.*
[90] Proposed RMP/FEIS, Vol. 4, Appendix S, Maps 2-55, 2-56.

5. Mesa Crotalo Citizens' Inventory Unit: The Mesa Crotalo Citizens' Inventory Unit is part of the Cabezon Country Complex.[91] The unit is comprised of 10,445 acres of BLM land and is north of the Ignacio Chavez WSA.[92] Although the vast majority of the unit is located within the Rio Puerco Planning Area, a small portion falls outside the western boundary of the Planning Area. The portion of the unit within the Planning Area nonetheless exceeds the 5,000-acre minimum for consideration and meets the other criteria to qualify as LWCs. The BLM should have considered this unit in its wilderness inventory as part of this planning effort.

The differences between the 2008 Citizens' Inventory and the BLM's 2010 inventory, in addition to BLM's focus on newly acquired lands, decommissioned roads, and removed facilities, reflect that the BLM did not undertake a comprehensive inventory of potential LWCs within the Rio Puerco Field Office. Moreover, there have been significant delays during this planning process, and the process has spanned nearly two decades. The BLM should update the inventory to ensure it is "maintained on a continuing basis" and "current," as required by FLMPA.[93]

Second, during this decades-long planning effort, in 2021 the BLM adopted new policy guidance for conducting wilderness characteristics inventories and considering wilderness characteristics in the land use planning process. Manual 6310, Conducting Wilderness Characteristics Inventory on BLM Lands, contains policy and guidance for conducting the LWC inventories mandated by FLPMA.[94] Manuel 6310 emphasizes that, "[r]egardless of past inventory, the BLM must maintain and update as necessary, its inventory of wilderness resources on public lands."[95] Manuel 6320, Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process, describes how the BLM should incorporate an LWC inventory into the development of an RMP.[96] Although this updated policy guidance has been in effect for almost four years, the guidance was not used in developing the Proposed RMP and FEIS.

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[91] **Attachment 2**, pp. 36-42, 48.
[92] *Id.*
[93] FLPMA, 43 U.S.C. § 1711(a).
[94] U.S. Dep't of Interior, BLM Manual 6310—Conducting Wilderness Characteristics Inventory on BLM Lands, Release 6-138 (01/08/2021), available at https://www.blm.gov/sites/default/files/docs/2021-01/BLM-Policy-Manual-6310.pdf.
[95] *Id.* at 1-2. Part 1.6(A).
[96] U.S. Dep't of Interior, BLM Manual 6320—Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process, Release 6-139 (01/08/2021), *available at* https://www.blm.gov/sites/default/files/docs/2021-01/BLM-Policy-Manual-6320.pdf.

Third, the BLM should strive to protect LWCs as part of the Biden Administration's 30x30 Initiative. On January 27, 2021, President Biden signed Executive Order 14008, Tackling the Climate Crisis at Home and Abroad.[97] The Executive Order, among other ambitious goals, committed the administration to preserve 30% of lands and waters by 2030, often referred to as 30x30. The Executive Order was followed by the publication of the America the Beautiful report.[98] The State of New Mexico has likewise committed to a 30x30 conservation plan.[99] These new commitments and goals are intended to protect biodiversity and help address the current crises of climate change and mass extinction. The Biden Administration's adoption of the 30x30 initiative in the interim between the Draft RMP/DEIS and the Proposed RMP/FEIS warrants a new inventory of LWCs and a commitment to protect wilderness characteristics on those lands.

Finally, in 2024 the BLM finalized its new Conservation and Landscape Health Rule (Public Lands Rule).[100] The Public Lands Rule directs BLM offices to implement a suite of conservation policy tools to foster ecosystem resilience and restore lands in the face of a warming climate. The Rule clarifies that conservation is a "multiple use" under FLPMA and should be on equal footing with extractive uses such as mineral extraction and grazing. A primary objective of the Public Lands Rule is to protect "the most intact, functioning landscapes."[101] Managing LWCs to protect wilderness characteristics is consistent with and furthers the objectives of the Public Lands Rule.

Conclusion

New Mexico Wild protests the BLM's proposal to adopt Alternative C, which would manage nearly a third of BLM-identified LWCs for multiple uses. New Mexico Wild is especially opposed to the proposal to manage a portion of the LWCs as open to cross-country OHV use. The BLM should not designate any LWCs as open to cross-country OHV use, and the BLM should ensure that lands adjacent to LWCs are either closed to motor vehicle use or managed in a way that will prevent OHV incursions into LWCs. We urge the BLM to choose Alternative B and protect all LWCs that the BLM identified in this planning process, which comprise only 5% of the lands managed by the Rio Puerco Field Office. Alternative B would protect both the wilderness resource and the other natural and cultural resources that BLM must protect under FLMPA, and Alternative B is most consistent with recent regulatory and policy guidance intended to protect intact landscapes and healthy ecosystems, including the Public Lands Rule and the America the Beautiful initiative. And finally,

[97] Executive Order 14008, Tackling the Climate Crisis at Home and Abroad (Jan. 27, 2021).
[98]DOI, USDA, USDOC, & CEQ, Conserving and Restoring America the Beautiful (2021).
[99] State of N.M. Executive Order 2021-052, Protecting New Mexico's Lands, Watersheds, Wildlife, and Natural Heritage (Aug. 25, 2021).
[100] Dep't of Interior, BLM, Conservation and Landscape Health Final Rule, 89 Fed Reg. 40308 (May 9, 2024).
[101] 89 Fed. Reg. 40308.

the BLM should continue updating and maintaining a comprehensive LWC inventory and should protect qualifying lands with wilderness characteristics.

Please contact us if you have any questions regarding this protest.

Sincerely,

Sally Paez
Staff Attorney
New Mexico Wild
P.O. Box 25464
Albuquerque, NM 87125
sally@nmwild.org
(505) 843-8696

Attachments:

1. New Mexico Wilderness Alliance and The Wilderness Society, Rio Puerco RMP Scoping Comments (May 30, 2008).
2. New Mexico Wilderness Alliance, BLM Wilderness Inventory, Colorado Plateau Region Inventory Complexes (2008).
3. New Mexico Wilderness Alliance and The Wilderness Society, Scoping Proposal for Petaca Pinta SRMA (Oct. 15, 2008).
4. New Mexico Wilderness Alliance, The Wilderness Society, Sierra Club – Rio Grande Chapter, WildEarth Guardians, New Mexico Sportsmen, Back Country Horsemen of New Mexico, and New Mexico ConservAmerica, Comments on Draft RMP/DEIS (Nov. 26, 2012).

ATTACHMENT 1

New Mexico Wilderness Alliance & The Wilderness Society

Rio Puerco RMP Scoping Comments

May 30, 2008

The Wilderness Society
New Mexico Wilderness Alliance

May 30, 2008

Via e-mail (Joe_Blackmon@nm.blm.gov) and overnight mail (with attachments)

RP RMP
BLM-Rio Puerco Field Office
435 Montaño Road, NE
Albuquerque, NM 87107

Re: Scoping Comments – Rio Puerco Resource Management Plan Revision

Please accept and fully consider these scoping comments on behalf of The Wilderness Society (TWS) and the New Mexico Wilderness Alliance (NMWA). The membership of TWS includes thousands of New Mexico citizens and more than three hundred thousand members and supporters nationally who care deeply about the management of our public lands. NMWA and its more than three thousand members are also dedicated to the protection, restoration and continued enjoyment of New Mexico's wildlands and wilderness areas. We appreciate this opportunity to comment and appreciate the Bureau of Land Management commitment to addressing the circumstances and values related to management of the public resources within Bernalillo, Cibola, McKinley, Sandoval, Torrance, and Valencia Counties. These comments are submitted in addition to our proposals for designation of Wilderness Study Areas and Special Management Areas, which are being submitted separately.

The Rio Puerco Newsletter identified 7 key issues to be addressed in the RMP revision. We have organized our comments to fit this framework as closely as possible, but as many of our comments relate to multiple key issues, there will be some overlap. As Special Area Designations is one of the key issues identified, we will also be supplementing these comments with our inventory of wilderness quality lands and proposals for special management areas. We are finalizing the inventory and proposals and expect to submit them in July. Though communications with Field Office staff have indicated that the BLM is not necessarily soliciting specific proposals for special area designations during scoping, we wanted to make the large body of information we've collected available and include our recommendations for management so that this information can be as useful as possible to the agency. As a result, we would like to arrange a time to present the information to you and will contact the field office in July.

Planning Issues and Management Concerns Addressed: **Page:**

PUBLIC PARTICIPATION OPPORTUNITIES

We encourage BLM to maximize public involvement in preparation of the revised Rio Puerco RMP. In addition to the public comment periods required by the National Environmental Policy Act (NEPA) and BLM's regulations, there are other opportunities throughout the planning process for public involvement, which are used by many BLM offices. Public involvement allows the public to provide useful information and bring concerns to BLM's attention throughout the planning process. In its scoping notice, the Rio Puerco Field Office already stated its intent to make broad based public participation and collaboration an integral part of the planning process and we commend BLM on this approach. However, we would also encourage the BLM to provide for public input into the management situation analysis and identification of planning issues, and on a preliminary range of alternatives prior to preparing the Draft RMP, steps other BLM offices have taken to expand opportunities for public comment.

The Rio Puerco Field Office has identified the need to ensure sufficient data is available. In this context, we would also note that other BLM offices have made inventory data available to the public to assist in identifying new data needs and also made base data available for public use, and encourage the Rio Puerco Field Office to take similar action. By way of example, along with its release of the Draft RMP, the BLM's Arizona Strip Field Office provided zipped GIS files for all data layers needed to create the maps contained in the Draft RMP (and can be viewed on-line at http://www.blm.gov/az/GIS/files.htm#strip). The server space required for this operation is minimal and without this information, effective public participation in this process is severely hampered. This type of public participation is also consistent with the BLM's Land Use Planning Handbook (H-1601-1), which states that, "Documentation supporting the AMS [analysis of the management situation] should be maintained in the field office for public

review" (Section III.A.4) and that, "Alternatives should be developed in an open, collaborative manner, to the extent possible" (Section III.A.5).

Making analyses available before issuing the Draft RMP is another excellent way to increase public understanding of and participation in the RMP revision. The Kemmerer (Wyoming) Field Office, for example, has made their analysis of comments submitted on the Draft RMP and their ACEC evaluations public by posting them on their website, even though they have not yet issued the Proposed RMP/FEIS[1]. Making such analyses available to the public before the publication of the Draft RMP will better prepare participants to understand the complex analyses and large amounts of data in the Draft RMP and increase the relevance and usefulness of comments and other public participation. We hope to see these types of opportunities provided to the many members of the public who are interested in the development of the Rio Puerco Field Office RMP.

Recommendation: The BLM should make every attempt to encourage the public to participate in the RMP revision including holding workshops, making a preliminary range of alternatives available for public comment prior to preparing a Draft RMP, providing interim information regarding inventories of routes and visual resources, posting GIS files, and posting analyses such as ACEC evaluations and analysis of comments submitted on the Draft RMP to the RMP revision website.

COOPERATING AGENCIES

Based on the recent revisions to BLM's regulations governing cooperating agencies (43 C.F.R. Part 1600), cooperating agencies will have a very strong presence throughout the Rio Puerco Field Office RMP planning process. In order to permit the public to better understand the roles of these agencies, we request that BLM identify those agencies and tribal and local government entities that have been granted cooperating agency status, and disclose the areas of expertise or other qualifications that form the basis of their cooperating agency status.

Recommendation: The BLM should identify the agencies and tribal and local government entities granted cooperating agency status and post this information on the RMP revision website.

PROTECTION OF NATURAL RESOURCES IN THE RIO PUERCO FIELD OFFICE

The Federal Land Policy and Management Act ("FLPMA"), 43 U.S.C. § 1701 *et seq*., imposes a duty on BLM to identify and protect the many natural resources found in the public lands governed by the Rio Puerco RMP. FLPMA requires BLM to inventory its lands and their resource and values, "including outdoor recreation and scenic values." 43 U.S.C. § 1711(a). FLPMA also obligates BLM to take this inventory into account when preparing land use plans, using and observing the principles of multiple use and sustained yield. 43 U.S.C. § 1712(c)(4); 43 U.S.C. § 1712(c)(1). Through management plans, BLM can and should protect

[1] http://www.blm.gov/rmp/kemmerer/docs.htm

wildlife, scenic values, recreation opportunities and wilderness character in the public lands through various management decisions, including by excluding or limiting certain uses of the public lands. See 43 U.S.C. § 1712(e). This is necessary and consistent with the definition of multiple use, which identifies the importance of various aspects of wilderness characteristics (such as recreation, wildlife, natural scenic values) and requires BLM's consideration of the relative values of these resources but "not necessarily to the combination of uses that will give the greatest economic return." 43 U.S.C. § 1702(c).

Under FLPMA, BLM is also obligated to "give priority to the designation and protection of areas of critical environmental concern [ACEC]." 43 U.S.C. § 1712(c)(3). ACECs are areas "where special management is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources, or other natural systems or processes." 43 U.S.C. § 1702(a). For potential ACECs, management prescriptions are to be "fully developed" in the RMP. Manual 1613, Section .22 (Develop Management Prescriptions for Potential ACECs). ACECs also include Research Natural Areas (RNAs), established for their significant biological and physical features, including plant or animal species or geological, soil or water features. RNAs have "ecological or other natural history values of scientific interest" and are managed for research and educational purposes. Outstanding Natural Areas (ONAs) are another type of ACEC, established to preserve scenic values and natural wonders. ONAs contain unusual natural characteristics and are managed primarily for educational and recreational purposes.

The resources in the Rio Puerco planning area include many values that merit protection through special designations. Protection of existing ACECs and due consideration of proposed ACECs, including RNAs and ONAs, must be a priority in the Rio Puerco RMP planning process.

Recommendation: The BLM must uphold its responsibility to protect the abundant natural values present in the Rio Puerco planning area when developing management alternatives in the Rio Puerco RMP and evaluating their environmental consequences, as required by both FLPMA and NEPA, 42 U.S.C. § 4321 *et seq*.

LAND TENURE DECISIONS

Land tenure decisions will be an important element of the Rio Puerco Field Office RMP and future decisions will require special consideration. In light of present circumstances, BLM should review the previous plans and decisions and look at future land tenure decisions with an eye towards providing adequate open space for the growing public, maintaining key viewsheds and taking into consideration new proposals for open space and trails and special management areas. Section 102(a)(1) of FLPMA requires that BLM-managed lands be retained in federal ownership unless BLM determines through the land use planning process that disposal of a particular parcel will serve the national interest. 43 U.S.C. 1701. Land tenure decisions must achieve the goals, standards, and objectives outlined in the land use plan.

With the growing population has come a desire to develop more land, some of which may be appropriate. However, the BLM must retain land near sensitive and ecologically important

areas, including those within existing or proposed ACECs or other special management areas, and including specifically those lands identified in our Special Management Areas proposal. Lands identified in new citizen proposals for open space and/or other special management that include lands not owned by BLM should be given priority for acquisition. BLM has identified the consolidation of the checkerboard ownership pattern of portions of the Rio Puerco Field Office as a priority in their RMP revision. BLM should only pursue such land tenure decisions if they will serve the national interest by supporting key values and resources, such as protecting ecologically important areas and providing open space. In addition, disposal or exchange may be appropriate where the BLM determines that lands will be dedicated to renewable energy development, if those lands are already degraded, closest to the load served for siting development, and can be sold or exchanged with a commitment to obtain lands with higher conservation values (such as wildlife corridors).

Given the current population trends within the region, BLM should reconsider all previous decisions for disposal of public lands and re-evaluate whether or not those decisions still meet the needs of the public. As the agency moves forward it will be crucial that consideration be given to providing adequate open space and trails on public lands. Furthermore, as local entities are in the process of developing plans for such uses, the relationship between the RMP and these plans will be important, since BLM's decisions can affect local open space, parks and trail plans. Particular care should be taken to prevent sale or exchange of BLM parcels highly valued by local communities for the open space, wildlife habitat, and recreation opportunities they provide.

As part of addressing the public land-urban interface, we also want to draw your attention to the information compiled by the Las Placitas Association and the public support that they have garnered for their proposal for the conservation of BLM lands within and surrounding Placitas, New Mexico for open space, low-impact recreation, wildlife habitat, watershed ecological resources, and cultural and historical resources, including by special area designations. Achieving this goal would also necessitate protecting these lands from mineral extraction, industrial and residential development, and both transportation and energy corridors on these lands. **We also support and request your consideration of the recommendations submitted by the Las Placitas Association.** Now is the time to take the appropriate steps to plan for the future otherwise the agency and the public will be forced to make decisions at a time when it may be too late or impossible to provide adequate parks, open space and trails.

Recommendations: The BLM should work with local governments and Tribes when identifying areas where disposal of public lands may be appropriate. However, BLM should identify areas such as ACECs, citizen wilderness proposals, or sensitive species habitat for retention and acquisition. BLM should not dispose of parcels valued by local communities for their open space, wildlife habitat, and recreation opportunities.

BEST MANAGEMENT PRACTICES FOR OIL AND GAS DEVELOPMENT

Significant portions of the Rio Puerco RMP planning area will likely remain open to oil and gas development. As discussed with respect to the many other values of the lands within the planning area, many of these lands should not be open to leasing and others require non-waivable lease stipulations to protect their resources, such as wildlife habitat, water quality and wilderness characteristics. It is vital that the RMP require the use of best management practices (BMPs) for

oil and gas exploration and development, which can drastically reduce the impacts of oil and gas development on the other natural resources of the public lands.

BLM's guidance requires consideration of BMPs for oil and gas development. BLM's Instruction Memorandum 2004-194 directs consideration of BMPs and both the IM and the recently updated Gold Book provide examples of BMPs that can be applied to both new and existing leases, in order to limit the damage from oil and gas development. It is critical that the RMPs consider and make BMPs mandatory in order to comply with BLM's guidance and obligations to protect the many natural values of these lands.

Recommendations: The Rio Puerco RMP must identify BMPs and make them mandatory, especially in sensitive areas. BMPs should include:

- Phased or strategic development - in terms of timing (developing one area, then restoring before moving to another), location (such as staying out of big game corridors), limiting amount of equipment in use at any given time, limiting amount of surface disturbance on a lease at any given time and requiring successful restoration before permitting additional disturbance;
- directional drilling;
- clustered drilling;
- closed loop drilling;
- interim reclamation;
- restoration standards;
- unitization; and
- increased bonding.

RENEWABLE ENERGY DEVELOPMENT

The Rio Puerco RMP planning area includes lands with potential for renewable energy development. We support moving away from fossil fuels and reducing demand for energy. To achieve this, we need to obtain more energy from renewable sources, more conservation of energy and more efficient technology. Nonetheless, it is important that the RMP address specific concerns regarding conservation values and incorporate appropriate protection associated with siting of renewable energy development.

Certain areas should be presumptively avoided in siting renewable energy development, as well as transmission corridors. These places have been formally designated or otherwise identified because of their special natural values, which could be damaged or destroyed by the surface disturbance, alteration of viewsheds and features, impact to air and water quality, erosion, and increased human access likely to occur in connection with the construction and operation of energy development. Accordingly, energy development should not be sited in the following areas in the Rio Puerco planning area:

1. Wilderness Areas;
2. Wilderness Study Areas (WSAs);
3. National Monuments;

4. National Conservation Areas;
5. National Historic and National Scenic Trails;
6. Other lands within BLM's National Landscape Conservation System (NLCS), such as Outstanding Natural Areas and Cooperative Management Areas, or areas that have been proposed for designation by pending legislation;
7. ACECs;
8. Threatened, endangered and sensitive species habitat;
9. Other critical cores and linkages for wildlife habitat, such as that identified by state wildlife agencies through State Comprehensive Wildlife Conservation Strategies;
10. Citizen Proposed Wilderness Areas, as set out in the proposal to be submitted by NMWA and TWS under separate cover; and
11. Other lands with wilderness characteristics as identified by the land management agencies or the public, including in the proposal to be submitted by NMWA and TWS under separate cover.

A similar approach was implemented in the June 2005 PEIS for Wind Energy Development on BLM Lands, which included a broad analysis of environmental consequences and mandatory mitigation measures, as well as a directed approach for completing project-specific analysis. The Wind Energy PEIS excluded all Wilderness, NLCS lands and ACECs from consideration for development of wind energy (including transmission lines) and explicitly outlined Best Management Practices (BMPs), which were mandatory for all projects, then required development of additional site-specific mitigation measures in connection with the analysis and approval of individual projects.

Recommendations: If a net benefits analysis is conducted, which includes consideration of the highest renewable resource potential, least impact on conservation values and ecosystem services, efficient use – close to load served, expanded transmission support to renewables, decreased emissions of greenhouse gases, avoidance of protected and sensitive areas, and use of best management practices, and the analysis indicates that beneficial opportunities to develop renewable energy exist in the Rio Puerco Field Office, we support the development of such resources. Renewable energy development should be prohibited in areas with identified conservation values. The RMP should also identify mandatory BMPs and the circumstances in which such BMPs are required to apply to the design, construction and operation of renewable energy development facilities in specified circumstances in a manner analogous to BLM's PEIS for Wind Energy Development.

ENERGY CORRIDORS

As part of the process to designate West-wide Energy Corridors mandated by the Energy Policy Act of 2005, the Department of Energy's Draft Programmatic Environmental Impact Statement (PEIS) proposes the designation of a 2/3 mile wide energy corridor for pipelines and powerlines through the Rio Puerco Field Office. This corridor would have significant and lasting impacts to both public and private lands in the area, and specific concerns have been raised about impacts to the nearby community of Placitas.

Public comments on the Draft PEIS, attendees at public meetings held by the Department of Energy and cooperating agencies in Albuquerque, and Congressmen, utility companies,

renewable energy experts, and representatives from state and local governments participating in an oversight hearing held by the House Natural Resources Committee, Subcommittee on National Parks, Forests, and Public Lands and Subcommittee on Energy and Minerals all voiced major concerns about the proposed corridor and the corridor designation process. These concerns included:

- lack of adequate consultation with Native American tribes, state and local governments and communities, and local citizens;
- lack of access for renewable energy transmission;
- failure to analyze the opportunity to reduce transmission need and the need to designate new corridors with increased efficiency, distributed generation, and new technologies;
- lack of analysis of cumulative impacts;
- failure to analyze impacts to non-federal lands;
- and inadequate protection for special places, protected lands, wildlife habitat, cultural resources, and recreation opportunities.

During the RMP revision, BLM can and should designate alternative corridor locations that will not raise similar concerns.

***Recommendation**:* To ensure a sustainable and reliable transmission infrastructure while limiting negative impacts, BLM should designate alternative corridor locations that are based on BLM's local expertise, more appropriately account for concerns of local communities, and protect field office resources.

URANIUM

The history of uranium recovery and management in the United States (and indeed, around the globe) is replete with environmental damage, serious worker safety and health abuses, and harm to entire communities. Many of the affected communities have been both low income and in great measure comprised of indigenous populations, representative of an all too common pattern of environmental injustice. Additionally, most of the environmentally damaged sites have not received adequate cleanup of past harms and for what little cleanup has been done, most of the cost has been borne by taxpayers rather than the companies and associated beneficiaries of the uranium mined.

The BLM should acknowledge in the RMP that it has the authority to deny mining claims altogether to comply with FLPMA's requirement that, "[i]n managing the public lands the Secretary [of the Interior] shall, by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands." 43 U.S.C. § 1732(b). The requirement to avoid unnecessary or undue degradation is the "heart of FLPMA [and] amends and supersedes the Mining Law." Mineral Policy Center, 292 F. Supp. 2d 30, 33 (D.D.C. 2003). Congress explicitly recognized that this requirement would "impair the rights of any locators or claims under the Act, including, but not limited to, rights of ingress and egress." 43 U.S.C. § 1732(b).

The RMP should include specific commitment that, for any proposed uranium mining projects, the BLM will evaluate all necessary, site specific information under a complete EIS process to protect the environment and public health, ensure that any recovery minimizes and mitigates

negative impacts to sensitive resources like wilderness quality lands, clean air and water, wildlife habitat, cultural resources, and recreation opportunities, as well as evaluating the cumulative environmental impacts of any proposed uranium recovery. Such a cumulative impacts analysis should at a minimum include the cumulative impacts of uranium mining and milling on the quantity and quality of regional groundwater supplies, the cumulative impacts on regional airsheds, and the cumulative impacts on regional surface water supplies. Additionally, in the RMP, the BLM should evaluate and identify practices that can be required to minimize the impacts on the other natural resources of the Rio Puerco planning area by limiting water use and surface disturbances.

Recommendation*:* BLM should protect areas from uranium mining where appropriate, thoroughly analyze the cumulative impacts of any proposed uranium recovery and make every effort to minimize and mitigate negative impacts to sensitive resources.

RECREATION AND SPECIAL RECREATION MANAGEMENT AREAS (SRMAS)

The recreation resource on public lands is becoming increasing valuable: more people want to recreate on a finite amount of public land. Many recreationists desire solitude, clean air, clean water, vast undeveloped landscapes, and a place to witness healthy natural systems thriving with native plants and wildlife. The Rio Puerco RMP should accommodate those desires.

FLPMA requires the BLM to manage the multiple uses and resources of the public lands, which include fish and wildlife, watersheds, scenic values, recreation opportunities, scientific and historic values, and other natural values, such as wilderness characteristics. FLPMA also provides for the agency to do so by excluding or limiting certain uses of these lands.

The Land Use Planning Handbook (in Appendix C and as further defined in the Glossary) provides for BLM to establish special recreation management areas (SRMAs) in the lands governed by the Rio Puerco RMP. Depending upon the anticipated use of each SRMA, BLM should adopt different management strategies. The Handbook identifies the following general types of recreational use:

- **Undeveloped** – These areas are managed to support dispersed recreation, maintaining their highly-valued, distinctive, undeveloped recreation setting character. Within the bounds of legal requirements and sound management practices, resource and visitor management actions exercise minimal regulatory constraint and exclude major investments in facilities and visitor assistance to preserve the visitor's freedom to choose where to go and what to do.
- **Community –** These areas adjoin communities and are managed to provide structured recreation opportunities in response to recreation-tourism demand generated by community and/or tourism growth and development. The areas are managed to maintain natural resource and/or community setting character, with appropriate restrictions on marketing, administration and other management actions.
- **Destination** – These areas have distinctive, highly visible, or otherwise outstanding resource attractions that are managed to provide structured recreation opportunities in response to demonstrated national or regional recreation-tourism demand. The areas are

managed to maintain natural resource and/or community setting character, with appropriate restrictions on marketing, administration and other management actions.

In the context of the BLM's Benefits Based Management (BBM) framework, it is critical that the range of SRMAs, including recreation management zones (RMZ), and their management prescriptions are written to enhance the other values that ultimately contribute to the benefits and experiences of the area and providing significant opportunities for primitive recreation experiences.

Some of the supporting materials for analysis of recreation settings set out standards for primitive physical settings that appear to unreasonably limit the lands that could be considered to provide a remote, primitive recreation "experience." Accordingly, the BLM should not use those standards as a "bright-line test" to disqualify areas which are or could in the future provide a primitive recreation experience. Rather, the standards should be used as a goal which proper management could help the areas achieve and focus on the experience that can be achieved.

In this manners and as part of achieving the goals of a BBM system, areas which have primitive character should be managed for that experience and desired future condition, even if they do not currently meet all of the criteria that the BLM has set for primitive physical settings or designation. By adopting such a prescriptive, or aspirational management approach, as opposed to a more descriptive or reactive approach of just basing the management of the zones on perceived evidence of human presence or an expectation of more people wanting to use the area, the BLM can ensure that some level of existing disturbance does not disqualify areas which do provide a primitive experience from a decision to manage them to protect and enhance such qualities and provide this important experience.

Recommendation: BLM should adopt a range of SRMAs and management prescriptions which provide adequate opportunities for non-motorized or quiet recreational experiences and are written to enhance the other values that ultimately contribute to the benefits and experiences of the area. BLM should use an aspirational approach which allows the agency to ensure that some level of existing disturbance does not disqualify areas which do provide a primitive experience from a decision to manage them to protect and enhance such qualities and provide this important experience. The SRMA proposals to be submitted under separate cover by NMWA and TWS identify key areas for protecting primitive recreation experiences.

VISUAL RESOURCE MANAGEMENT

It is BLM policy that visual resource management (VRM) classes are assigned to all public lands as part of the Record of Decision for RMPs. The objective of this policy is to "manage public lands in a manner which will protect the quality of the scenic (visual) values of these lands." BLM Manual MS-8400.02. Under the authority of FLPMA, the BLM must prepare and maintain on a continuing basis an inventory of visual values for each RMP effort. 43 U.S.C. § 1701; BLM Manual MS-8400.06. In addition, NEPA requires that measures be taken to "assure for all Americans . . . aesthetically pleasing surroundings." Once established, VRM objectives are as binding as any other resource objectives, and no action may be taken unless the VRM objectives can be met. *See* IBLA 98-144, 98-168, 98-207 (1998). The RMP must make clear that compliance with VRM classes is not discretionary.

The agency has indicated that it will be conducting a VRM inventory as part of the Rio Puerco RMP revision. We support this important step toward fulfillment of BLM's FLPMA requirements, and urge BLM to prioritize completion of this inventory, as well as to keep the public apprised of the values identified.

BLM should ensure that scenic value is a resource that is conserved and must establish clear management direction describing areas inventoried and possessing high scenic importance with clearly defined objectives that limit surface disturbance within important viewsheds, including:

1. Lands proposed for wilderness designation or with wilderness characteristics should be managed as Class I to "preserve the existing character of the landscape."
2. Lands within popular and easily accessible vantage points should be managed for visual resources, such as VRM Class II to "retain the existing character of the landscape," including clear provisions dealing with oil and gas development and other human disturbance.
3. ACECs and other special management designations and prescriptions should be used to protect scenic landscapes and lookout points within the resource area with stipulations specifically addressing and managing human development impacts, including VRM Class I to "preserve the existing character of the landscape" or VRM Class II to "retain the existing character of the landscape" as appropriate.

Recommendation: BLM must inventory for visual resources and designate all lands within the Rio Puerco Field Office with the appropriate VRM classification, as well as enforce these classifications during implementation.

PROTECTION OF WILDERNESS CHARACTER

The lands governed by the Rio Puerco RMP contain pristine wildlands, including those identified by the New Mexico Wilderness Alliance (NMWA), which are included in a report that will be submitted under separate cover. Section 201 of the Federal Land Policy and Management Act (FLPMA, 43 U.S.C. § 1701, et seq.) mandates that BLM inventory the resources of the public lands, their resources and values. 43 U.S.C. § 1711. In the land use planning process, including revision of RMPs, Section 202 of FLPMA requires that BLM take into account the inventory and determine which multiple uses are best suited to which portions of the planning area. 43 U.S.C. § 1712. BLM's mandate of multiple use and sustained yield, as well as other relevant law and BLM's current guidance, provides for inventory and protection of wilderness values. **BLM is obligated to inventory for and consider a range of alternatives to protect lands with wilderness characteristics**.

1. Wilderness character is a valuable resource and important multiple use of the lands governed by the Rio Puerco RMP.

BLM has identified "wilderness characteristics" to include naturalness or providing opportunities for solitude or primitive recreation. *See*, Instruction Memoranda (IMs) 2003-274 and 2003-275. These values should also be identified and protected through this planning process. BLM should recognize the wide range of values associated with lands with wilderness character:

a. Scenic values – FLPMA specifically identifies "scenic values" as a resource of BLM lands for purposes of inventory and management (43 U.S.C. § 1711(a)), and the unspoiled landscapes of lands with wilderness characteristics generally provide spectacular viewing experiences. The scenic values of these lands will be severely compromised if destructive activities or other visual impairments are permitted.

b. Recreation – FLPMA also identifies "outdoor recreation" as a valuable resource to be inventoried and managed by BLM. 43 U.S.C. § 1711(a). Lands with wilderness characteristics provide opportunities for primitive recreation, such as hiking, camping, hunting and wildlife viewing. Most, if not all primitive recreation experiences will be foreclosed or severely impacted if the naturalness and quiet of these lands are not preserved.

c. Wildlife habitat and riparian areas – FLPMA acknowledges the value of wildlife habitat found in public lands and recognizes habitat as an important use. 43 U.S.C. § 1702(c). Due to their unspoiled state, lands with wilderness characteristics provide valuable habitat for wildlife, thereby supporting additional resources and uses of the public lands. As part of their habitat, many species are also dependent on riparian and other wetland habitats, especially during either seasonal migrations or seasons and years when surrounding habitats are dry and unproductive. Wilderness quality lands support biodiversity, watershed protection and overall healthy ecosystems. The low route density, absence of development activities and corresponding dearth of motorized vehicles, which are integral to wilderness character, also ensure the clean air, clean water and lack of disturbance necessary for productive wildlife habitat and riparian areas (which support both wildlife habitat and human uses of water).

Further, inventorying lands with wilderness characteristics will also provide important data on existing large blocks of habitat and how BLM can restore these blocks of habitat to better match the historic range of variability. Swanson et al. (1994) contend that managing an ecosystem within its range of variability is appropriate to maintain diverse, resilient, productive, and healthy ecosystems for viable populations of native species. Using the historical range of variability, they believe, is the most scientifically defensible way to meet society's objective of sustaining habitat. Patrick Daigle and Rick Dawson, Extension Note 07; Management Concepts for Landscape Ecology (Part 1 of 7). October 1996. http://www.for.gov.bc.ca/hfd/pubs/docs/en/en07.pdf; *citing* Swanson, F. J.; Jones, J. A.; Wallin, D. O.; Cissel, J. H. 1994. Natural variability--implications for ecosystem management. In: Jensen, M. E.; Bourgeron, P. S., tech. eds. Eastside Forest Ecosystem Health Assessment--Volume II: Ecosystem management: principles and applications. Gen. Tech. Rep. PNW-GTR-318. Portland, OR: U.S. Dept. of Agriculture, Forest Service, Pacific Northwest Research Station: pp 89-106.

Identifying, restoring and protecting substantial roadless areas in the lands governed by the Rio Puerco RMP can provide crucial benefits to wildlife.

d. Cultural resources – FLPMA also recognizes the importance of "historical values" as part of the resources of the public lands to be protected. 43 U.S.C. § 1702(c). The lack of intensive human access and activity on lands with wilderness characteristics helps to protect these resources. As noted in the Planning Newsletter, the lands governed by the Rio Puerco RMP

contain significant cultural resources. As shown in our submission of the Citizens' Proposal for Wilderness Study Areas, there are important areas of overlap between the areas identified as rich in cultural resources and those containing wilderness characteristics, underscoring the added benefits of protecting these lands.

e. Economic benefits – The recreation opportunities provided by wilderness quality lands also yield direct economic benefits to local communities. According to the U.S. Fish & Wildlife Service, in 2006 State residents and non-residents spent $823 million on wildlife recreation in New Mexico. (USFWS 2006, *National Survey of Hunting, Fishing and Wildlife-associated Recreation* - http://www.census.gov/prod/2008pubs/fhw06-nm.pdf). In addition, local communities that protect wildlands reap measurable benefits in terms of employment and personal income. For instance, a recent report by the Sonoran Institute (Sonoran Institute 2004, *Prosperity in the 21st Century West -The Role of Protected Public Lands*) found that:

> Protected lands have the greatest influence on economic growth in rural isolated counties that lack easy access to larger markets. From 1970 to 2000, real per capita income in isolated rural counties with protected land grew more than 60 percent faster than isolated counties without any protected lands.

These findings confirm earlier research, showing that wilderness is in fact beneficial for local economies. Residents of counties with wilderness cite wilderness as an important reason why they moved to the county, and long-term residents cite it as a reason they stay. Recent survey results also indicate that many firms decide to locate or stay in the West because of scenic amenities and wildlife-based recreation, both of which are strongly supported by wilderness areas. (Morton 2000, *Wilderness: The Silent Engine of the West's Economy*). Other "non-market" economic values arise from the ability of wildlands to contribute to recreation and recreation-related jobs, scientific research, scenic viewsheds, biodiversity conservation, and watershed protection. (Morton 1999, *The Economic Benefits of Wilderness: Theory and Practice*; Loomis 2000, *Economic Values of Wilderness Recreation and Passive Use: What We Think We Know at the Turn of the 21st Century*). All of these economic benefits are dependent upon adequate protection of the wilderness characteristics of the lands.

f. Quality of life – The wildlands located within the Rio Puerco Field Office help to define the character of this area and are an important component of the quality of life for local residents and future generations, providing wilderness values in proximity to burgeoning urban and suburban areas such as Albuquerque. Their protection enables the customs and culture of this community to continue.

g. Balanced use – The vast majority of BLM lands are open to motorized use and development. FLPMA recognizes that "multiple use" of the public lands requires "a combination of balanced and diverse resource uses" that includes recreation, watershed, wildlife, fish, and natural scenic and historical values (43 U.S.C. § 1702(c)). FLPMA also requires BLM to prepare land use plans that may limit certain uses in some areas (43 U.S.C. § 1712). Many other multiple uses of public lands are compatible with protection of wilderness characteristics – in fact, many are enhanced if not dependent on protection of wilderness qualities (such as primitive recreation and wildlife habitat). Protection of wilderness characteristics will benefit many of the other multiple uses of BLM lands, while other more exclusionary uses (such as off-road vehicle use and timber harvesting) will still have adequate opportunities on other BLM lands.

2. BLM must consider alternatives for managing lands managed by the Rio Puerco RMP to protect their wilderness characteristics.

The range of alternatives is "the heart of the environmental impact statement." 40 C.F.R. § 1502.14. NEPA requires BLM to "rigorously explore and objectively evaluate" a range of alternatives to proposed federal actions. *See* 40 C.F.R. §§ 1502.14(a) and 1508.25(c).

> NEPA's requirement that alternatives be studied, developed, and described both guides the substance of environmental decision-making and provides evidence that the mandated decision-making process has actually taken place. Informed and meaningful consideration of alternatives -- including the no action alternative -- is thus an integral part of the statutory scheme.

Bob Marshall Alliance v. Hodel, 852 F.2d 1223, 1228 (9th Cir. 1988), cert. denied, 489 U.S. 1066 (1989) (citations and emphasis omitted).

An agency violates NEPA by failing to "rigorously explore and objectively evaluate all reasonable alternatives" to the proposed action. City of Tenakee Springs v. Clough, 915 F.2d 1308, 1310 (9th Cir. 1990) (quoting 40 C.F.R. § 1502.14). This evaluation extends to considering more environmentally protective alternatives and mitigation measures. *See, e.g.,* Kootenai Tribe of Idaho v. Veneman, 313 F.3d 1094,1122-1123 (9th Cir. 2002) (and cases cited therein); *see also* Envt'l Defense Fund., Inc. v. U.S. Army Corps. of Eng'rs, 492 F.2d 1123, 1135 (5th Cir. 1974); City of New York v. Dept. of Transp., 715 F.2d 732, 743 (2nd Cir. 1983) (NEPA's requirement for consideration of a range of alternatives is intended to prevent the EIS from becoming "a foreordained formality."); Utahns for Better Transportation v. U.S. Dept. of Transp., 305 F.3d 1152 (10th Cir. 2002), modified in part on other grounds, 319 F3d 1207 (2003); Or. Envtl. Council v. Kunzman, 614 F.Supp. 657, 659-660 (D. Or. 1985) (stating that the alternatives that must be considered under NEPA are those that would "avoid or minimize" adverse environmental effects).

NEPA requires that an actual "range" of alternatives is considered, such that the Act will "preclude agencies from defining the objectives of their actions in terms so unreasonably narrow that they can be accomplished be only one alternative (i.e. the applicant's proposed project)." Colorado Environmental Coalition v. Dombeck, 185 F.3d 1162, 1174 (10th Cir. 1999), citing Simmons v. United States Corps of Engineers, 120 F.3d 664, 669 (7th Cir. 1997). This requirement prevents the EIS from becoming "a foreordained formality." City of New York v. Department of Transp., 715 F.2d 732, 743 (2nd Cir. 1983). *See also,* Davis v. Mineta, 302 F.3d 1104 (10th Cir. 2002).

Given the broad purpose of the preparation of the Rio Puerco Field Office RMP and the information compiled by the public regarding lands with wilderness characteristics, the range of alternatives for these lands should include alternatives to protect their wilderness values. This range of alternatives is also consistent with BLM's FLPMA obligations to inventory its lands and their resources, "including outdoor recreation and scenic values" (43 U.S.C. § 1711(a)), which by definition includes wilderness character. FLPMA also obligates BLM to take this inventory into account when preparing land use plans, using and observing the

principles of multiple use and sustained yield. 43 U.S.C. § 1712(c)(4); 43 U.S.C. § 1712(c)(1). Through management plans, BLM can and should protect wilderness character and the many uses that wilderness character provides on the public lands through various management decisions, including by excluding or limiting certain uses of the public lands. *See*, 43 U.S.C. § 1712(e). This is necessary and consistent with the definition of multiple use, which identifies the importance of various aspects of wilderness character (such as recreation, wildlife, natural scenic values) and requires BLM's consideration of the relative values of these resources but "not necessarily to the combination of uses that will give the greatest economic return." 43 U.S.C. § 1702(c).

a. <u>BLM should consider designating new Wilderness Study Areas.</u>

We are aware of the April 2003 settlement agreement (Utah Settlement) between Secretary of the Interior Norton and the State of Utah (in which BLM abdicated its authority to designate any additional Wilderness Study Areas (WSAs)), and we maintain that this agreement is invalid and will ultimately be overturned in pending litigation.

The federal court in Utah revoked its approval of the Utah Settlement, stating that its approval of the initial settlement was never intended to be interpreted as a binding consent decree. Recognizing that the court's decision undermined the legal ground for the Utah Settlement, the State of Utah and the Department of Interior have now formally withdrawn the settlement as it was originally submitted. *See*, Motion to Stay Briefing and for a Status Conference, September 9, 2005, **attached**. This casts serious doubt upon BLM's current policy not to consider designating new WSAs. Because the State of Utah and the Department of Interior have withdrawn their settlement and do not intend to seek a new consent decree, there is currently no binding consent decree and the BLM has not even issued any updated guidance seeking to continue applying this misguided, and illegal, policy.

Even if the Utah Settlement is reinstated, not as a consent decree, it is illegal. The Utah Settlement is based on an interpretation of FLPMA §§ 201, 202, and 603 that is contrary to FLPMA's plain language. Section 603 did not supersede or limit BLM's authority under § 201 to undertake wilderness inventories, but rather relies explicitly on BLM having exactly that authority under § 201. Nor did § 603 in any way limit BLM's discretion under § 202 to manage its lands as it sees fit, including managing areas as § 202 WSAs in accordance with the Interim Management Policy (IMP). Every prior administration has created WSAs under § 202 and they plainly had authority to do so. This administration has such authority as well, making this a reasonable alternative deserving of consideration in this NEPA process.

The Utah Settlement is also illegal because the court in Utah lacked jurisdiction to prohibit designation of new WSAs nationwide, including in New Mexico.

<u>Recommendation</u>: In light of the most recent ruling and subsequent action of the parties, we emphasize that the BLM can and should continue to designate new WSAs in this planning process, including the areas identified with this submission. Further, if BLM fails to fulfill these obligations, it risks violating both FLPMA and NEPA, and jeopardizing the validity of this entire planning process.

b. BLM should also consider other management alternatives for protecting lands with wilderness characteristics.

The Utah Settlement does not affect BLM's obligation to value wilderness character or, according to BLM directives, the agency's ability to protect that character, including in the development of management alternatives. In fact, BLM has not only claimed that it can continue to protect wilderness values, but has also committed to doing so. On September 29, 2003, BLM issued IMs 2003-274 and 2003-275, formalizing its policies concerning wilderness study and consideration of wilderness characteristics in the wake of the Utah Settlement. In the IMs and subsequent public statements, BLM has claimed that its abandonment of previous policy on WSAs would not prevent protection of lands with wilderness characteristics. The IMs contemplate that BLM can continue to inventory for and protect land "with wilderness characteristics," such as naturalness or providing opportunities for solitude or primitive recreation, through the planning process. The IMs further provide for management that emphasizes "the protection of some or all of the wilderness characteristics as a priority," even if this means prioritizing wilderness over other multiple uses. This guidance does not limit its application to lands suitable for designation of WSAs; for instance, the guidance does not include a requirement for the lands at issue to generally comprise 5000-acre parcels or a requirement that the lands have all of the potential wilderness characteristics in order to merit protection. IM 2003-274 states that "BLM may continue to inventory public lands for resource or other values, ***including wilderness characteristics***" and that the agency can "***manage them using special protections*** to protect wilderness characteristics." (emphasis added). Further, IM 2003-275, Change 1, reads:

> The BLM can make a ***variety of land use plan decisions*** to protect wilderness characteristics, such as establishing Visual Resource Management (VRM) class objectives to guide the placement of roads, trails, and other facilities; establishing conditions of use to be attached to permits, leases, and other authorizations to achieve the desired level of resource protection; and designating lands as open, closed, or limited to Off Highway Vehicles (OHV) to achieve a desired visitor experience. (emphasis added).

Accordingly, administrative protection can and should be considered for lands not currently protected. The Draft RMP should also consider management alternatives that provide administrative protection for the wilderness characteristics of those lands currently designated as WSAs if they are not ultimately designated as Wilderness by Congress; their wilderness characteristics are already acknowledged by the BLM.

In an April 11, 2003, letter to various Senators, including Senator Craig Thomas (WY), then-Secretary of the Interior Gale Norton stated: "The Department stands firmly committed to the idea that we can and should manage our public lands to provide for multiple use, including protection of those areas that have wilderness characteristics." The letter also stated that "the government can identify, or 'inventory' lands . . . for wilderness values" and manage them through different designations which would be distinguished from the "limitation of the 1964 Wilderness Act, which only allows roadless areas greater than 5000 acres to be congressionally designated." (copy **attached** for your reference). Similarly, in a February 12, 2004, letter to

William Meadows, President of The Wilderness Society (copy **attached** for your reference), then-Assistant Secretaries of the Interior Rebecca Watson and Lynn Scarlett stated that "through the land use planning process, BLM uses the ACEC designation or other management prescriptions to protect wilderness characteristics or important natural or cultural resources."

Courts have confirmed the BLM's obligations to consider the value of wilderness characteristics and the potential impacts of decisions on this resource when making land use planning decisions. In a recent decision, a federal court found that BLM's failure to re-inventory lands for wilderness values and to consider the potential impact of decisions regarding management of a grazing allotment violated its obligations under NEPA and FLPMA, then enjoined any implementation of the decision until the agency reinventoried the lands at issue and prepared an environmental document taking into account the impacts of its decisions on wilderness values. In Oregon Natural Desert Association v. Rasmussen, CV 05-1616-AS, Findings and Recommendations (D.Or. April 20, 2006 – copy **attached**); Order (D.Or. December 12, 2006 – copy **attached**), the Oregon Natural Desert Association (ONDA) had submitted an updated inventory of wilderness values, but BLM declined to "revisit" its previous inventory or to consider the potential damage to wilderness values from the proposed grazing management decisions. The court found that BLM had violated NEPA by failing to consider significant new information on wilderness values and potential impacts on wilderness values, and had also failed to meet its obligations under FLPMA by failing to engage in a continuing inventory of wilderness values. The court concluded:

> The court finds BLM did not meet its obligation under NEPA simply by reviewing and critiquing ONDA's work product. **It was obligated under NEPA to consider whether there were changes in or additions to the wilderness values** within the East-West Gulch, **and whether the proposed action in that area might negatively impact those wilderness values**, if they exist. The court finds BLM did not meet that obligation by relying on the one-time inventory review conducted in 1992. **Such reliance is not consistent with its statutory obligation to engage in a continuing inventory so as to be current on changing conditions and wilderness values**. 43 U.S.C. § 1711(a).
>
> BLM's issuance of the East-West Gulch Projects EA and the accompanying Finding of No Substantial Impact (FONSI) in the absence of current information on wilderness values was arbitrary and capricious, and, therefore, was in violation of NEPA and the APA. (emphasis added)

BLM is similarly obligated to both consider additions to wilderness values and evaluate the potential impacts on those wilderness values from its management decisions.

In the most recent ruling on the Utah Settlement challenge (State of Utah v. Norton, Case No. 2:96-CV-0870, Order and Opinion (D.Utah September 20, 2006)), Judge Benson found against the Conservation Groups for a number of reasons, including agreeing with the legal interpretation of FLPMA put forth by the State of Utah and the BLM (a finding we continue to dispute). However, the ruling also justifies the court's interpretation by finding that the agency can provide virtually the same protection for lands with wilderness characteristics through administrative decisions as it can through designation of new WSAs, with the only material

difference being that, while the agency can alter its own management decisions, only Congress can change a WSA designation. The court stated: "Both Utah and the BLM acknowledge that the BLM has the discretion to manage lands in a manner that is **similar to the non-impairment standard** by emphasizing the protection of wilderness characteristics as a priority over other potential uses." Order and Opinion, p. 41 (emphasis added - excerpt **attached**).

In a subsequent briefing to the U.S. Court of Appeals for the 10th Circuit, the Department of the Interior and the BLM reiterated that "the settlement does not preclude BLM from **inventorying public lands for wilderness-associated characteristics**" and that "the land management decision obtained through FLPMA § 202 process may **resemble management under FLPMA § 603's non-impairment standard**." In discussing how BLM will manage lands with wilderness characteristics, the brief refers to the "BLM's discretion under FLPMA § 202 to **preserve their wilderness-associated characteristics**." Brief of the Federal Appellees, State of Utah v. Kempthorne, Case No. 06-4240 (February 26, 2007), pp. 40, 43 (emphases added - excerpt **attached**). Similarly, the Rio Puerco Field Office can and should protect lands with wilderness characteristics from the damage likely to result from oil and gas development and uncontrolled ORV use, both of which the BLM has acknowledged are likely to occur if these activities are permitted to occur on lands with wilderness characteristics.

In addition, the information submitted regarding citizen-proposed wilderness constitutes significant new information that must be addressed in this RMP revision. This information has not yet been analyzed in the existing land use plan, so NEPA requires analysis of the potential environmental direct, indirect and cumulative effects of oil and gas development on these areas and consideration of protection for them. *See,* 40 C.F.R. § 1502.9(c); Marsh v. Oregon Natural Resources Council, 490 U.S. 360, 374 (1989). In a recent decision, the U.S. District for the District of Utah found that information regarding wilderness characteristics that was not considered in the existing land use plan was:

> **a textbook example of significant new information** about the affected environment (the **wilderness attributes and characteristics** of the Desolation Canyon, Floy Canyon, Flume Canyon, Coal Canyon, and Flat Tops unit) that would be **impacted by oil and gas development**; information that was **not reflected in BLM's existing NEPA analyses**.

Southern Utah Wilderness Alliance v. Norton, 457 F. Supp. 2d 1253 (D. Utah 2006) (**attached**). A compliant NEPA analysis requires not only assessment of potential impacts but also a consideration of potential mitigation measures, such as protecting lands with wilderness characteristics. 40 C.F.R. §§ 1502.14, 1502.16. The Rio Puerco RMP must consider protective measures tailored specifically to protect lands with wilderness characteristics.

BLM's Arizona State Office has issued guidance that elaborates upon the BLM's national guidance by providing for identification of lands with wilderness characteristics and development of management prescriptions to protect and enhance these values (IM No. AZ-2005-007 – **attached** for your reference). The Proposed RMP for the Arizona Strip (excerpts **attached** for your reference) includes land use allocations for lands with wilderness characteristics in every alternative and sets out protective management prescriptions (Table 2.10). This RMP also includes a detailed discussion of how BLM identified and assessed

wilderness characteristics and the need for protective management (Appendix 3.D). The process is consistent with FLPMA's direction that BLM inventory for the many values of the public lands and consider ways to protect them (i.e., not all uses are appropriate in all places) in the RMP. 43 U.S.C. §§ 1711, 1712. The recently-released Records of Decision for this planning area all include protection for lands with wilderness characteristics (available on-line at: http://www.blm.gov/az/st/en/fo/arizona_strip_field.html)

Other RMPs that are being prepared in Colorado, Arizona, New Mexico and Utah include identification of lands with wilderness characteristics and include management of certain areas to maintain and enhance these values in management alternatives under consideration. For example, the recently-released Preliminary Draft Alternatives for the Tri County RMPs (prepared by the BLM's Las Cruces, NM Field Office) also provide for protection of citizen-proposed wilderness, stating that these areas "would be managed to maintain wilderness characteristics." *See*, Tri County RMPs/EIS Newsletter, p. 3 (**attached** and also available on-line at: http://www.nm.blm.gov/lcfo/tri_county/tricounty.html.) The Preliminary Goals and Objectives (p. 3, also **attached**) set out a ***management approach specific to lands with wilderness characteristics***, including:

- Goal: Maintain naturalness, outstanding opportunities for solitude, and unconfined recreation.
- Objectives**:**
    - Manage areas with wilderness characteristics to maintain the natural qualities of the landscape where the imprint of human activity is substantially unnoticeable; where the sights, sounds, and evidence of other people are rare or infrequent; and where visitors can be isolated, alone, or secluded from others.
    - Provide management direction for assessing site specific impacts from proposals that fall within identified areas with wilderness characteristics based on the long-term effect on naturalness, ability to restore the impacted area to it's natural state, compatibility with VRM objectives, loss of opportunity for solitude and primitive recreation, and potential for proposed use to be accommodated outside of the area.

In addition, the Draft RMP for the Little Snake Field Office (released February 9, 2007 and available on-line at: http://www.co.blm.gov/lsra/rmp/index.htm) addressed management of lands with wilderness characteristics and/or backcountry characteristics. Most of the lands at issue in the Little Snake Draft RMP were identified as part of a citizens' wilderness proposal, which the BLM re-inventoried and considered for management of their naturalness and/or opportunities for primitive recreation or solitude. The Draft RMP identifies two ***specific management approaches***, one for "Lands with Wilderness Characteristics Outside Existing WSAs" and another for "Lands with Backcountry Characteristics Outside Existing WSAs." *See*, Draft RMP, pp. 2-158 – 2-161; 2-199 – 2-201 (**attached**). Management prescriptions include:

Lands with Wilderness Characteristics:

- Objective: **"**to protect naturalness, opportunities for semiprimitive recreation and solitude";
- closed to oil and gas operations and other minerals activities;
- off-road vehicles (ORVs) limited to designated routes;
- Class II or Class III Visual Resource Management (VRM) classification; and

- Some areas may be managed as a Special Recreation Management Area (SRMA) to "provide quality primitive recreation experiences in a largely natural setting.":
    - closed to oil and gas leasing (or to new oil and gas leasing);
    - closed to ORVs;
    - VRM Class II.

Lands with Backcountry Characteristics:

- Described as "backcountry areas";
- Objective: "to provide backcountry recreation experience in predominantly natural settings";
- closed oil and gas leasing;
- closed to ORVs; and
- VRM Class II.

To ensure that wilderness values receive proper and sufficient attention as a critical aspect of land management in preparation of the Rio Puerco RMP, BLM must address wilderness as a separate and unique issue in the planning process including in its Planning Criteria, in the Analysis of the Management Situation and in each section of the RMPs. Protection of lands with wilderness character should be identified as a major issue in the scoping report. This will assist the public in understanding the values of wilderness-quality lands and the potential effects of other multiple uses on wilderness character, as well as in communicating comments or concerns regarding the management of these lands to BLM. Because comments on protection of wilderness values will be clearly identified, BLM will be in a better position to clarify any misconceptions and provide complete responses.

In preparing the revised RMP and accompanying EIS, BLM should clearly present management alternatives in the context of protecting wilderness character and analyze environmental consequences to that character. The protection of wilderness character should also be identified as one of the major scoping issues in the RMP. BLM has been aware of these proposed wilderness areas for some time, and the agency must attend to them. In the "Alternatives" section of the RMP, BLM must include various ways to protect these lands in each of the management alternatives. In addition to considering designation of new WSAs, BLM should propose protective management prescriptions or other protective status (including mineral withdrawals, non-motorized recreation prescriptions, ACEC designations, and prohibitions on new road construction and erection of structures such as cell towers) for these lands. The Alternatives section must also discuss the implications of each alternative for the wilderness-quality lands governed by the Rio Puerco RMP. Finally, BLM must specify the "Environmental Consequences" of the resource management decisions on the wilderness-quality lands in the planning areas. This discussion should include, but not be limited to, an analysis of the cumulative impacts of other activities (including those undertaken by non-federal entities) within the planning areas on these unique lands. In short, in every major section of the RMP, BLM must address wilderness-quality lands and citizen-proposed wilderness areas. BLM should then take appropriate actions to protect wilderness character in the preferred management alternative.

We look forward to seeing inventory for and protection of wilderness qualities comprehensively addressed as the preparation of the Rio Puerco RMP proceeds.

Recommendations: BLM should include protection of lands with wilderness characteristics in the RMP's management alternatives and thoroughly analyze this issue throughout the planning process. To ensure that wilderness values receive proper and sufficient attention as a critical aspect of land management in preparation of the RMP, BLM must inventory for lands with wilderness characteristics (including those lands identified in our Citizens' Proposal for wilderness protection), consider alternatives for protecting lands with wilderness characteristics (including for those lands currently designated as WSAs if they are not ultimately designated as Wilderness by Congress) and address wilderness as a separate and unique issue in the planning process in each section of the RMP, as described above.

CULTURAL RESOURCES

FLPMA obligates the BLM to protect cultural, geologic, and paleontologic resource values (43 U.S.C. §§ 1701(a)(8) 1702(c)). In the context of historical and cultural resources, the National Historic Preservation Act of 1966 ("NHPA") (16 U.S.C. § 470 et seq.) affords heightened protection to these resources, establishing a cooperative federal-state program for the protection of historic and cultural resources. In particular, the review process set out in Section 106 (16 U.S.C. § 470f) obligates the BLM to consider the effects of management actions on historic and cultural resources listed or eligible for inclusion under NHPA. Additionally, Section 106 requires the BLM to consider the effects of its management actions on all historic resources and to give the Advisory Council on Historic Preservation an opportunity to comment before the BLM takes action. Section 110 of the NHPA requires the BLM to assume responsibility for the preservation of historic properties it owns or controls (16 U.S.C. § 470h-2(a)(1)), and to manage and maintain those resources in a way that gives "special consideration" to preserving their historic, archaeological, and cultural values. Section 110 also requires the BLM to ensure that all historic properties within the National Monument are identified, evaluated, and nominated to the National Register of Historic Places. *Id.* § 470h-2(a)(2)(A).

Further, the President's "Preserve America" initiative (*See* Exec. Order 13287, March 3, 2003) requires the BLM to advance the protection, enhancement, and contemporary use of its historic properties. The BLM must ensure that "the management of historic properties in its ownership is conducted in a manner that promotes the long-term preservation and use of those properties as Federal assets."

Therefore, the Rio Puerco Field Office must carefully consider the effects of all RMP decisions on the wealth of archaeological and cultural values located in the planning area. Since it will be difficult to evaluate the effect of decisions when the location of cultural resources is unknown, the BLM should undertake an archaeological inventory wherever necessary. In particular, in regards to travel planning, the BLM should consider where motorized and non-motorized routes are directing people, inventory cultural resources along those routes, and carefully consider the potential impacts to those resources.

Recommendations:

In terms of archeological and historical values:

- BLM's goal should be to protect, conserve, and where appropriate restore archeological and historical sites and landscapes.

- BLM should survey all known or discoverable cultural and historic sites, or those adjacent sites may be adversely affected.
- BLM should determine the sites or areas that are most vulnerable to current and future impact and adopt management actions necessary to protect, conserve, and restore cultural resources.
- BLM should complete a Cultural Resource Management Plan that coordinates with the objectives of the RMP and seeks to provide for an appropriate proactive process of inventorying for cultural resources, making determinations of eligibility for the National Register, and seeking to nominate eligible properties to the National Register.
- BLM should outline specific management actions, such as stabilization, fencing, signing, closures, or interpretative development, to protect, conserve, and where appropriate restore cultural resources.
- BLM should adopt measures to protect cultural resources from artifact collectors, looters, thieves, and vandals.
- BLM should consult with the Native American community to determine whether there are sites or specific areas of particular concern, including sites of traditional religious and cultural significance.

In terms of geologic and paleontologic resources:

- BLM's goal should be to protect and conserve special geologic formations and paleontologic resources.
- BLM should determine the geologic and paleontologic sites or areas that are most vulnerable to current and future impact and adopt management actions necessary to protect, conserve, and restore these resources.
- BLM should prohibit the collection of any specimens.
- BLM should adopt measures to protect paleontologic resources from looters, thieves, and vandals.
- BLM should define the level of inventory needed to provide a basis for understanding the distribution, comparative importance, and potential uses of paleontologic resources (i.e., relative sensitivity, relative opportunities for interpretive development, relative scientific importance, relative potential for research and education).

OJITO WILDERNESS MANAGEMENT PLAN

We understand that the Rio Puerco RMP will also include the wilderness management plan for the recently-created Ojito Wilderness. We support the BLM's prioritizing completion of this plan and also have specific recommendations for issues to be addressed. As the timely development of a wilderness management plan is critical to ensure proper management of this sensitive area, we urge the BLM to prioritize completion of this plan as soon as possible, rather than waiting until the completion of the RMP revision.

With the passage of the Ojito Wilderness Bill on Oct 29, 2005, New Mexico gained its first designated Wilderness in 18 years. The 1964 Wilderness Act and subsequent management precedence clearly lay out the rules for Wilderness management. Still, there are many details that need to be addressed for Ojito to be properly managed. Though we support the creation of a wilderness management plan through the Rio Puerco RMP, we wonder if this process has too

long of a timeframe given the immediate pressures on Ojito. Continued growth will increase pressures on the RPFO public lands (hence the need for the RMP Revision), but for an area like Ojito that contains numerous sensitive cultural and paleontological resources governed by a mandate for Wilderness management, 4 to 5 years may be too long to wait for a proper plan. Therefore, we highly encourage the BLM to push a plan for Ojito forward as quickly as possible even if this means splitting it off into its own project with its own timeline and public process. For obvious reasons, NMWA and TWS will want to be involved in every aspect of this process.

There is a tendency in land management agencies to think of Wilderness only in terms of recreation. Quiet recreation is a valid use of Wilderness, but management should focus on protection of the Wilderness resource itself.

It will aid in the development of a management plan for Ojito that protects its Wilderness character as well as the cultural, paleontological, ecological and other values found within its boundaries, if BLM looks at it from a landscape level. Just in terms of public lands, Ojito is surrounded by an oil & gas underground storage facility, the White Mesa Bike Trails area, and a large body of open public lands leading toward Cabezon containing numerous pipelines and powerlines. Each of these has uses that could aid, conflict, or be benign with Wilderness management. For example, mountain bike tracks have been observed within the boundaries of Ojito. BLM may want to add a sign at the White Mesa Bike Trails Area educating mountain bike users to the fact that bikes are not allowed in Wilderness, but they can, of course, use the roads that surround the unit for further exploration. More examples and suggestions are below.

Issues and suggestions for management of Ojito

- Land tenure – RPFO is already aware the private lands jutting into the northeast corner of Ojito are very high priority for acquisition. Trading out the state parcel inside Ojito will also be critical to consistent, long-term, protective management of Ojito.
- Mineral and energy development – Ojito is already constrained by this. The gypsum mine on the Zia Pueblo's portion of White Mesa is a prominent part of the view from many parts of Ojito. Pipelines and powerlines surround the unit. Given this, BLM should withdrawal all surrounding public lands from White Mesa to Cabezon from mineral entry and oil & gas exploration. The trend of this area to be used for quiet recreation and scenic values is going to continue and BLM should plan accordingly.
- Recreation and visitor services – BLM has already been active in terms of signing for the Ojito area, mainly along the highway and then a great Wilderness sign as one crosses the pipeline for the first time. BLM should consider signage at key trailheads and parking areas that educates the public about Wilderness, explains what cannot and what **can** be done in a Wilderness area, and highlights some of the values beyond scenery that made Ojito a great candidate for Wilderness. Of course, BLM must be aware of "sign pollution," but the main access to Ojito is along one road so it should not be too difficult to use signs as an education tool and not overwhelm. As noted above, it would be good to have information at the White Mesa Bike Trails area explaining that bikes are not allowed in the Ojito Wilderness, but they can use the surrounding roads.
- Travel and trails management – the area from White Mesa to Cabezon and up to San Luis Mesa will be a critical area for designating routes open to motorized vehicles. A designated system of vehicle routes will help reduce environmental damage and user

conflict as recreation pressure in this region grows. Even routes not adjacent to Ojito need to be considered in the context of their proximity to Ojito. These routes will be used for everything from car camping to hunting access to ORV use, all of which could impact Ojito in negative ways.

  - There are a number of old routes in Ojito that may need to be closed off better than they are. BLM should move forward with this immediately. NMWA has already demonstrated that we are willing partner in this effort. Through Volunteer Service Projects, we have repaired the fence and masked one side of the old two-track that forms what is now called The Hoodoos Trail near Bernalillito Mesa. NMWA will continue to actively help manage the Ojito area. Do not hesitate to contact NMWA if there are ways in which volunteers can aid in management goals.
  - NMWA has a large amount of field work in the Ojito / Cabezon area. This field work documents the vehicle routes and other human impacts found in the area. We plan to gather more field work to cover public lands not in our original inventory, namely the lands east of Cabezon and north toward Cuba. We are happy to share this information with BLM. Conversely, we will appreciate any information BLM shares with us as Travel Management develops.

- There is clear evidence that elk use the Ojito area frequently. This points to the possibility that Ojito is a critical piece in the landscape puzzle of what is needed to insure connectivity between Mt. Taylor and the Jemez Mountains. Elk can certainly be a positive attribute to Wilderness, but it must be noted that Ojito is relatively fragile when looking at the grazing prowess of such a large animal. BLM needs to work with Game & Fish to insure that elk numbers remain within the carrying capacity of the land.

Recommendations: The BLM should commence preparation and implementation of the Ojito Wilderness Management Plan, in accordance with the recommendations set out above, as soon as possible, as a standalone plan – there is no need for it to wait for preparation of the RMP and the Ojito Wilderness will benefit from its completion. If the BLM cannot proceed in this manner, we would request a response as to the reason for the delay. Further, in the event that the wilderness management plan will not be finalized separately, we recommend that the RMP identify the Ojito Wilderness Management Plan as the first activity plan to be completed, prioritize its implementation, and identify the issues set forth above for inclusion in the plan.

TRAVEL MANAGEMENT PLANNING

1. Travel management decisions should be made in the RMP.

BLM's internal guidance states that "each RMP will divide planning areas into OHV area designations that are open, limited or closed." IM No. 2004-005; *see also* 43 C.F.R. § 8342.2(b). This internal guidance was also incorporated into the updated version of BLM's *Land Use Planning Handbook*. H-1601, Appendix C, Section II.D (Comprehensive Trails and Travel Management). The *Land Use Planning Handbook* states that BLM should:

> Complete a defined travel management network (system of areas, roads and/or trails) during the development of the land use plan, to the extent practical. If it is not practical to define or delineate the travel management network during the land use planning

process, a preliminary network must be identified and a process established to select a final travel management network. (emphasis added)

The *Land Use Planning Handbook* (Appendix C, Section II.D) also sets out requirements for travel management at both the land use and implementation planning levels:

- At the land use plan level, BLM must identify areas for use based on program goals and objectives, primary users, reason for "allowing travel" into an area, setting character to be maintained (including Visual Resource Management and Recreation Opportunity Spectrum classifications), and primary means of travel appropriate to meet objectives and keep setting character; and
- At the implementation level, BLM must define a detailed travel management network, "establish a process" to identify roads, trails, etc. with criteria for selections, guidelines for management, monitoring and maintenance, and indicators for future plan maintenance.

Recommendations: We support BLM's commitment to complete travel management concurrently with the RMP processes and to seize the opportunity presented by this RMP process to complete comprehensive travel management plan in conjunction with the RMP. The RMP should also identify priorities for implementation of the travel management plan, which may also be instructive in the event that the agency expects that additional travel planning will be needed. Special management areas, such as ACECs, special recreation management areas and citizen-proposed wilderness, will include travel designations within their boundaries. With respect to regions of the planning area, the area including Petaca Pinto, Volcano Hill and Sierra Lucero should be the first priority, followed by the area around Cabezon Peak and Cuba, and then the area surrounding the El Malpais National Conservation Area. Priorities for sub-regions to receive comprehensive travel management planning, which can also be useful for guiding implementation, were identified in the Draft RMP issued by the Little Snake Field Office (available on-line at: http://www.co.blm.gov/lsra/rmp/index.htm) and we would encourage you to further prioritize areas in this manner as well. Please see Appendix F from the Little Snake Draft RMP, which sets out criteria for prioritizing areas to receive comprehensive travel management planning, including:

- Special management areas
- Areas identified as "limited to designated roads and trails"
- Areas that meet fragile soil criteria
- User and resource conflicts
- Excessive complaints
- Wildlife/wild horse population trends
- Evidence of trail/road proliferation
- Areas with high road densities
- Impacts on cultural resources
- Unacceptable erosion
- Degradation of water quality
- Impacts on visual resources
- Loss of trail integrity
- Habitat fragmentation and damage

- Impacts on sensitive plants
- Need to provide a variety of user experiences

If the agency does not complete travel management plans for all of the planning areas as part of the RMP, then these RMP must identify not only areas for use, but also reasons for permitting travel into an area and appropriate criteria for determining routes that will be made available for different uses, taking into account such factors as undeveloped recreation opportunities available and natural settings.

2. Wilderness Study Areas.

Travel management planning within WSAs must minimize ORV motorized routes, which can impair wilderness characteristics. BLM is obligated to manage the WSAs in accordance with the Interim Management Policy (IMP) for Lands Under Wilderness Review (BLM Manual H-8550-1), which requires that WSAs are managed to protect their wilderness values. DRMP/EIS, p. 2-50. The IMP requires management of the WSAs in the Rio Puerco Field Office in accordance with the nonimpairment standard, such that no activities are allowed that may adversely affect the WSAs' potential for designation as wilderness. As stated in the IMP, the "overriding consideration" for management is that:

> . . . preservation of wilderness values within a WSA is paramount and should be the primary consideration when evaluating any proposed action or use that may conflict with or be adverse to those wilderness values. (emphasis in original)

The IMP also reiterates that WSAs "must be managed to prevent unnecessary or undue degradation." Additional directives regarding management of ORVs in WSAs can be found in BLM's regulations, which require BLM to ensure that areas and trails for ORV use are located "to minimize damage to soil, watershed, vegetation, air, or other resources of the public lands, and **to prevent impairment of wilderness suitability**." 43 C.F.R. § 8342.1(a) (emphasis added). BLM is also obligated to close routes to ORV use if ORVs are causing or will cause considerable adverse effects on wilderness suitability. 43 C.F.R. § 8341.2. BLM is also required to manage WSAs as Visual Resource Management (VRM) Class I. The object of VRM Class I is "to preserve the existing character of the landscape" and management is so that the "level of change to the characteristic landscape should be very low and must not attract attention" *See*, BLM official Visual Resource Management information website at: http://www.blm.gov/nstc/VRM/vrmsys.html.

As a threshold matter, we would like to emphasize that continued motorized use in WSAs can damage wilderness suitability and therefore should be prohibited under both the interim management policy and the ORV regulations. Further, the use of ORVs and increases in their use would be inconsistent with VRM Class I. All motorized ways in WSAs should be closed and restored. In order to comply with the IMP, if any motorized ways are retained, then designations should refer only to "ways."

In order to fulfill the mandates of the IMP, BLM's preferred alternative should cause the least harm and provide the most benefits to the wilderness characteristics in the WSAs. In addition, any motorized routes left open in WSAs must meet the criteria of the IMP and the BLM's ORV

regulations, showing that they do not impair wilderness suitability. BLM must vigilantly monitor the conditions of these routes and their impact on wilderness suitability, and ensure that they are closed if use of the routes impair wilderness values. The approach set out in IM ID-2008-016 (Vehicle Use in Wilderness Study Areas (WSAs)) recently issued by the BLM Idaho State Office (and **attached** for your reference) is instructive.

IM ID-2008-016 was issued "to reinforce existing policy and guidance" and, therefore, is equally applicable to the Utah BLM's management of vehicle use in WSAs. The IM emphasize the importance of monitoring ORVS, due to "the rapid growth" of their use, to determine if the volume and nature of the uses is leading to impairment of wilderness character to provide "a basis for management decisions that address continuing restricting, or prohibiting existing vehicle uses." The BLM's obligations, as described in the IM, include "determining if past or existing vehicle use or mechanized transport in WSAs has caused impairment to wilderness character." The IM also requires the BLM to document in an RMP:

- where and what vehicle uses were occurring in the WSA prior to the passage of FLPMA, which effectively creates a baseline
- past monitoring and those to be used "in the future to determine if wilderness values have been impaired or not by continued vehicle use"

In discussing monitoring, the IM reiterates that: "Because the preservation of wilderness values within a WSA is always of paramount importance, the BLM has an obligation to periodically evaluate the impact of use on ways that have been allowed to continue in relation to wilderness values, and if use of these ways is impairing such values, to take measures the end the impairment." Incorporating the directives of this IM into the Rio Puerco RMP and complying with them, will ensure that the BLM is in compliance with the IMP.

Recommendations: All routes designated in WSAs should be specifically identified in the RMP as "ways" and distinguished from "roads," since WSAs are, by definition, roadless. All ways should also be identified as temporary. The RMP must acknowledge the likely damage from permitting ongoing ORV use in WSAs and the benefits to wilderness values from limiting such access, and complete a thorough analysis of each alternative. In general, in order to comply with the IMP and BLM's regulations regarding motorized use, the RMP should seek to minimize ORVs in WSAs, permitting ways only if they do not impair wilderness suitability or damage wilderness characteristics. For any ways that will be retained, the BLM must show that they are permissible under the standards of the IMP and the regulations, and also show a compelling reason as to why it is necessary for the way to be open to ORV use. Further, the RMP must make specific commitments and include a protocol to monitor the potential impacts on wilderness suitability and wilderness characteristics of any ways left open to ORVs in WSAs and to immediately close these ways (and proceed with restoration) if impacts are identified. The BLM should adopt the approach to management set out in IM ID-2008-016, including creating a baseline of conditions in the WSAs, setting out a detailed monitoring program, incorporating standards for determining if use of these ways is impairing wilderness values, and committing to

take measures to end any such impairment immediately, including through closure and restoration of ways.[2]

Closure and restoration of all ways in WSAs is most consistent with the IMP and with protection of the other natural and cultural resources in the Rio Puerco Field Office. Alternatives B and E are most consistent with applicable standards for management of WSAs.

3. Landscape level planning.

Travel planning requires the agency to manage human travel across the landscape. The land use planning process, which addresses the broader landscape within a planning area, provides one of the best opportunities to make travel planning decisions in the appropriate context. While we understand that BLM does not have authority to close or relocate highways, major roads, or County roads, BLM must include these routes when analyzing the transportation network as they have a great impact on habitat fragmentation and reduction in core area size (discussed in length later in these comments and in Appendix 1**).** The placement and design of travel routes defines which areas will remain or become roadless, and which areas will be disturbed and how. In other words, route decisions determine the fragmentation of the landscape, and, thus, how naturally or unnaturally a landscape will behave in terms of water flow and quality, wildlife migration, and species composition and function.

NEPA requires federal agencies to assess the direct, indirect and cumulative environmental impacts of proposed actions, taking a "hard look" at environmental consequences and performing an analysis commensurate with the scale of the action at issue. 42 U.S.C. § 4321 et seq; 40 C.F.R. § 1508.8.[3] Travel planning affects the entire landscape and can only be thoroughly and properly assessed by considering potential impacts and making decisions at a comparable level. In terms of how to evaluate the potential impacts of travel management decisions, NEPA's definition of "cumulative impact" is instructive:

> the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

40 C.F.R. § 1508.7. (emphasis added). BLM must account for the direct, indirect, and cumulative impacts of all roads in the Rio Puerco Field Office RMP planning area when completing a comprehensive travel management plan.

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[2] The Rio Puerco Field Office has or should have monitoring data for the WSAs managed under this RMP, and must make this available in the RMP. In addition, if the monitoring data indicates that ORV use is impacting the WSAs (i.e. riders not staying on the ways, ORV use impacting the plants, soils, wildlife species, etc), then BLM must take appropriate action in the RMP and prohibit ORV use on the ways. If the BLM has documentation of the condition of these ways and proposed open area prior to the passage of FLPMA and/or as of the date the WSAs were designated, this information must be included in the Draft RMP as well, and should be incorporated into BLM's analysis and decision-making process.

[3] S*ee also* Metcalf v. Daley, 214 F.3d 1135, 1151 (9th Cir. 2000); Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 348 (1989).

Recommendation: BLM should address travel management on a landscape-wide basis by addressing the impacts of all roads in the planning area and accounting for the landscape-wide impacts of these roads.

4. Legal definition of "Road."

BLM must apply a legal definition of "road" within the planning process, develop appropriate criteria to accurately gauge what is or is not a road, ensure that illegal "ghost roads" are not legitimized, and in fact, close and reclaim such "ghost roads." Some legal roads serve important travel needs and are appropriate for motorized use. However, routes that are not "roads" should not receive equal consideration. The agency has a definition of "road," and this definition should be adopted and used consistently in order to create a regular expectation and approach on BLM lands. We note however, that merely meeting the definition of a road is not sufficient to justify designating a route. In fact, the BLM must still consider whether a route has negative impacts to sensitive or protected resources, such as by the process recommended in this document, and should only designate those that do not impact these resources.

The legal definition of road for the BLM public lands is derived from the definition of "roadless" in the legislative history of FLPMA:

> The word "roadless" refers to the absence of roads which have been improved and maintained by mechanical means to insure relatively regular and continuous use. A way maintained solely by the passage of vehicles does not constitute a road. (H.R. Rep. No. 94-1163 at 17 (1976)).

In addition, the Code of Federal Regulations (43 C.F.R. § 19.2(e)) establishes the following definition:

> An improved road that is suitable for public travel by means of four wheeled, motorized vehicles intended primarily for highway use.

IM 2006-173 ("Implementation of Roads and Trails Terminology Report"), which sets out and defines associated with transportation management, also includes a definition of a road as:

> A linear route declared a road by the owner, managed for use by low-clearance vehicles having four or more wheels, and maintained for regular and continuous use.

Therefore, it is incumbent upon BLM to exclude "user created" routes from the inventory presented in the Draft RMP. To include these routes is to legitimize and "grandfather in" illegally created routes and/or routes which have not been improved or maintained by mechanical means to ensure regular use. Any inventory or proposal of routes to be included in the transportation system for the Rio Puerco Field Office should exclude user created routes.

***Recommendations*:** BLM should use a legal definition of "road" (as defined above) when designating routes and exclude "user created" routes from the inventory.

5. Habitat fragmentation.

As mentioned in the beginning of this section of our comments, BLM must address travel management on a landscape level to ensure that BLM meets its responsibility as stewards of the public land and mitigates against habitat fragmentation. We have included The Wilderness Society's most recent Science and Policy Brief, "Habitat Fragmentation from Roads: Travel Planning Methods to Safeguard BLM Lands" (Appendix 1). Also included in Appendix 1 are four scientific reports prepared by TWS and discussed in the habitat fragmentation report. These include *Fragmenting Our Lands: The Ecological Footprint from Oil and Gas Development, Protecting Northern Arizona's National Monuments: The Challenge of Transportation Management, Wildlife at a Crossroads: Energy Development in Western Wyoming,* and *Ecological Effects of a Transportation Network on Wildlife.* In addition to summarizing the four reports included, "Habitat Fragmentation from Roads: Travel Planning Methods to Safeguard BLM Lands" provides a summary of available scholarly and government reports and studies on the impact of habitat fragmentation on wildlife, provides methods for calculating habitat fragmentation, and provides recommendations on how to integrate fragmentation analysis into travel management.

We also recommend you look at the travel planning criteria set out in the Record of Decision for the Dillon (MT) RMP (relevant sections **attached** and also available on-line at: http://www.mt.blm.gov/dfo/rod/contents.htm), as an example of criteria that incorporate key aspects of BLM's ORV regulations as well as ecological metrics. While this field office did not complete a comprehensive travel management plan as part of its RMP revision, it included road density targets and included an appendix outlining the principles it will use when completing a comprehensive travel management plan during implementation.

***Recommendation*:** BLM should use the information provided in Appendix 1 to measure habitat fragmentation, conduct a thorough fragmentation analysis, and inform decisions regarding road closure and other limitations on use in the Rio Puerco RMP.

6. Principles of travel management.

When completing a comprehensive travel management plan, it is vital to complete it in a systematic and transparent manner.

Key principles of travel planning

(1) Travel management is part of land use planning and should address both recreation and transportation needs from a landscape perspective.

(2) Prior to conducting an inventory or designation of routes, BLM should assess the present resources, requirements for protection, and which uses for recreation and development are compatible with these resources, requirements and other users.

(3) BLM should use a legal definition of "road" when designating routes.

(4) BLM's consideration of ORV use should take into account its potential damage to resources and other uses, including exclusion of other users.

(5) Where BLM presents a baseline travel system, it must present route maps in a responsible manner that does not legitimize illegally-created routes.

(6) BLM should include a detailed closure and restoration schedule in the plan.

(7) BLM should include and implement a monitoring plan.

(8) BLM should include and implement education and outreach in the plan.

***Recommendations*:** BLM should follow the eight travel planning principles detailed above to ensure that only routes which truly serve a valid purpose for the public remain open.

CLAIMS UNDER REVISED STATUTE 2477 (R.S. 2477)

As discussed above, BLM's Land Use Planning Handbook (H-1601-1) and the Executive Orders and federal regulations cited therein obligate the BLM to make travel management decisions, including, for instance, limiting use of ORVs to areas and routes where they will not damage natural resources or cause excessive conflicts with other users of the public lands. The regulations further require BLM to close routes or areas where ORVs are having considerable adverse impacts on other natural resources. 43 C.F.R. § 8341.2. Assertions of R.S. 2477 rights-of-way should not affect this decision-making process.

Instruction Memorandum (IM) 2006-159, which addresses non-binding determinations that may be made by field or state offices, is very clear that there is no requirement for the agency to conduct a non-binding determination as part of travel planning in general or even in relation to specific road closures. Further, as noted in the guidance and by the Tenth Circuit Court of Appeals, the BLM cannot make determinations as to the validity of R.S. 2477 claims – only a court can make a final determination.[4] The IBLA has recently confirmed that BLM is legally permitted to complete transportation plans for areas without addressing R.S. 2477 claims[5]. Where there is a valid R.S. 2477 claim, BLM still has the authority to manage the claim to ensure its compliance with environmental and other laws.

The Rio Puerco RMP will not affect valid existing rights, so if an R.S. 2477 right-of-way is ultimately found to exist, decisions in the RMP will be adjusted accordingly. In the interim, BLM should not make decisions recognizing R.S. 2477 rights-of-way as part of the resource management planning process. Alternative avenues exist – namely the federal courts – for those seeking recognition of R.S. 2477 rights and rights-of-way can be obtained under FLPMA for those seeking access.

Recommendations: BLM should neither make determinations regarding R.S. 2477 claims as part of this planning process nor permit those assertions to influence its decisions regarding permitting motorized use. The BLM is legally obligated to identify and protect the many natural

[4] Southern Utah Wilderness Alliance v. Bureau of Land Management, 425 F.3d 735, 757 (10th Cir.2005)

[5] *See* Rainer Huck, 168 IBLA 365, 398-99 (April 18, 2006) ("BLM did not need to decide the validity of the R.S. 2477 assertions in order to make its route designations, especially since it did not intend its analysis to affect any R.S. 2477 validity determinations and indicated that the Plan would be adjusted to reflect any R.S. 2477 decisions."). The IBLA further declined to adopt the appellants' suggestion that "the Department must engage in a 10-year quest to inventory routes OHV users may have carved out of the public lands by virtue of repetitive use" as part of land management planning, particularly where claimants submitted little or no evidence. 168 IBLA at 399 n.17.

resources found in the public lands under its management, including wildlife habitat, scenic values, cultural resources, recreation opportunities and wilderness character, and to avoid unnecessary or undue degradation of these resources. 43 U.S.C. § 1701 *et seq*. Similar considerations are required when the BLM assesses whether to permit motorized use of areas or routes. 43 C.F.R. § 8342.1. The agency must adhere to applicable laws and policies while conducting travel planning, and must forego any approach that could lead to a legally-questionable validation of R.S. 2477 rights-of-way claims. Further, the designation of routes should be consistent with the management objectives set out in the RMP to prioritize certain uses and protect specific values.

FIRE

The Rio Puerco RMP should establish an ecologically based fire restoration program, so that fire can play its natural and necessary role in the Rio Puerco RMP area, such that the fire policy will:

- Focus fire suppression efforts and risk reduction management on the wildland-urban interface.
- Ecological restoration will require prioritization to allocate limited agency funding. We recommend that BLM determine restoration priorities by using communities as the anchor for setting a restoration agenda and then expanding outward from those communities as funding permits.
- Strongly regulate and/or prohibit mechanical vegetation treatments, road building, and other fire management activities in roadless areas and other areas with sensitive resources. The Rio Puerco RMP must contain provisions that will ensure that any temporary roads constructed to implement fire policy are in fact temporary.
- Be consistent with the 2001 Western Governor's Association's 10-year Comprehensive Wildfire Strategy.
- Be consistent with the 2005 New Mexico Forest and Watershed Health Plan.
- Fully comply with all existing legal requirements and obligations, including those arising under NEPA and the Endangered Species Act.

BLM has finalized a Statewide Fire Management Plan for the State of New Mexico. Consistency with this plan is required and will also ensure that fire management in the Rio Puerco RMP fulfills the ultimate goals of: (1) safe human communities, (2) wild, self-sustaining ecosystems in healthy condition, and (3) managed ecosystems in healthy condition. Please confirm the manner in which the BLM will:

- incorporate the requirements of the Statewide Fire Management Plan into the Rio Puerco Field Office RMP;
- manage fire in the Rio Puerco Field Office RMP to fulfill the ultimate goals of that plan; and
- address the use of wild land fire as a landscape restoration tool in the Rio Puerco Field Office RMP.

Recommendation: The BLM must fully explain and incorporate as requirements in the RMP: a) how it intends to comply with the Statewide Fire Management Plan; b) how it will incorporate travel management into its fire plan; and c) how the suppression criteria will take into account sensitive species habitat and roadless areas.

SOCIOECONOMIC ANALYSIS

The analysis of the socio-economic impacts of the RMP must be thorough and accurate in order to responsibly manage the public lands. We have **attached** a document entitled "**Socio-Economic Framework for Public Land Management Planning: Indicators for the West's Economy**," which details our expectations for the baseline analysis of the region's economy as well as the analysis of the potential impacts of proposed management alternatives on the area. We request that your analysis of alternatives in the Rio Puerco RMP Revision follow the approach set out in this document, as well as the more specific considerations detailed below.

1. General approach.

In general, when looking at the economic implications of various management alternatives, BLM should do a full accounting of the costs and benefits. To facilitate informed investment decisions about publicly owned wildlands, economic analysis must take into consideration both market and nonmarket benefits and costs (Loomis 1993). To account for the full array of market and nonmarket wildland benefits, economists have derived the total economic valuation framework (TEV). TEV is the appropriate measure to use generally when evaluating the benefits of conserving wilderness character and wildlands. Figure 1 summarizes the seven categories of wildland benefits (Morton, 1999).

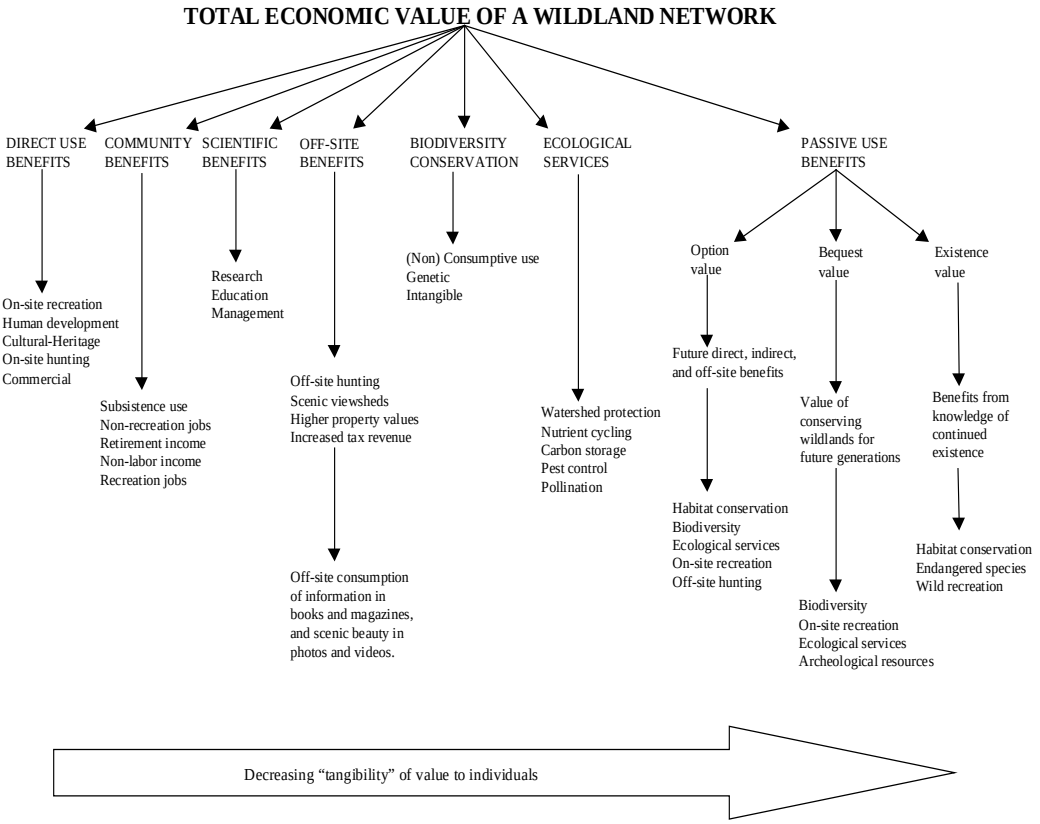

Figure 1. Total Economic Valuation Framework for Wildlands

Source: Morton, 1999

With respect to estimating the economic impacts (e.g. income to communities) of various management alternatives, the BLM should avoid the IMPLAN model or other input-output models that are grounded in economic base theory, as research has shown that IMPLAN is a static model that is inadequate for planning purposes. IMPLAN models also do not consider the impacts of many important variables that affect regional growth in the rural west, such as regional amenities like high quality hunting, fishing and recreational opportunities, open space, scenic beauty, clean air and clean water, a sense of community, and our overall high quality of life. Many of these amenities are associated with attracting new migrants as well as retaining long-time residents -- both of whom earn retirement and investment income. Unfortunately, most IMPLAN models completely fail to consider the important economic role of retirement and investment in the economy of a community – which can be a fatal flaw of the model. We recommend that the BLM rely on trend analysis of income and employment for the counties impacted using the EPS system developed by the Sonoran Institute (www.sonoran.org) and currently maintained and available from Headwaters Economics (http://www.headwaterseconomics.org/eps/index.php). We have **attached** an aggregate profile for the entire 6-county area as an example of the sort of output produced by the EPS system and as an example of the sort of trend analysis that should be performed by the BLM. The aggregate profile attached here has numerous data gaps, therefore, the BLM must also produce profiles for

each of the 6 counties individually in order to produce a complete picture of the Planning area's economy.

2. The BLM should use Total Personal Income as a basis for examining economic impacts.

For the analysis of regional economic trends, the BLM should include an analysis of all sources of income, rather than relying solely on employment – which will dramatically overstate the importance of oil and gas industries to the local economy. A full accounting of income is necessary to an understanding of the important role that transfer payments and other sources of non-labor income, such as interest payments, rents, and profits have upon the regional economy. For example, in New Mexico, investment and retirement income accounts for 27% of total personal income in the state. Therefore, an economic impact analysis that excludes non-labor income is totally inadequate and misleading.

3. To provide socio-economic context, the BLM should examine historic trends in county income and employment.

A growing number of economists are recognizing that protecting the quality of the natural environment is key in attracting new residents and business and therefore the environment is the engine propelling the regional economy. A letter to President Bush from 100 economists concludes "The West's natural environment is, arguably, its greatest, long-run economic strength…A community's ability to retain and attract workers and firms now drives it prosperity. But if a community's natural environment is degraded, it has greater difficult retaining and attracting workers and firms" (Whitelaw, et al. 2003). Given these findings, we request that the BLM economists fully consider the indirect role of wildlands in attracting non-recreational businesses and retirees when considering the economic impacts of the proposed natural gas development project. Research supports these assertions that the amenities of the rural West attract business and economic opportunities (Lorah, 2001; Rasker, 1994; Johnson and Rasker, 1993 and 1995; Rudzitis and Johansen, 1989 and 1991)

Completing an analysis of income and employment trends and the role of wildlands in those trends is especially relevant given the growing body of literature suggesting that the future diversification of rural economies is dependent on the ecological and amenity services provided by public lands in the west (Power 1996, Johnson and Rasker 1995, Haynes and Horne 1997). These services (e.g. watershed protection, wildlife habitat, and scenic vistas) improve the quality of life, which in turn attracts new businesses and capital to rural communities.

Public lands in the West represent natural assets that provide communities with a comparative advantage over other rural areas in diversifying their economies. Public land management can contribute to decreasing dependence/specialization and diversifying local economies by de-emphasizing resource extraction and emphasizing management and budgets on providing high-quality recreation and conserving habitat for the region's biological resources.

As noted by (Freudenburg and Gramling 1994):

> it needs to be recognized as a serious empirical possibility that the future economic hope for resource-dependent communities of...the United States could have less to do with the consumption of natural resources than with their preservation.

Resource managers, economic planners and community leaders must become aware of this potential. **We therefore request our concerns be fully addressed and our recommendations followed as part of the NEPA process analyzing different uses of these public lands**.

4. The socio-economic impacts of oil and gas development must be fully accounted for in alternatives which include such development in the RMP Revision

Oil and gas development has important impacts (both positive and negative) on the surrounding communities. These impacts need to be assessed accurately and completely by the BLM when considering any potential oil and gas development for the Rio Puerco Field Office. We have **attached** a document entitled **"The Economic and Social Impacts of Oil and Gas Development"** which describes in detail some of these impacts, along with our recommendations for assessing the impacts and mitigating them.

Oil and gas development is subject to cycles of boom and bust. The instability and lack of local control associated with oil and gas drilling are a source of both economic and social distress for communities that are too dependent on the oil and gas industry. Currently many communities in the Rocky Mountain region are experiencing the "boom." While there are benefits to the local communities, there are also costs. Landowners are incurring considerable expense to protect their homes, ranches and other property from the impacts of drilling on or near their lands. Local governments are experiencing increased costs to provide services to the expanding populations, along with increased costs due to increased traffic, crime, drug use, and demands on emergency services. Labor shifts also have costs to local communities. For example, workers may leave city or county jobs for oil and gas jobs, placing a strain on the government workforce at a time when agencies are stretched thin to handle the increased workload brought on by the boom (such a labor shift was documented in the Powder River Basin by Pederson Planning Consultants, 2001).

Along with socio-economic impacts, oil and gas, and especially coalbed methane, production poses serious additional environmental concerns which will have impacts on the local communities. Water produced during the initial stages of coalbed methane production increases the potential for damage to water quality (USGS, 1995), as well as the damage associated with surface disposal in an otherwise arid region. In Wyoming for example, where coalbed methane production has been ongoing for several years, these impacts have been well documented. Wells in Wyoming discharge between 20,000 to 40,000 gallons per day per well (Darin, 2000). The disposal of the produced water not only affects the economics of development, but also poses serious environmental concerns. The total amount of water discharged from CBM wells in Wyoming has skyrocketed in recent years, increasing from approximately 43.5 million gallons (134 acre feet) in 1990, to 18 billion gallons (56,000 acre feet) in 2005 (Wyoming Oil and Gas Conservation Commission, 2006).

The discharging of 56,000 acre feet of water in the arid West is wasteful in the short-term (generally an acre-foot of water will supply a family of four for one year), and has potentially devastating economic impacts for affected communities in the long-term. Dewatering of deep aquifers may upset the hydrologic balance, eliminating or reducing the availability of this water for future agricultural and domestic uses, and impacting the recharge of shallow aquifers and surface

water. The process of releasing natural gas from coal formations (fracturing) has the potential to contaminate household water wells (USGS 2000). New Mexico, including the Rio Puerco Field office, can expect similar impacts if coalbed methane development is pursued.

Recommendations: BLM should analyze the socioeconomic impacts of the proposed management alternatives in accordance with the approach set out in "Socio-Economic Framework for Public Land Management Planning: Indicators for the West's Economy," including the more specific considerations detailed above. BLM must also conduct a thorough assessment of the impacts of oil and gas and coalbed methane development on the social and economic wellbeing of the communities included in the Rio Puerco Field Office. We recommend that such analyses be based on the issues and methods outlined in "The Economic and Social Impacts of Oil and Gas Development**."** We also request that the RMP require that any proposed oil and gas development includes adequate measures to mitigate negative socioeconomic impacts and protect the local communities, property owners and the landscape from such harms.

ADAPTIVE MANAGEMENT

We understand that BLM may employ adaptive or "outcome-based" management in different aspects of the Rio Puerco RMP. We believe that adaptive management should only be used where it can strengthen BLM's ability to conserve resources within the multiple use mandate and should not be employed to relieve BLM of specific obligations, restrictions on development, or use of appropriate management tools such as special designations. Adaptive management can provide a method for BLM to fully and actively manage resources beginning with inventory, continuing through monitoring and analysis of impacts, to modifying management based on the results of monitoring and evaluation.

Since BLM has not yet issued any comprehensive formal guidance on adaptive management, we are providing the following recommendations in considering use of adaptive management based on existing guidance, studies and other uses of adaptive management that we have observed:

- **Adaptive management should start small and pace development with level of learning.**

In the early stages of the Rio Puerco RMP, actions that may cause environmental impact should be limited until such a time where inventory, monitoring, and analysis can confirm that the resources are tending toward the desired goal.

- **Define in detail what the adaptive management process will and will not address.**

BLM should prepare a monitoring protocol that guides whether or not BLM plans to use adaptive management with specific resources. The Draft EIS should also describe the resources and specific indicators that will be measured and used to determine adaptive management so that the public can provide meaningful comments on BLM's proposed approach to adaptive management.

- **Ensure adequate baseline prior to starting adaptive management.**

BLM should prepare detailed analysis of current inventory status to accompany the EIS that clearly specifies resources and locations for which BLM lacks inventory data and establishes a timeframe to accomplish inventories for resources or locations where data is lacking.

- **Ensure agency commitment to fund monitoring.**

Commitment of adequate resources for administration of this adaptive management process should be firm and sufficient to support the full implementation of adaptive management. Funding for adaptive management should not be dependent on shifting the financial and personnel burden to various user interests or other cooperating community groups.

- **Have a "fallback" plan should monitoring or other aspects of the adaptive management process not be fully carried out.**

Adaptive management much include requirements for when and how the proposed outcome will be reevaluated if it is not being met. The agency's ability to reevaluate or amend desired outcomes should not be the sole fallback if either the adaptive management process is not working or outcomes are not being met. BLM should build into the Rio Puerco RMP provisions to address situations based on new information, circumstances, regulatory requirements, or discontinued agency funding for monitoring that would trigger a plan amendment or revision under a new EIS.

- **Process should be managed so citizens can actively and effectively participate.**

The adaptive management process should be managed so that the public can actively and effectively participate. This resource area is broad; citizens interested in the resources governed by the Rio Puerco RMP reside across nine counties; and, involvement of citizens in adaptive management processes can be both timely and costly to individuals. BLM should, in addition to seeking funding commitments for fund monitoring and analysis, seek funding for citizen participation. BLM should also begin planning now as to how citizen involvement in adaptive management will meet the requirements of the Federal Advisory Committee Act, and such planning should not be left only to those citizens or community groups wishing to collaborate or advise BLM.

- **BLM should provide a budgetary analysis to demonstrate the likely ability to carry out adaptive management.**

Because the success of an adaptive management program is dependent upon BLM's ability to conduct thorough monitoring programs and implement changes which become necessary in response to monitoring data and/or changing conditions, it is critical that BLM provide a budgetary analysis detailing potential costs and availability of funds.

Recommendations: The BLM should limit use of adaptive management to appropriate situations (where the risk of failure will not cause harm to sensitive resources). An adaptive management program should comply with the guidelines set out above and the RMP must fully explain, with sufficient detail, how BLM will employ adaptive management, what the "triggers" are for its use, what opportunities the public will have to participate in adaptive management decisions, and how the agency will fund the program.

WATER QUALITY

BLM should proactively manage both the quality and quantity of water resources. FLPMA establishes a general requirement that land use planning and the resulting plan provide for

compliance with "pollution control laws." 43 U.S.C. § 1712(c)(8). Compliance with the Clean Water Act (CWA) is an important element of this requirement.

The CWA establishes many requirements that BLM must adhere to in the Rio Puerco RMP. It is imperative that BLM insure that waters on its lands comply with State water quality standards. It is critical to recognize that State water quality standards "serve the purposes" of the CWA, which, among other things, is to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters. . ." 33 U.S.C. §§ 1313(c)(2)(A), §1251(a). That is, a purpose of water quality standards is to protect aquatic ecosystems, and BLM must ensure this comprehensive objective is met by ensuring water quality standards are complied with. Water quality standards are typically composed of numeric standards, narrative standards, designated uses, and an antidegradation policy. All too often, however, only numeric standards are viewed as "water quality standards." That narrow view is incorrect. The Supreme Court held in PUD No. 1 of Jefferson County v. Washington Dep't of Ecology, 511 U.S. 700 (1994), that all components of water quality standards are enforceable limits. Consequently, the RMP must ensure all components of State water quality standards are met, not just numeric standards.

Adopting this legally sanctioned view of water quality standards is important. For example, a typical designated use for a stream might state that the stream is "protected for cold water species of game fish and other cold water aquatic life, including necessary organisms in their food chain." Designated uses of this sort encompass a far more holistic, ecosystem-based view than focusing on, say, the concentration of chloride in the stream (a numeric standard). Consequently, the Rio Puerco Field Office RMP should provide that designated uses be fully achieved, and if they are not, require prompt management changes even if numeric standards are otherwise being met. Similarly, narrative standards can often embody a better ecological synthesis than numeric standards, and thus BLM should ensure that they too are achieved. For example, a State's narrative standard might make it illegal to contaminate a stream with "floating materials or scum that create objectionable odors or cause undesirable aquatic plant growth." If the State water quality standards applicable to the Rio Puerco RMP area have made narrative provisions a component of water quality standards, the Rio Puerco RMP should ensure these narrative standards are fully met, and modify management where they are not. In meeting the narrative provisions and designated uses of applicable water quality standards, the Rio Puerco RMP should clearly establish current conditions in the affected environment, goals, objectives and monitoring protocols for this and every watershed within the lands governed by the Rio Puerco RMP.

The State's antidegradation policy is also a critical component of water quality standards. *See* 40 C.F.R. § 131.12 and applicable State regulations. Of particular significance are Outstanding National Resource waters, where water quality must be maintained and protected. 40 C.F.R. §131.12(a)(3). Outstanding National Resource waters are waters that "constitute an outstanding National resource, such as waters of National and State parks and wildlife refuges and waters of exceptional recreational or ecological significance . . ." *Id.* (emphasis added). While States designate Outstanding National Resource waters, the Clean Water Action Plan makes it appropriate for BLM to identify waters that should be fully protected by this designation during its planning process, and to make recommendations to the State and EPA accordingly.

In addition to the antidegradation policy's protections for waters that are meeting water quality standards, where State water quality standards have not been achieved despite implementation of point source pollution controls, section 303(d) of the CWA requires a State to develop a list of those still-impaired waters, with a priority ranking, and to set total maximum daily loads (TMDLs) of pollutants for the stream "at a level necessary to implement the applicable water quality standards. . . ." 33 U.S.C. §1313(d)(1)(C). Consequently, to the extent waters within the BLM's jurisdiction have been identified as water quality impaired segments, or contribute stream flow to such segments, the Rio Puerco RMP should include affirmative steps toward reducing that impaired status, regardless of whether the State has made a specific allocation of pollutant load to BLM lands at the time the Rio Puerco RMP are prepared. If any specific load allocation has been made by the State for activities on BLM lands, BLM should obviously ensure that all activities are in compliance.

The Rio Puerco RMP should also ensure full compliance with sections 401 and 404 of the CWA. Section 401 requires State certification of compliance with State water quality standards prior to authorization of certain actions on BLM lands. 33 U.S.C. § 1341. The Rio Puerco RMP should fully implement this requirement. Section 404 requires permits before discharges of dredged or fill material can be made into navigable waters, and BLM, through the Rio Puerco RMP, should assist the EPA and Army Corps of Engineers with implementation and enforcement of this requirement, which, of course, is a powerful means for the protection of wetlands. See 33 U.S.C. § 1344.

Similarly, the Rio Puerco RMP should make provision for implementing BLM's Riparian-Wetland Initiative, and seek to implement the specific objectives established in that initiative, particularly the objective of restoring 75% of riparian areas to "proper functioning condition."

The Rio Puerco RMP should also impose restrictions on oil and gas development in order to protect water resources. In October 2005, the New Mexico Oil Conservation Division compiled information regarding groundwater impacts from leaks, spills and releases resulting from oil and gas operations, although this data does not include all such impacts or all sources associated with oil and gas development and operations. There are close to 1400 groundwater contamination instances in the OCD's database that are attributed to oil and gas activities, with more than 400 from pits, highlighting the risks posed by oil and gas operations. This report (available at http://www.emnrd.state.nm.us/EMNRD/ocd/documents/rptGeneralizedGWImpact.pdf) highlights the importance of protecting water resources from oil and gas development.

Recommendation: We urge the BLM to obtain sufficient information regarding water resources in the area governed by the Rio Puerco RMP and take this into account in developing management alternatives that include appropriate protections for this irreplaceable resource, as described in more detail above.

AIR QUALITY

BLM should prepare an Air Quality Baseline and Analysis Report, to be incorporated as the baseline air quality of the EIS, and set air quality goals and objectives aimed at improving air quality both regionally and throughout the Rio Puerco RMP area.

The Rio Puerco RMP should seek to exceed local, State and Federal air quality standards, including meeting the requirements of applicable State implementation plans and ambient air quality standards and improving air quality in non-attainment areas. Protecting air quality should be a priority – not just an afterthought that is done if convenient or "feasible." FLPMA requires BLM to consider the relative value of the various resources, and clean air is quickly becoming (along with undeveloped landscapes) a most valued, yet dwindling resource. Therefore, BLM should take a proactive approach to managing air quality by, among other things: gathering baseline air quality data; setting aggressive standards; requiring any actions on public lands to meet those standards (i.e. no flaring, no two-stroke engine use on public lands, etc); analyzing the cumulative impact of any proposed action with other past, present, and reasonably foreseeable actions; establishing an effective monitoring program; and halting any actions that contribute to air pollution if such monitoring reveals that standards have been exceeded.

The EIS should address the issue of regional haze and the destruction of viewsheds caused by haze (which may be caused by activities both within and outside the lands governed by the Rio Puerco RMP, but is a necessary part of cumulative impact analysis). Air pollution problems, perhaps more than any other environmental problem, are not subject to human-created, artificial boundaries. The Rio Puerco RMP should address the requirements in the Clean Air Act for the prevention of significant deterioration of air quality and protection of air quality in various airshed categories, particularly in Class I airsheds applicable to National Parks and wilderness areas. The EIS should address how prevention of significant deterioration requirements can be met, and the Rio Puerco RMP should require steps to ensure they are met. Class I airsheds within approximately 100 kilometers of the Rio Puerco Field Office RMP area include: Bandelier National Monument and the Ojito Wilderness Area.

Oil and gas development activities directly contribute to air pollution in several ways, and all should be addressed in the EIS. Oil and gas development activities produce large surface disturbances (pads and roads) and increase vehicle traffic, which contributes to particulate pollution. Oil and gas development activities also contribute to $NO_{x,}$, SO_2, and volatile organic compound (VOCs) pollution, through activities like flaring, drilling, processing plants, and wellhead compressors and compressor stations, to name a few. It is extremely important to consider the effects of and impose appropriate controls on air pollution from oil and gas development activities in the Rio Puerco RMP.

Recommendations: The EIS must consider air pollution problems existing in the Rio Puerco RMP planning area (whatever their source) at appropriately broad scales. Moreover, the preparation of a baseline air quality baseline and analysis report will guide local communities and BLM in understanding air quality impacts associated with future development and mitigation measures.

NOISE

Remoteness and quiet are major reasons people seek out the public lands, and the Rio Puerco RMP should make provisions to ensure that lands in the planning area remain remote and quiet. In addition, as noted in the literature provided on habitat fragmentation, noise also affects the ability of wildlife to use habitat Where a lack of noise is an important part of the experience of public lands or needed for protection of wildlife, such as in ACECs, primitive recreation SRMAs

or critical habitat, the Rio Puerco RMP should carefully regulate and limit the noise from oil and gas compressors and compressor stations, and that resulting from exploration and well drilling. In addition, the Rio Puerco RMP must regulate and limit noise from ORVs.

Recommendation: The Rio Puerco RMP should identify noise as a potential impact of various activities and impose appropriate restrictions on those activities to protect recreation opportunities and wildlife habitat.

Thank you for your consideration of our scoping comments. We look forward to seeing these issues addressed as the Rio Puerco RMP revision process continues.

Sincerely,

The Wilderness Society
Michelle Otero, Southern New Mexico Campaigns Coordinator
600 Central SE
Albuquerque, NM 87106
(505) 247-0839
Michelle_Otero@tws.org

Nada Culver, Senior Counsel
Alex Daue, Outreach Coordinator
The Wilderness Society
BLM Action Center
1660 Wynkoop, Suite 850
Denver, CO 80202
(303) 650-5818
Nada_Culver@tws.org

New Mexico Wilderness Alliance
Michael Sicaldone, Wilderness Protection Director
142 Truman Ave NE Suite B1
Albuquerque, NM 87108
(505) 843-8696
Scial@NMWild.org

Las Placitas Association
Reid Bandeen, President
505-867-5477
P.O. Box 888

Placitas, NM
87043
rbandeen@aol.com

Attachments and references:

Attachments:

1. *State of Utah v. Norton*, Motion to Stay Briefing and for a Status Conference, September 9, 2005.

2. April 11, 2003, letter to Senator Craig Thomas (WY), from Secretary of the Interior Gale Norton.

3. February 12, 2004, letter to William Meadows, President of The Wilderness Society, from Assistant Secretaries of the Interior Rebecca Watson and Lynn Scarlett.

4. Oregon Natural Desert Association v. Rasmussen, CV 05-1616-AS, Findings and Recommendations (D.Or. April 20, 2006).

5. State of Utah v. Norton, Case No. 2:96-CV-0870, Order and Opinion (D.Utah September 20, 2006).

6. Brief of the Federal Appellees, State of Utah v. Kempthorne, Case No. 06-4240 (February 26, 2007).

7. Southern Utah Wilderness Alliance v. Norton, 457 F. Supp. 2d 1253 (D. Utah 2006)

8. IM AZ-2005-007.

9. Table 2.10 "Wilderness Characteristics" and Appendix 3.D "Identification of Wilderness Characteristics on the Arizona Strip" from the Proposed RMP Final EIS for the Arizona Strip (Arizona BLM).

10. *See*, Tri County RMPs/EIS Newsletter, p. 3.

11. Tri County RMP/EIS, Preliminary Goals and Objectives, p. 3. ***management approach specific to lands with wilderness characteristics***.

12. Preliminary Draft Alternatives for Little Snake Field Office RMP (Colorado BLM). Printout is from the Northwest Colorado Stewardship (NWCOS) webpage but posted by BLM's Little Snake Field Office.

13. IM ID-2008-016 (Vehicle Use in Wilderness Study Areas (WSAs)) recently issued by the BLM Idaho State Office.

14. Excerpts from the Record of Decision (ROD) for the Dillon Resource Management Area (Montana).

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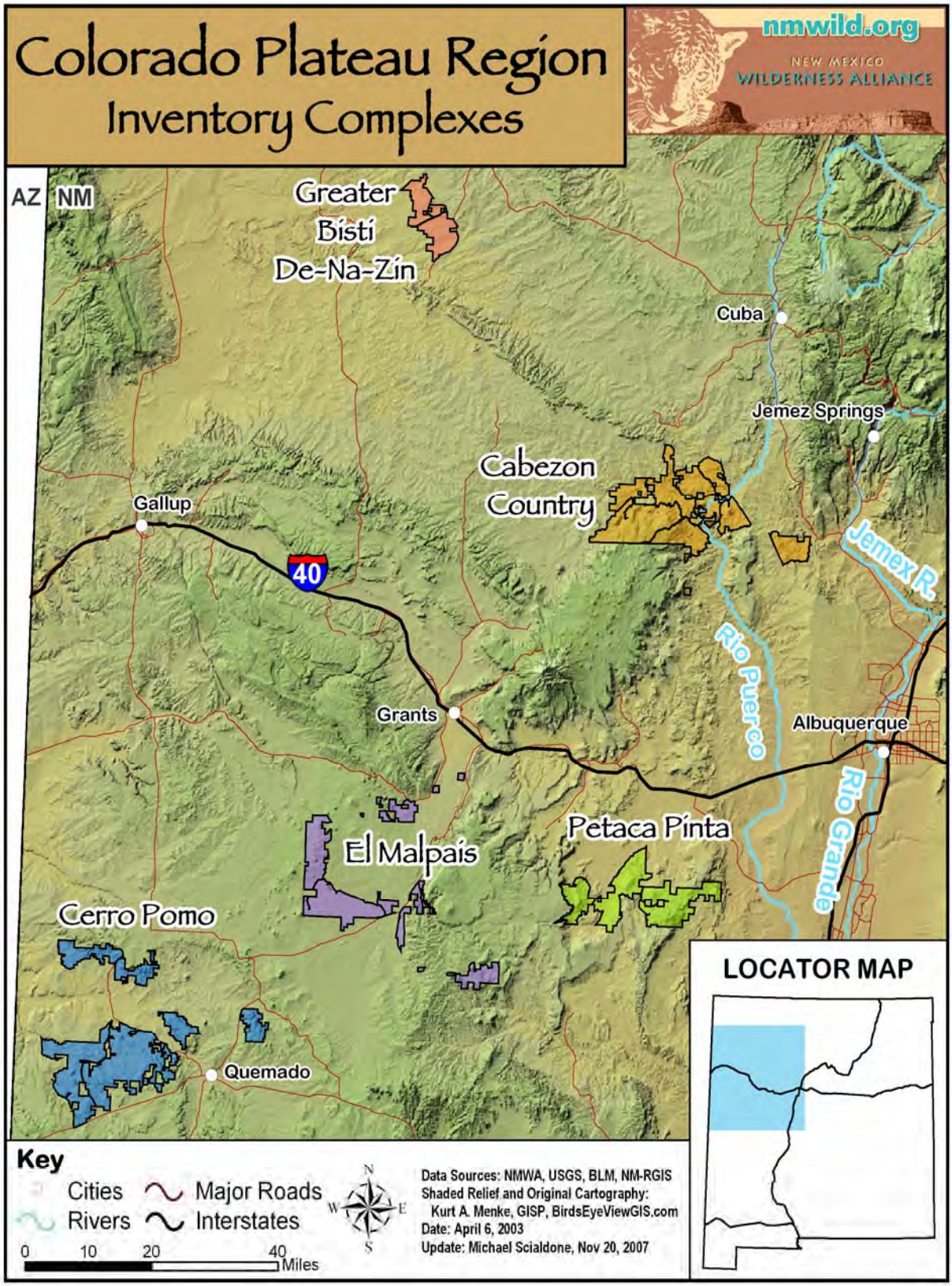
ATTACHMENT 2

New Mexico Wilderness Alliance

BLM Wilderness Inventory:
Colorado Plateau Region Inventory Complexes

2008


Colorado Plateau Region
Inventory Complexes
nmwild.org
NEW MEXICO WILDERNESS ALLIANCE
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Jemez Springs
Cabezon Country
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Data Sources: NMWA, USGS, BLM, NM-RGIS
Shaded Relief and Original Cartography:
Kurt A. Menke, GISP, BirdsEyeViewGIS.com
Date: April 6, 2003
Update: Michael Scialdone, Nov 20, 2007

The Colorado Plateau Region

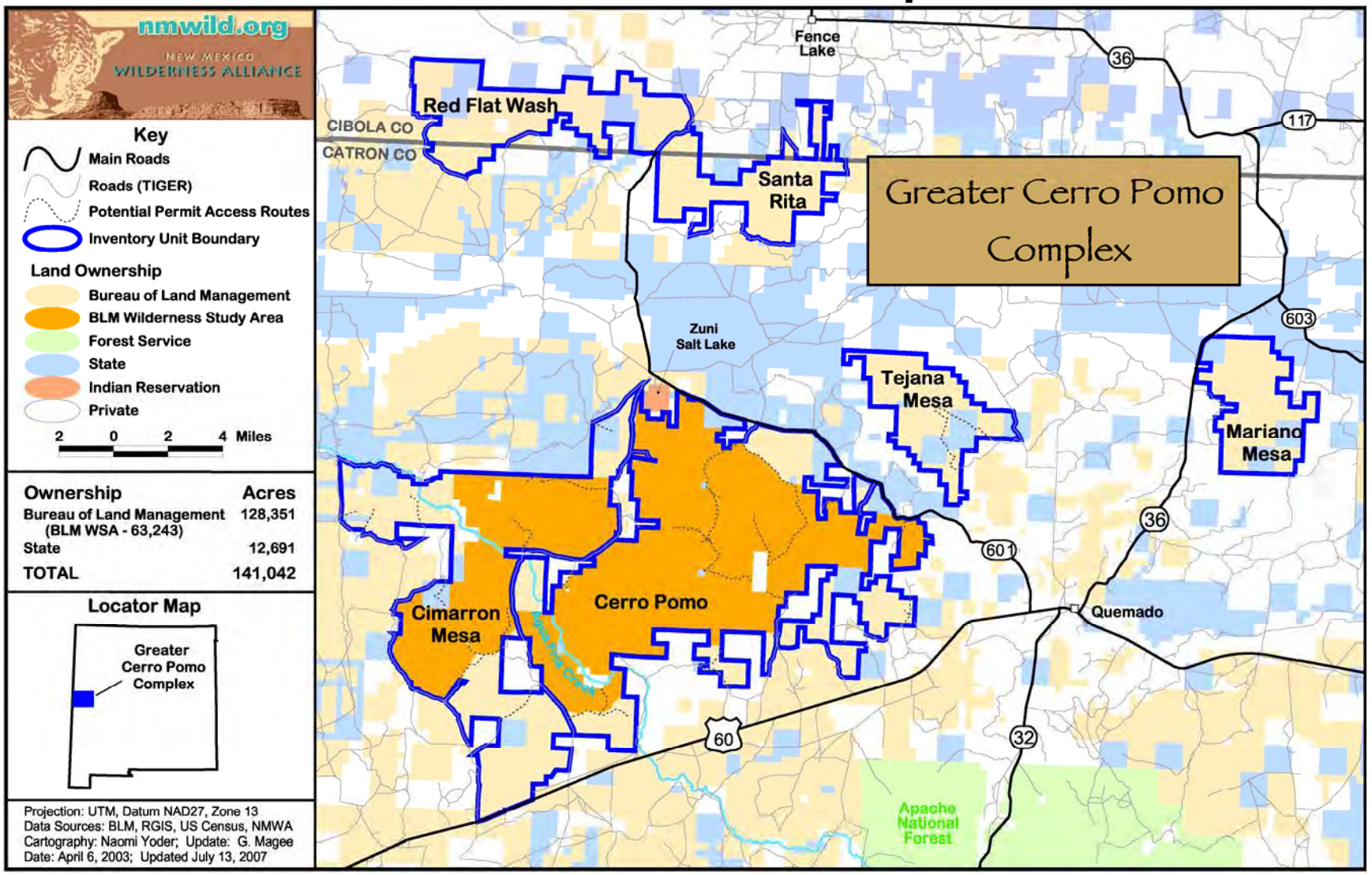
The Colorado Plateau region of the southwestern United States is filled with a tremendous amount of geologic, biologic, archaeological, and cultural diversity. It covers the four-corner states - Arizona, Utah, Colorado, and New Mexico - and boasts more National Parks and Monuments than any other region in the country. In New Mexico, it is a place of broad, sage-filled plateaus whose edges erode away into colorful badlands filled with geologic oddities that let the imagination run wild. It is also a place where lava-capped mesas covered in pinyon-juniper and ponderosa pine forests drop precipitously down to arroyos meandering around volcanic plugs, cinder cones, and lava flows.

Some of the greatest archaeological treasures in the US are found in this region. Canyons beckon further exploration, not just for their scenic beauty, but also for the possibility of finding petroglyphs. Elaborate puebloan cities with kivas, intricate architecture, and central trading areas connected by an ancient system of 'roads' speak of a complex prehistoric civilization that rose and fell, likely because of severe drought combined with over-exploitation of the surrounding natural resources. These ancient cities are a reminder to modern people that we should utilize our resource carefully and preserve the fragile ecosystem of this arid environment.

In New Mexico, the most prominent feature on the Colorado Plateau is Cabezon Peak, icon of Cabezon Country. Situated in the Rio Puerco Valley, it is one of over 50 volcanic plugs that have been exposed through erosion of the Mount Taylor volcanic field. According to Navajo legend, Cabezon Peak is the head of a large giant that was slain by the Twin War Gods; its body became what is now Mount Taylor, and its blood flowed south and congealed in what is now El Malpais National Monument.

With elevations ranging from under 3,000 to over 12,000 feet, biotic communities in this ecoregion encompass semi-arid grasslands and shrublands to alpine tundra. These habitats, in turn, sustain a rich diversity of wildlife. Mammals that exist in the region include mountain lion, elk, deer, desert bighorn sheep, Sonoran pronghorn, and prairie dog. The endangered Mexican spotted owl's range is centered in the Colorado Plateau. Other animals that once roamed the region include the gray wolf, black-footed ferret, and California condor, species with reintroduction efforts underway. For these species and many more, preservation of wild lands within the Colorado Plateau is tantamount to their survival. This is still possible since much of the region has retained its natural and primeval character and is worthy of protection as wilderness.

Greater Cerro Pomo Complex



Greater Cerro Pomo Complex

Area Description

The Cerro Pomo complex is located west and northwest of Quemado near the Arizona border. This area is close to the southern limit of the Colorado Plateau where the colorful canyon country starts to blend with the Mogollon-Datil volcanic field. Broad grassy valleys flanked by steep alluvial slopes, foothills, and mesas that rise up to 1,000 feet above the surrounding terrain characterize this area. This landscape also includes colorful cliffs, volcanic cinder cones, and lava flows. Elevations in the area range from 6,400 feet to 8,116 feet.

Scenic cliffs and slopes in the area are over 100 million years old and include sandstones and shales of the Mesa Verde group. These formations mark a time when this region was under or near a marine environment. In the past 5 million years, volcanic cinder cones like Red Hill and Cerro Pomo have intruded these sediments and capped them with basaltic lava flows.

This complex is located in the Little Colorado River watershed. Most of the area eventually drains into Carrizo Wash, which flows west into Arizona. Portions of the area are also within partially closed drainage basins. Here we find lakes like Zuni Salt Lake and Cheap John Lake.

Ecological Values

The Cerro Pomo complex lies within the plains grassland and great basin conifer woodland vegetative communities. The plains grassland community type is poorly represented in protected areas within the Southwest and it represents an important link of habitat between the Sky Islands Region to the south and the Southern Rocky Mountains to the north. The importance of protecting the Greater Cerro Pomo complex for wildlife is increasing because the private lands to the south and east of the area are being subdivided into 10- to 20-acre ranchettes.

The 1,000-foot rise of the relatively isolated mesas in the complex increases habitat diversity and creates a "sky island" effect. The mesas' higher elevations allow them to capture slightly more moisture than the surrounding landscape. Here we find a mosaic of grassy meadows, juniper savannah, and pinyon-juniper woodland. Occasional ponderosa pines are found in the more major canyons. Springs and deep, vegetated canyons in the higher elevations protect rainfall from quick evaporation. All of these features make the higher elevation areas a critical water source and habitat to the abundant wildlife in the area.

Large mammals occupying this area include mountain lion, pronghorn, mule deer, and elk. These species require large roadless areas for their conservation and continued evolution. Other mammals include prairie dog, black-tailed jackrabbit, kit fox, coyote, bobcat, skunk, and porcupine. These grassland areas are also potential habitat for the endangered black-footed ferret. Bird species found here include western kingbird, horned lark, canyon towhee, pinyon jay, northern flicker, turkey,

Say's phoebe, and American kestrel. Migrating white-faced ibis, mallards, and Wilson's phalaropes have been observed on water bodies in depressions within the area. The area also has significant foraging, wintering, and nesting habitats for raptors such as golden eagles, red-tailed hawks, and prairie falcons. This was a significant factor in the designation of the Agua Fria Area of Critical Environmental Concern (ACEC). In addition, the complex contains potential habitat for the proposed threatened mountain plover.

Scenic and Recreational Qualities

The Cerro Pomo complex offers a variety of scenic landscapes. Special natural features such as the Red Hill cinder cone, Cerro Pomo caldera, and surrounding lava outcrops are especially pleasing to the eye. Additional scenic landforms are the 1,000-foot escarpment and basaltic cliffs of the isolated Tejana Mesa, and the 800-foot escarpment and sandstone cliffs in the Santa Rita and Red Flat Wash units. In addition, the mesa tops and ridges in the area offer broad scenic views of natural, undeveloped landscapes in the region. Much of the terrain in the complex is open and easy to traverse. One can walk for several miles with unlimited possibilities for remote campsites. Dense woodlands also provide ample cover to seek seclusion. Outstanding recreational activities include day hiking, backpacking, horseback riding, wildlife viewing, and exploring natural features and cultural sites. Light pollution is minimal at the relatively high elevation of the complex, making star gazing here particularly spectacular and enjoyable.

Special Management Areas

The Cimarron Mesa unit contains the Mesita Blanca Wilderness Study Area (WSA) and the Cerro Pomo unit encompasses the Cerro Pomo WSA. The Agua Fria ACEC is also found in both of these units. It is designated to protect geologic and scenic values and wildlife habitat. The Cerro Pomo Special Management Area (SMA), designated to improve wildlife habitat, is also found in the Cerro Pomo unit. The Fence Lake SMA, designated to protect and rehabilitate a critical watershed, is within the Santa Rita and Red Flat Wash units in the northwestern part of the complex.

Cultural Values

Mogollon, Anasazi, and some Mimbres cultures lived and hunted extensively in this region. There are known pueblo ruins, petroglyphs, and lithic scatters in the area. Surveys in 1979 found over 100 sites in the Cimarron Mesa – Cerro Pomo area, several considered worthy of nomination to the National Register of Historic Places. Prehistoric human populations here were likely many times greater than they are today, hitting their peak between AD 1150-1300 after which much of the region was abandoned. Additional artifacts, from Basket-maker through more recent Pueblo times are likely to be found here. Part of the reason for the Fence Lake SMA designation is to protect cultural resources of in the northern pert of the

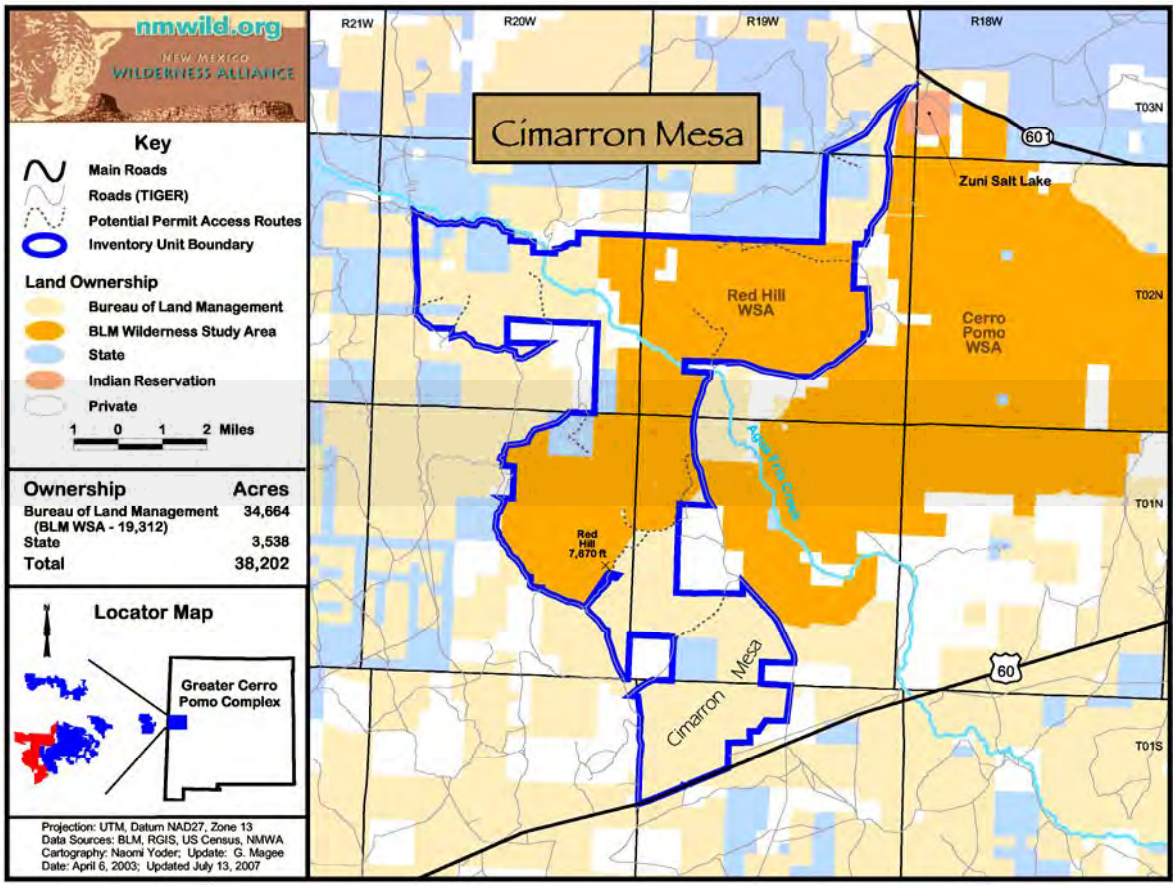
complex. The area is also adjacent to Zuni Salt Lake, an area of such importance to native cultures that extensive religious beliefs have been built up around it and pilgrimages to the area are still made today.

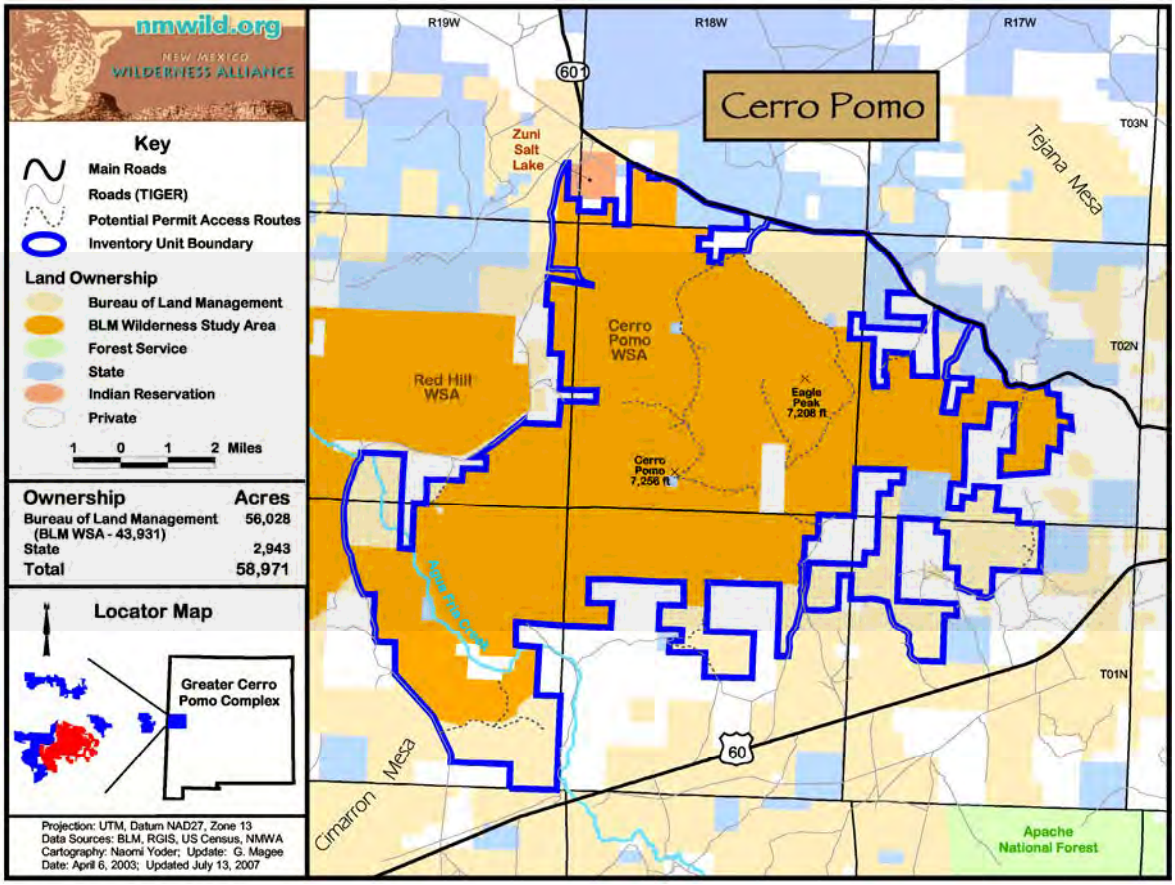
Access Information

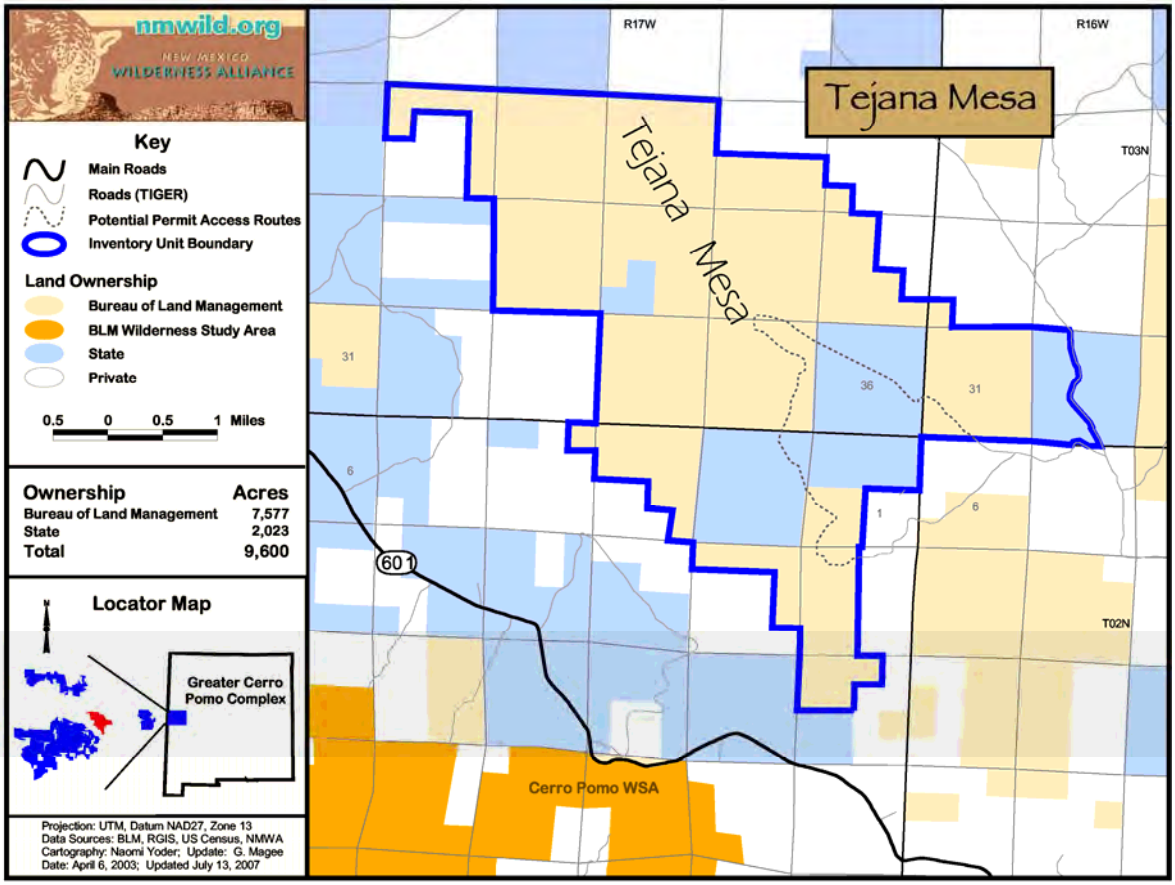
A great way to access the Greater Cerro Pomo Complex is to take Hwy 36 to Fence Lake, then take Hwy 601 south. As this road drops dramatically off the Zuni Plateau, you are between the Santa Rita and Red Flat units. Continue on this maintained dirt road for about 10 miles to a junction of roads that is right at Zuni Salt Lake. The road that heads south past the west side of Zuni Salt Lake takes you all the way to Hwy 60 and goes between the Cerro Pomo and Cimarron Mesa units.

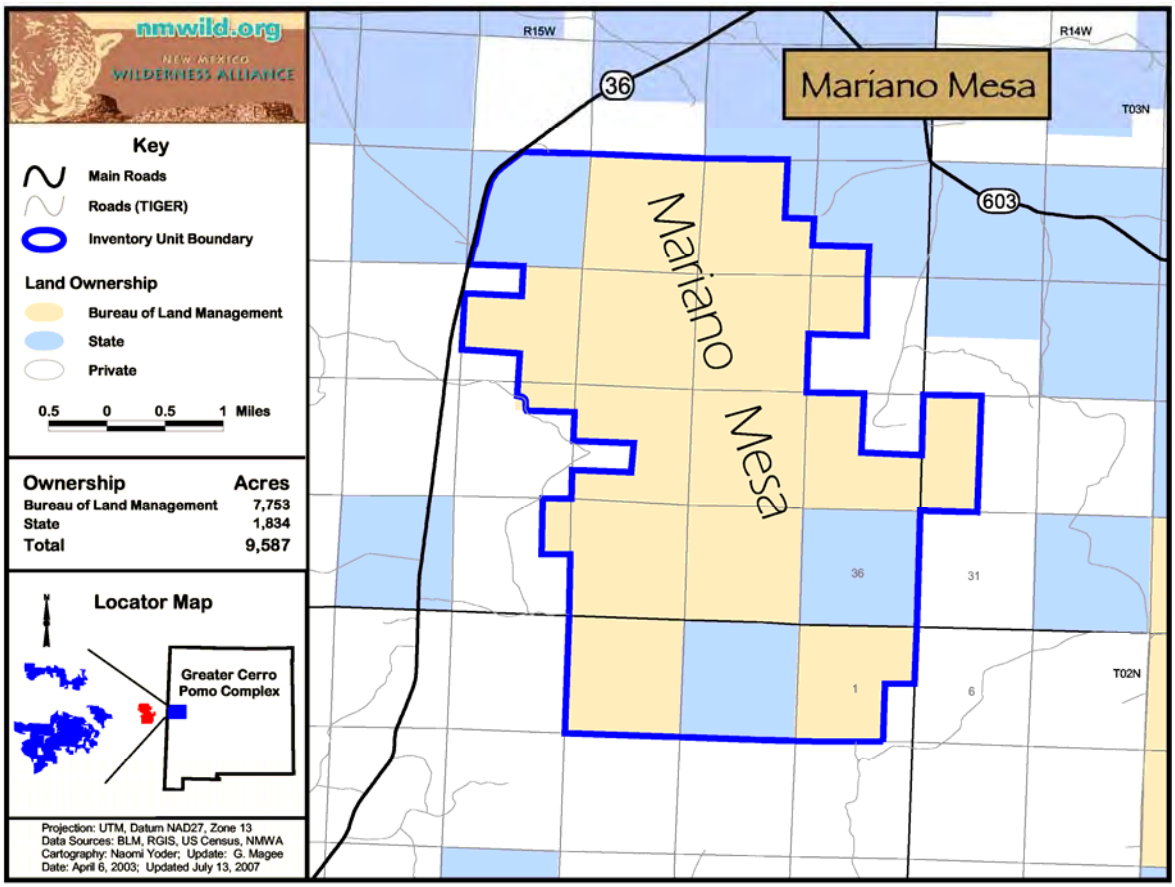
Heading east along the north side of Zuni Salt Lake on Hwy 601 takes you to the town of Quemado. This route goes between the Cerro Pomo and Mesa Tejana units, though access to Mesa Tejana is limited due to private land surrounding it. Mariano Mesa is between Hwy 36 and Hwy 603. About 3 miles in on Hwy 603 are some two-tracks that head across state land toward the unit.

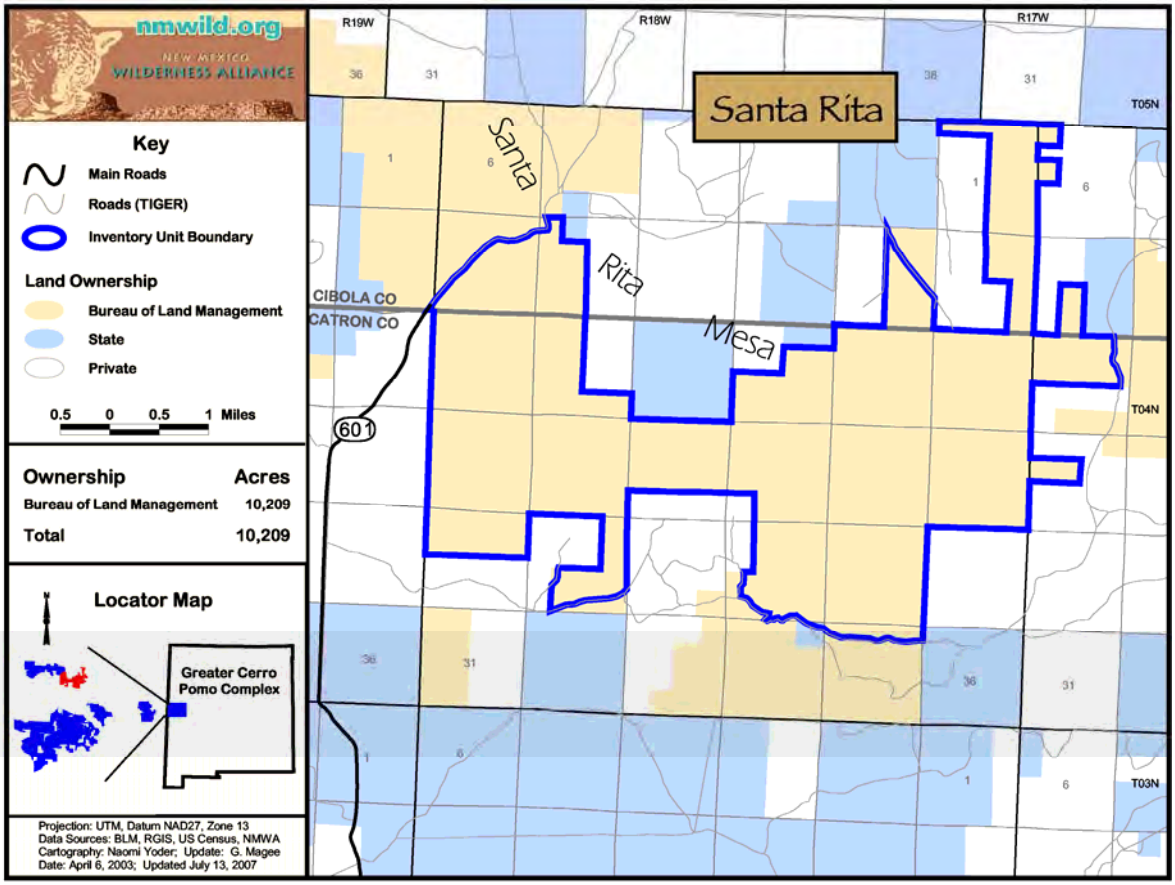
The USGS 7.5 minute maps that cover this complex are: Santa Rita and Red Flat Wash units – Fence Lake SW, Moreno Hill, and Twenty-two Spring; Cimarron Mesa, Cerro Pomo, and Tejana Mesa units – Tejana Mesa, Lake Armijo, Zuni Salt Lake, Salazar Canyon, Goat Spring, Blaines Lake, Tejana Mesa SW, Armstrong Canyon, and Red Hill; Mariano Mesa unit – Mariano Springs and Adams Diggins.

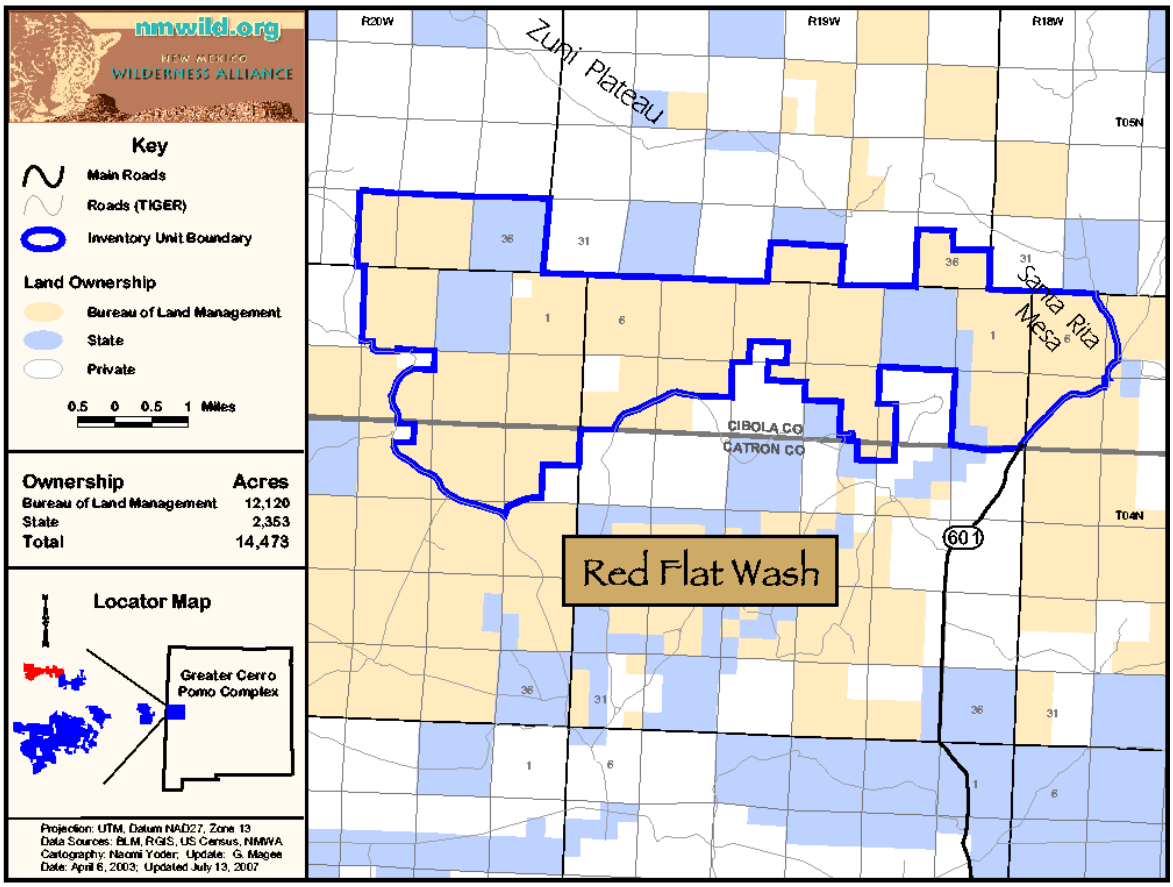

nmwild.org
NEW MEXICO WILDERNESS ALLIANCE
Key
Main Roads
Roads (TIGER)
Potential Permit Access Routes
Inventory Unit Boundary
Land Ownership
Bureau of Land Management
BLM Wilderness Study Area
State
Indian Reservation
Private
1 0 1 2 Miles
Ownership Acres
Bureau of Land Management 34,664
(BLM WSA - 19,312)
State 3,538
Total 38,202
Locator Map
Greater Cerro Pomo Complex
Projection: UTM, Datum NAD27, Zone 13
Data Sources: BLM, RGIS, US Census, NMWA
Cartography: Naomi Yoder; Update: G. Magee
Date: April 6, 2003; Updated July 13, 2007
Cimarron Mesa
R21W
R20W
R19W
R18W
T03N
T02N
T01N
T01S
60
Zuni Salt Lake
Red Hill WSA
Cerro Pomo WSA
Red Hill 7,670 ft
Cimarron Mesa


nmwild.org
NEW MEXICO WILDERNESS ALLIANCE
Key
Main Roads
Roads (TIGER)
Potential Permit Access Routes
Inventory Unit Boundary
Land Ownership
Bureau of Land Management
BLM Wilderness Study Area
Forest Service
State
Indian Reservation
Private
1 0 1 2 Miles
Ownership Acres
Bureau of Land Management (BLM WSA - 43,931) 56,028
State 2,943
Total 58,971
Locator Map
Greater Cerro Pomo Complex
Projection: UTM, Datum NAD27, Zone 13
Data Sources: BLM, RGIS, US Census, NMWA
Cartography: Naomi Yoder; Update: G. Magee
Date: April 6, 2003; Updated July 13, 2007
R19W
R18W
R17W
601
Cerro Pomo
Zuni Salt Lake
T03N
Tejana Mesa
Cerro Pomo WSA
Red Hill WSA
Eagle Peak 7,208 ft
Cerro Pomo 7,256 ft
T02N
T01N
60
Cimarron Mesa
Apache National Forest

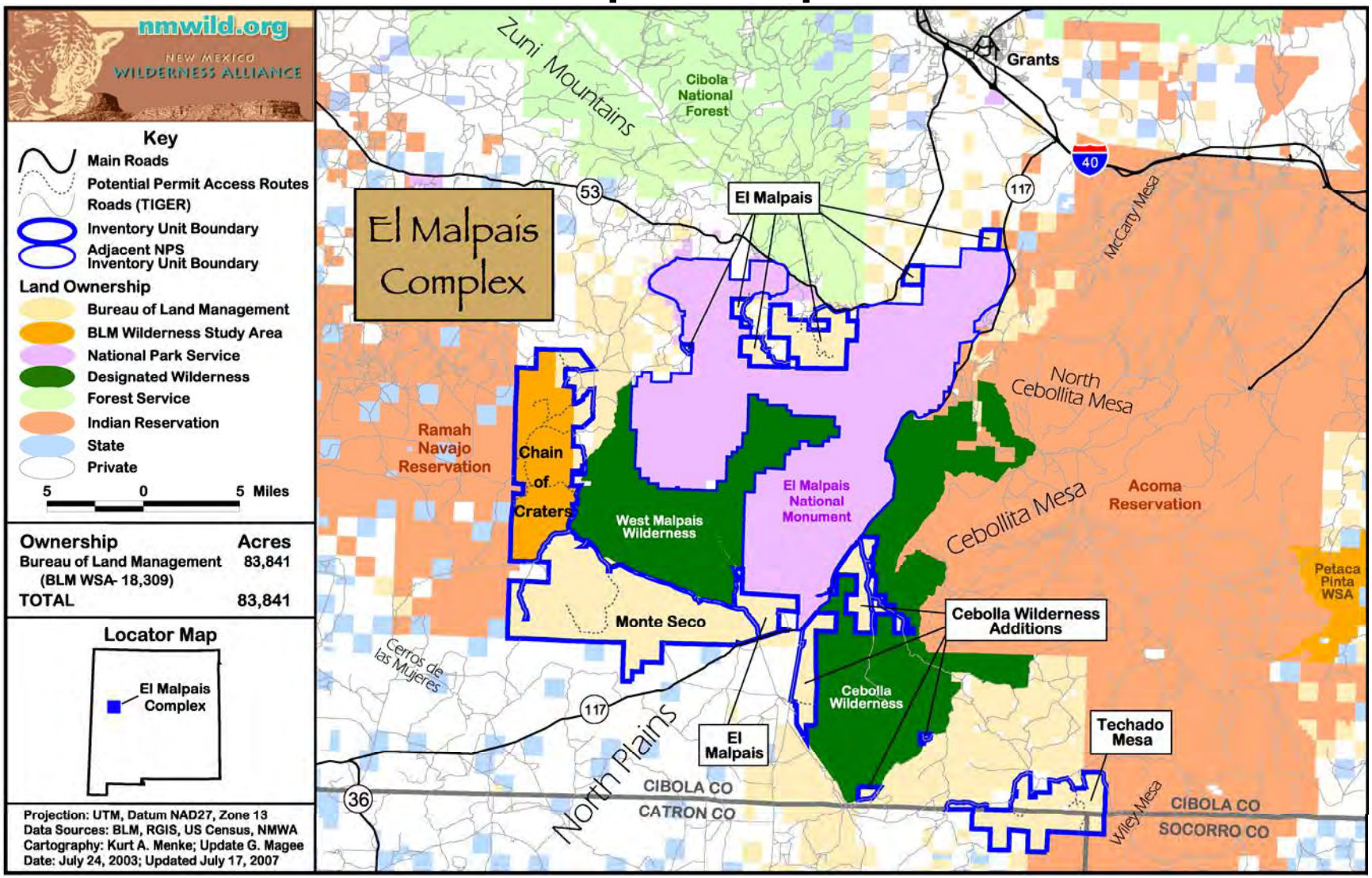

nmwild.org
NEW MEXICO WILDERNESS ALLIANCE
Key
Main Roads
Roads (TIGER)
Potential Permit Access Routes
Inventory Unit Boundary
Land Ownership
Bureau of Land Management
BLM Wilderness Study Area
State
Private
0.5 0 0.5 1 Miles
Ownership Acres
Bureau of Land Management 7,577
State 2,023
Total 9,600
Locator Map
Greater Cerro Pomo Complex
Projection: UTM, Datum NAD27, Zone 13
Data Sources: BLM, RGIS, US Census, NMWA
Cartography: Naomi Yoder; Update: G. Magee
Date: April 6, 2003; Updated July 13, 2007
R17W
R16W
Tejana Mesa
Tejana Mesa
T03N
T02N
31
36
31
6
1
6
601
Cerro Pomo WSA


nmwild.org
NEW MEXICO WILDERNESS ALLIANCE
Key
Main Roads
Roads (TIGER)
Inventory Unit Boundary
Land Ownership
Bureau of Land Management
State
Private
0.5 0 0.5 1 Miles
Ownership Acres
Bureau of Land Management 7,753
State 1,834
Total 9,587
Locator Map
Greater Cerro Pomo Complex
Projection: UTM, Datum NAD27, Zone 13
Data Sources: BLM, RGIS, US Census, NMWA
Cartography: Naomi Yoder; Update: G. Magee
Date: April 6, 2003; Updated July 13, 2007
R15W
R14W
36
603
Mariano Mesa
T03N
T02N
31
1
6

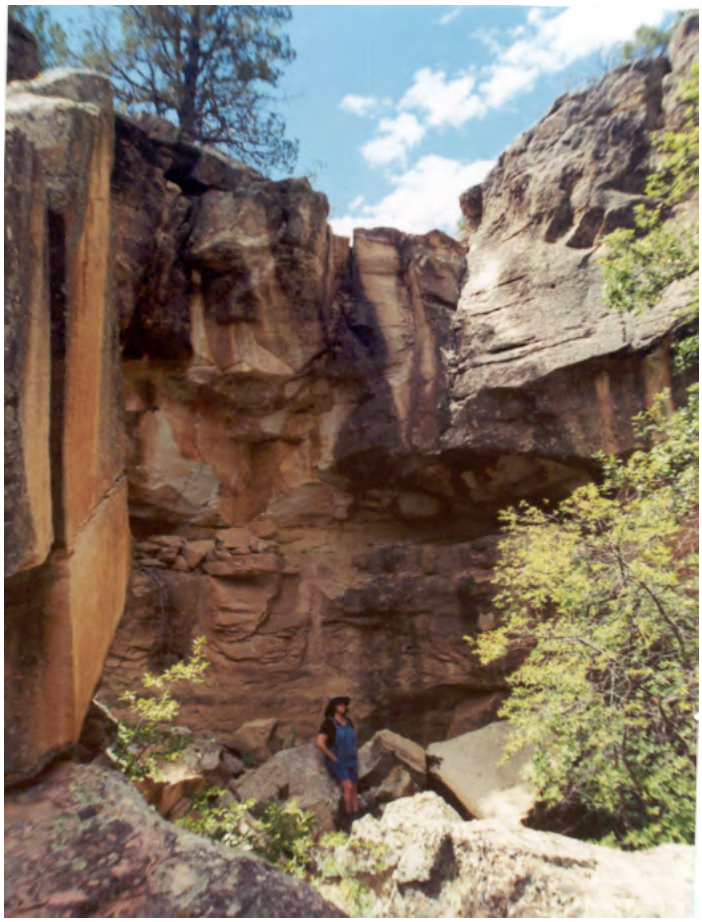

nmwild.org
NEW MEXICO WILDERNESS ALLIANCE
Key
Main Roads
Roads (TIGER)
Inventory Unit Boundary
Land Ownership
Bureau of Land Management
State
Private
0.5 0 0.5 1 Miles
Ownership Acres
Bureau of Land Management 10,209
Total 10,209
Locator Map
Greater Cerro Pomo Complex
Projection: UTM, Datum NAD27, Zone 13
Data Sources: BLM, RGIS, US Census, NMWA
Cartography: Naomi Yoder; Update: G. Magee
Date: April 6, 2003; Updated July 13, 2007
Santa Rita
Santa Rita Mesa
CIBOLA CO
CATRON CO
601
R19W
R18W
R17W
T05N
T04N
T03N


nmwild.org
NEW MEXICO WILDERNESS ALLIANCE
Key
Main Roads
Roads (TIGER)
Inventory Unit Boundary
Land Ownership
Bureau of Land Management
State
Private
0.5 0 0.5 1 Miles
Ownership Acres
Bureau of Land Management 12,120
State 2,353
Total 14,473
Locator Map
Greater Cerro Pomo Complex
Projection: UTM, Datum NAD27, Zone 13
Data Sources: BLM, RGIS, US Census, NMWA
Cartography: Naomi Yoder; Update: G. Magee
Date: April 6, 2003; Updated July 13, 2007
R20W
R19W
R18W
T05N
T04N
Zuni Plateau
Santa Rita Mesa
CIBOLA CO
CATRON CO
601
Red Flat Wash

El Malpais Complex



El Malpais Complex



Area Description

The El Malpais complex is located about 20 miles south of Grants in Cibola County. El Malpais National Monument and El Malpais National Conservation Area (NCA) form the focal point of the area, with most of the inventory units described here near or adjacent to the National Park Service (NPS) lands. Congress has already designated two Wilderness Areas in the complex: the West Malpais Wilderness and the Cebolla Wilderness. The El Malpais unit itself consists of seven separate BLM parcels, each of which are adjacent to the lava flow that is encompassed by the El Malpais National Monument. These BLM lands combined with the West Malpais Wilderness and El Malpais National Monument form one extremely large roadless area. The nearby Cebolla

Wilderness and additional lands identified here form an even larger complex of wildlands to compliment the NPS and wilderness protected lands.

As its name implies, El Malpais is a volcanic landscape with craters and relatively recent lava flows. The McCarty's flow is the youngest flow in the US at 2,000 years old. On the western edge of the complex is the Chain of Craters, a north-south trending chain of volcanic craters covered in fairly thick pinyon-juniper and ponderosa pine forests. This "chain" is believed to follow the edge of a fairly shallow (about 2 miles below the surface) magma chamber. Rock fragments emplaced within the younger lava flow, called xenoliths, have been found. These xenoliths are of special interest to geologists as they come from sources deep within the earth's mantle. Cerro Brillante is at the southern edge of the "chain" of craters in the Monte Seco unit. Elevations in this volcanic landscape range from 7,000 feet to 8,345 feet at Cerro Lobo.

Juxtaposed against the volcanic landscape in the area are sedimentary ridges, cliffs, and mesas cut by steep-walled canyons. Just to the north of the lava flow are colorful limestone and sandstone ridges known as Cerritos de Jaspe and Little Hole in the Wall. These rocks are of Permian age (around 280 million years old). In the Cebolla Wilderness and Techado Mesa areas to the east and south are Dakota Sandstone, Mancos Shale, and Crevasse Canyon Formations. These sedimentary rocks mark a time around 130 million years ago when New Mexico was under a vast inland sea. Around 3 million years ago, a basalt lava flow capped the area, forming erosion resistant mesas up to 8,340 feet in elevation.

The young volcanic landscape of El Malpais is full of natural depressions that hold water after periods of heavy rainfall, but the area has no developed drainage system. The Cebolla Wilderness area drains into the closed basin of the North Plains, which lies to the south of El Malpais. The Techado Mesa unit is at a watershed divide. Canyons on the north side of the mesa form part of the headwaters of Blue Water Creek that flows to the Rio Puerco, while those on the south side form part of the headwaters of the Rio Salado. Both the Rio Puerco and Rio Salado are major tributaries to the Rio Grande, adding important watershed values to the unit.

Ecological Values

El Malpais is an ecological wonder. Because of the varied geology, diverse habitats are found in the area and biodiversity increases where these different habitats blend. Much of the lava flow is covered in pinyon-juniper woodland and ponderosa pine-Douglas fir forests with occasional stands of aspen. To the south, across the lava flow is the North Plains, a vast shrub-grassland community, which contains potential habitat for many threatened and endangered species. Special status plant species found or that likely exist in the area include grama grass cactus, cinder cone phacelia, and Acoma fleabane. The mesas of Cebolla and Techado are predominantly covered in pinyon-juniper woodland interspersed with stands of ponderosa pine and deciduous oak communities. Among the woodlands are grassy meadows. The area also contains a microbiotic soil crust community of cyanobacteria and lichen, which provides good ground cover and protection from erosion.

Many animals use the more forested areas including elk, mule deer, coyote, bear, mountain lion, bobcat, Abert's squirrel, turkey, and many species of reptiles such as the side-blotched and eastern fence lizard. Numerous depressions and playas in the complex serve as ephemeral water sources during rainy seasons and provide resting areas for migratory waterfowl. The lava flows

are well known for their cave resources that provide important habitat for numerous bat species. Pronghorn occur predominantly in the shrub-grasslands found in the southern portion of the area. Soils in the this area are deep enough to support prairie dogs and other small burrowing mammals, which become prey for raptors and create habitat for burrowing owls. The prairie dog towns are also possible reintroduction sites for the black-footed ferret. Threatened and endangered species in the grass-shrub community include the bald eagle and both American and Arctic peregrine falcons. Special-status species found in the area include the mountain plover, western burrowing owl, ferruginous hawk, loggerhead shrike, Cebolleta southern pocket gopher, and Texas horned lizard.

Scenic and Recreational Qualities

Many features make the El Malpais area highly scenic. The lava flow itself contains interesting basalt formations. This makes geologic sightseeing and photographic opportunities excellent. The dark basalt rocks contrasts nicely with the dark green of the coniferous trees that grow in pockets of soil within the lava flow. Colorful sandstone cliffs, rounded, tree-covered cinder cones, and vast grasslands add to the scenic diversity of the area. Panoramic views of canyons and mesas that seem to unfold in layers further add to this value.

BLM has designated the Chain of Craters Backcountry Byway in the southwestern portion of the complex. The Continental Divide Trail passes through the western and northern part of the complex. Southeast of Cerro Brillante, is a feature named La Rendija, which is a crack in the lava flow that creates a corridor that the Continental Divide Trail roughly follows. The trail crosses the lava flow on what is also known as the Zuni-Acoma trail. In addition to hiking, recreational opportunities in the area include backpacking, archeological sightseeing,

horseback riding, wildlife viewing, bird watching, and hunting (where permitted).

Special Management Areas

All BLM lands in this complex except Techado Mesa are part of the El Malpais NCA. This designation was created in 1987 when the lands in the El Malpais National Monument were transferred from BLM to the National Park Service. It was also at this time that the West Malpais and Cebolla Wilderness Areas were designated on BLM lands as was the Chain of Craters Wilderness Study Area (WSA).

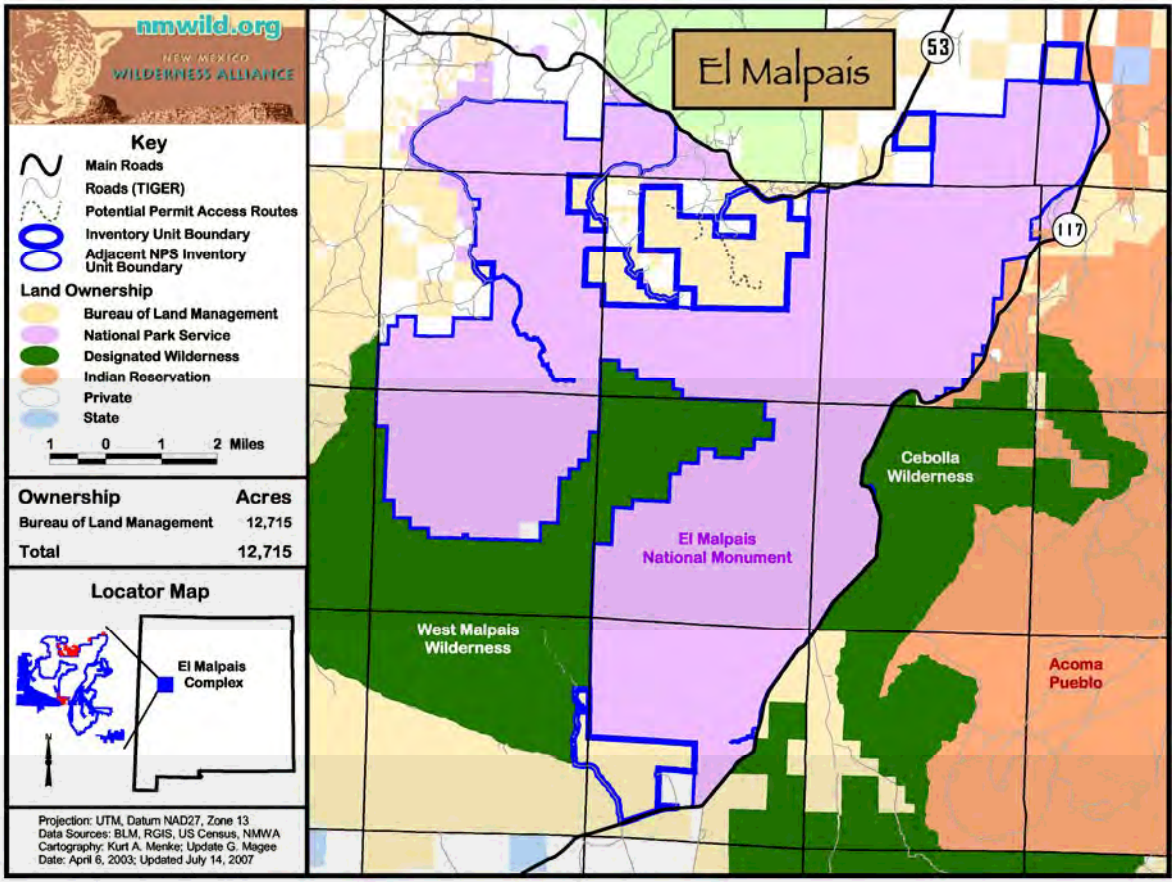
Cultural Values

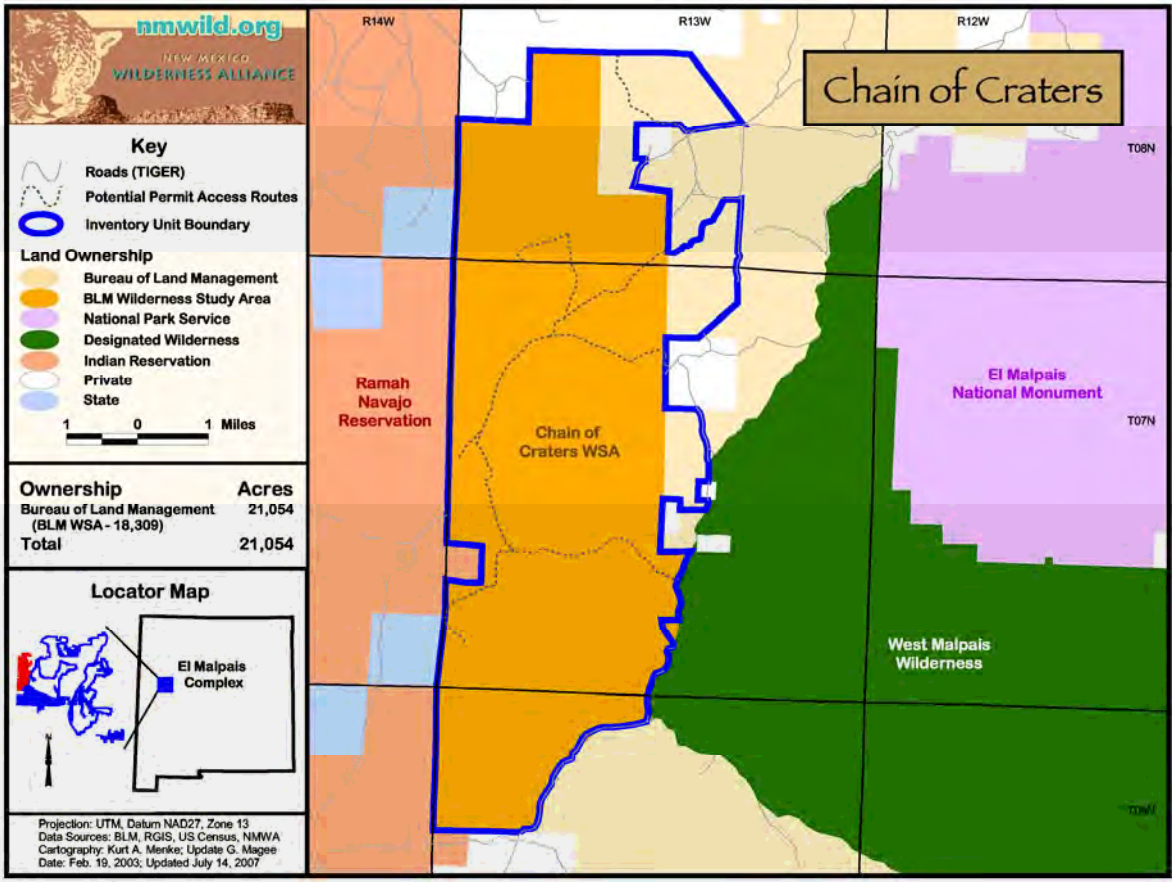
In addition to its geology, El Malpais is well known for its cultural resources. This area is on the periphery of the Chacoan Culture Province. Remains of the Pueblo Period are especially evident. The Cerritos de Jaspe parcel contains over 30 individual pueblos, each having up to 20 rooms, which were occupied from A.D. 950-1125 by a dispersed prehistoric Anasazi community. In addition, some remains of the Archaic Period exist in the area. Significant petroglyphs can be found in the Cebolla Wilderness area. Landmarks of historic times area also prevalent in the complex and include many homesteads. On-going studies will reveal more of this region's rich cultural history.

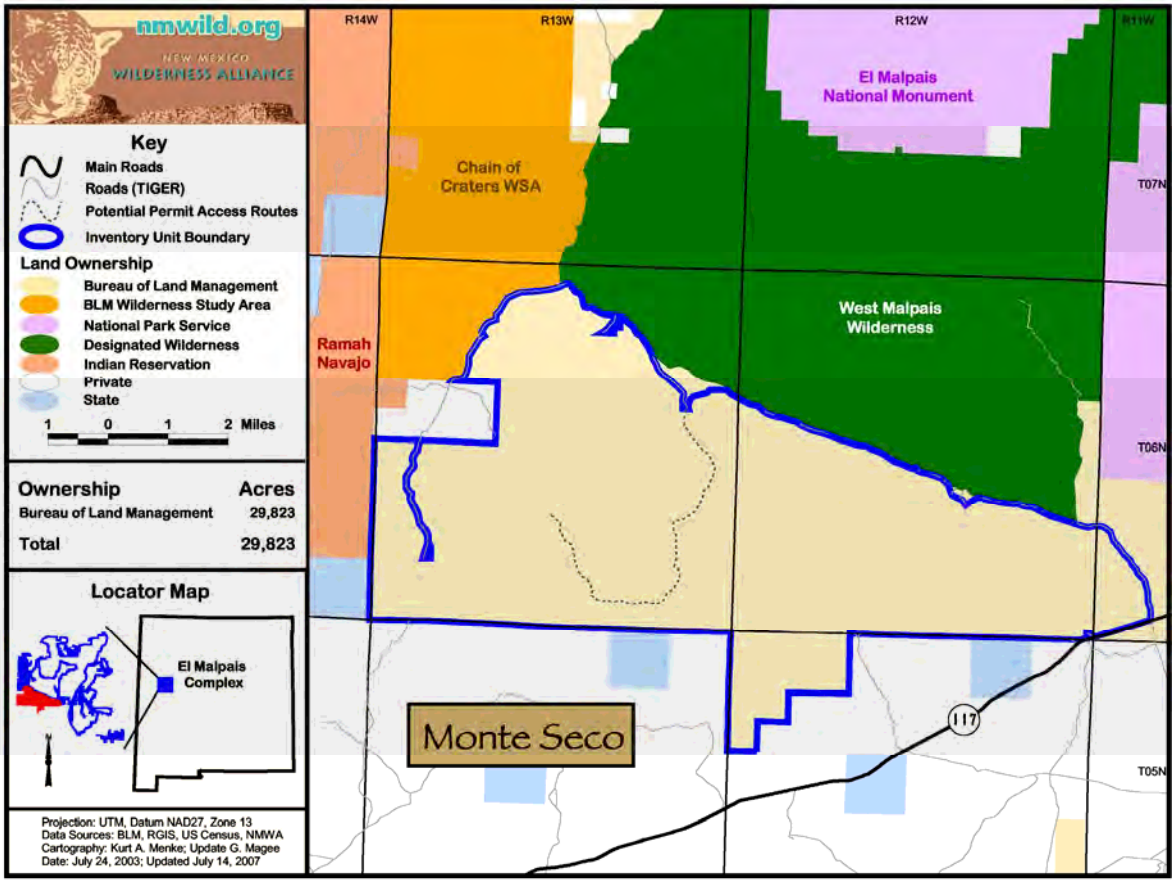
Access Information

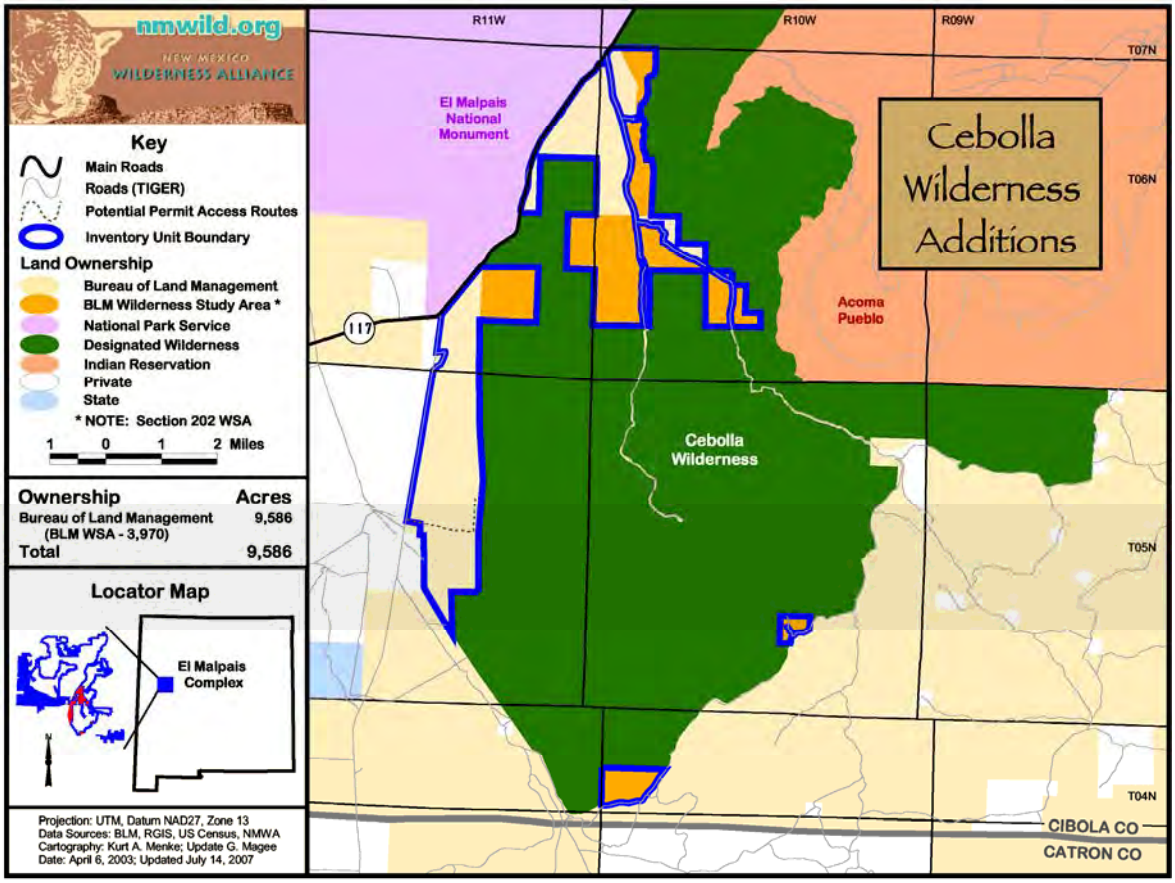
Access to the El Malpais is either from Hwy 53 going south from Grants or Hwy 117 going south at Exit 89 from I-40. The Chain of Craters Backcountry Byway connects these two highways in a loop that goes around the lava flow and between the Chain of Craters and Monte Seco units and the West Malpais Wilderness. This road can be very muddy after rainstorms. Hwy 117 gives easy access to the Cebolla Wilderness. Techado Mesa is a long way in from any pavement – use detailed maps to access.

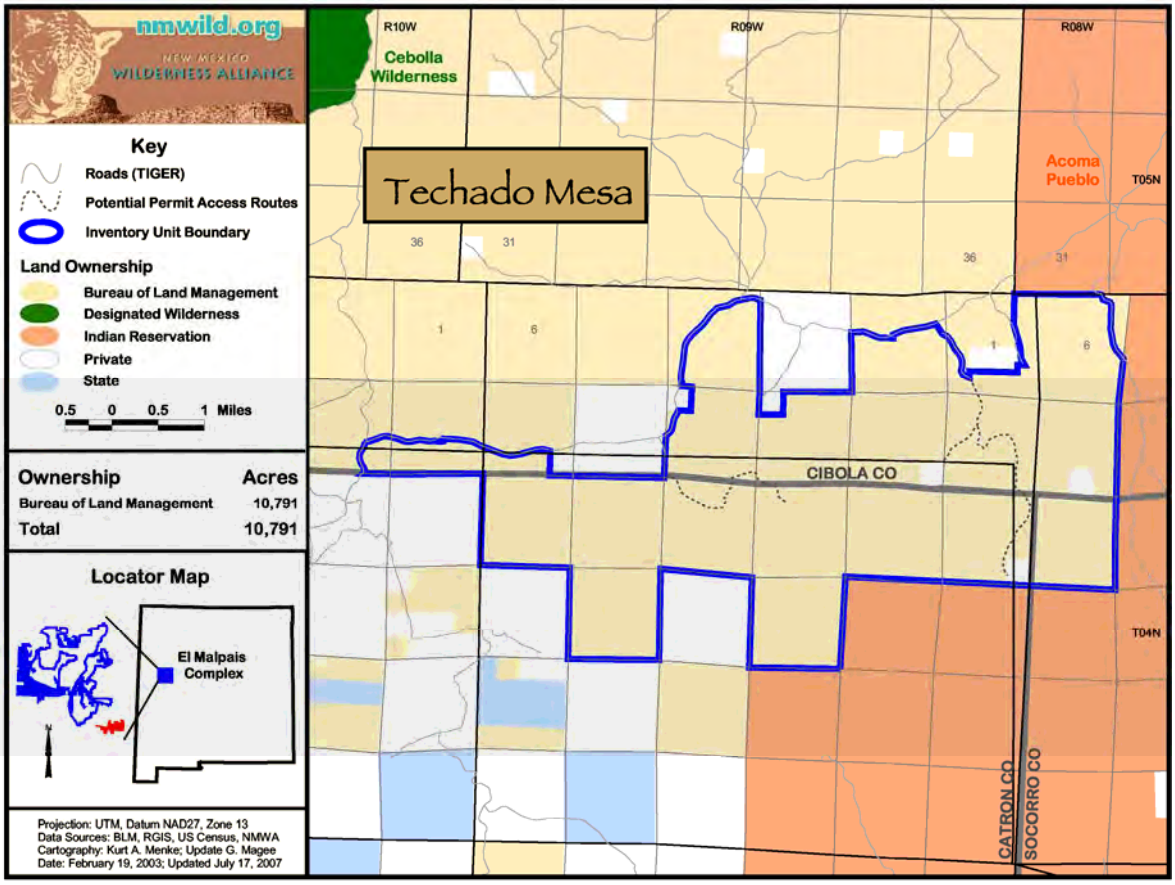
The USGS 7.5 minute maps that cover this complex are Grants SE, Los Pilares, Arrosa Ranch, Ice Caves, Cerro Hueco, Goat Hill, Cerro Alto, Cerro Brillante, Ice Caves SE, North Pasture, Laguna Honda, Mecate Meadow, Cebollita Peak, Sand Canyon, York Ranch, La Rendija, Cerro Pomo, Bonine Canyon, Wild Horse Canyon, and Wiley Mesa.


nmwild.org
NEW MEXICO WILDERNESS ALLIANCE
Key
Main Roads
Roads (TIGER)
Potential Permit Access Routes
Inventory Unit Boundary
Adjacent NPS Inventory Unit Boundary
Land Ownership
Bureau of Land Management
National Park Service
Designated Wilderness
Indian Reservation
Private
State
1 0 1 2 Miles
Ownership Acres
Bureau of Land Management 12,715
Total 12,715
Locator Map
El Malpais Complex
Projection: UTM, Datum NAD27, Zone 13
Data Sources: BLM, RGIS, US Census, NMWA
Cartography: Kurt A. Menke; Update G. Magee
Date: April 6, 2003; Updated July 14, 2007
El Malpais
53
117
Cebolla Wilderness
El Malpais National Monument
West Malpais Wilderness
Acoma Pueblo

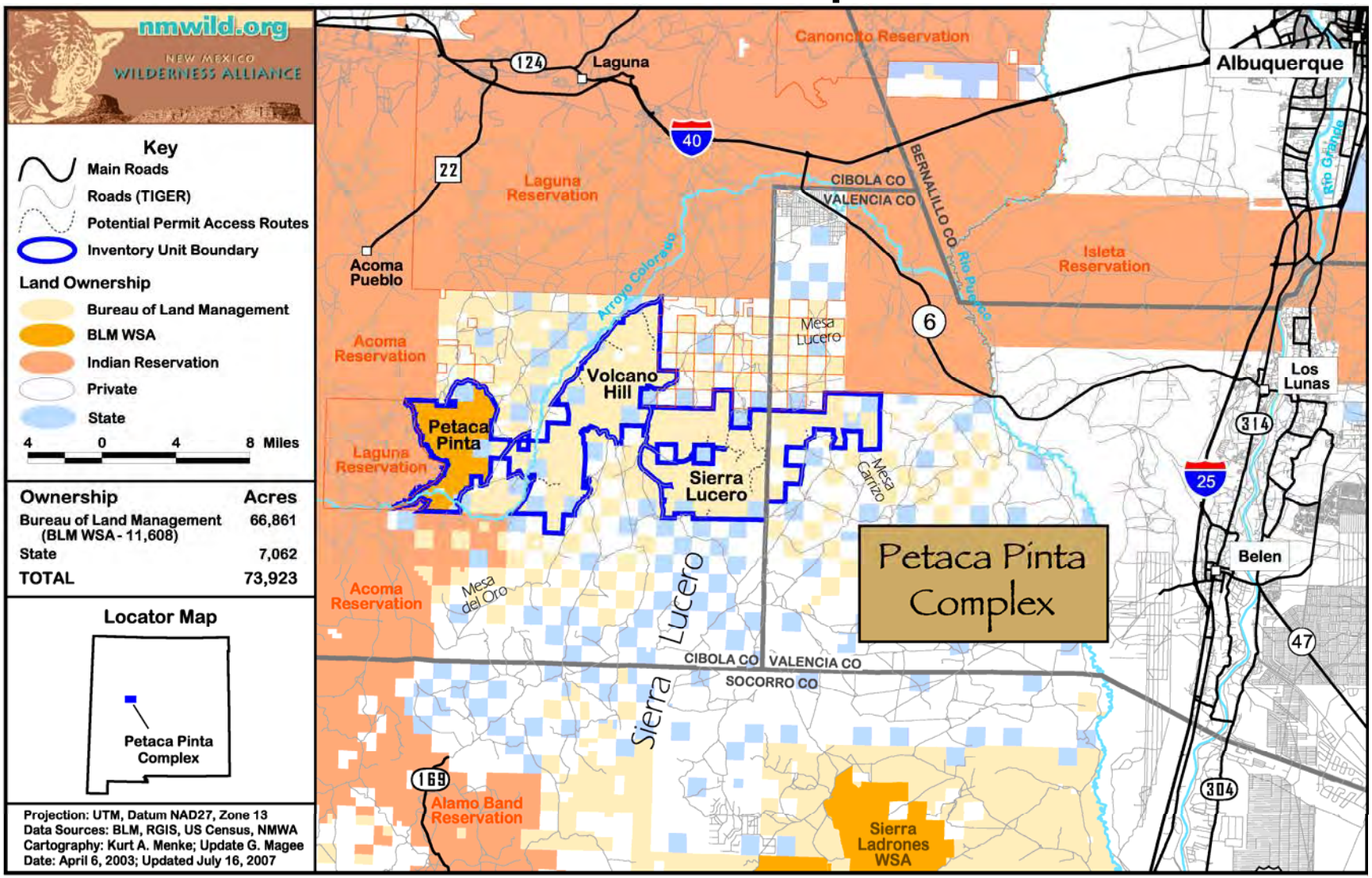

nmwild.org
NEW MEXICO WILDERNESS ALLIANCE
Key
Roads (TIGER)
Potential Permit Access Routes
Inventory Unit Boundary
Land Ownership
Bureau of Land Management
BLM Wilderness Study Area
National Park Service
Designated Wilderness
Indian Reservation
Private
State
1 0 1 Miles
Ownership Acres
Bureau of Land Management 21,054
(BLM WSA - 18,309)
Total 21,054
Locator Map
El Malpais Complex
Projection: UTM, Datum NAD27, Zone 13
Data Sources: BLM, RGIS, US Census, NMWA
Cartography: Kurt A. Menke; Update G. Magee
Date: Feb. 19, 2003; Updated July 14, 2007
R14W
R13W
R12W
Chain of Craters
T08N
T07N
Ramah Navajo Reservation
Chain of Craters WSA
El Malpais National Monument
West Malpais Wilderness


nmwild.org
NEW MEXICO WILDERNESS ALLIANCE
Key
Main Roads
Roads (TIGER)
Potential Permit Access Routes
Inventory Unit Boundary
Land Ownership
Bureau of Land Management
BLM Wilderness Study Area
National Park Service
Designated Wilderness
Indian Reservation
Private
State
1 0 1 2 Miles
Ownership Acres
Bureau of Land Management 29,823
Total 29,823
Locator Map
El Malpais Complex
Projection: UTM, Datum NAD27, Zone 13
Data Sources: BLM, RGIS, US Census, NMWA
Cartography: Kurt A. Menke; Update G. Magee
Date: July 24, 2003; Updated July 14, 2007
R14W
R13W
R12W
R11W
El Malpais National Monument
Chain of Craters WSA
T07N
West Malpais Wilderness
Ramah Navajo
T06N
Monte Seco
117
T05N


nmwild.org
NEW MEXICO WILDERNESS ALLIANCE
Key
Main Roads
Roads (TIGER)
Potential Permit Access Routes
Inventory Unit Boundary
Land Ownership
Bureau of Land Management
BLM Wilderness Study Area *
National Park Service
Designated Wilderness
Indian Reservation
Private
State
* NOTE: Section 202 WSA
1 0 1 2 Miles
Ownership Acres
Bureau of Land Management 9,586
(BLM WSA - 3,970)
Total 9,586
Locator Map
El Malpais Complex
Projection: UTM, Datum NAD27, Zone 13
Data Sources: BLM, RGIS, US Census, NMWA
Cartography: Kurt A. Menke; Update G. Magee
Date: April 6, 2003; Updated July 14, 2007
R11W
R10W
R09W
T07N
T06N
T05N
T04N
El Malpais National Monument
Cebolla Wilderness Additions
Acoma Pueblo
117
Cebolla Wilderness
CIBOLA CO
CATRON CO


nmwild.org
NEW MEXICO WILDERNESS ALLIANCE
Key
Roads (TIGER)
Potential Permit Access Routes
Inventory Unit Boundary
Land Ownership
Bureau of Land Management
Designated Wilderness
Indian Reservation
Private
State
0.5 0 0.5 1 Miles
Ownership Acres
Bureau of Land Management 10,791
Total 10,791
Locator Map
El Malpais Complex
Projection: UTM, Datum NAD27, Zone 13
Data Sources: BLM, RGIS, US Census, NMWA
Cartography: Kurt A. Menke; Update G. Magee
Date: February 19, 2003; Updated July 17, 2007
R10W
R09W
R08W
Cebolla Wilderness
Techado Mesa
Acoma Pueblo
T05N
T04N
CIBOLA CO
CATRON CO
SOCORRO CO

Petaca-Pinta Complex



Petaca Pinta Complex

Area Description

The Petaca Pinta complex is located about 50 miles west-southwest of Albuquerque in Cibola County. It is bound by Laguna Pueblo lands to the west, Acoma Pueblo lands to the north, and a checkerboard of private, BLM, and state lands to the east and south.

In the western part of the complex, Petaca Pinta consists of a nearly 1,000-foot escarpment with juniper-dotted foothills and canyons that drop down to surrounding grasslands, badlands and lava-capped mesas. Petaca Pinta itself is an isolated finger-like extension from Blue Water Mesa that curves to the north before dropping sharply to the basalt lava flows in the northern portion of the unit. The escarpment of Petaca Pinta exposes almost the entire 180 million years of the Mesozoic Era. Notable rock units include the Petrified Forest Member of the Chinle Formation (though no major fossil discoveries have yet been made in the unit), and the Wingate Sandstone, a famous cliff former throughout the Colorado Plateau. Basalt lava flows that cap the Mesozoic rocks are about 3 million years old and likely came out of Cerro de Oro, which lies to the southeast.

The Volcano Hill unit is to the northeast, with its namesake rising 500-feet from its surrounding basalt lava flow. Volcano Hill and its lava flow cap an escarpment that drops almost 1,000 feet to grassy plains below. Volcano Hill erupted around 3 million years ago, spewing out basaltic lava flows that capped the 240-million-year-old Chinle formation. These Triassic rocks form the scenic red cliffs found in the western portion of the unit.

The Sierra Lucero unit rounds out the complex in the eastern part of the area. This range is a long north-south trending escarpment that encompasses the 900-foot rise of Cerro Verde, the juniper-covered, hilly terrain of Mesa Cimarron, and Mesa Gallina. Mesa Gallina is the high point in the complex at 7,855 feet elevation. The reddish hue of much of the western portion of the Sierra Lucero unit comes from the 240-million-year-old Chinle formation, which rests on Permian limestones and sandstones. These Permian formations are exposed in the eastern portion of the unit. The sharply rising spire of Cerro Alesna and another unnamed spire to the north are volcanic intrusions formed around 15 million years ago. Finally, around three-million years ago Cerro Verde and other vents released the basalt lava flows that cap much of the region.

This area is part of the Rio Puerco watershed. South of Petaca Pinta, Blue Water Canyon and many small drainages form part of the headwaters of Arroyo Colorado. To the north and east, Big Sandy Wash, Cañada Ancha and many other drainages in the wesetern part of the complex flow into the Arroyo Colorado, which joins the Rio San Jose, which then curves south to meet the Rio Puerco. Drainages on the west side of Sierra Lucero form the headwaters of Arroyo Lucero while those on the east feed Arroyo Comanche and Arroyo Salado, all of which eventually join the Rio Puerco.

Ecological Values

A variety of habitats are found in the Petaca Pinta complex. In this southern region of the Rio Puerco Valley, Sierra Lucero and the higher cap of Mesa Gallina are the most prominent rises, which allows them to collect a little extra moisture to support dense pinyon-juniper woodlands. Pinyon-juniper woodlands are also found to the west of the complex on Blue Water Mesa. These woodlands provide important shelter and forage for wildlife in a desert climate. Grasslands are also found throughout the area. Grass species here include black, sideoats, and blue grama; bottlebrush squirreltail; little bluestem; New Mexico feathergrass; Indian ricegrass, and western wheatgrass. Blue Water Canyon and other canyons and arroyos in the area provide natural corridors for animals that utilize both pinyon-juniper woodlands in the higher elevations and the open grasslands to which they lead. Blue Water Canyon also contains natural seeps that are inaccessible to livestock. These riparian areas contain cottonwoods, willow, and cattails. Scattered springs and numerous natural depressions that hold water are also found in the lava flow around Volcano Hill. These are important water sources for wildlife in the area.

The varied habitats provide a home for many animals. Pronghorn, prairie dog, and badgers are found on the grasslands in the area. The lonely volcanic spires and cliffs in the area attract raptors including golden eagles, red-tailed hawks, and great horned owls. Other birds present are scaled quail, bushtits, pinyon jays, juncos, and larks. Mammals that utilizee the area include coyotes, mule deer, and mountain lions. The Pronoun Cave Complex in the Sierra Lucero unit consists of What Cave, Which Cave, That Cave, and others. They are valued for their fossils, especially of species that no longer range in New Mexico. They are also important habitat for several species of bats, including big-eared bats, which use the caves for hibernation.

Scenic and Recreational Qualities

The highly diverse scenery of the complex includes the colorful cliffs of the Blue Water Mesa escarpment and the dramatic pinnacle of Petaca Pinta; spectacular volcanic spires; pink, yellow, buff, and red colored badlands; columnar basalt resting atop red sandstone cliffs; and red-hued mesas thickly covered in pinyon-juniper forests. Higher elevations in the area offer views of the vast Rio Puerco Valley, Mount Taylor, Sierra Ladrones, and the Sandia, Manzano, and Magdalena Mountains. Limited access, low visitation, and very rugged topography make experiencing the quiet and solitude of wilderness very worthwhile in the Petaca Pinta complex.

Rough canyons and broken topography in the area offer rugged, cross-country hikes and backpacking experiences. Additional recreational opportunities in the area include including geologic sightseeing and landscape photography.

Special Management Areas

One BLM (Wilderness Study Area) WSA is located in this complex: Petaca Pinta. The Volcano Hill unit includes a portion of the Pronoun Cave Complex Area of Critical Environmental Concern (ACEC), designated to protect caves containing fossil resources that give a glimpse of animals no longer found in New Mexico, but were here in the recent past. The caves are also critical for bat hibernation.

Cultural Values

Archaeological resources of the Petaca Pinta complex are mainly prehistoric lithic scatters and structural sites with some historic stone ruins from the early 1900s. There are petroglyphs in the Volcano Hill unit. The people of the Acoma and Laguna Pueblos have traditionally used, and continue to use, the lands in and around the Petaca Pinta area for religious activities such as purification ceremonies and plant collection.

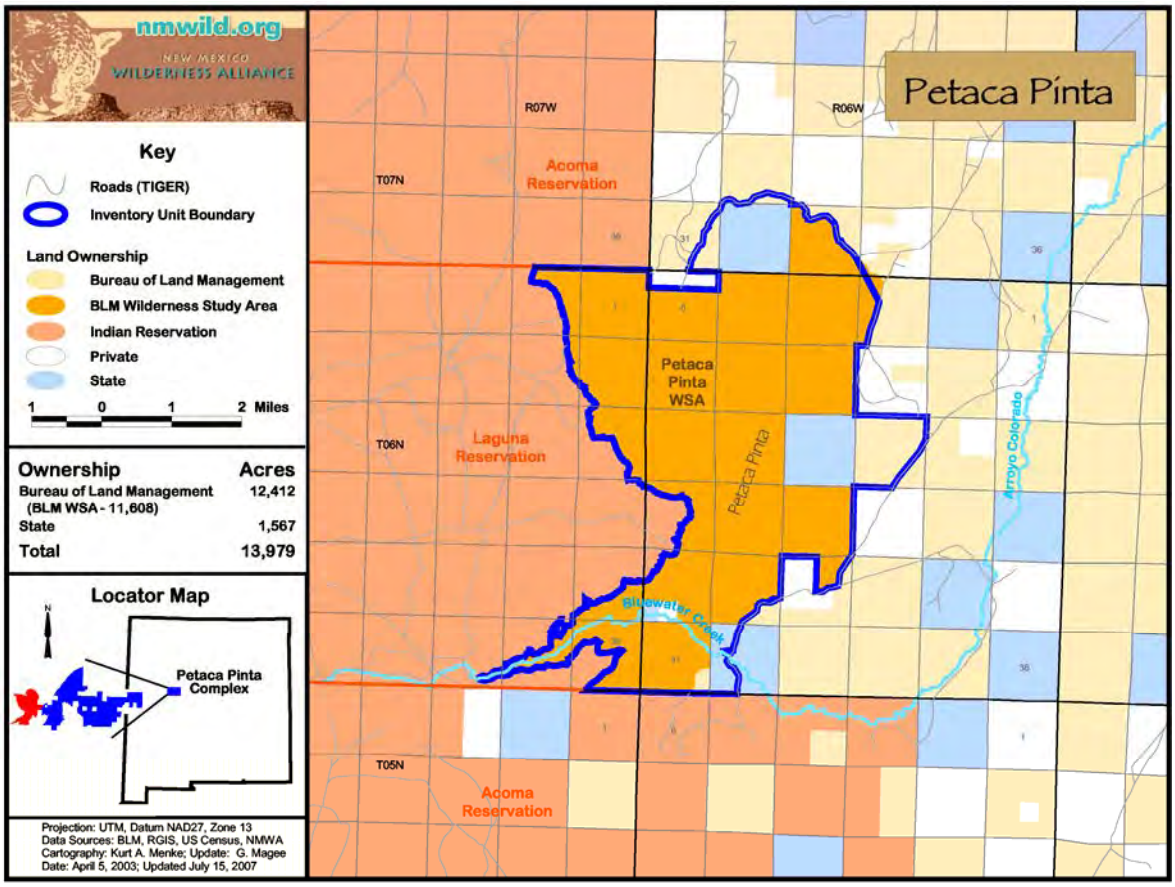
Access Information

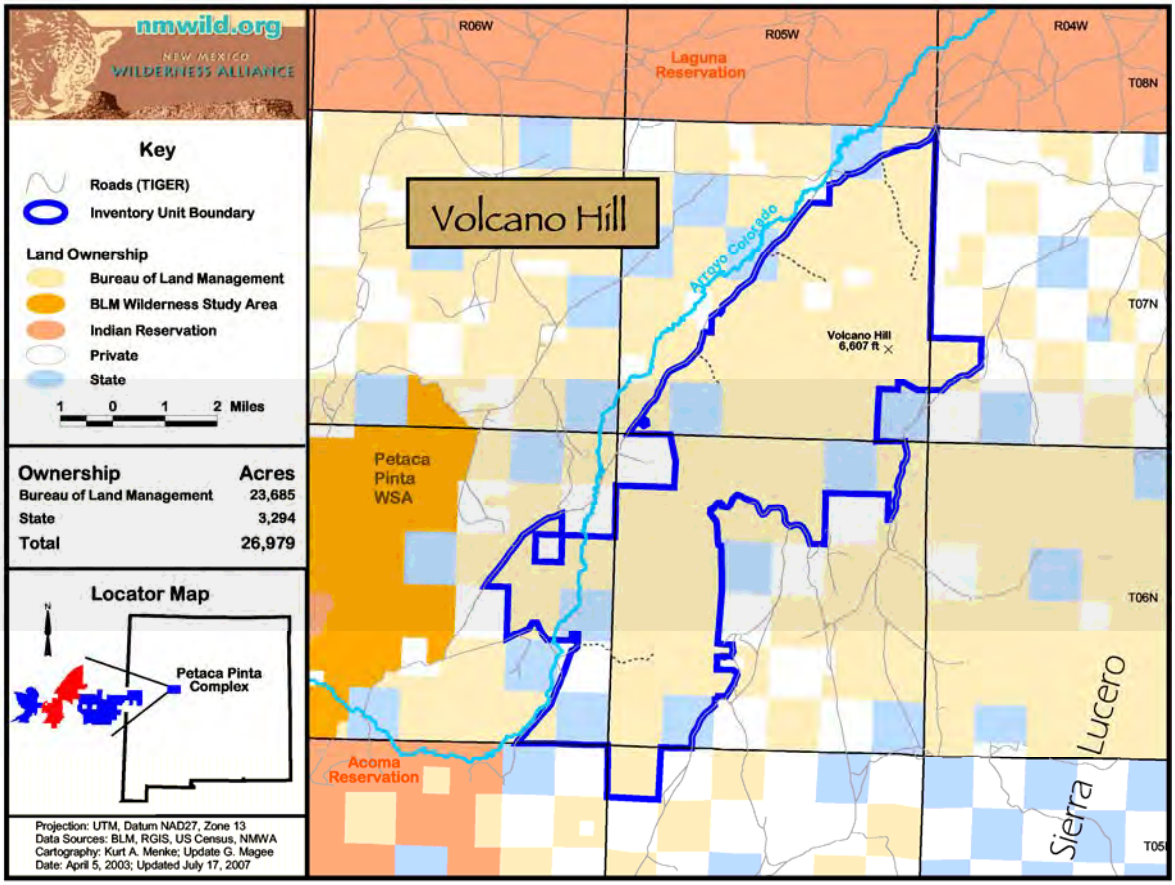
Access to the Petaca Pinta is off of Hwy 6. Take Exit 126 from I-40 and head south on Hwy 6. As it starts to bend to the southeast, take the road to the right that goes over the railroad tracks and after another mile, turn left. Follow this maintained dirt road south-southwest for about 15 – 20 miles. When you cross on to public land, you are between the Volcano Hill and Sierra Lucero units.

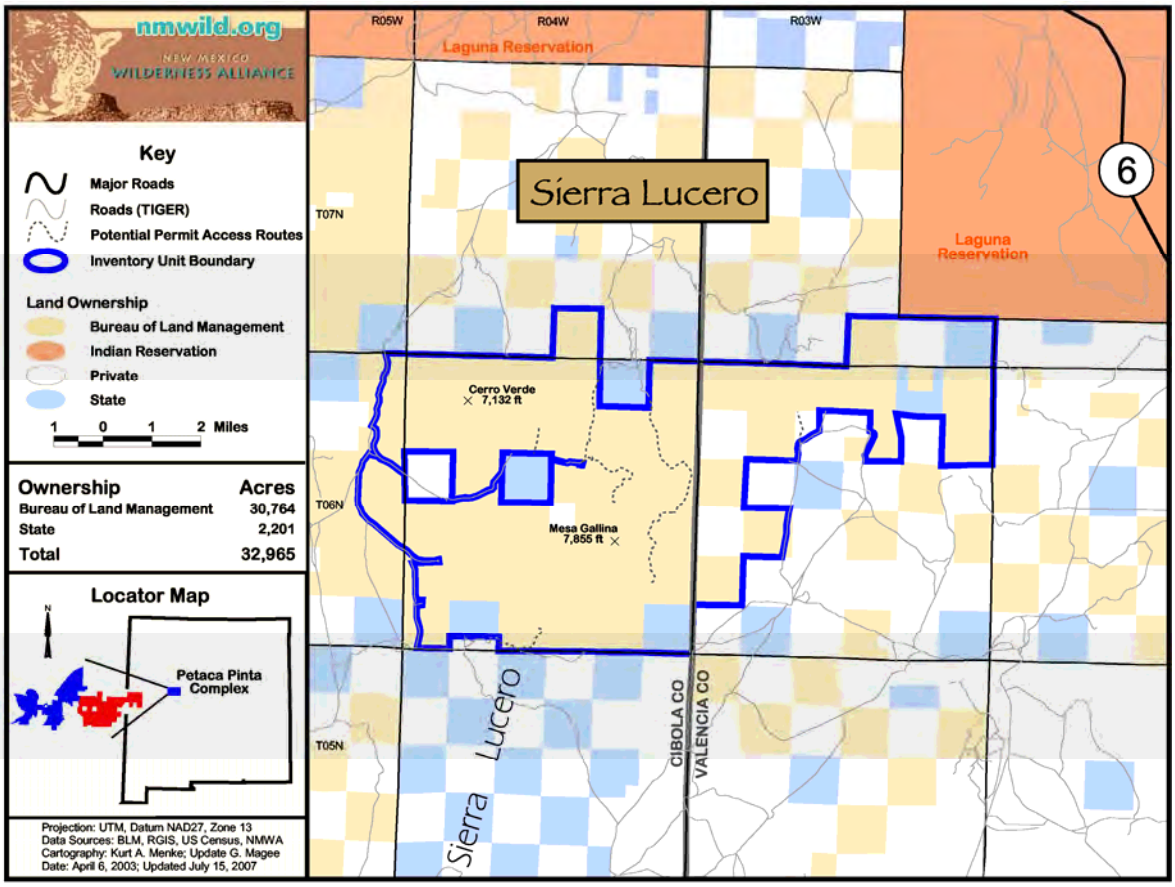
About 8 miles from the railroad track is a fence. BIA 541 heads west along the fence for about 5 miles before crossing onto BLM land. You will need a permit from the Laguna Indian Reservation to take this route – just stop in at the village. Once on BLM land, this road goes around the west side of the Volcano Hill unit and heads to the Petaca Pinta unit.

The USGS 7.5 minute maps that cover this complex are East Mesa, Broom

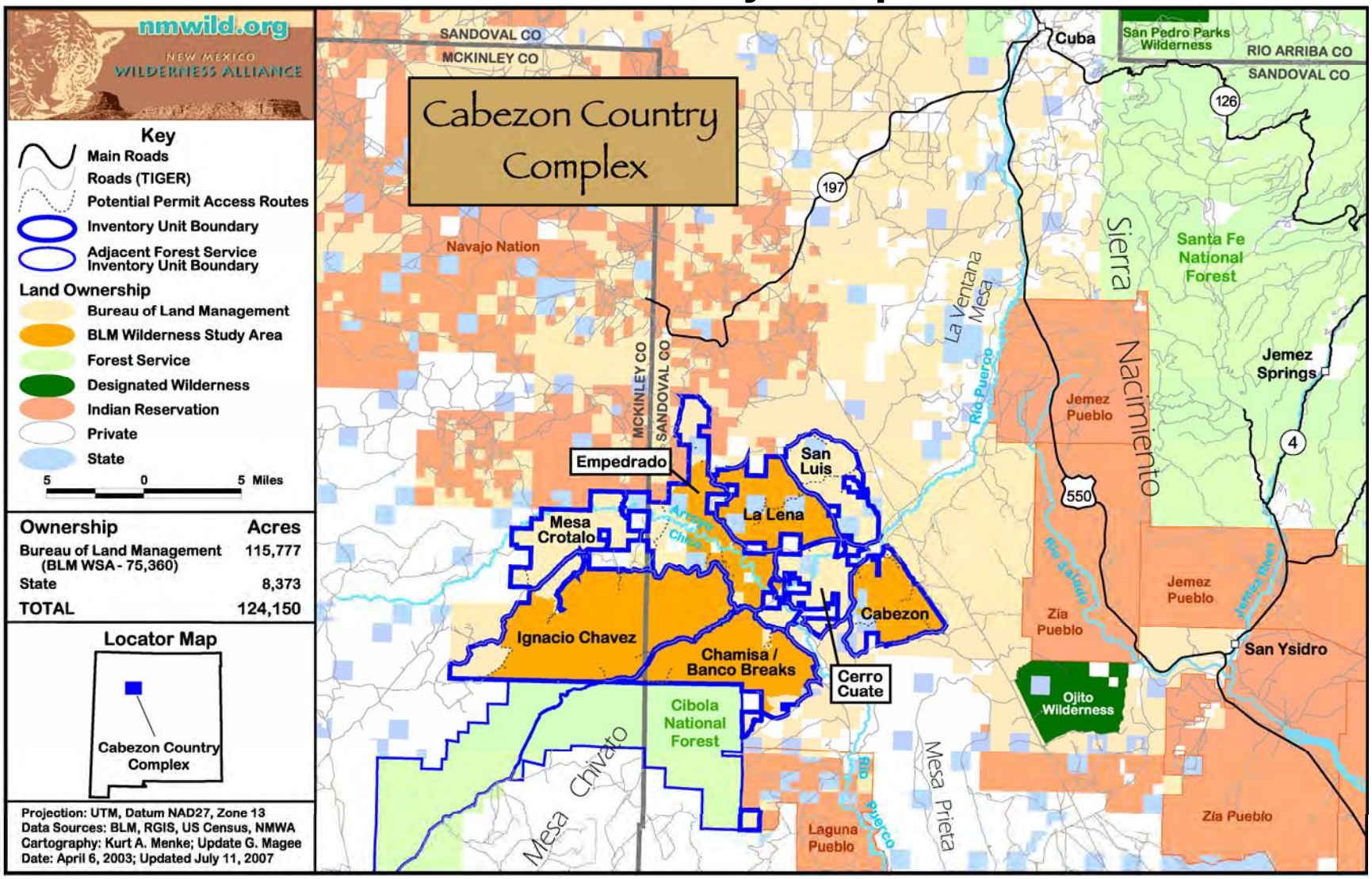
Mountain, Marmon Ranch, Cerro del Oro, Cerro Verde, Chicken Mountain, White Ridge, Mesa Gallina, South Garcia SE, and Mesa Mojinas.


nmwild.org
NEW MEXICO WILDERNESS ALLIANCE
Key
Roads (TIGER)
Inventory Unit Boundary
Land Ownership
Bureau of Land Management
BLM Wilderness Study Area
Indian Reservation
Private
State
1 0 1 2 Miles
Ownership Acres
Bureau of Land Management (BLM WSA - 11,608) 12,412
State 1,567
Total 13,979
Locator Map
Petaca Pinta Complex
Projection: UTM, Datum NAD27, Zone 13
Data Sources: BLM, RGIS, US Census, NMWA
Cartography: Kurt A. Menke; Update: G. Magee
Date: April 5, 2003; Updated July 15, 2007
Petaca Pinta
R07W
R06W
T07N
T06N
T05N
Acoma Reservation
Laguna Reservation
Acoma Reservation
Petaca Pinta WSA
Petaca Pinta
Arroyo Colorado
Bluewater Creek


nmwild.org
NEW MEXICO WILDERNESS ALLIANCE
Key
Roads (TIGER)
Inventory Unit Boundary
Land Ownership
Bureau of Land Management
BLM Wilderness Study Area
Indian Reservation
Private
State
1 0 1 2 Miles
Ownership Acres
Bureau of Land Management 23,685
State 3,294
Total 26,979
Locator Map
Petaca Pinta Complex
Projection: UTM, Datum NAD27, Zone 13
Data Sources: BLM, RGIS, US Census, NMWA
Cartography: Kurt A. Menke; Update G. Magee
Date: April 5, 2003; Updated July 17, 2007
R06W
R05W
R04W
Laguna Reservation
T08N
Volcano Hill
Arroyo Colorado
Volcano Hill 6,607 ft
T07N
Petaca Pinta WSA
T06N
Acoma Reservation
Sierra Lucero


nmwild.org
NEW MEXICO WILDERNESS ALLIANCE
Key
Major Roads
Roads (TIGER)
Potential Permit Access Routes
Inventory Unit Boundary
Land Ownership
Bureau of Land Management
Indian Reservation
Private
State
1 0 1 2 Miles
Ownership Acres
Bureau of Land Management 30,764
State 2,201
Total 32,965
Locator Map
Petaca Pinta Complex
Projection: UTM, Datum NAD27, Zone 13
Data Sources: BLM, RGIS, US Census, NMWA
Cartography: Kurt A. Menke; Update G. Magee
Date: April 6, 2003; Updated July 15, 2007
R05W
R04W
R03W
Laguna Reservation
Sierra Lucero
6
T07N
Laguna Reservation
Cerro Verde
7,132 ft
T06N
Mesa Gallina
7,855 ft
T05N
Sierra Lucero
CIBOLA CO
VALENCIA CO

Cabezon Country Complex



Cabezon Country Complex

Area Description

Cabezon Country is located approximately 20 miles west of the town of San Ysidro. The focal point of the area is Cabezon Peak, the dramatic volcanic formation that is one of the most well known landmarks in northwest New Mexico. Cabezon Peak, elevation 7,785 feet, is part of the Mount Taylor volcanic field and is the largest of several volcanic necks, including Cerro Cuate, rising from the Rio Puerco Valley. Dramatic basaltic cliffs on Cabezon provide a close view of the internal plumbing of an ancient volcano.

To the north of Cabaezon Peak and Cerro Cuate are the dramatic cliffs and sandstone canyons of Mesa San Luis. Empedrado encompasses lava-capped mesa tops and the major drainages of Arroyo Chico and Torreon Wash. Mesa Crotalo is found at the western edge of Cabezon Country. This area is characterized by open grasslands separated by a series of sandstone mesas, each with its own set of unusual shapes, hoodoos, and geologic oddities. The most dramatic of these mesas is aptly named Battleship.

To the south, the land rises sharply to Mesa Chivato with cool pine forests and elevations over 8,000 feet. Mesa Chivato is composed of basaltic lava flows that erupted from Mount Taylor 3.3 to 1.5 million years ago. These flows cap colorful Cretaceous shoreline and marine rock layers that are well exposed where the lava cap ends and the elevation drops quickly to the Arroyo Chico to the north.

The Rio Puerco flows through Cabezon Country, passing close by Cerro Cuate before making a dramatic bend to the south. Three of this region's major drainages, La Cañada Santiago, La Cañada de la Leña, and Arroyo Chico, all join the Rio Puerco as it winds through the Cerro Cuate unit. Sections of Arroyo Chico are a perennial stream and support riparian habitat.

Separated from the rest of the complex to the east, just a few miles southwest of San Ysidro, is the Ojito unit. Dramatic landforms and rock structures, multi-colored badlands, classic box canyons, and diverse flora and fauna characterize this area. This unit is part of the Tierra Amarilla Anticline and represents a textbook example of a breached plunging anticline. There are also paleontological sites, including one of the largest dinosaur skeletons ever discovered, a Seismasaurus. Elevations range from 5,650 to 6,261 feet.

Ecological Values

Open grasslands, juniper dotted grasslands, pinyon-juniper woodlands, old growth ponderosa pine, and riparian habitats are all represented in Cabezon Country. The Rio Puerco region is a vital biotic link between the Colorado Plateau and the Southern Rockies, providing habitat and dispersal corridors for far ranging species such as the mountain lion. The wildlands complex surrounding Cabezon Peak is particularly important in this respect because it connects the Mt. Taylor-Mesa Chivato region to the Nacimiento and Jemez Mountains. The Rio Puerco, which traverses the area, is also a major tributary of the Rio Grande, joining it just north of the Sevilleta National Wildlife Refuge. As such, it is a key riparian corridor in an otherwise arid landscape.

The Rio Puerco basin is home to approximately 282 species of vertebrate animals including nearly 200 species of birds, 38 species of amphibians and reptiles, 1 species of fish, and 66 species of mammals. Bird species are particularly diverse in the basin and include great blue heron, white faced ibis, canvasback, common merganser, rough legged hawk, red tail hawk, ferruginous hawk, sharp-shinned hawk, osprey, golden eagle, American coot, barn owl, great horned owl, and kestrel, whip-poor-will, white-throated swift, western kingbird, bushtit, warbling vireo, western meadowlark, purple finch, swifts, swallows, prairie falcon, Merriam's turkey, gray-headed junco, Stellar's jay, and pinyon jay. The unique landmarks of Cerro Parido and Boca del Oso are considered particularly important golden eagle nesting sites. The San Luis Mesa is also important raptor nesting habitat.

Large elk herds graze in the forests of Mesa Chivato and winter in the valleys of the Cabezon Country. Also present in here are black bear, mountain lion, bobcat, gray fox, mule deer, pronghorn, Gunnison's prairie dog, badger, porcupine, and a variety of reptiles, including collared lizards. Because of the presence of prairie dogs, the area is also potential habitat for the endangered black-footed ferret. Three special-status plant species, Knight's milkvetch, Wright's pincushion cactus and grama grass cactus, can be found in the area.

Scenic and Recreational Qualities

The outstanding scenic feature of the Cabezon Country is Cabezon Peak itself. It is the subject of countless photographs and paintings, attesting to the area's beauty and wild character. In addition to Cabezon Peak, the area's scenery includes other impressive volcanic plugs such as Cerro Cuate, Cerro Chafo, Cerro de Santa Clara, and Cerro Parido. Colorful sandstone cliffs and unique hoodoos give Mesa Crotalo, Empedrado, La Leña and San Luis aesthetic appeal. The Boca del Oso (Bears Mouth) is a distinctive rocky feature jutting out from the edge of the Mesa Chivato.

Hiking opportunities are excellent in Cabezon Country. Cabezon Peak has a primitive trail that allows hikers to climb to the top and enjoy spectacular views of the entire Rio Puerco Valley. The Continental Divide Trail also weaves its way through several units in the complex. Although other areas have no established trails, the open terrain provides ample opportunities for cross-country exploration and primitive recreation. The backside of the cliffs of the San Luis Mesa feature a maze of canyons that invite exploration and provide outstanding opportunities to experience the quiet and solitude of wilderness. Bird watching here is also excellent due to the raptor-nesting habitat on the cliffs. Recreational activities in the area also include horseback riding, hunting, backpacking, rock climbing, and geological and archaeological sightseeing.

Special Management Areas

Five Wilderness Study Areas (WSAs) are designated by BLM in Cabezon Country: Cabezon, La Leña, Empedrado, Ignacio Chavez, and Chamisa. Ojito was designated as Wilderness on October 26, 2005. Four Areas of Critical Environmental Concern (ACECs) are also found in the complex: Cabezon Peak, San Luis Raptor, Ignacio Chavez, and Ojito. BLM has called Ignacio Chavez "one of the most diverse and productive wildlife habitats in northwestern New Mexico." The cliffs of the San Luis Raptor ACEC are protected for raptor nesting sites including golden eagles, prairie falcons, and red-tailed hawks. Ojito ACEC was designated to protect the area's outstanding paleontological, cultural, and scenic values, and to protect wildlife and rare plant habitat.

Cultural Values

Cabezon Country contains a number of cultural sites, both historic and pre-historic. According to Navajo legend, Cabezon Peak is the head of a large giant that was slain by the Twin War Gods. Prehistoric cultural resources include numerous Paleo-Indian, Archaic, Navajo,

and Pueblo sites. A Chacoan shrine rests atop Cabezon Peak and petroglyphs exist on canyon walls, particularly in the Chamisa / Banco Breaks unit. The high elevation of Mesa Chivato and its steep drop to the Rio Puerco Valley make it unlikely that early humans lived here, but they hunted and gathered here. A prehistoric Pueblo ceramic/lithic scatter and a historic Navajo hogan have been surveyed in this area. Other resources of interest include the Navajo site of Big Bead Mesa, a National Historic Landmark. Over 90 sites and features, dating from about AD 1745 to 1812, are located on the mesa, including an impressive 12-foot high defensive masonry wall. In addition, the Ojito unit contains prehistoric kivas and a pueblo of 30 or more rooms. This area is also home to current sacred and religious sites of the Zia, Jemez, and Santa Ana Pueblos.

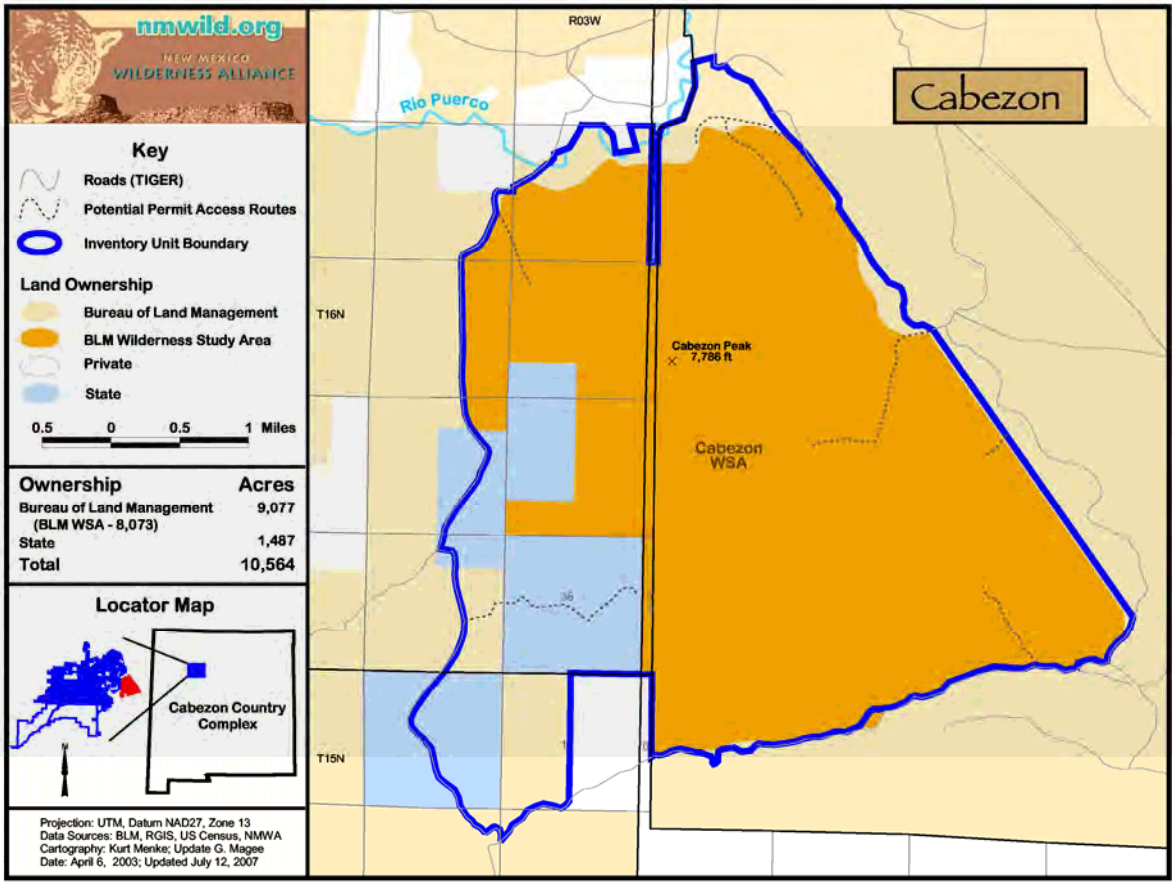
In Spanish, El Cabezon, means "the big head." Cerro Cuate is named for the Spanish word "cuate", which means "twins," referring to the pair of rugged peaks that grace the top of this volcanic plug. Spanish cultural sites are also found adjacent to inventory units in the complex. These sites include the historic town of Cabezon with a century-old church that is still in use today. There are also numerous remnants of abandoned homesteads along the banks of the Rio Puerco.

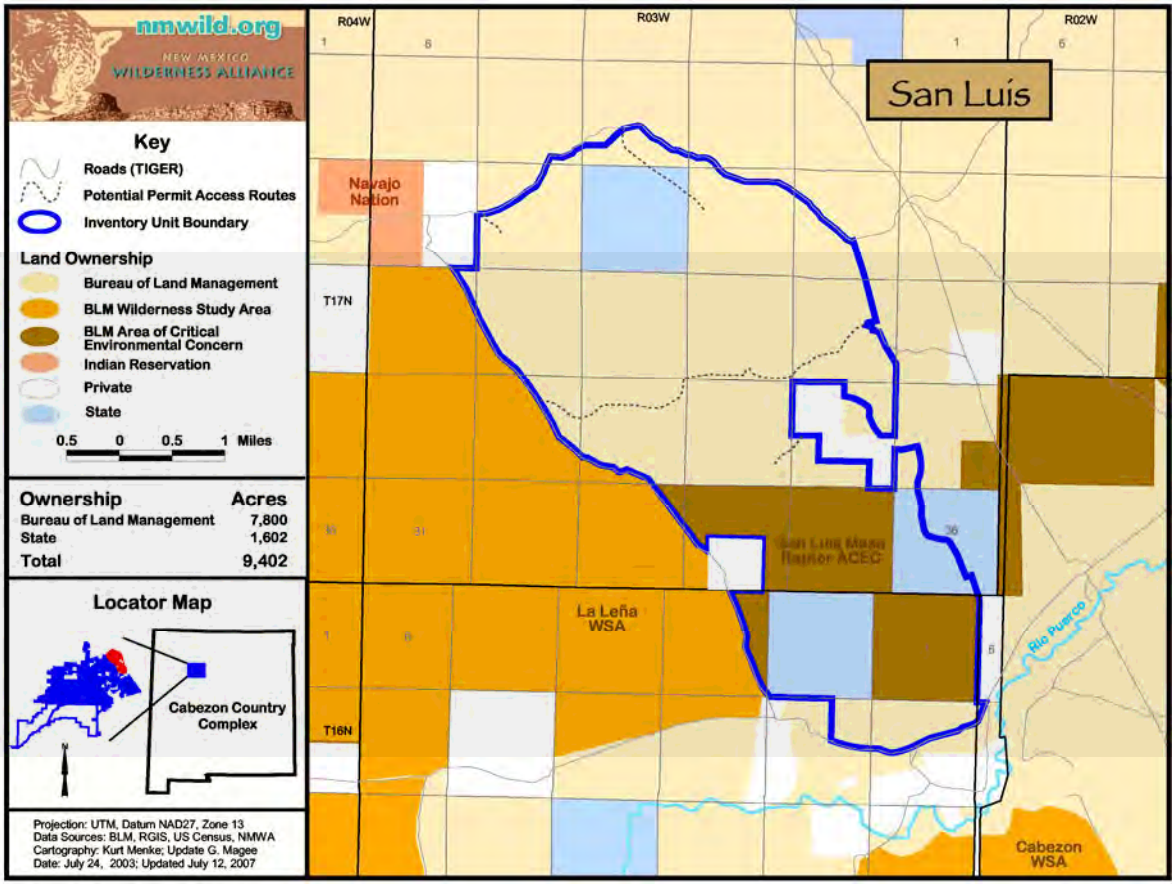
Access Information

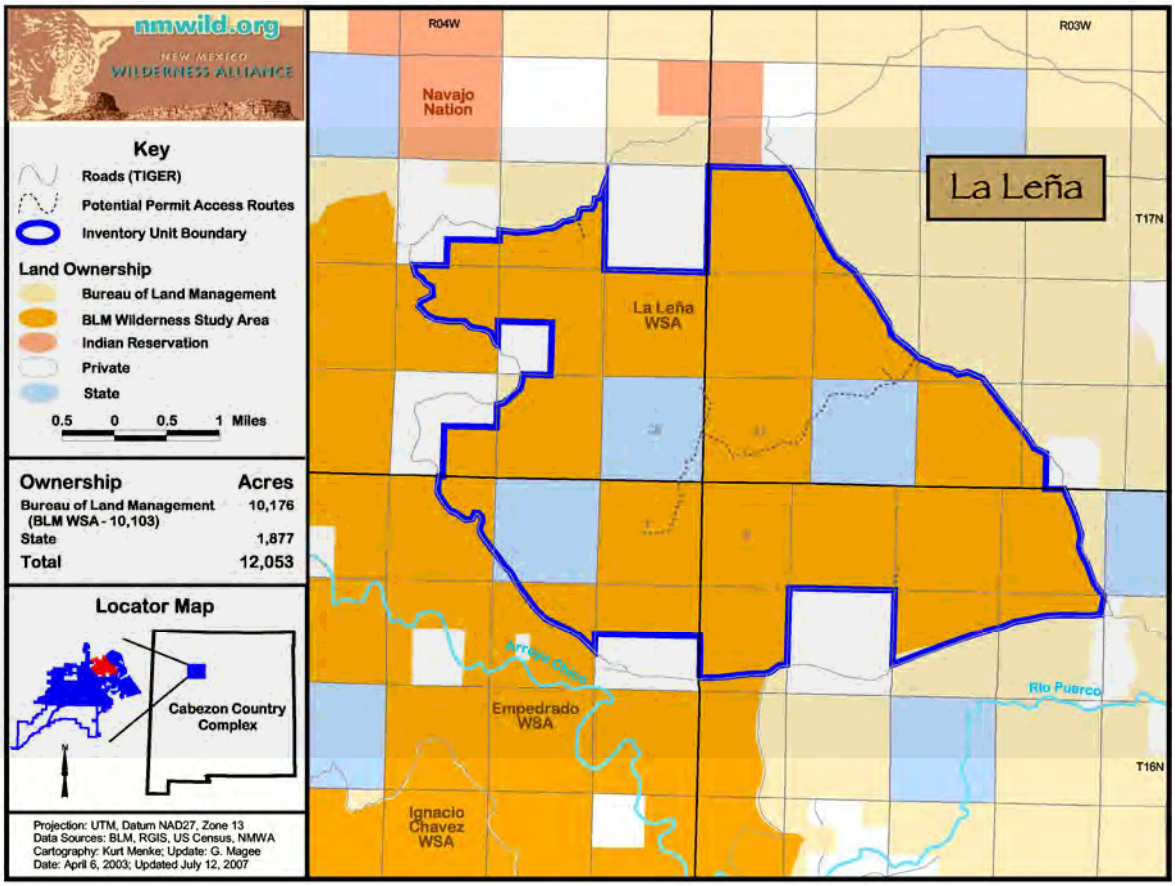
To access Cabezon County, take Hwy 279 off of Hwy 550 between Cuba and San Ysidro. Head past the small settlement of San Luis and continue straight on to a maintained dirt road where the pavement curves north. About 3 miles past the second power-line you pass under is the junction of two maintained roads. From this junction, you have endless opportunities to explore. Go south about 3 miles to get to the trailhead for Cabezon Peak.

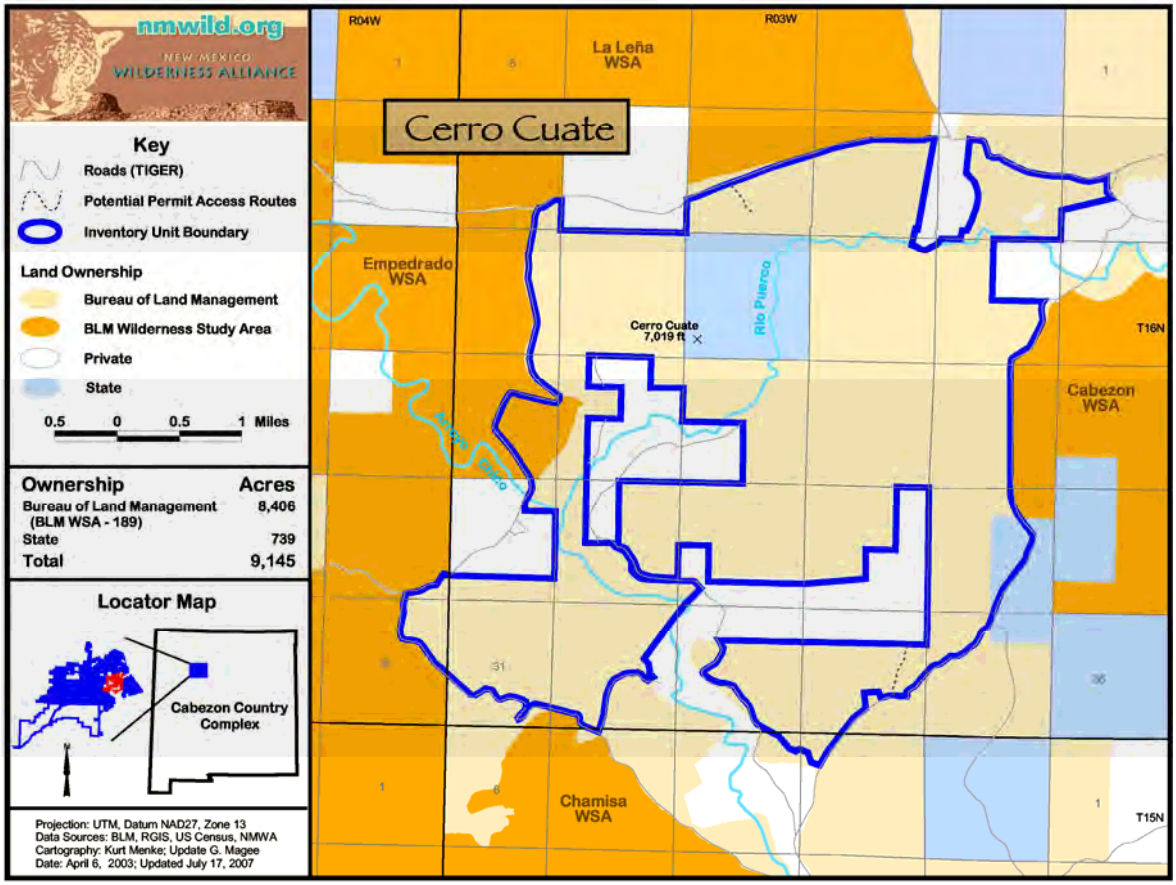
Continue west around Cerro Cuate to get to Hunters Camp and up on to Mesa Chivato.

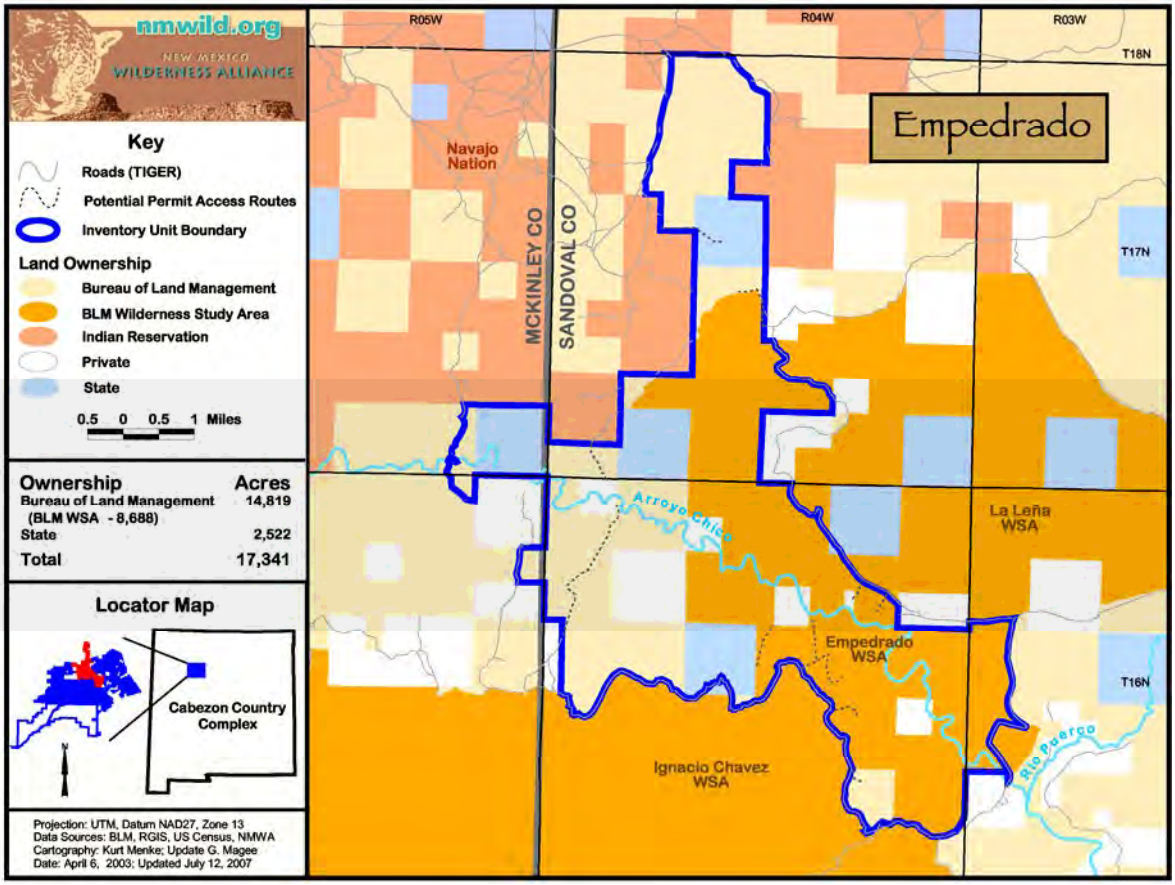
The USGS 7.5 minute maps that cover this complex are San Luis, Arroyo Empedrado, Canada Calladita, Mesita del Gavilan, Mesa Cortada, Cerro Parido, Guadalupe, Cabezon Peak, Ojito Spring, San Ysidro, Sky Village NE, Sky Village NW, Cerro Tinaja, Laguna Seca, El Dado Mesa, Cerro Alesna, Cerro Pelon, and Laguna Canoneros.

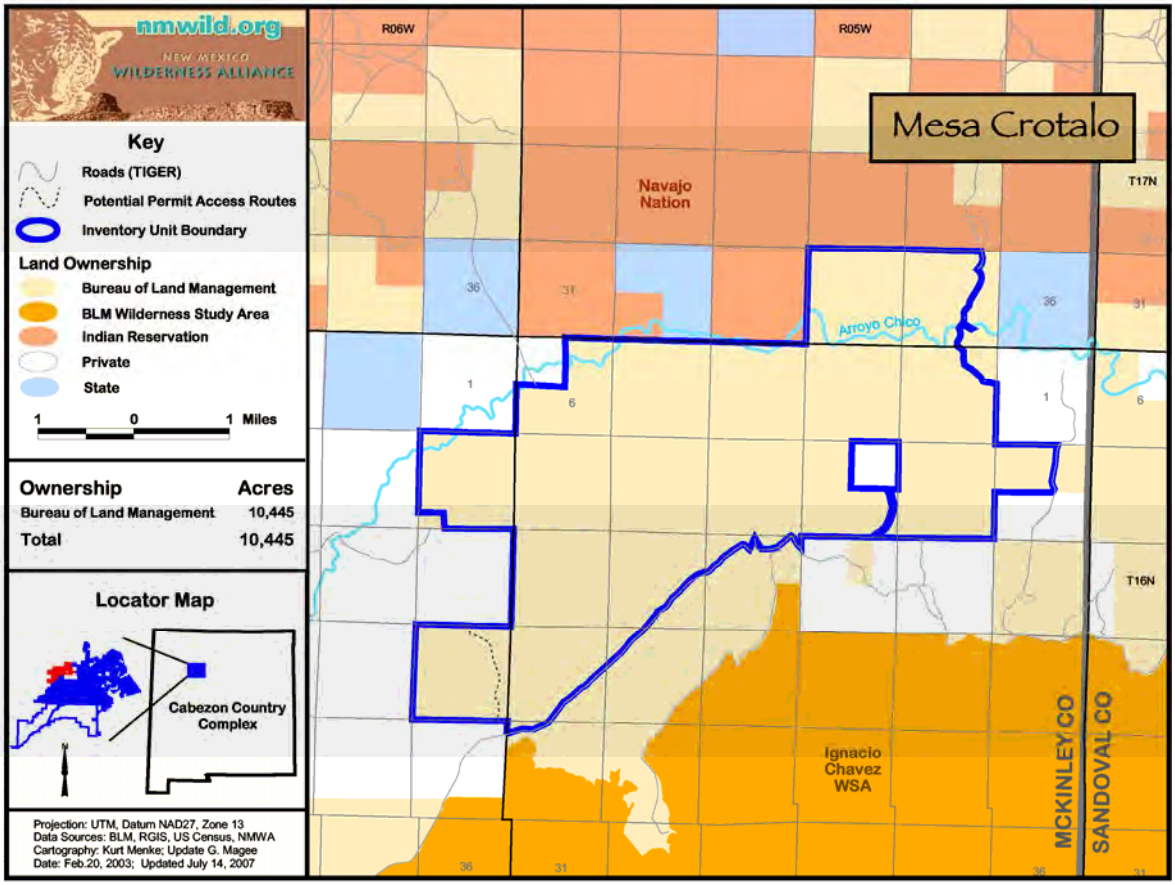

nmwild.org
NEW MEXICO WILDERNESS ALLIANCE
Key
Roads (TIGER)
Potential Permit Access Routes
Inventory Unit Boundary
Land Ownership
Bureau of Land Management
BLM Wilderness Study Area
Private
State
0.5 0 0.5 1 Miles
Ownership Acres
Bureau of Land Management 9,077
(BLM WSA - 8,073)
State 1,487
Total 10,564
Locator Map
Cabezon Country Complex
Projection: UTM, Datum NAD27, Zone 13
Data Sources: BLM, RGIS, US Census, NMWA
Cartography: Kurt Menke; Update G. Magee
Date: April 6, 2003; Updated July 12, 2007
R03W
Rio Puerco
Cabezon
T16N
Cabezon Peak
7,786 ft
Cabezon WSA
T15N

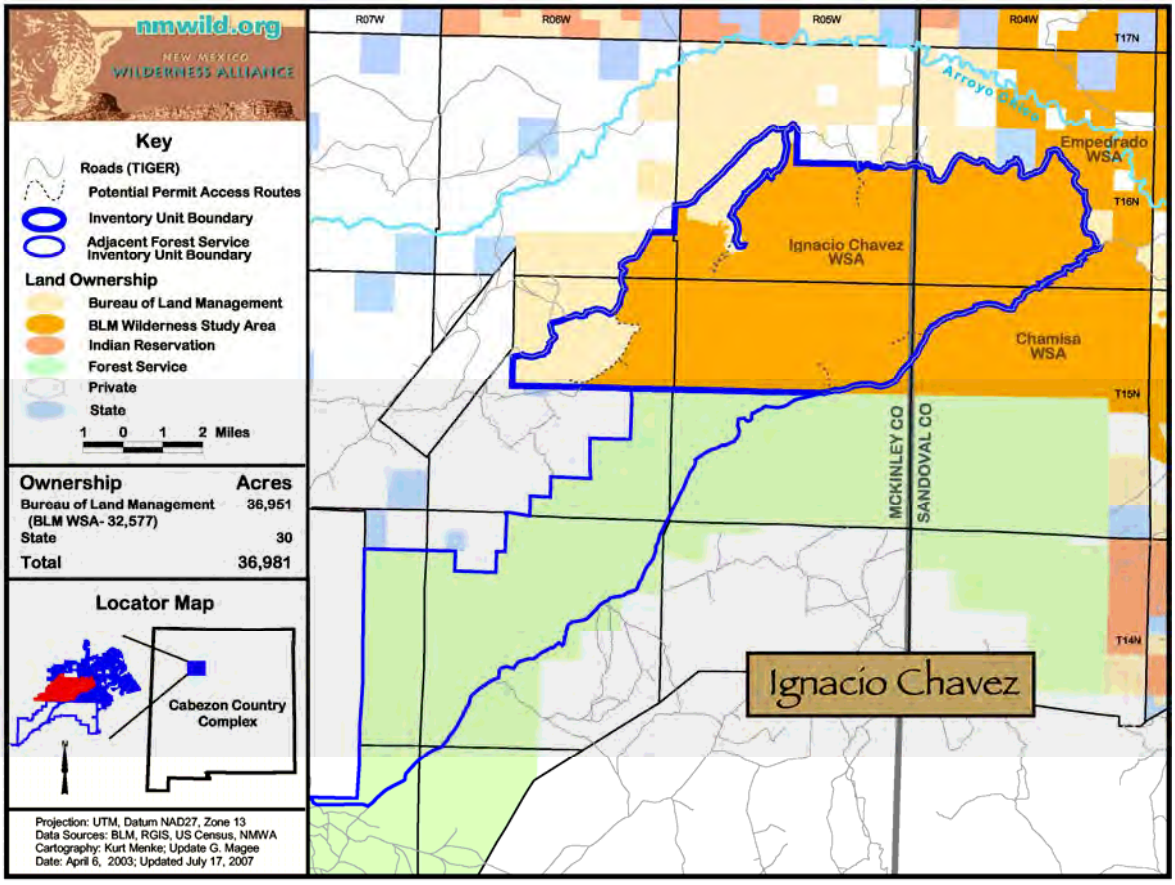

nmwild.org
NEW MEXICO WILDERNESS ALLIANCE
Key
Roads (TIGER)
Potential Permit Access Routes
Inventory Unit Boundary
Land Ownership
Bureau of Land Management
BLM Wilderness Study Area
BLM Area of Critical Environmental Concern
Indian Reservation
Private
State
0.5 0 0.5 1 Miles
Ownership Acres
Bureau of Land Management 7,800
State 1,602
Total 9,402
Locator Map
Cabezon Country Complex
Projection: UTM, Datum NAD27, Zone 13
Data Sources: BLM, RGIS, US Census, NMWA
Cartography: Kurt Menke; Update G. Magee
Date: July 24, 2003; Updated July 12, 2007
R04W
R03W
R02W
San Luis
Navajo Nation
T17N
T16N
La Leña WSA
Cabezon WSA
Rio Puerco

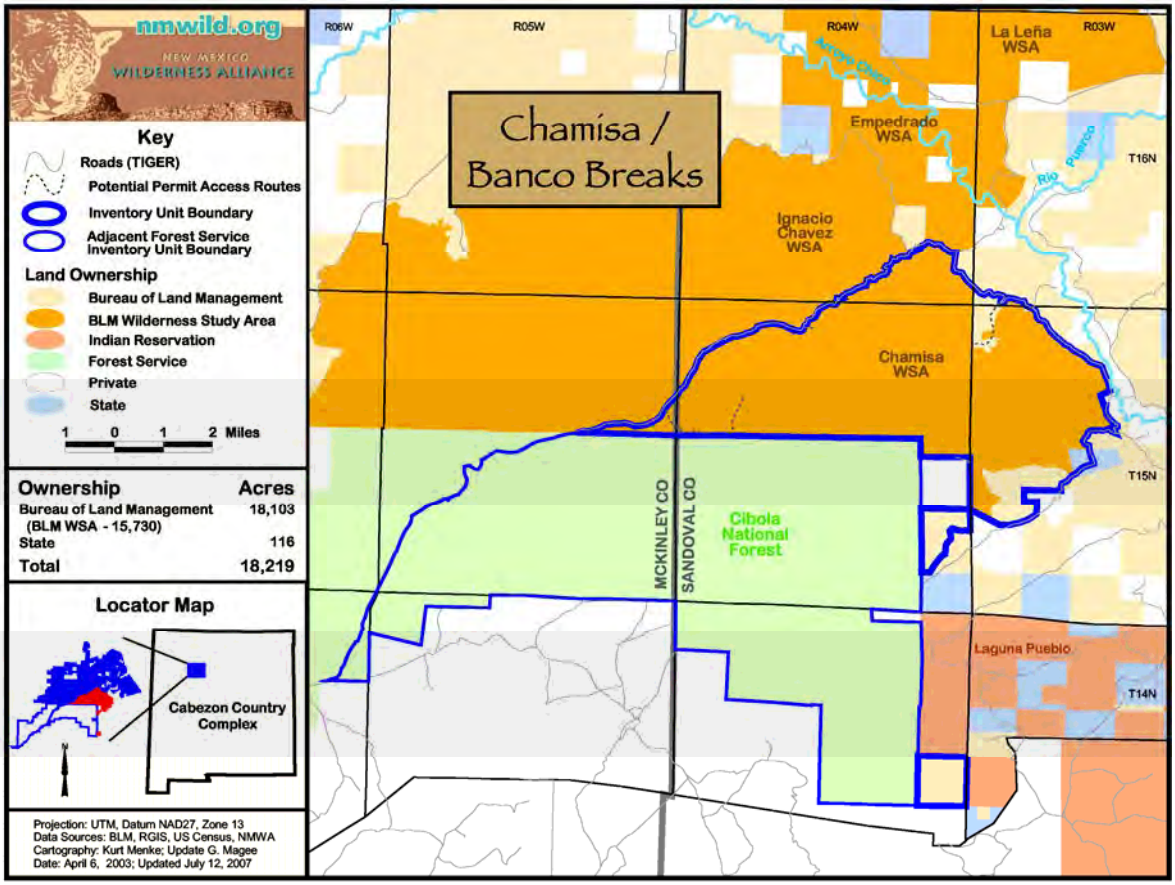

nmwild.org
NEW MEXICO WILDERNESS ALLIANCE
Key
Roads (TIGER)
Potential Permit Access Routes
Inventory Unit Boundary
Land Ownership
Bureau of Land Management
BLM Wilderness Study Area
Indian Reservation
Private
State
0.5 0 0.5 1 Miles
Ownership Acres
Bureau of Land Management 10,176
(BLM WSA - 10,103)
State 1,877
Total 12,053
Locator Map
Cabezon Country Complex
Projection: UTM, Datum NAD27, Zone 13
Data Sources: BLM, RGIS, US Census, NMWA
Cartography: Kurt Menke; Update: G. Magee
Date: April 6, 2003; Updated July 12, 2007
R04W
R03W
Navajo Nation
La Leña
T17N
La Leña WSA
Arroyo Chijuilla
Empedrado WSA
Rio Puerco
T16N
Ignacio Chavez WSA

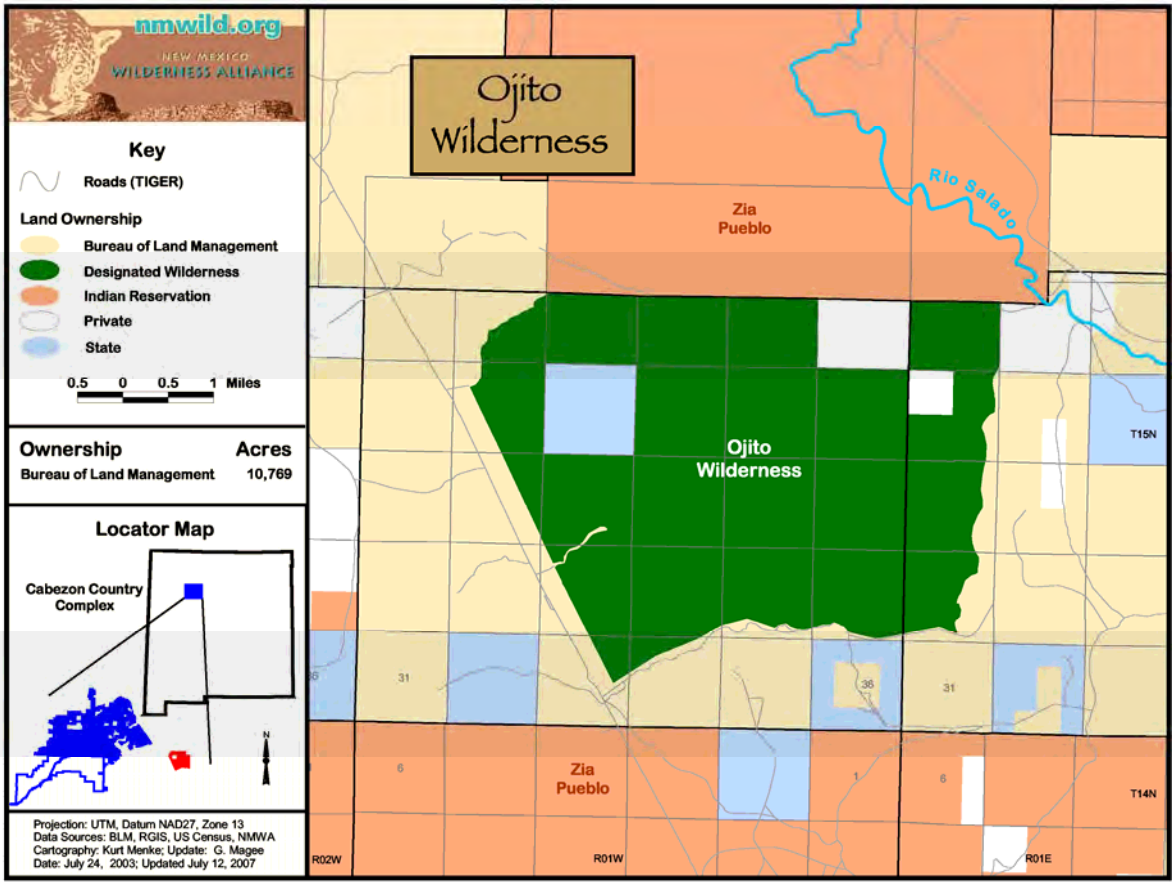

nmwild.org
NEW MEXICO WILDERNESS ALLIANCE
Key
Roads (TIGER)
Potential Permit Access Routes
Inventory Unit Boundary
Land Ownership
Bureau of Land Management
BLM Wilderness Study Area
Private
State
0.5 0 0.5 1 Miles
Ownership Acres
Bureau of Land Management (BLM WSA - 189) 8,406
State 739
Total 9,145
Locator Map
Cabezon Country Complex
Projection: UTM, Datum NAD27, Zone 13
Data Sources: BLM, RGIS, US Census, NMWA
Cartography: Kurt Menke; Update G. Magee
Date: April 6, 2003; Updated July 17, 2007
Cerro Cuate
La Leña WSA
Empedrado WSA
Cerro Cuate 7,019 ft
Rio Puerco
Cabezon WSA
Chamisa WSA
R04W
R03W
T16N
T15N

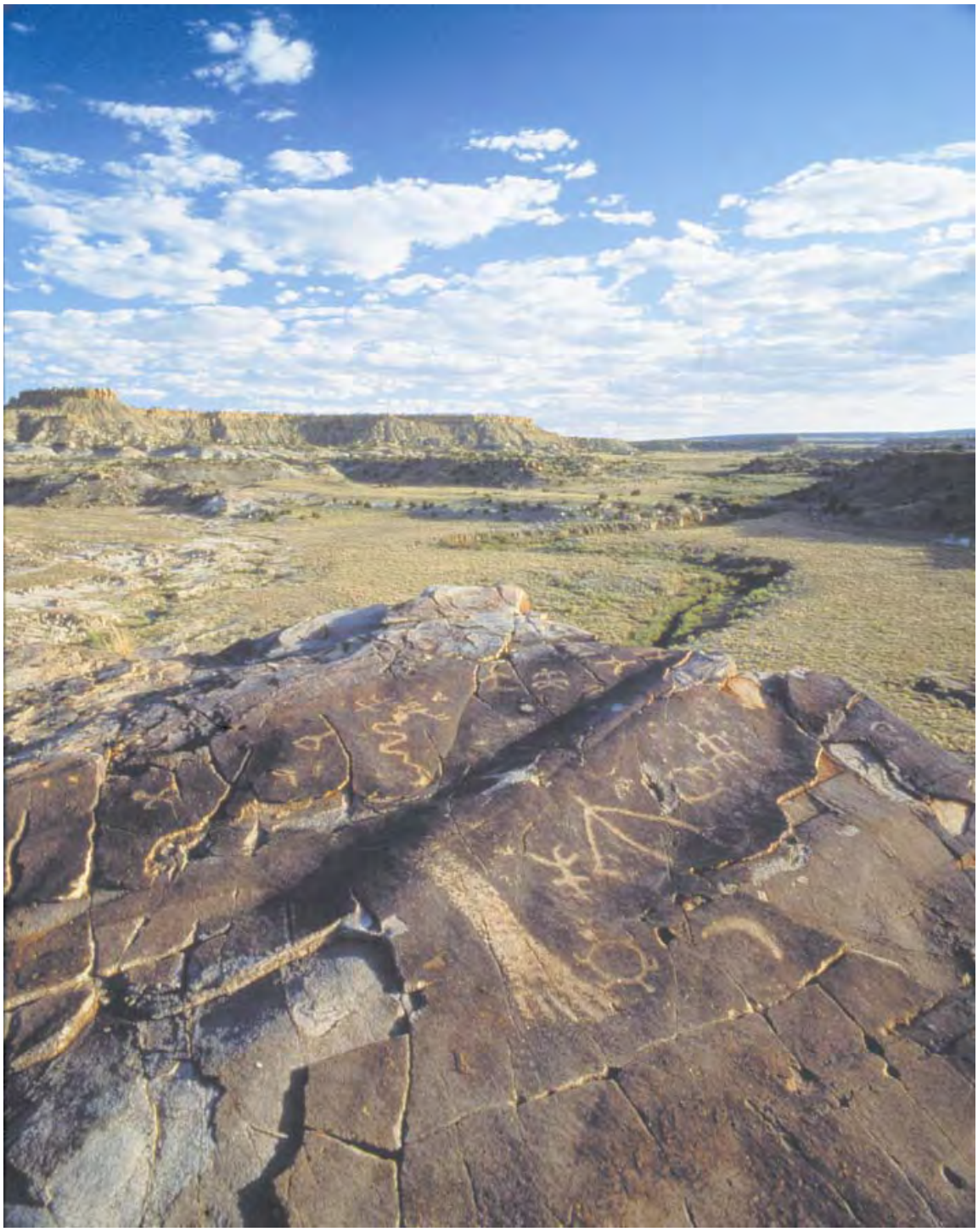

nmwild.org
NEW MEXICO WILDERNESS ALLIANCE
Key
Roads (TIGER)
Potential Permit Access Routes
Inventory Unit Boundary
Land Ownership
Bureau of Land Management
BLM Wilderness Study Area
Indian Reservation
Private
State
0.5 0 0.5 1 Miles
Ownership Acres
Bureau of Land Management 14,819
(BLM WSA - 8,688)
State 2,522
Total 17,341
Locator Map
Cabezon Country Complex
Projection: UTM, Datum NAD27, Zone 13
Data Sources: BLM, RGIS, US Census, NMWA
Cartography: Kurt Menke; Update G. Magee
Date: April 6, 2003; Updated July 12, 2007
R05W
R04W
R03W
T18N
T17N
T16N
Empedrado
Navajo Nation
MCKINLEY CO
SANDOVAL CO
Arroyo Chico
La Leña WSA
Empedrado WSA
Ignacio Chavez WSA
Rio Puerco


nmwild.org
NEW MEXICO WILDERNESS ALLIANCE
Key
Roads (TIGER)
Potential Permit Access Routes
Inventory Unit Boundary
Land Ownership
Bureau of Land Management
BLM Wilderness Study Area
Indian Reservation
Private
State
1 0 1 Miles
Ownership Acres
Bureau of Land Management 10,445
Total 10,445
Locator Map
Cabezon Country Complex
Projection: UTM, Datum NAD27, Zone 13
Data Sources: BLM, RGIS, US Census, NMWA
Cartography: Kurt Menke; Update G. Magee
Date: Feb.20, 2003; Updated July 14, 2007
R06W
R05W
Mesa Crotalo
Navajo Nation
T17N
T16N
Arroyo Chico
Ignacio Chavez WSA
MCKINLEY CO
SANDOVAL CO


nmwild.org
NEW MEXICO WILDERNESS ALLIANCE
Key
Roads (TIGER)
Potential Permit Access Routes
Inventory Unit Boundary
Adjacent Forest Service Inventory Unit Boundary
Land Ownership
Bureau of Land Management
BLM Wilderness Study Area
Indian Reservation
Forest Service
Private
State
1 0 1 2 Miles
Ownership Acres
Bureau of Land Management 36,951
(BLM WSA- 32,577)
State 30
Total 36,981
Locator Map
Cabezon Country Complex
Projection: UTM, Datum NAD27, Zone 13
Data Sources: BLM, RGIS, US Census, NMWA
Cartography: Kurt Menke; Update G. Magee
Date: April 6, 2003; Updated July 17, 2007
R07W
R06W
R05W
R04W
T17N
T16N
T15N
T14N
Arroyo Chico
Empedrado WSA
Ignacio Chavez WSA
Chamisa WSA
MCKINLEY CO
SANDOVAL CO
Ignacio Chavez

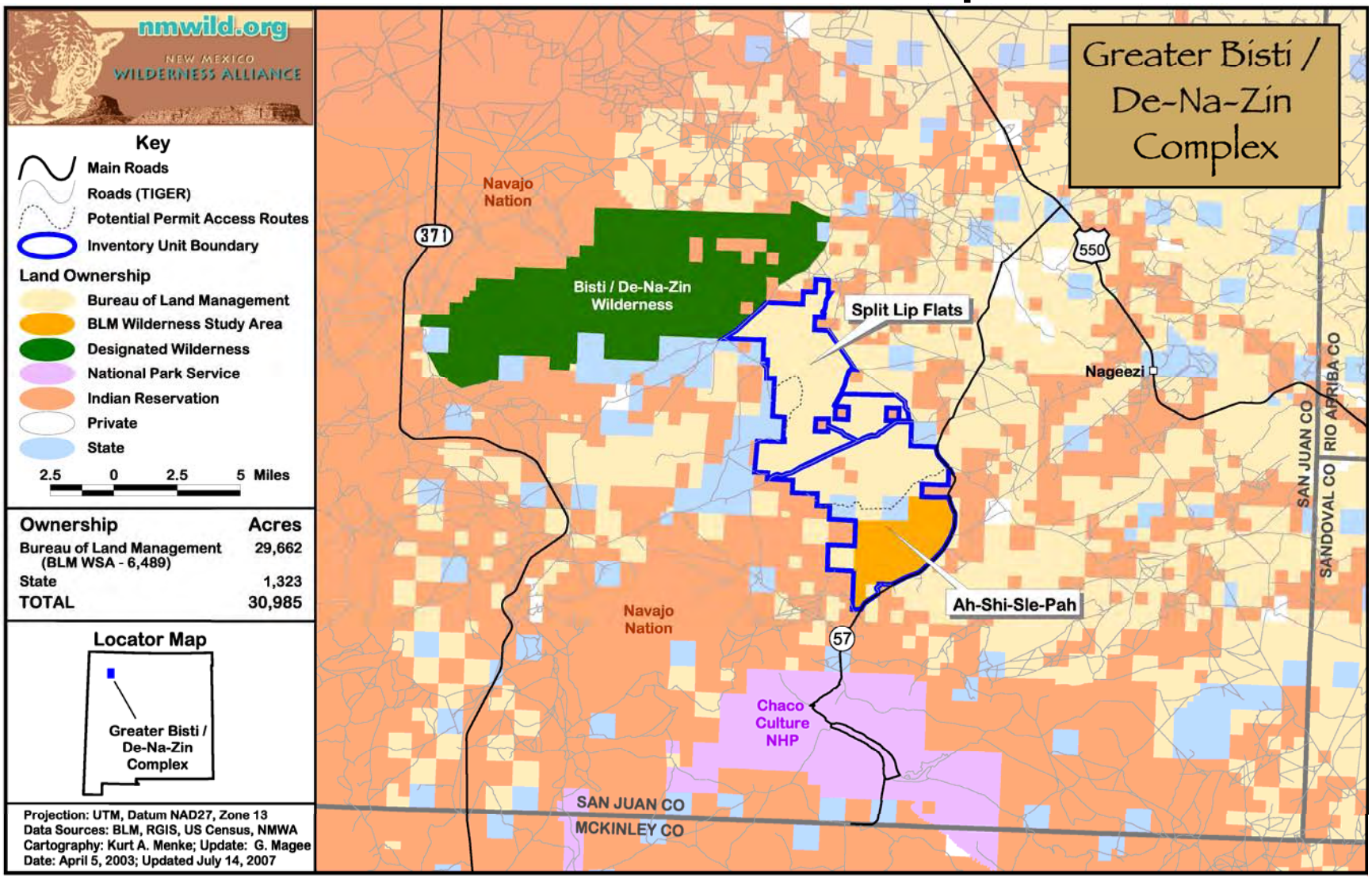

nmwild.org
NEW MEXICO WILDERNESS ALLIANCE
Key
Roads (TIGER)
Potential Permit Access Routes
Inventory Unit Boundary
Adjacent Forest Service Inventory Unit Boundary
Land Ownership
Bureau of Land Management
BLM Wilderness Study Area
Indian Reservation
Forest Service
Private
State
1 0 1 2 Miles
Ownership Acres
Bureau of Land Management 18,103
(BLM WSA - 15,730)
State 116
Total 18,219
Locator Map
Cabezon Country Complex
Projection: UTM, Datum NAD27, Zone 13
Data Sources: BLM, RGIS, US Census, NMWA
Cartography: Kurt Menke; Update G. Magee
Date: April 6, 2003; Updated July 12, 2007
Chamisa / Banco Breaks
R06W
R05W
R04W
R03W
La Leña WSA
Empedrado WSA
Ignacio Chavez WSA
Chamisa WSA
T16N
T15N
T14N
MCKINLEY CO
SANDOVAL CO
Cibola National Forest
Laguna Pueblo


nmwild.org
NEW MEXICO WILDERNESS ALLIANCE
Key
Roads (TIGER)
Land Ownership
Bureau of Land Management
Designated Wilderness
Indian Reservation
Private
State
0.5 0 0.5 1 Miles
Ownership Acres
Bureau of Land Management 10,769
Locator Map
Cabezon Country Complex
Projection: UTM, Datum NAD27, Zone 13
Data Sources: BLM, RGIS, US Census, NMWA
Cartography: Kurt Menke; Update: G. Magee
Date: July 24, 2003; Updated July 12, 2007
Ojito Wilderness
Zia Pueblo
Rio Salado
Ojito Wilderness
Zia Pueblo
T15N
T14N
R02W
R01W
R01E



On October 26, 2005, Ojito became the first Wilderness area to be designated in New Mexico in 18 years. The cultural and paleontological treasures of this area are now under one the strongest land protection laws in the US. NMWA worked together with the Zia Pueblo to gain the local and statewide support needed for passage of the wilderness bill. Lands surrounding Ojito will be sold to the Zia Pueblo to be managed as undeveloped open space accessible to the public. For more information, visit http://www.ojito.org/.

Greater Bisti / De-Na-Zin Complex



Area Description

The Greater Bisti Complex is located about 40 miles southeast of Farmington between the designated B isti / De-Na-Zin Wilderness and the Chaco Culture National Historic Park (NHP) in San Juan County. It contains the Split Lip Flats and Ah-Shi-Sle-Pah inventory units, which are separated only by a county-maintained dirt road. Broad sage and grass plains roll across much of the complex. Split Lip Flats has a long ridge in its eastern portion that contains petrified trees, while in the southern portion of Ah-Shi-Sle-Pah colorful fossiliferous badlands, enhanced by spires, towers, mushroom shaped hoodoos, and other geologic oddities can be found. The scenic badlands and geologic oddities in the Greater Bisti Complex are formed from two late Cretaceous sedimentary formations, the Kirtland Shale and Fruitland Formation, both of which were

formed in a shallow inland sea that left alternating marine and coastal marine deposits. They contain a diverse assemblage of well-preserved fossils that include petrified logs and leaves, turtles, crocodile scutes and teeth, garfish scales and teeth, and invertebrates such as pelecypods, gastropods, and ammonoids (Kues, 1982).

Ah-Shi-Sle-Pah Wash and numerous parallel drainages direct rainfall and snowmelt southwest to the Chaco River, part of the San Juan watershed. Elevations in the complex range from 6,140 feet to 6,707 feet.

Ecological Values

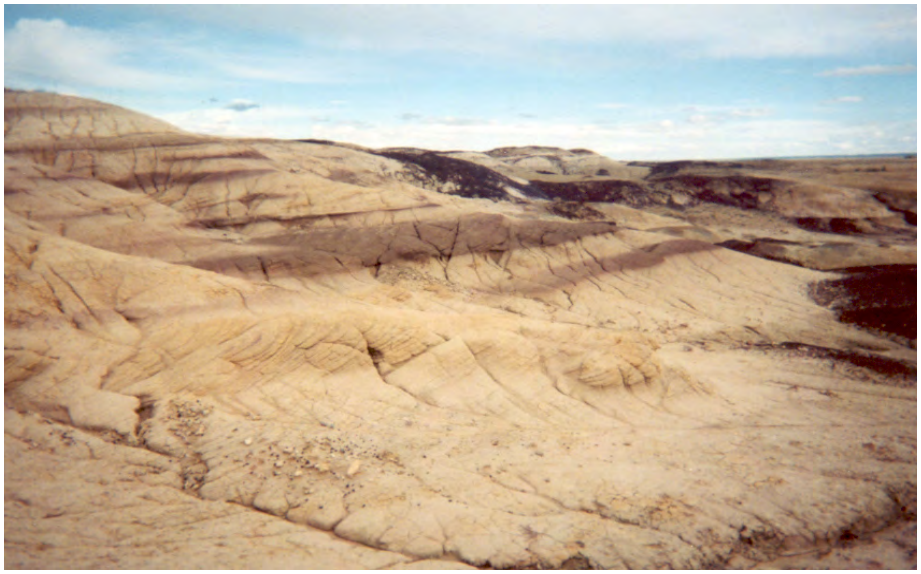
The Greater Bisti Complex lies within the Great Basin grassland vegetative community type, which is poorly represented in protected areas in New Mexico. Grassland vegetation in the complex includes alkali sacaton, blue grama, galleta, curly grass, and muhlenbergia interspersed with big sagebrush, fourwing saltbush, black greasewood, and yucca. Bird species common in the area include kestrel, raven, horned lark, mountain plover, Say's phoebe, rock wren, and black-throated sparrow. The ferruginous hawk, a candidate endangered species, nests in the Ah-Shi-Sle-Pah unit. Split Lip Flats and Ah-Shi-Sle-Pah connect the Bisti/De-Na-Zin Wilderness to Chaco Culture NHP; together, these areas form a contiguous corridor of generally undeveloped landscapes in a region that is under great pressure from oil and gas development.

Scenic and Recreational Qualities

The multicolored badlands and geologic oddities contrasting with the open grasslands give the Greater Bisti Complex high scenic value. Broad views of undeveloped landscapes to the south and west add to this value. The terrain here is easy to traverse and offers unlimited possibilities for backpacking to remote campsites. Other such activities include day hiking and exploring the geological and archeological resources of the complex.

Special Management Areas

The complex contains the entire Ah-Shi-Sle-Pah Wilderness Study Area (WSA), the Pierre's Site Area of Critical Environmental Concern (ACEC) to protect a significant archeological site, and a portion of the proposed North Road ACEC, which would protect the area around an ancient road leading from Chaco Culture NHP.



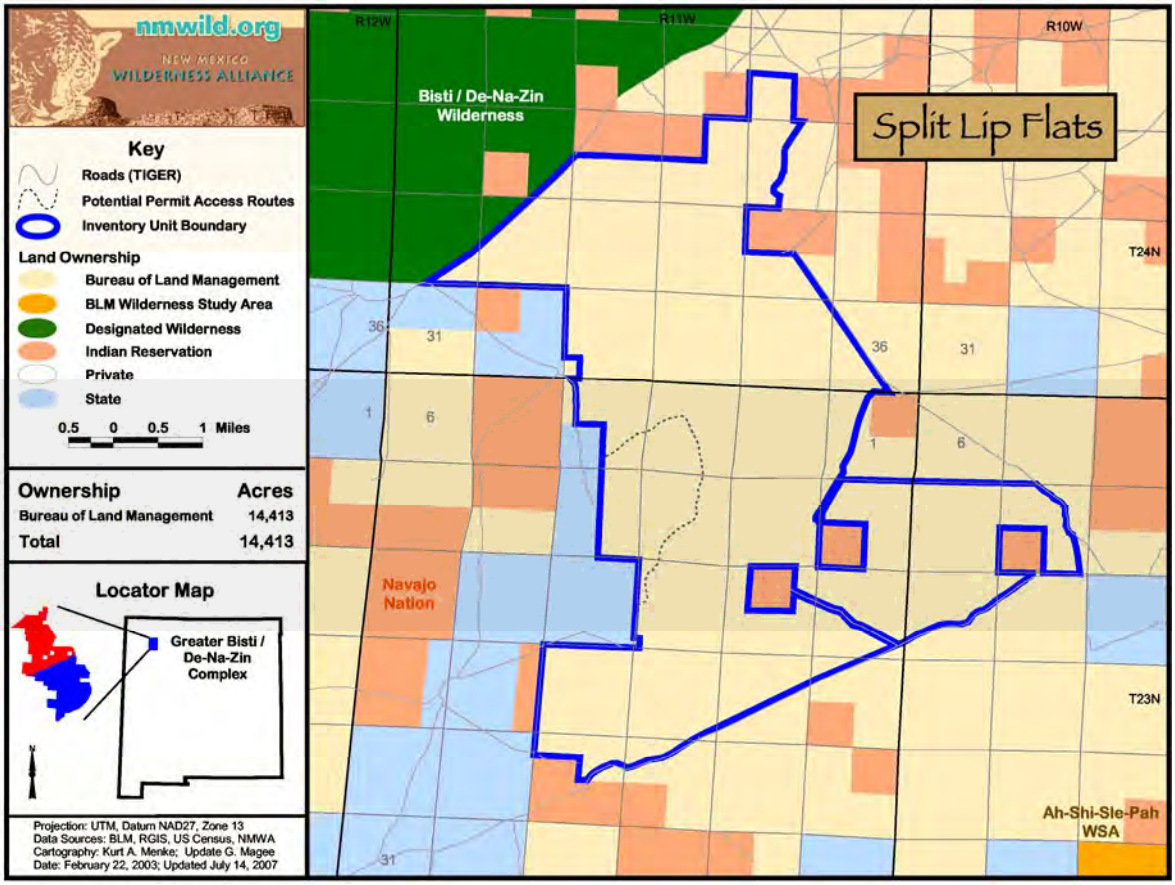
Cultural Values

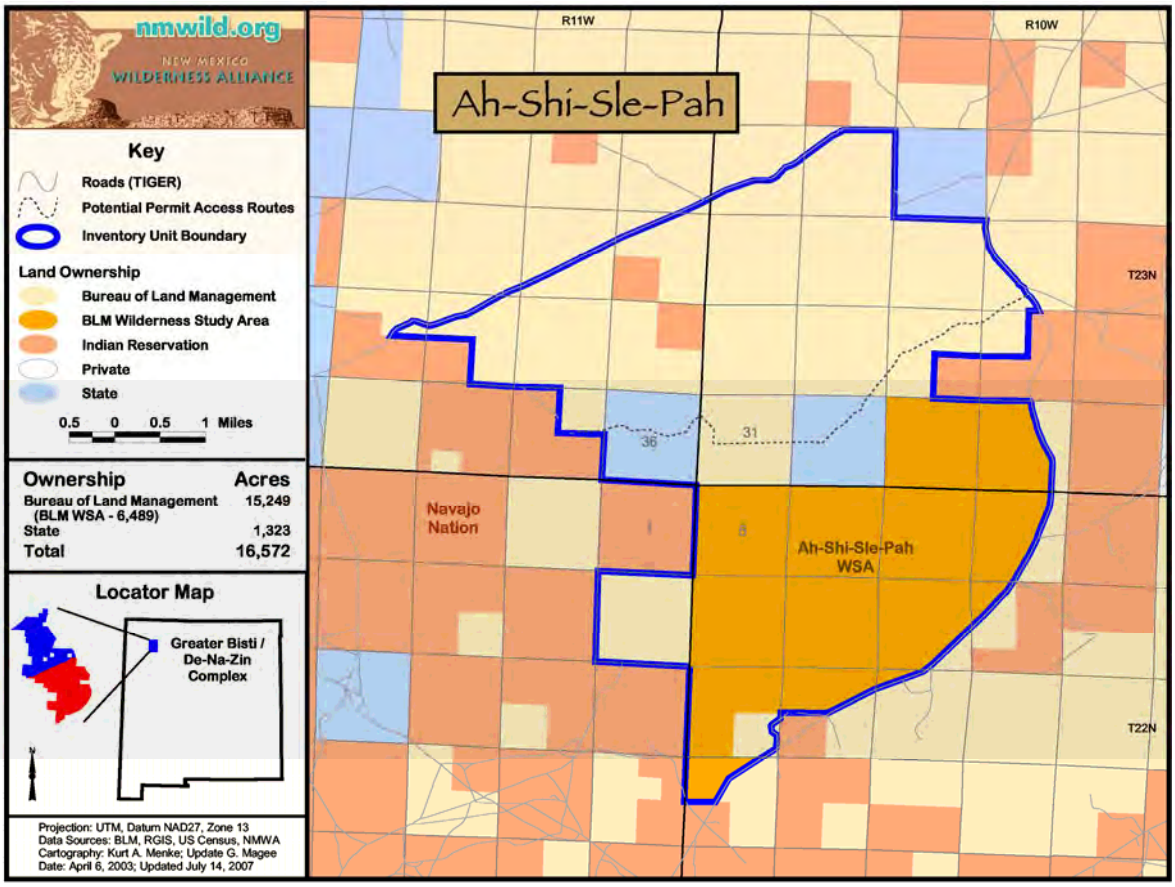
Human occupation within the Greater Bisti Complex has been nearly continuous since 10,000 B.C. A small portion of the Ah-Shi-Sle-Pah unit, which was intensively surveyed in the early 1980's, contains ten sites. Nine of these are considered worthy of nomination to the National Register of Historic Places, which is not surprising given the area's proximity to Chaco Culture NHP. The most notable archaeological resource in the Split Lip Flats unit is Pierre's Site, which includes three Chacoan structures, nine smaller structures, and nine special use areas, all dating from A.D. 900 to 1150. Two of the Chacoan structures are built on top of a prominent butte, and the third and largest is built on alluvial deposits. A total of 45 rooms and six kivas have been identified in these Chacoan structures, and the smaller sites each include 5 to 10 rooms with an associated kiva. In addition, the prehistoric "Great North Road", part of an ancient system of roads thought to connect major Chacoan Anasazi sites in the San Juan Basin, passes through the largest Chacoan site. The proposed North Road ACEC, a portion of which is contained in the unit, would help protect this ancient passageway. Wilderness designation would further protect this cultural resource.

Access Information

Access to the Greater Bisti Complex is by Hwy 57 and County Rd 7650. From Hwy 550 head to Blanco Trading Post and head south on Hwy 57, a maintained dirt road. This is near mile marker 123. After about 10 miles, Hwy 57 meets County Rd 7650. Going west on CR 7650 takes you between the Split Lop Flats unit and the Ah-Shi-Sle-Pah unit. If you continue south on Hwy 57, you'll join CR 7980, which leads to Chaco Culture NP. A few miles north of this junction is where many of the unique rock features of Ah-Shi-Sle-Pah exist. CR 7650 can also be accessed from Hwy 371, just south of mile marker 61.

The USGS 7.5 minute maps that cover this complex are Alamo Mesa East, Huerfano Trading Post SW, Pretty Rock, and Pueblo Bonito NW.


nmwild.org
NEW MEXICO WILDERNESS ALLIANCE
Key
Roads (TIGER)
Potential Permit Access Routes
Inventory Unit Boundary
Land Ownership
Bureau of Land Management
BLM Wilderness Study Area
Designated Wilderness
Indian Reservation
Private
State
0.5 0 0.5 1 Miles
Ownership Acres
Bureau of Land Management 14,413
Total 14,413
Locator Map
Greater Bisti / De-Na-Zin Complex
Projection: UTM, Datum NAD27, Zone 13
Data Sources: BLM, RGIS, US Census, NMWA
Cartography: Kurt A. Menke; Update G. Magee
Date: February 22, 2003; Updated July 14, 2007
R12W
R11W
R10W
Bisti / De-Na-Zin Wilderness
Split Lip Flats
T24N
T23N
Navajo Nation
Ah-Shi-Sle-Pah WSA
36
31
1
6


nmwild.org
NEW MEXICO WILDERNESS ALLIANCE
Key
Roads (TIGER)
Potential Permit Access Routes
Inventory Unit Boundary
Land Ownership
Bureau of Land Management
BLM Wilderness Study Area
Indian Reservation
Private
State
0.5 0 0.5 1 Miles
Ownership Acres
Bureau of Land Management 15,249
(BLM WSA - 6,489)
State 1,323
Total 16,572
Locator Map
Greater Bisti / De-Na-Zin Complex
Projection: UTM, Datum NAD27, Zone 13
Data Sources: BLM, RGIS, US Census, NMWA
Cartography: Kurt A. Menke; Update G. Magee
Date: April 6, 2003; Updated July 14, 2007
R11W
R10W
Ah-Shi-Sle-Pah
T23N
T22N
31
36
Navajo Nation
Ah-Shi-Sle-Pah WSA

ATTACHMENT 3

New Mexico Wilderness Alliance &

The Wilderness Society

Scoping Proposal for Petaca Pinta SRMA

October 15, 2008

New Mexico Wilderness Alliance
The Wilderness Society

October 15, 2008

BLM Rio Puerco Field Office
Bureau of Land Management

Re: Scoping Comment
Proposal for Special Recreation Management Area in Rio Puerco RMP

With this letter, the New Mexico Wilderness Alliance (NMWA) and The Wilderness Society (TWS) are submitting their proposal for a special recreation management area to be designated during the Rio Puerco Resource Management Plan (RMP) revision. In accordance with the issues identified in BLM's Notice of Intent, this proposal identifies an area exhibiting naturalness and providing opportunities for solitude, primitive recreation, and habitat management for animal and plant species.

At the outset, NMWA and TWS urge BLM to retain the ACECs and other special management areas currently designated in the RMP governing BLM-managed lands in the Rio Puerco RMP planning area. The attached document sets out a more specific proposal for additional protection of lands, including but not limited to those contained in the Petaca Pinta Complex of the Citizens' Wilderness Proposal, through nomination as Special Recreation Management Area (SRMA).

The Petaca Pinta area proposed as an SRMA presents exceptional opportunities for primitive recreation, which can provide important benefits to the nearby expanding urban areas and other users of the public land, but must be specially managed to preserve their distinctive character and setting. In accordance with BLM's Land Use Planning Handbook, Appendix C, Section II.C, BLM should identify and designate SRMAs, including their recreation niches, recreation management objectives, character setting conditions and management strategy. The SRMA proposed in this submission should be identified in the Rio Puerco RMP and managed to protect the natural setting that supports outstanding opportunities for primitive recreation.

It is vital that BLM fully assess this proposal and consider the impact of alternative management decisions on the special areas we have identified. We are available to answer questions and provide further information regarding our proposal and look forward to continuing to discuss the protection of these valuable resources throughout the planning process.

Sincerely,

Nathan Newcomer, Associate Director
New Mexico Wilderness Alliance
142 Truman NE Suite B-1
Albuquerque, NM 87108
(505) 843-8696
nathan@nmwild.org

General Description

The proposed Petaca Pinta SRMA is located approximately 50 miles southwest of Albuquerque in Cibola County, with a small eastern portion in Valencia county. It fully encompasses the Volcano Hill, Sierra Lucero, and Petaca Pinta NMWA inventory units, as well as the Pronoun Cave ACEC Complex. The dominant features of this area include the 900- foot rise of Cerro Verde, the 500-foot rise of Volcano Hill and its surrounding basalt lava flow, and the north-south trending Sierra Lucero escarpment topped with the hilly, juniper-covered terrains of Mesa Cimarron and Mesa Gallina. The escarpment drops down nearly 1000 feet to the surrounding grasslands, badlands, and lava-capped mesas of this area. Grasslands cover the entire area with low, rounded one-seed junipers and four-wing saltbush dotting the higher escarpment and canyons. Many drainages carve into the lava-cap and direct rainfall to connect with the Rio San Jose just before joining with the Rio Puerco.

Within this area is a 6 by 1.5 mile deposit of relatively high purity calcium carbonate rock deposited by extensive springs on an irregular erosion surface of the underlying Triassic Chinle Formation. The management that comes with an SRMA designation can help insure that this fragile, unique landscape is protected from exhaustive mining of the calcium carbonate as travertine, and the development of new roads. The purpose of this SRMA is to maintain the primitive and scenic setting of this area by limiting route densities and mining activities, while providing the opportunity for quality non-motorized recreation.

Values

Naturalness:
The rugged terrain and sparse population in this region have left the area largely natural. Small stock ponds and check dams exist in the area, but are well hidden by the rugged topography. Consistent with the Wilderness Act and subsequent wilderness legislation, routes within the area that could potentially remain open only by permit, to access and maintain existing functional stock developments, have been identified on the map and designated as “Permit Access Only”. Many of the routes shown on old maps receive no use and are hard to identify on the ground, and have been identified as “Naturally Reclaimed” on the map. We recommend that these routes be taken off future maps. Otherwise, there is a sufficient network of maintained and fairly well-used roads to provide access to the area.

Quality Primitive Recreation Experiences:
The high tree covered mesas, rugged canyons, and lonely volcanic spires combined with low visitor use and sparse surrounding population means one will likely have an outstanding solitude experience when visiting the Petaca Pinta area. The vast landscape provides numerous opportunities for hiking, wildlife sightings, geological sightseeing, archeological sightseeing, hunting, and landscape photography.

Biological Diversity/Ecological:
The higher elevations of Sierra Lucero pull moisture from the sky, and account for the thick piñon-juniper forests.

These forests and the abundant canyons in the area provide shelter and forage for wildlife species coming from the Rio Puerco Valley. Scattered springs and numerous natural depressions made by the lava flow provide important watering holes for these wildlife species. The many canyons and washes in the area contain cottonwoods, willow, and cattails and provide important riparian corridors for coyotes, badgers, mule deer, and mountain lion. Bushtit, piñon jays, juncos and larks flutter about the scattered springs. The cliffs in the escarpment make the unit very attractive to raptors including golden eagles, red-tailed hawks, and great horned owls. Herds of pronghorn dash across the open grasslands while prairie dogs keep the grasses abundant. Grasses in the area include little bluestem, black, sideoats, blue grama, bottlebrush squirreltail, New Mexico feathergrass, and Indian rice grass. The Pronoun Cave Complex ACEC consists of vertical caves named What Cave, Which Cave, That Cave, and others. They are valued for their paleontological resources, containing species that no longer range in New Mexico. They are important habitat for several species of bats, including big-eared bats, which use the caves for hibernation.

Protection of Archeological Resources:
Cultural resources including lithic scatters and petroglyphs, as well as historical rock structures dating from the early 1900s, are found throughout the area. Managing this area for primitive recreation would help ensure that these archeological values and resources are not damaged.

Cultural:
The residents of Acoma and Laguna Pueblos have traditionally used, and continue to use, the lands in and around the Petaca Pinta area for religious activities such as purification ceremonies and plant collection. Cultural resources within the area include quarries, petroglyphs, and structural ruins.

Management Objectives and Goals
Manage to protect:

- naturalness, including roadlessness
- opportunities for primitive recreation
- its value as a wildlife corridor and overall ecological integrity
- cultural resources
- geological formations and fossils

Proposed Management Actions
1-Retain all public land and acquire adjacent private and state lands and inholdings through exchange (see map).
2. Designate routes per our recommendations. Limit vehicle use to designated roads. Some routes could potentially remain open only to the permitted, to access private land and stock developments. Closure and restoration of unnecessary roads will be prioritized to enhance and protect the values of this area.
3. Exclude authorizations for new ROWs.
4. Close to mineral material sales.
5. Close to fluid mineral leasing.
6. Withdraw from locatable mineral entry.
7. Employ Standards for Rangeland Health, including monitoring and assessment programs, to determine if the management objectives for this proposed ACEC are being met. If monitoring reveals that the objectives and standards are not being met, adjustments in permitted grazing levels and season of

use will be made to the extent they are determined to be contributing factors.
8. Allow no new livestock developments or mechanical methods of range restoration.
9. Manage for VRM Class II.
10. Manage for ROS primitive and semi-primitive non-motorized and semi-primitive motorized class.

ATTACHMENT 4

New Mexico Wilderness Alliance
The Wilderness Society
Sierra Club – Rio Grande Chapter
WildEarth Guardians
New Mexico Sportsmen
Back Country Horsemen of New Mexico
New Mexico ConservAmerica

Comments on Draft RMP/DEIS

November 26, 2012

November 26, 2012

Via e-mail (NM_RPFO_Comments@blm.gov,) and overnight mail (with attachments)

BLM-Rio Puerco Field Office
Attention: Angel Martinez
435 Montaño Road, NE
Albuquerque, NM 87107

Re: Comments on Rio Puerco Draft Resource Management Plan (RMP)/Draft Environmental Impact Statement (EIS)

Dear Mr. Martinez:

Please accept and fully consider these comments on the Draft Rio Puerco RMP/EIS on behalf of The Wilderness Society, Sierra Club – Rio Grande Chapter, WildEarth Guardians, New Mexico Wilderness Alliance, New Mexico Sportsmen, Back Country Horsemen of New Mexico and New Mexico ConservAmerica, and our members and supporters in New Mexico and around the country who care deeply about the management of our public lands. We appreciate this opportunity to comment and appreciate the Bureau of Land Management commitment to addressing the circumstances and values related to management of the public resources within Bernalillo, Cibola, McKinley, Sandoval, Torrance, and Valencia Counties.

I. SPECIAL RESOURCES IN THE RIO PUERCO FIELD OFFICE

The lands in the Rio Puerco Field Office contain a host of natural and cultural resources, which are the basis for engagement in this planning effort. The Draft RMP acknowledges many of these resources and provides an opportunity for the BLM to protest them for the enjoyment and support of future generations. We highlight key resources and suggested management in detail below. In addition, we are including a set of photos that show the scenic values of many of these places (Attachment 1, incorporated by reference).

A. Petaca Pinta.

The Petaca Pinta Wilderness Study Area (WSA) is arguably one of the most remote landscapes that can be explored on public lands in the Rio Puerco Field Office. From atop the various ridgelines within the Petaca Pinta WSA, one is afforded grand views on all sides. To the west, the majestic Blue Water Mesa, with its colorful palette and stark geology, seemingly cuts the blue horizon in half and then slides off to the east in Grand Canyon-esque fashion. In the north, over thirty miles away, the soaring Mount Taylor rises above the Rio Puerco Valley like a caretaker of the land – its peak often covered in snow during the winter. To the southeast, the jagged Sierra Ladrones WSA can be observed as its sheer slopes seemingly carve up the surrounding Chihuahuan Desert basin floor.

Under both Alternative B and Alternative C, the Draft Rio Puerco RMP proposes to designate the Petaca Pinta Extensive Recreation Management Area (ERMA). ERMAs are managed to "support and sustain the principal recreation activities and the associated qualities and conditions

of the ERMA," such that management is "commensurate with the management of other resources and resource uses." Instruction Memorandum (IM) 2011-004. ERMAs may be appropriate to designate for quiet-use, backcountry experiences and layer with other special designations that are compatible with quiet recreation, such as areas of critical environmental concern (ACEC) and lands with wilderness characteristics.

The Petaca Pinta ERMA is an extraordinarily isolated landscape, where volcanic buttes and knobs lay scattered around the valley floors. Tuffs of red, orange, and black rock, carved by years of wind and water, form many dramatic canyons and bowls throughout the proposed ERMA. The majority of the area is predominantly natural and undeveloped, with the few scattered imprints of man – such as primitive and naturally reclaimed routes, stock tanks, and fencing – substantially unnoticeable, if not out-right hidden from the average observer. The views from atop Volcano Hill are immense and breathtaking, with the Sandia and Manzano Mountains looming above the Rio Grande Valley to the east. Pronghorn are often common in the abundant grasslands and rolling volcanic hills that characterize the five zones outlined in the Draft RMP.

Under Alternative B of the Draft RMP, we support the BLM in designating the Petaca Pinta ERMA at 69,118 acres, with 26,657 acres designated for non-motorized use and 61,000 acres proposed for a backcountry experience. The proposed Petaca Pinta ERMA would consist of five zones that include Pronoun Cave ACEC, Cerro Verde ACEC, Volcano Hill, Cimarron Mesa, and Sandy Wash (Table 2.25). Both the Volcano Hill and Cimarron Mesa inventory units are areas that the BLM has identified as Lands with Wilderness Characteristics (Section 3.9). Management practices and guidance as outlined under Alternative B for the Petaca Pinta ERMA would focus on dispersed recreational activities including hiking, wildlife viewing, and an overall backcountry experience. We fully support this management alternative, yet take issue with BLM over several provisions outlined under Alternative C and Alternative D.

Alternative C and Alternative D propose to manage the entire 18,269 acres of the Cimarron Mesa Zone for open OHV use. These management practices would have adverse consequences on Cimarron Mesa, and could pose severe impacts on the overall Petaca Pinta ERMA. BLM found that 7,329 acres of Cimarron Mesa possesses wilderness characteristics, stating that the area offers "outstanding opportunities for hiking, hunting and other forms of primitive recreation" (Section 3.9.2). Generally, actions that create surface disturbance impact the natural character of lands with wilderness characteristics and the setting for experiences of solitude and primitive recreational activities. Motorized uses in this area will detract from opportunities for both solitude and primitive forms of recreation.

Recommendations: The scenic and recreational values of the proposed Petaca Pinta ERMA represent some of the finest public lands found in the RPFO. These much sought-after values are in ever increasing decline throughout the region due to population growth and development. As demand continues to grow, it is important that the BLM identify lands suitable for a backcountry experience and manage those lands in accordance so as to protect their conservation, historic, cultural, and biological qualities. The Petaca Pinta ERMA, as summarized in Alternative B of the Draft RMP, captures these qualities remarkably well. We recommend BLM designate the Petaca Pinta ERMA, and manage Petaca Pinta A, Cimarron Mesa, and Volcano Hill inventory units for

their wilderness characteristics in accordance with supporting management actions and implementation-level planning guidance outlined in Alternative B. Furthermore, we recommend BLM limit travel in the Cerro Verde ACEC Zone to non-motorized use, unless authorized by permit, and that the overall ERMA be recommended for withdrawal from locatable mineral entry.

B. San Juan Badlands.

Located in the northernmost region of the Rio Puerco Field Office lie some of the most geologically unique formations found in the district – if not indeed, on the entire continent of North America. The proposed San Juan Basin Badlands ERMA contains irreplaceable hoodoos, colorful cliffs, iconic sculpted grandfather juniper and ponderosa trees, fragile biological soil crusts and the prevalence of petrified wood logs. Over centuries, volcanic ash showers from the San Juan Mountains have deposited trace metals and extra silicates, which provide for brilliant colors and detailed crystalline copies of bark, knotholes, and tree rings in the region. These "paleontological resources include an exposed Paleocene Nacimiento formation bearing the type of reference faunas for the Puercan and Torreonian land-mammal ages," and is "the largest intact area of this resource in North America." Draft RMP, Section 2.2.16.3.20.1, pp. 2-11 – 2-123. With such outstanding geological values present in the area, the San Juan Basin Badlands ERMA offers excellent opportunities for the public to explore an ancient land that is not only exclusive to New Mexico, but also to the Rio Puerco Field Office. BLM should manage the San Juan Basin Badlands to ensure that these exceptional resources are protected and preserved, so as to allow the public an opportunity to experience backcountry recreation, along with the study and research of paleontological elements and to prevent unnecessary degradation in the region.

Under both Alternative B and Alternative C, the Draft RFPO RMP proposes to designate the San Juan Basin Badlands ERMA, as described in the four zones on Table 2.24. As noted in the previous section, ERMAs are managed to "support and sustain the principal recreation activities and the associated qualities and conditions of the ERMA," such that management is "commensurate with the management of other resources and resource uses." IM 2011-004. ERMAs may be appropriate to designate for quiet-use, backcountry experiences, paleontological research, and layer with other special designations that are compatible with quiet recreation – such as areas of critical environmental concern.

Under Alternative B of the Draft RMP, we support BLM in designating the San Juan Basin Badlands ERMA at 71,155 acres, with more than 11,000 acres closed to motorized use and overall 63,642 acres managed with an emphasis on backcountry experiences. The proposed San Juan Basin Badlands ERMA would designate the following four zones: Torreon Fossil Fauna East and West, Oh-My-God 100 Race (A-C), Ceja Pelon, and Chijuilla. Management practices and guidance as outlined under Alternative B for the ERMA would focus on dispersed recreational activities including hiking, paleontological research and study, and an overall backcountry experience, while allowing for rotated racing on a three-year basis in the Oh-My-God 100 Race (A-C) Zone, per regulations permitted in 43 CFR, Part 2930. We support this management alternative, yet have several concerns with BLMs preferred Alternative C and Alternative D. Draft RMP, Section 2.2.12.4.4.1.

As summarized in the preferred alternative and Alternative D, BLM would continue to allow the collection of petrified wood in both the Torreon Fossil Fauna East and West Zones, and Ceja Pelon Zone. What makes these areas so desirable for outdoor recreation is the fact that they possess outstanding geological components, such as petrified wood and fossils. To altogether authorize and permit the collection of these rare resources is not only a mistake, but also an irresponsible management policy that could overwhelm the resource and ultimately degrade the values of the ERMA. Coming across a many hued petrified log or a landscape strewn with petrified wood chips is one of the unique characteristics of these badlands and cannot be replaced if destroyed or removed.

Furthermore, the Draft RMP wholly omits any analysis of the impact of illegal tree-cutting and fails to offer prescriptions that address this growing problem. It is inadequate for BLM to ignore this issue entirely in the Draft RMP; for inaction on this matter will leave the many old-growth junipers and ponderosas, common throughout unit, at risk. We believe that the collection of fossils and petrified wood should be forbidden, and that motorized travel should be limited to existing primitive roads and trails, as outlined under Alternative B. Moreover, to help alleviate the problem of woodcutting within the proposed ERMA, we suggest that the agency dedicate resources to proper signage that will notify users of which routes are closed to motorized travel, that woodcutting is not permitted, and that policies be enacted to guarantee the security of the distinctive old-growth junipers and ponderosas found in the area.

The Ceja Pelon & Chijuilla meet ACEC criteria of significant scenic value and rare geologic features. *See*, Draft RMP, Section 3.18.4. Unstable, loose soils and sheer cliff faces can be considered a natural hazard. Their unique hoodoos, colorful cliffs, iconic sculpted grandfather junipers and ponderosas, fragile biological soil crusts and prevalence of petrified wood logs and chips are quite unique and very vulnerable to the destructive effects of illegal woodcutting, off road vehicle incursions or mineral development. These areas should also be designated as ACECs.

In addition, all four zones identified in the ERMA may meet the criteria of lands with wilderness characteristics, as landscapes of 5000 plus acres in a natural or primitive condition, providing outstanding opportunities for solitude and primitive forms of recreation. Closure of existing primitive roads and their rehabilitation, recommended below, could address any questions regarding their roadlessness.

All of the San Juan Basin Badlands ERMA, including the 3 Oh My God (OMG) raceway zones, should be closed to motorized traffic except for major access roads and for authorized uses (such as ranchers with grazing permits, once yearly motorcycle races on one of the OMG's, or a permit to cut wood in an official woodcutting area). Primitive roads should be blocked off and rehabilitated to prevent vehicle access for illegal woodcutting or incursions by recreational off road vehicles.

The BLM should monitor the OMG raceway use carefully to detect environmental damage and restore degraded areas. Though each one is only used every 3 years, large numbers of fast moving motorcycles can easily cause serious erosion, soil compaction, and breakdown of trail edges on the steep slopes of the OMG trails, causing a severe impact on the unique flora,

cryptogamic soils and scatterings of petrified wood on these "sky island" badlands and serious disturbance to wildlife habitat. If degradation increases, the BLM should seriously consider moving the OMG raceways to another location where the soils and vegetation are less fragile.

Recommendations: In the Draft RMP, BLM has acknowledged the outstanding paleontological attributes that make the San Juan Basin Badlands so exceptional. These much sought-after values are in ever increasing decline throughout the region due to population growth and development, as well as unrestricted tree-cutting and irresponsible OHV use. As demand continues to grow, it is important that BLM identify lands suitable for a backcountry experience, including paleontological research, and manage those lands in accordance so as to protect their conservation, historic, cultural, biological, and geological qualities. The San Juan Basin Badlands ERMA, as summarized in Alternative B of the Draft RMP, captures these qualities remarkably well. We recommend BLM designate the San Juan Basin Badlands ERMA, designate the Torreon Fossil Fauna East and West Zones ACEC, and expand this ACEC to incorporate additional lands with these values. We also request that the Ceja Pelon & Chijuilla zones be designated as ACECs (Area of Critical Environmental Concern) and that all four of these Badlands zones considered for their wilderness characteristics, as well. Moreover, we recommend BLM limit travel in the Chijuilla Zone to existing primitive roads and trails; that the Ceja Pelon Zone be closed to motorized use, unless authorized by permit, and that the overall ERMA be recommended for withdrawal from locatable mineral entry. Further, collection of petrified wood should be prohibited. Finally, the OMG raceway routes should be limited to one route per year to start and monitored and reevaluated each year.

C. Crest of Montezuma.

The Crest of Montezuma contains lands with value to wildlife and for backcountry recreation. The Draft RMP identifies these lands as eligible for transfer to the U.S. Forest Service. Draft RMP, p. 2-37. This approach is supported by the adjacent community of Placitas.

The Draft RMP also seeks to designate the Crest of Montezuma ERMA, with a focus on non-motorized travel, especially hiking and mountain biking. Draft RMP, Section 2.2.12.4.4.6, p. 2-73. We agree with the BLM that motorized travel should be limited to existing roads and trails, and that the entire area be open to primitive non-motorized travel. It is also encouraging that the agency is recommending the area be withdrawn from locatable mineral entry, closed to the extraction of salable minerals, and that fluid minerals would be leased with a CSU stipulation.

Recommendation: We support the BLM in designating the Crest of Montezuma ERMA as outlined under Alternative C and continuing protective management unless and until these lands are transferred to the Forest Service.

D. Boca del Oso.

The proposed Boca del Oso ERMA is located in a portion of the RPFO that contains a high density of Wilderness Study Areas (WSA). Many of these WSAs are very popular with outdoor recreationists, such as the Cabezon Peak WSA. Others, like the Ignacio Chavez and Chamisa WSAs are rather remote landscapes that offer users exceptional opportunities for solitude and

unconfined or primitive forms of recreation. The presence of these WSAs helps to increase the Boca del Oso ERMA's overall backcountry experience.

Under both Alternative B and Alternative C, the Draft RFPO RMP proposes to designate the Boca del Oso ERMA, as described in the eleven zones on Table 2.26. As noted in the previous section, ERMAs are managed to "support and sustain the principal recreation activities and the associated qualities and conditions of the ERMA," such that management is "commensurate with the management of other resources and resource uses." IM 2011-004. This approach is appropriate for the Boca del Oso, especially as it is explicitly identified as appropriate to layer with other special designations that are compatible with quiet recreation – such as ACECs, lands with wilderness characteristics, and WSAs.

Under Alterative B and Alternative C of the Draft RMP, we support BLM in designating the Boca del Oso ERMA at 134,474 acres, with more than 50,000 acres limited to motorized travel over existing primitive roads and trails, and the remainder of the area managed with an emphasis on backcountry experiences. The proposed Boca del Oso ERMA would designate the following eleven zones: Chamisa WSA, Ignacio Chavez ACEC, Cabezon Peak ACEC, San Luis Mesa ACEC, San Miguel Dome ACEC. Ancestral Way, Azabache, Cerro, and the Continental Divide Trail. In addition to ACECs, the zones contain other areas with special management prescriptions that include cultural resources and lands with wilderness characteristics. Management practices and guidance as outlined under Alternative B for the ERMA would focus on dispersed recreational activities including hiking, hunting, horseback-riding, wildlife viewing, cross-country skiing and other backcountry experiences.

We support BLMs overall management goals under Alternative B for the Boca del Oso ERMA, which focuses on the "protection of wilderness values and dispersed recreational activities." Draft RMP, Section 2.2.12.4.4.3. There are currently five WSAs within the proposed Boca del Oso ERMA, as well as several additional areas the BLM found to possess wilderness characteristics. The Chamisa E unit, as well as the Ignacio Chavez A, B, and C units all meet the wilderness characteristic criteria of naturalness because the scattered imprints of human activity, such as primitive vehicle routes and fences, are substantially unnoticeable due to the dense vegetation, rugged foothills, and steep slopes. Draft RMP, Section 3.9. Under Alternative B, the BLM would manage Chamisa E and all three Ignacio Chavez inventory units to protect their wilderness characteristics. Alternative C however, would have adverse consequences on the three Ignacio Chavez units by managing the areas to only minimize impacts and evaluating surface disturbing activities, including saleable minerals, on a case-by-case basis. Furthermore, Alternative C would allow forest product removal within the units, which could create an environment for surface disturbing activities.

Recommendations: We recommend that BLM designate the Boca del Oso ERMA, limit motorized travel to existing primitive roads and trails, and manage Chamisa E, and all three Ignacio Chavez inventory units for their wilderness characteristics in accordance with supporting management actions and implementation-level planning guidance outlined in Alternative B.

E. Continental Divide Trail.

The Continental Divide National Scenic Trail is the longest of three inter-continent trails in the United States, and offers users a high quality, scenic, primitive hiking and horseback-riding recreational experience. The Rio Puerco Field Office is fortunate to have long portions of the Continental Divide National Scenic Trail under its jurisdiction and the opportunity in this RMP to ensure the public experiences the trail as it was envisioned.

In the Draft RMP, BLM is proposing a Special Recreation Management Area (SRMA) for the Trail. SRMAs are managed to protect and enhance a targeted set of activities, experiences, benefits, and desired recreation setting characteristics, such that recreation is to be the dominant use. IM 2011-004. Generally, SRMAs are intended for more intensive management, with an emphasis on detailed management prescriptions that promote the overall use and enjoyment of the area. The purposes of the Continental Divide National Scenic Trail are to "connect people and communities to the Continental Divide by providing scenic, high-quality, primitive hiking and horseback riding experiences, while preserving the significant natural, historic, and cultural resources along the Trail." Draft RMP, Section 3.18.2.

Under Alternative B of the Draft RMP, BLM proposes to designate the Continental Divide National Scenic Trail SRMA, totaling 38,808 acres, to provide a hiking and travel experience that also protects the historical and cultural significance of the trail. Key activities that the SRMA is managed to provide are hiking, horseback riding and mountain biking. Management would apply to a half-mile wide corridor around the trail in Alternative B (covering more than 38,808 acres), to a half-mile wide corridor where routes have not yet been determined and to a 2000-foot-wide corridor for the remainder in Alternative C, and to a 2000-foot-wde corridor in Alternative D (covering 11,474 acres) Table 2.23.

Recommendation: Designation of the Continental Divide national Scenic Trail SRMA for a half-mile wide corridor in the RMP, as proposed in Alternative B, would best support a recreation experience consistent with the purpose for which the Trail was designated, and we encourage the BLM to do so.

F. Backcountry Recreation.

1. **General**

We appreciate that BLM followed the approach set out in IM 2011-04 in the Draft RMP and has proposed designating ERMAs and a Special Recreation Management Area (SRMA) with detailed management prescriptions to provide backcountry recreation opportunities. In general, we recommend that the BLM continue to improve and expand opportunities for quiet recreation such as hiking, backpacking, wildlife viewing, back country hunting, and horseback riding in the Rio Puerco Field Office. Designating recreation management areas with objectives and management prescriptions to protect and promote quiet recreation experiences is a useful way for BLM to satisfy this demographic of public land user. We have provided specific comments on these areas throughout these comments. However, we also want to emphasize that managing lands for wilderness characteristics, per the management prescriptions included in Section 3.9, is another way for BLM to provide opportunities for quiet recreation in natural and scenic areas

within the Rio Puerco Field Office.

Recommendations: We support use of ERMAs and SRMAs to support backcountry recreation in the Rio Puerco Field Office. These areas should also be managed with clear signage regarding permitted and prohibited activities, as well as educational signs regarding the other values in the areas. Further, the Rio Puerco RMP should protect lands with wilderness characteristics to provide desirable recreation experiences for hikers, backcountry hunters, and other non-motorized/mechanized public land users.

2. **Special recreation permits.**

Special Recreation Permits are used to facilitate private and commercial recreation, while also minimizing user conflicts, controlling visitor use, and protecting recreation resources. Alternatives B and C would require a permit if the group participating in the activities consists of 4 or more vehicles and/or 20 or more people staying in the same location for two or more nights or if the activity consists of 15 or more vehicles and/or 30 or more people for day-use. Draft RMP, Section 2.2.12.2. Permits would be tailored to the type of activity and can include additional stipulations necessary to protect lands or resources, reduce user conflicts, or minimize health and safety concerns. BLM commits to modify existing roads and trails as needed and engage in environmental compliance. The RMP no longer exempts non-commercial groups from getting permits, but the permits are an important tool for active management of more damaging activities.

Recommendation: In general, we support Alternative C with regards to Special Recreation Permits.

3. **Dispersed camping.**

We appreciate that the Draft RMP prohibits camping within 150 feet of riparian areas in the planning area, however, the Draft RMP failed to provide any other details on dispersed camping – specifically where motorized and mechanized travel will be permitted off of designated routes. We recommend BLM allow visitors to disperse camp generally, but restrict motor vehicle travel for the purposes of dispersed camping according to a combination of the following options, as dictated by resource, safety, and private property concerns:

(1) BLM visitors may park a motor vehicle within one vehicle length from the edge of the road surface when it is safe to do so and without causing damage to the resources of the public lands (campers walk to access a backcountry camp of their choosing); and/or
(2) Motor vehicles may access signed campsites via designated camp spur routes that are signed and demarcated on a public access map.

By way of example, we draw your attention to the Dry Creek Travel Management Plan (TMP), developed by the BLM's Uncompahgre (Colorado) Field Office. We fully support the policy adopted in the Dry Creek TMP, and encourage the Rio Puerco RMP to put in place a similar policy for the full Rio Puerco Field Office.

Notably, page 184 of the Dry Creek EA states:

> **Off-Route Parking, Camping, and Game Retrieval Policy**:
> *Due to higher levels of public use on the Public Lands and National Forests, BLM and Forest Service managers are concerned that the long-standing 300 foot regulation is outdated and no longer provides adequate protection of vegetation and other resources. One of the major concerns with the 300 foot regulation is that new routes are often created through repeated use, and these new routes in turn become the starting points for additional 300-foot long or longer extensions. As a result of these concerns, both the Forest Service and BLM are revising their regulations to decrease or eliminate the distance that motor vehicles can legally drive off routes to park, camp, and retrieve game.)*

The Dry Creek Record of Decision CO-150-2008-33 EA, Page 3, states:

> ***Parking*** *In order to minimize resource impacts and help prevent new user-created routes, users are allowed to park motorized or mechanized modes of travel immediately adjacent and parallel to available designated routes for any purpose. Parking is limited to one vehicle-width from the edge of the route. Users are encouraged to park motorized or mechanized modes of travel in already disturbed areas whenever possible, consider safety, and keep routes passable for other users.*
> ***Camping*** *Short spur routes leading to popular dispersed campsites are designated and identified. Dispersed camping is allowed in other areas, consistent with parking requirements described above.*

Recommendations: We support the policy set out in the Dry Creek TMP and request that this or a similar policy be incorporated in the Rio Puerco RMP, and/or subsequent travel management planning. The long-standing 300 foot regulation for dispersed camping is simply excessive. At the very most, we could accept a specified distance for cross country travel on a limited subset of specifically designated routes that have the necessary characteristics (such as soil composition, topography, vegetation, and use levels) that can sustain such use. All other roads and areas should be limited to designated sites, spurs and delineated parking areas. The Rio Puerco RMP should also recognize and address dispersed camping impacts that are regularly found to be significant and lasting; the RMP should assess those impacts field office wide and take comparable steps to mitigate them and set policies that will help manage and preserve the access and sustainability of these opportunities for years and decades to come.

G. Old Growth Trees.

Highly scenic, old growth trees should be considered a significant natural resource, providing valuable wildlife habitat and heritage for future generations. In our increasingly arid climate, once cut down, it will take, at best, many centuries to replace them.

Ancient trees provide excellent habitat refuge for wildlife, as well as nesting opportunities on their thick branches and hollow trunks for raptors and small animals. They also support diverse vegetation and provide cover for deer and elk. Old trees preserve the history of climate and fire in their rings, and they continue to record this history as they grow. Older stands give us a better idea of what the area looked like before settlement and how natural processes operated in the

absence of intensive human influence.[1]

The Draft RMP sets out a Forests and Woodlands management objective to "Identify, maintain and restore forests with late-succession (old-growth) characteristics..." Draft RMP, Section 2.2.5.2. While this objective sets out a commitment to protecting old-growth trees, the RMP does not contain specific management approaches. BLM should incorporate clear commitments to protecting old-growth trees. The BLM could use signage on old growth trees to prevent cutting, as both the BLM and Forest Service already do in other areas. While attaching signs to all old growth trees is a long term project, it could be implemented first in areas of permitted woodcutting or known illegal woodcutting.

Recommendations: BLM should evaluate an alternative to allow no woodcutting of ancient old-growth trees anywhere in the Rio Puerco Field Office. BLM should also ensure strong protections are incorporated in the RMP, including a program to sign old growth trees in need of protection.

H. Hunting.

The opportunity to experience backcountry recreation and hunting within the Rio Puerco Field Office district is not only exceptional and outstanding, but also abundant. From the proposed Petaca Pinta ERMA and San Juan Basin Badlands ERMA, to the recommended Continental Divide National Scenic Trail SRMA, the possibilities for backcountry recreation and hunting are excellent, and help to contribute to the overall recreational qualities found throughout the district.

According to a U.S. Fish and Wildlife Service report entitled: "2006 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation" for New Mexico, "state residents and nonresidents spent $823 million on wildlife recreation in New Mexico. Of that total, trip-related expenditures were $430 million and equipment purchases totaled $283 million. The remaining $110 million was spent on licenses, contributions, land ownership and leasing, and other items." The study went on to report that in 2006, there were 99,000 residents and nonresidents 16 years old and older who hunted in New Mexico. Resident hunters numbered 66 thousand, accounting for 67 percent of the hunters in New Mexico."

The value of hunting on the Rio Puerco Field Office is not only a great benefit to the State of New Mexico in terms of expenditures, but also provides the public with important backcountry recreation opportunities. The protection of quality habitat for mule deer, elk and pronghorn is essential for ensuring a backcountry recreation experience that is exceptional for hunters. By designating special management areas such as ERMAs and SRMAs, the BLM will improve quality habitat on the district for the benefit of wildlife.

Recommendations: BLM should actively support backcountry hunting opportunities in the Rio Puerco Field Office. It is vital that BLM work to establish year-round habitat and forage for mule deer, elk, and pronghorn. This type of non-fragmented habitat should include winter ranges for

[1] *See*, Identification and Ecology of Old Ponderosa Pine Trees in the Colorado Front Range. Huckaby, Kaufmann, Fornwalt, Stoker, Dennis, General Technical Report RMRS-GTR-110, Rocky Mountain Research Station, September 2003, p.41.

big game species, as well as for quail and potential reintroduction of wild turkey. In addition, we direct BLM's attention to the comments filed by the New Mexico Game and Fish Department and the agency's recommendations for managing wildlife in the Field Office.

I. Lands with Wilderness Characteristics.

BLM now has current guidance requiring updating its inventory of lands with wilderness characteristics and considering protection of those values. The Federal Land Policy and Management Act (FLPMA) requires the BLM to inventory and consider lands with wilderness characteristics during the land use planning process. 43 U.S.C. § 1711(a); *see also* Ore. Natural Desert Ass'n v. BLM, 531 F.3d 1114, 1119 (9th Cir. 2008). IM 2011-154 and Manuals 6310 and 6320 contain mandatory guidance on implementing that requirement. The IM directs BLM to "conduct and maintain inventories regarding the presence or absence of wilderness characteristics, and to consider identified lands with wilderness characteristics in land use plans and when analyzing projects under [NEPA]."

Lands with wilderness characteristics are roadless areas of 5,000 acres or more (or a smaller, manageable size) with landscapes generally in a natural or undisturbed condition (Section 2.2.8). These areas also provide outstanding opportunities for solitude and primitive forms of recreation (non-motorized and non-mechanized activities in undeveloped settings). Generally, actions that create surface disturbance harm the natural character of these areas and the setting for experiences of solitude and primitive recreational activities. Motorized uses in these areas also detract from opportunities for both solitude and primitive forms of recreation. As a result, management to protect wilderness characteristics and the experiences they provide also preserves the natural condition of the land.

In 2010, the BLM updated its wilderness inventory of the Rio Puerco Field Office and identified 37,514 acres of lands with wilderness characteristics beyond those areas already designated as Wilderness or WSAs. Draft RMP, Section 3.9. BLM has identified seven individual areas with wilderness characteristics: Petaca Pinta A; Ignacio Chavez A, B and C; Chamisa E; Volcano Hill, and Cimarron Mesa. Alternative B would manage all 37,514 acres managed to protect their wilderness characteristics. The preferred Alternative C, would not protect Cimarron Mesa at all and would only "minimize impacts" to wilderness characteristics for Ignacio Chavez A, B and C. Alternative D would all but remove protection for wilderness characteristics, except for a paltry 2,239 acres.

1. **Chamisa E.**

This area is located between the Chamisa WSA, Ignacio Chavez WSA, and the Cibola National Forest in western Sandoval and eastern McKinley counties. In 1991, the New Mexico Wilderness Study Report recommended that this inventory unit be designated as wilderness (USD1 BLM, 1991). In 1980 the area was separated by a road from the Chamisa WSA to the east. That road, however, was closed to the public and is no longer maintained for regular and continuous use. As a result, the 2,239-acre Chamisa E unit is of sufficient size to make managing to protect its wilderness characteristics practical.

The Chamisa E unit meets the wilderness characteristic criteria of naturalness because the scattered imprints of human activity, such as primitive vehicle routes and fences, are substantially unnoticeable due to the dense vegetation, rugged foothills, and steep slopes. The Chamisa E unit also possesses outstanding opportunities for solitude and primitive unconfined recreation because of its proximity to the Chamisa WSA. A variety of primitive and unconfined recreational opportunities exist in this area, including hiking, camping, hunting, wildlife viewing, horseback riding, and photography.

Under Alternatives B, C and D, the agency would manage Chamisa E to protect its wilderness characteristics, by closing the area to extraction of leasable and mineral sales, as well as prohibiting forest product removal and mechanized travel. Draft RMP, p. Section 3.9.1. We strongly recommend that BLM protect the wilderness characteristics of the Chamisa E as outlined in the Draft RMP. By protecting the wilderness characteristics of Chamisa E, BLM will help to increase the backcountry experience of the overall Boca del Oso ERMA.

2. **Cimarron Mesa.**

The Cimarron Mesa inventory unit is located east of the Volcano Hill inventory unit and Pronoun Caves ACEC. In 1985, the BLM completed a land exchange in this area that created a contiguous block of public lands. The 7,329-acre Cimarron Mesa inventory unit is of sufficient size to make protection of wilderness characteristics practicable, and is predominantly natural, having several stock tanks and fences which are substantially unnoticeable. The screening provided by topography and vegetation of the area provides areas in which solitude is outstanding, and the area also includes outstanding opportunities for hiking, hunting, and other primitive forms of recreation.

Under Alternative B, the agency would manage Cimarron Mesa to protect its wilderness characteristics, yet Alternative C and Alternative D would manage Cimarron Mesa for VRM Class III, which would compromise the areas wilderness values and naturalness. Additionally, under Alternative C and Alternative D, Cimarron Mesa would be entirely open to motorized travel, which would have adverse impacts on the areas wilderness characteristics. Draft RMP, Section 3.9.2) We strongly recommend that BLM protect the wilderness characteristics of Cimarron Mesa as outlined in the Draft RMP under Alternative B. By protecting the wilderness characteristics of Cimarron Mesa, BLM will help to increase the backcountry experience of the overall Petaca Pinta ERMA.

3. **Ignacio Chavez A, B, and C.**

All three Ignacio Chavez inventory units meet the wilderness characteristic criteria of naturalness because the scattered imprints of human activity, such as primitive vehicle routes and fences, are substantially unnoticeable due to the dense vegetation, rugged foothills, and steep slopes. These three inventory units also possess outstanding opportunities for solitude and primitive or unconfined recreation because of their proximity to the Ignacio Chavez WSA. These areas have topographic and vegetative screening that provides outstanding opportunities for the experience of solitude, and a variety of primitive and unconfined recreational opportunities exist in this area, including hiking, camping, hunting, wildlife viewing, horseback riding, and photography.

The Ignacio Chavez A inventory unit is located between the Ignacio Chavez WSA to the east, the San Miguel Dome (proposed ACEC) to the north, and the Cibola National Forest to the south and west. In 1980, the 2,462-acre unit was separated from the Ignacio Chavez WSA by a road. The road is no longer in use and has returned to a natural condition. As a result, when the area is considered in conjunction with the Ignacio Chavez WSA, the area is of sufficient size to make protection of wilderness characteristics practicable.

The Ignacio Chavez B inventory unit is located between the Ignacio Chavez WSA to the south and east and BLM lands to the north and west. A road leading to a line camp along the east boundary of this unit partially separates it from the adjacent WSA. However, the southern part of the unit is not separated from the Ignacio Chavez WSA. The activities associated with the road and line camp are outside the unit and do not affect wilderness characteristics in the unit. As a result, the 1,541-acre Ignacio Chavez B inventory unit, when considered in conjunction with the adjacent WSA, is of sufficient size to make protection of wilderness characteristics practicable.

The Ignacio Chavez C inventory unit is located between the Ignacio Chavez WSA to the south, the Ignacio Chavez B inventory unit to the west, BLM land to the north, and private land to the east. The 72-acre Ignacio Chavez C inventory unit is separated from the Ignacio Chavez WSA by a quarter-section line. When considered in conjunction with the adjacent WSA, this inventory unit is of sufficient size to make protection of wilderness characteristics practicable.

Under Alternative B, the agency would manage all three Ignacio Chavez inventory units to protect their wilderness characteristics, while under Alternative C the agency would manage the areas to minimize impacts to their wilderness characteristics, by closing the areas to the extraction of leasable minerals and evaluating surface disturbing activities, including saleable minerals, on a case-by-case basis. Furthermore, Alternative C would allow forest product removal consistent with wilderness characteristics by assuring new routes are not established and that prescribed fire be used in harvested areas. Motorized use would be limited to designated routes, and construction of new range improvements and current authorized livestock grazing would also be allowed under Alternative C. Under Alternative D, wilderness characteristics of these areas would not be protected (Section 3.9.3). We strongly recommend that BLM protect the wilderness characteristics of the Ignacio Chavez A, B, and C inventory units as outlined in the Draft RMP under Alternative B. By protecting the wilderness characteristics of Ignacio Chavez A, B, and C, BLM will help to increase the backcountry experience of the overall Boca del Oso ERMA.

4. **Petaca Pinta A.**

The Petaca Pinta A inventory unit is located between the Petaca Pinta WSA to the north and west, state land to the east, and Native American land to the south. This 38-acre inventory unit was separated from the WSA by a road at the time of the 1980 inventory. The road is no longer in use, and has been reclaimed. When the inventory unit is considered in conjunction with the Petaca Pinta WSA, the area is of sufficient size to make protection of wilderness characteristics practicable.

This unit also meets the naturalness criteria because the imprint of human activities is substantially unnoticeable. No range improvements are located within this parcel. The Petaca Pinta A inventory unit possesses outstanding opportunities for solitude and primitive unconfined recreation due to its proximity to the Petaca Pinta WSA. The physical isolation and topographic screening provide outstanding opportunities for solitude, and opportunities for primitive and unconfined recreation, such as hiking, backpacking, and photography.

Under both Alternative B and Alternative C, the agency would manage these lands to protect the wilderness characteristics of Petaca Pinta A, by closing the area to extraction of leasable and mineral sales, as well as prohibiting forest product removal and mechanized travel. Under Alternative D, the plan would not manage Petaca Pinta to protect its wilderness characteristics (Section 3.9.4). We strongly recommend that BLM protect the wilderness characteristics of Petaca Pinta A as outlined in the Draft RMP under Alternative B. By protecting the wilderness characteristics of Petaca Pinta A, BLM will help to increase the backcountry experience of the overall Petaca Pinta ERMA.

5. **Volcano Hill.**

The Volcano Hill inventory unit is located between the Petaca Pinta WSA and the Pronoun Caves ACEC. In 1985, the BLM completed a land exchange in this area that created a contiguous block of public lands. The 23,833-acre inventory unit meets the 5,000-acre size exception. The unit is predominantly natural, having several stock tanks and fences which are substantially unnoticeable. The screening provided by topography and vegetation of the unit provides areas in which solitude is outstanding, and the area also includes outstanding opportunities for hiking, hunting, and other primitive forms of recreation.

Under both Alternative B and Alternative C, the agency would manage Volcano Hill to protect its wilderness characteristics, by closing the area to extraction of leasable and mineral sales, as well as prohibiting forest product removal and mechanized travel. Under Alternative D, the plan would not manage Volcano Hill to protect its wilderness characteristics (Section 3.9.5). We strongly recommend that BLM protect the wilderness characteristics of Volcano Hill as outlined in the Draft RMP under Alternative B. By protecting the wilderness characteristics of Volcano Hill, BLM will help to increase the backcountry experience of the overall Petaca Pinta ERMA.

Recommendations: Lands with wilderness characteristics identified by BLM comprise just five percent of the surface acreage managed by the Rio Puerco Field Office. All of these lands should be managed to protect their wilderness characteristics and management prescriptions should be strengthened to enhance naturalness, opportunities for solitude and opportunities for primitive or unconfined recreation. In addition, since more explicit guidance on inventorying lands with wilderness characteristics was issued after BLM completed its inventory, BLM should evaluate its inventory and update it to ensure that all lands with wilderness characteristics have been identified and considered for management.

II. TRAVEL MANAGEMENT

Travel management decisions will affect how the public can access and experience the lands managed by the Rio Puerco Field Office, and also how sensitive resources will be protected. We have highlighted key aspects of these decisions below.

A. Deferred Travel Management Planning

BLM's Land Use Planning Handbook generally directs the agency to complete a travel management network during development of a resource management plan. Incorporating travel management decisions into the RMP is the best way to ensure travel designations are made in the context of other resources and to provide a landscape-level approach to travel planning. However, the Land Use Planning Handbook allows for deferral of travel planning provided the RMP identifies a preliminary route network and establishes a process for future travel planning.

The Land Use Planning Handbook provides guidelines for addressing travel planning in the RMP even if comprehensive travel planning is deferred. Appendix C to the Handbook (at pp. 18-19) states:

> If the final travel management network is to be deferred in the RMP, then the RMP should document the decision-making process used to develop the initial network, provide the basis for future management decisions, and help set guidelines for making road and trail network adjustments throughout the life of the plan. The identification of the uncompleted travel management networks should be delineated in the land use plan and the following tasks completed for each area:
>
> 1) Produce a map of a preliminary road and trail network;
> 2) define short-term management guidance for road and trail access and activities in areas or sub-areas not completed;
> 3) outline additional data needs, and a strategy to collect needed information;
> 4) provide a clear planning sequence, including public collaboration, criteria and constraints for subsequent road and trail selection and identification;
> 5) provide a schedule to complete the area or sub-area road and trail selection process; and
> 6) identify any easements and rights-of-ways (to be issued to the BLM or others) needed to maintain the preliminary or existing road and trail network.
>
> If the decision on delineating travel management networks is deferred in the land use plan to the implementation phase, the work normally should be completed within 5 years of the signing of the ROD for the RMP.

Of primary importance is producing a map, to be included in the RMP, which identifies the preliminary route network. This map establishes the "existing" network and therefore determines which routes are open in the interim period between finalizing the RMP and finalizing a designated travel network. The map also allows for better understanding of current resource use in the Rio Puerco Field Office and is necessary to inform decision-making in the RMP and set a baseline for future travel planning.

The Rio Puerco Draft RMP states that a preliminary inventory of the route network is shown in Maps 73-76 (Draft RMP, p. 2-129). However, Maps 73-76 in the Draft RMP are ACEC maps. No other maps appear to include the route inventory; the only travel management maps included in the Draft RMP show OHV area designations (Maps 89-92). The RMP must include a map of a preliminary road network.

Furthermore, the Draft RMP states that "The BLM would consider existing routes open to vehicle travel unless indicated as closed on the ground by signs, barricades, or other physical structures or topography those appropriately direct users." Draft RMP, p. 2-129. This could lead to proliferation of additional user-created routes in the interim period until comprehensive travel planning is completed. BLM must include a map of existing routes in the RMP and specify that only those routes identified on the map are to be considered open.

The Rio Puerco RMP should also set out more specific criteria for future travel designations, including minimizing motorized routes in areas with sensitive resources and limiting habitat fragmentation by imposing road density thresholds.

By way of example, the Little Snake Field Office did not complete comprehensive travel planning as part of its recent RMP revision; however, the RMP (available online at http://www.blm.gov/co/st/en/fo/lsfo/plans/rmp_revision/rmp_docs.html) identified priorities for sub-regions to receive comprehensive travel management planning, which can also be useful for guiding implementation. Appendix F of the Little Snake RMP sets out criteria for prioritizing areas to receive comprehensive travel management planning, including:

- Special management areas
- Areas identified as "limited to designated roads and trails"
- Areas that meet fragile soil criteria
- User and resource conflicts
- Excessive complaints
- Wildlife/wild horse population trends
- Evidence of trail/road proliferation
- Areas with high road densities
- Impacts on cultural resources
- Unacceptable erosion
- Degradation of water quality
- Impacts on visual resources
- Loss of trail integrity
- Habitat fragmentation and damage
- Impacts on sensitive plants
- Need to provide a variety of user experiences

We encourage the Rio Puerco RMP to prioritize areas in this manner. One additional type of sub-region that should be prioritized for travel planning is areas with low road densities that have the potential to be managed as primitive, backcountry, non-motorized wildlife or quiet use areas. The RMP should identify **specific** areas that will be prioritized for travel planning and establish

time commitments for completing each specific area, in addition to the 5-year deadline for completing travel planning for the entire field office.

The Rio Puerco RMP should also include a road density analysis for the field office and set road density thresholds to minimize habitat fragmentation and protect backcountry recreation opportunities. We reiterate our recommendation included in our scoping comments that the Rio Puerco Field Office consider the Dillon, Montana RMP as an example of criteria that incorporate key aspects of BLM's ORV regulations as well as ecological metrics (available on-line at http://www.mt.blm.gov/dfo/rod/contents.htm). This field office also did not complete a comprehensive travel management plan as part of its RMP revision; however, it included road density targets and included an appendix outlining the principles it will use when completing a comprehensive travel management plan during implementation.

Recommendations: The Rio Puerco RMP should establish the methodology for comprehensive travel planning, include a map of the existing route network which will serve as interim travel management, and identify priorities for completing travel management planning. The RMP should set route density thresholds, such as through travel management zoning, to inform future travel planning efforts and ensure such efforts minimize habitat fragmentation and protect natural resources and backcountry recreation.

B. Areas Open to Cross-Country Motorized Use

BLM's Travel and Transportation Manual (Manual 1626), updated July 14, 2011, sets forth a shift in policy for areas "open" to cross-country Off Highway Vehicle (OHV) use, such that the designation of large areas for cross-country OHV use is no longer considered a viable management strategy. The manual states (at .06A2a(1)):

> Open areas will be limited to a size that can be effectively managed and geographically identifiable to offer a quality OHV opportunity for participants. Expansive open areas allowing cross-country travel, without a corresponding and identified user need or demand will not be designated in RMP revisions or new travel management plans.

The Rio Puerco Draft RMP designates OHV open areas in every alternative, including the 18,269-acre Cimarron Mesa Zone in the Petaca Pinta ERMA in the preferred alternative. Draft RMP, p. 2-64. This is inappropriate in light of the agency's direction towards minimizing or eliminating OHV open areas in RMP revisions. The Rio Puerco RMP should include an alternative that designates zero acres open to cross-country motorized use, as is common practice in current RMP revisions west-wide. *See, e.g.,* Little Snake (CO) Proposed RMP; Taos (NM) Proposed RMP; Winnemucca (NV) Draft RMP; Jarbidge (ID) Draft RMP; Lander (WY) Draft RMP.

The Rio Puerco Draft RMP does not appear to explain the necessity for designating an 18,269-acre open area in the preferred alternative. If this type of expansive OHV play area is to be designated in the RMP, then the RMP must identify the user need or demand and outline monitoring and mitigation efforts. BLM's OHV regulations require that management minimize "damage to soil, watershed, vegetation, air, or other resources of the public lands" and

harassment of wildlife or disruption of habitat; and to prevent impairment of wilderness suitability or adverse effects on natural areas. 43 C.F.R. § 8342.1. The potential adverse impacts of cross-country motorized travel on other resources are acknowledged in the Draft RMP (*See, e.g.,* pp. 2-150, 2-186, 4-186, 4-284), yet there is no discussion of whether or how the Rio Puerco Field Office possesses the resources and capabilities to manage these impacts.

The designation of the Cimarron Mesa area as an OHV open area in the Draft RMP preferred alternative is especially egregious considering BLM found portions of that area contain wilderness characteristics:

> The 7,329-acre Cimarron Mesa inventory unit is of sufficient size to make protection of wilderness characteristics practicable, and is predominantly natural, having several stock tanks and fences which are substantially unnoticeable. The screening provided by topography and vegetation of the area provides areas in which solitude is outstanding, and the area also includes outstanding opportunities for hiking, hunting, and other primitive forms of recreation.

Draft RMP, p. 3-35.

The entire 7,329-acre area described as possessing wilderness characteristics, and proposed for protective management which would include closure to motorized travel in Alternative B, is contained within the OHV open area designated in the preferred alternative. Clearly Cimarron Mesa is an inappropriate area for motorized cross-country use, and this designation contravenes BLM's OHV regulations as detailed above by failing to minimize impacts to natural areas. If the Rio Puerco Field Office finds it necessary to create an OHV play area, then a more suitable area must be identified and justified.

Recommendations: The RMP must evaluate whether there is a demonstrable need for a large OHV open area, and if so then ensure the open area is located to avoid impacts to other resources and minimize conflicts among users and establish a monitoring and mitigation strategy for the area. The Cimarron Mesa wilderness inventory unit is not suitable for cross-country motorized use. The RMP should evaluate an alternative that does not designate any areas open to cross-country OHV use.

C. Areas and Routes Closed to Motorized Use

BLM can and should make travel planning decisions in this RMP to protect specific resources, such as closing sensitive and specially designated areas to motorized use. We support BLM closing lands managed to protect wilderness characteristics to motorized travel and limiting travel to designated routes in areas managed to minimize impacts to wilderness characteristics. Draft RMP, p. 2-38—2-39. We also support BLM proposing OHV closures in the range of alternatives to provide for quiet, backcountry recreation experiences in recreation management areas and to protect sensitive natural and cultural resources in ACECs.

Recommendations: BLM should adopt closures to motorized use to protect sensitive resources and support quiet recreation opportunities. Specifically, we recommend BLM evaluate and implement additional OHV closures or limitations in the following important areas:

1. San Juan Badlands - Limit to major access roads and for authorized uses. Limit use of the Oh My God raceway routes to the three routes identified in the Draft RMP and limit to annual use on a rotating basis, with no new race routes to be created.
2. Cimarron Mesa – Eliminate user-created routes and manage the are to protect wilderness characteristics.
3. Petaca Pinta ERMA – Additional routes around Cerro Verde that are not needed for access should be closed.

III. WILDLIFE CORRIDORS

Emerging science demonstrates that wildlife migration corridors are essential to safeguard habitat connectivity, facilitate adaptation to climate change and ensure the resilience of a wide range of wildlife species. Reduction in habitat connectivity through increased fragmentation – due to roads, residential and commercial development, energy development, and off-road vehicles – substantially decreases the amount of ecologically intact core habitat available for many wildlife species. Ecologists have long recognized that the loss of core habitat and habitat connectivity pose the greatest threats to species persistence and overall biodiversity.[2]

BLM has the authority to implement protective management of wildlife corridors and the obligation to address threats to wildlife and wildlife habitat as stewards of the western public lands. Through resource management plans, BLM plans for the management of its lands at the landscape level, which gives the agency the ability to designate and protect naturally-occurring wildlife corridors. Using this authority is more feasible than ever due to the data generated through the various interagency state and regional Crucial Habitat Assessment Tool (CHAT)[3] development processes, which will assist in identifying crucial habitat and wildlife corridors.

In December 2011, BLM issued IM 2012-039[4], "Identification and Uniform Mapping of Wildlife Corridors and Crucial Habitat Pursuant to a Memorandum of Understanding with the Western Governors' Association." Per IM 2012-039, BLM is required to use prioritized wildlife and habitat information and data developed through state- and regional-level CHATs as a principal source to inform land use planning, as well as related natural resource decisions on public lands. The policy specifically directs that:

1. Federal agencies will seek to use wildlife-related information and data developed through CHAT, whenever they are adequate and at an appropriate scale, as a principal source to inform land use, land planning, and related natural resource decisions.

2. When information is not available through CHAT, but may be available from a

[2] Wilcove, D.S. et al. 1998. *Quantifying threats to imperiled species in the United States*. Bioscience 48(8): 607-615.
[3] http://www.westgov.org/index.php?option=com_content&view=article&id=380:chat&catid=102
[4] Available at http://www.blm.gov/wo/st/en/info/regulations/Instruction_Memos_and_Bulletins/national_instruction/2012/IM_2012-039.html

State in other usable forms, the Federal agencies will explore the possibility of using such information.

3. When information is neither available through CHAT or in another usable form, the Federal agencies will explore the possibility of the States developing such information in a manner that meets the needs of the Federal agencies in terms of timeliness, cost, and quality of information.

The Rio Puerco Draft RMP fails to include any meaningful discussion of identifying, managing or protecting wildlife corridors, and it does not indicate that BLM attempted to comply with IM 2012-039. While the Rio Puerco Field Office manages a patchwork of public land, and a minority of surface acres, the RPFO does manage potentially crucial public land connecting lands of high conservation value in and surrounding the field office boundary, such as the Cibola and Santa Fe National Forests, designated Wilderness, Wilderness Study Areas and unprotected wilderness-quality lands. The RMP should therefore include an analysis of habitat connectivity, identification of potential wildlife corridors, and management alternatives for protecting and/or restoring important corridors.

In addition to the information and resources that will be provided by development of the CHATs, BLM already has tools at its disposal that can be applied to designation and protection of wildlife corridors and is already taking this approach in a number of plans. For example, in the Pinedale Record of Decision and RMP, the BLM specifically designated and protected an important wildlife corridor as an ACEC. The BLM designated the Trapper's Point ACEC with the specific goal to "preserve the viability of the big game migration bottleneck, cultural and historic resources, and important livestock trailing use." Pinedale ROD/RMP, 2008, p. 2-56.[5]

The Wilderness Society recently developed a planning and policy brief entitled "Designating Wildlife Corridors on the Public Lands: Protection through BLM's Land Use Planning Process" (Attachment 2 to these comments, incorporated by reference). This brief describes the BLM's authority and obligation to designate and protect corridors that connect crucial habitat areas on the public lands for the benefit of wildlife and the scientific basis for the necessity of corridor management. It also details the agency's existing management tools that can be applied to wildlife corridor protection and provides additional examples of corridor designation and/or management by BLM and other government agencies. We recommend the Rio Puerco Field Office utilize this brief, along with scientific data available through the CHATs or other reputable sources, to develop alternatives for wildlife corridor protection in the RMP and adopt a strategy for managing habitat connectivity.

Recommendations: A top priority for BLM land use planning should be to incorporate wildlife corridor identification and management. To appropriately designate and protect wildlife corridors within the Rio Puerco Field Office, BLM should:

- collaborate with other state and federal agencies and non-governmental groups to obtain current data regarding crucial wildlife habitat and corridors, including through use of the

[5] Available on-line at: http://www.blm.gov/pgdata/etc/medialib/blm/wy/programs/planning/rmps/pinedale/rod.Par.45058.File.dat/05_Record_of_Decision_and_Approved_Pinedale_RMP.pdf

CHATs;

- connect already designated wilderness areas and other reserves to ensure that wildlife populations have the ability to easily move between large areas of protected crucial habitat;
- identify species that will act as focal species for identifying important wildlife corridors and will also act as indicators for how well the wildlife corridors are working;
- use the best available science to decide upon the exact areas to be designated and protected;
- ensure that all designations include specific provisions regarding management so that designated wildlife corridors are protected and can function as designed; and
- constantly monitor the effectiveness of designated wildlife corridors and implement adaptive ecosystem management strategies.

Additionally, BLM should incorporate data on core habitat, linkages and buffer areas, as well as wildlife corridors, to guide other management decisions and needed research.

IV. GRAZING

We recognize the important role grazing and ranching has historically played in New Mexico, and also recognize that grazing will continue to be part of public lands management for the foreseeable future. This RMP is an opportunity to also address the serious environmental problems which can be caused by cattle, from affecting soils and riparian areas, to potential conflicts between cows and endangered species. The BLM acknowledges in the Draft RMP (and numerous studies have indicated) that cattle can cause soil erosion, trample fragile habitat for native species, compete with native grazers like elk and deer, increase the number of interactions between humans and protected species, and perhaps most notably, significantly degrade water quality in areas where water is already extremely scarce[6]. Below, we discuss the various impacts that cattle grazing can have on other resources in the Rio Puerco Field Office to support adopting an alternative to limit grazing where it can harm the values for which areas like ACECs and wilderness characteristics are managed, as well as to support a commitment to more proactive management of grazing on these public lands.

Cattle grazing can compromise riparian areas and impair water quality. Riparian and stream ecosystems represent only 0.5 to 1 percent of the surface area of arid lands in the eleven western United States[7], yet support an estimated 60 to 70 percent of Western bird species[8] and as many as

[6] *See e.g.* Freilich, JE, JM Emlen, JJ Duda, DC Freeman & PJ Cafaro. 2003. Ecological effects of ranching: a six-point critique. BioScience 53(8): 759-765; Belsky, J & JL Gelbard. Comrades in Harm: Livestock and Exotic Weeds in the Intermountain West *in* Wuerthner, G & M Matteson (eds). *Welfare ranching: the subsidized destruction of the American west.* Island Press (2002).

[7] U.S. General Accounting Office ("GAO"). 1988. *Public rangelands: some riparian areas restored by widespread improvement will be slow.* GAO/RCED-88-105; *see also* Belsky, A.J., A. Matzke, and S. Uselman. 1999. *Survey of livestock influences on stream and riparian ecosystems in the Western United States.* Journal of Soil and Water Conservation 54: 419-431.

[8] Omart, R.D. 1996. *Historical and present impacts of livestock grazing on fish and wildlife resources in western riparian habitats.* Pp. 245-279. In: P.R. Krausman (ed.), *Rangeland wildlife.* Society for Range Management: Denver, CO; *see also* Belsky et al. (1999).

80 percent of wildlife species in New Mexico.[9] Despite the immense ecological importance of these areas, studies concluded in the 1990s found that grazing was undermining the ecological integrity of these lands and their ability to support other species. For instance, the BLM found that grazing by livestock has historically damaged 80 percent of the streams and riparian ecosystems in arid regions of the western United States[10]. In 1990, the U.S. Environmental Protection Agency reported that, "extensive field observations suggest that riparian areas throughout much of the West are in their worst conditions in history."[11] In addition, a 1994 joint Bureau of Land Management and Forest Service report concluded that "riparian areas have continued to decline" since grazing reforms in the 1930's."[12]

Cattle grazing can also harm wildlife and imperil species. The detrimental effects of cattle grazing on wildlife and threatened and endangered species are numerous and far reaching. A 1994 study by the U.S. Forest Service found that nearly one-quarter of all of the imperiled species listed under the ESA are imperiled by livestock grazing; and in the southwest, grazing is a leading cause of species endangerment.[13] Large numbers of permitted livestock on lands unsuitable for grazing pressure causes ecosystem disruption and imbalance. Livestock production negatively impacts approximately 114 threatened and endangered species nationwide.[14]

Ranching on public land can also contribute to the problems of climate change, and makes adaptation to it by the BLM more difficult. While efforts are underway to reduce global emissions of greenhouse gases, it is fairly inevitable that humans will need to undertake measures to adapt to climate change and the resulting effects on natural systems, including changes in streamflow, wildfires, crop productivity, temperature, and sea level. The Western United States has an advantage in its vast, relatively well-connected holdings of federal lands that can buffer and mitigate impacts of climate change. The Secretaries of Interior and Agriculture have acknowledged these unique opportunities and directed their respective departments to address climate change. The Department of Interior ("DOI") has specified unequivocal actions towards science-based adaptation strategies to protect vital ecosystem services, including water quantity and quality, biological diversity, and fish and wildlife habitat.[15] Adaptation to the effects of climate change is an objective that fits with the mission of the BLM. In this era, grasslands will play an increasingly vital role in protecting the nation's watersheds.

A recent review of climate change and the effects of livestock grazing in the West further highlights the importance of the issue in land management planning. The manuscript

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[9] Chaney, E., W. Elmore, and W.S. Platts. 1990. *Livestock grazing on Western riparian areas.* Northwest Resource Information Center, Inc.: Eagle, ID; *see also* Belsky et al. (1999).

[10] U.S. Department of Interior. 1994. *Rangeland reform '94, draft environmental impact statement.* Bureau of Land Management: Washington D.C.; *see also* Belsky et al. (1999).

[11] Chaney et al. (1990).

[12] U.S. Department of Interior (1994).

[13] Flather, CT, L A Joyce, & C A Bloomgarden. 1994. Species endangerment patterns in the United States. Pp. 42. USDA Forest Service, Ft Collins.

[14] Wuerthner, G. A Heavy Toll: Native Animals Harmed by Livestock Production *in* Wuerthner (2002).

[15] [USDI] U.S. Department of Interior 2009a. *Empowering Natural Resource Managers to Adapt to Climate Change*. U.S. Department of the Interior COP-15 Copenhagen, Dec. 7-18, 2009. http://www.doi.gov/archive/climatechange/. Accessed August 24, 2010.

demonstrates unequivocally the single biggest factor compromising climate change resiliency on western landscapes is livestock production.[16] The authors conclude,

> If effective adaptations to the adverse effects of climate change are to be accomplished on western public lands, large-scale reductions or cessation of ecosystem stressors associated with ungulate use are crucial. Federal and state land management agencies should seek and make wide use of opportunities to reduce significant ungulate impacts in order to facilitate ecosystem recovery and improve resiliency. Such actions represent the most effective and extensive means for helping maintain or improve the ecological integrity of western landscapes and for the continued provision of valuable ecosystem services during a changing climate.

We strongly suggest the final RMP consider new climate science to be the best available science and incorporate it into the final EIS and decision.

In addition to the specific environmental problems which can be caused by cattle, we are also concerned that BLM does not maximize its authority to manage grazing in order to reduce impacts on the environment – instead tending to maintain the status quo of grazing. It has been well established in case law, the Taylor Grazing Act, and in BLM policy, that grazing on public land is a privilege, not a right.[17] BLM is required to consider and balance many resources and obligations when making planning decisions, including requirements of the Endangered Species Act, the National Environmental Policy Act, the Federal Land Policy and Management Act, and others. NEPA regulations and Executive Order 13563 (2011) require federal agencies to use the best science available when making their decisions. *See* 40 C.F.R. § 1500.1 (b). The public trust doctrine, which has been upheld in American courts for various natural resources, states that natural resources should be conserved for public use and guaranteed for their benefit into the future. Finally, as then-BLM Director Bob Abbey reiterated to Congress in 2011, the multiple use mission of the BLM does not mean that every use must occur on every acre[18].

We believe that, in general, when warranted by scientific evidence of the damage cattle can do to riparian areas, soils, vegetation and other resources (as acknowledged repeatedly by the BLM), as well as the negative interactions that can occur between cattle, ranchers, and endangered species, the BLM can (and often should) alter boundaries, change AUM numbers, deny allotment renewals when appropriate, and otherwise actively manage ranching on public lands. The agency has ample regulatory authority and discretion to take these actions[19], and we do not believe the BLM should feel compelled to retain the status quo.

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[16] *Adapting to Climate Change on Western Public Lands: Addressing the Ecological Effects of Domestic, Wild, and Feral Ungulates*. Beschta, R.L. D.L. Donahue, D.A. DellaSala, J. J. Rhodes, J. R. Karr, M.H. O'Brien, T.L. Fleischner, and C.D. Williams. In Press.

[17] See 43 U.S.C. § 315b. See also 43 C.F.R. § 4130.2(c) ("Grazing permits or leases convey no right, title, or interest held by the United States in any lands or resources."). See also Swim v. Bergland, 696 F.2d 712, 719 (9th Cir. 1983) ("license to graze on public lands has always been a revocable privilege")

[18] See Statement of Robert Abbey, Director, Bureau of Land Management, Department of Interior, before House Natural Resources Committee, March 1, 2011.

[19] Under the "Fundamentals of Rangeland Health" regulations must not impair watershed function, riparian habitat, water quality, or wildlife habitat 43 C.F.R. §§ 4180.1 & 4180.2(c)

Recommendations: We are extremely encouraged that the BLM has included an alternative within this RMP to exclude grazing from protected or specially-designated areas. We support this alternative, especially within designated ACECs and lands with wilderness characteristics. All of the ACECs proposed in the RMP were proposed because of their wildlife, riparian, scenic, special-status species, cultural or geologic values. The science discussed above would indicate that removal of cattle from areas where the management goal is to protect values such as these would create the most progress towards that goal. Additionally, in most of the proposed ACECs, the only management difference between the preferred alternative and Alternative B is that in Alternative B, grazing would not be authorized. *See, generally,* Draft RMP, Section 2.2.16.3 (Areas of Critical Environmental Concern). We also support the improved protection of riparian areas from grazing. Consequently, we urge the BLM to consider Alternative B with regards to grazing, as best supporting BLM's protection of other natural resources and most consistent with best available science.

While we do not oppose public grazing, we strongly urge the BLM to look at a broader picture when considering lease renewals. Grazing cattle on public lands comes with a large financial burden on taxpayers due to subsidies, significant environmental degradation, and a loss of enjoyment on the part of other users of America's open spaces. Voluntary or gradual BLM retirement of these leases, gradual removal of cattle from Critical Habitats, ACECs, WSAs and/or reducing the number of cattle allowed per allotment is a viable option for phasing out grazing where there are conflicts with or damage to other resources, and phasing in an era of greater environmental and fiscal responsibility.

V. PRAIRIE DOGS

We commend the BLM for recognizing the importance of prairie dogs as keystone species in this management plan:

> A keystone species is a species whose ecological influence in a biotic community is disproportionately large with respect to its numerical abundance. Keystone species typically function as predators, prey, mutualists, or habitat modifiers. Prairie dogs differ from most conventional keystone species because they exhibit more than one of these functions. They act as prey and modify habitat structure and dynamics in many ways. Species in the RPFO that benefit from prairie dogs include burrowing owl, mountain plover, and raptors. Currently, the RPFO is conducting a prairie dog population augmentation project in El Malpais National Conservation Area to enhance the largest historical colony of prairie dogs in the field office. If successful, the possibility of conducting this type of project will open up for the area covered under this RMP. Draft RMP, p. 3-128 (internal citiation omitted).

WildEarth Guardians is especially invested in the success of the project in El Malpais, in particular because many prairie dog introduced to the site were relocated from the City of Santa Fe. WildEarth Guardians has visited the site, conferred with BLM staff and local advocates on the project, and recently submitted a petition under the Administrative Procedures Act to restrict recreational shooting of Gunnison's prairie dogs on the Cebolla Wilderness Prairie Dog Town, the 41,441-acre area of the North Pasture that includes the relocation site. We hereby incorporate

the information in that petition regarding the impacts of prairie dog shooting into these comments. The success of relocation projects such as the one in El Malpais will depend on responsible management, including shooting restrictions. We therefore strongly support Alternative B, under which "[t]he RPFO would protect prairie dogs on BLM land by restricting shooting in identified augmented prairie dog areas year-round." Draft RMP, p. 2-126.

We would like to see "identified augmented prairie dog areas" designated regardless of the success or failure of the project in El Malpais. FLPMA requires the BLM to "...consider present and potential uses of the public lands...[and] consider the relative scarcity of the values involved and the availability of alternative means ...and sites for realization of those values." 43 U.S.C. § 1712(a). The scarcity of available sites for conserving prairie dogs, which currently occupy less than 2 percent of their historic range, and the widespread availability of areas open to prairie dog shooting (including private lands) supports the prohibition of recreational shooting of prairie dogs on public lands. As well, we support shooting restrictions not only in colonies that are augmented by active relocation projects, but also in colonies supported by habitat restoration or other indirect means, and in colonies identified as having the potential to expand on their own if left undisturbed. Therefore we suggest changing the language to simply "identified prairie dog areas" or "identified prairie dog conservation areas."

The BLM also recognizes the importance of augmenting and recovering prairie dog populations for potential black-footed ferret reintroduction:

> Currently, the El Malpais Plan (BLM/NM/PL-01-007-1610) designates the historic location of the largest known prairie dog colony within the RPFO as a prairie dog colony enhancement area. This effort was initiated to benefit two local special status species, the burrowing owl and the mountain plover. However, if the colony can be expanded to the appropriate size and density, it will be a potential release site for an experimental population of the endangered black-footed ferret. The RPFO is actively augmenting this population of Gunnison's prairie dog. Based on ongoing monitoring and surveys, if this effort is successful at expanding the colony, it would pave the way for future augmentation projects within the RPFO RMP decision area. Draft RMP, p. 3-106.

To support future black-footed ferret reintroductions, the Gunnison prairie dog would be protected under Alternatives B, C, and D. Under Alternative B, the RPFO would protect prairie dogs on BLM land by restricting shooting in identified augmented prairie dog sites year-round. Under Alternative C, the RPFO would protect prairie dogs on BLM land during the breeding season (Mar 15–June 15) by restricting shooting in identified augmented prairie dog areas. In addition, surface-disturbing and disruptive activities would be strictly controlled within 0.5 mile (Alternative B), 0.25 mile (Alternative C), and within (Alternative D) prairie dog towns if an activity would adversely impact prairie dogs and/or associated species. Selection of any of these alternatives would have beneficial impacts on prairie dogs, and indirectly may benefit black-footed ferrets in the long term. However, Alternative B would have the most beneficial impacts. *See,* Draft RMP, p. 4-231.

Recommendations: BLM should adopt Alternative B, with the suggested wording change, which will be the most beneficial, and will give the BLM the greatest chance of success in creating

colonies where both prairie dogs and black-footed ferrets could survive and thrive in the future. We also support Alternative B's restrictions on "surface-disturbing and disruptive activities," which "would be strictly controlled within 0.5 mile of prairie dog towns if an activity would adversely impact prairie dogs and/or associated species." Draft RMP, p. 2-126.

VI. ENERGY AND MINERALS

The Draft RMP addresses a wide range of energy development that could occur in the planning area – oil and gas development, renewable energy, transmission and other rights-of-way, coal – as well as minerals – gravel, rock, metallic and non-metallic. While we appreciate the specific management developed for each type of activity, the Draft RMP does not consider a meaningful range of approaches to actually close areas where there is a high risk of damage even though the BLM has concluded that there is a relatively low development potential for many of these uses. We discuss our recommendations for these activities below.

A. Renewable Energy.

In general, our groups support development of renewable energy and support its location on public lands so long as it is appropriately sited, since renewable energy development still has substantial environmental impacts. It makes sense to identify areas that are open to development, avoidance or exclusion for solar, wind and geothermal energy development. The Draft RMP acknowledges that the planning area has high potential for solar energy, low potential for wind energy, and existing resources but no current development for geothermal energy. Draft RMP, pp. 3-52, 3-64 – 3-65. Accordingly, more restrictive management for wind energy is appropriate and would avoid speculative applications. Further, BLM has now finalized the Programmatic EIS for Solar Energy Development, which should be incorporated into the Rio Puerco RMP, including exclusion areas and best management practices.

Recommendations: Lands with wilderness characteristics, ACECs, and critical habitat for threatened, endangered and sensitive species should be characterized as exclusion areas for all types of renewable energy, as proposed in Alternative B. *See*, Draft RMP, Table 2.30, pp. 2-75-77. Areas available for wind energy development should be limited to those areas that have higher potential, if such areas can be developed. Further, solar energy development should also be subject to the provisions in BLM's Solar PEIS.

B. Oil and Gas.

Of the more than 1.4 million acres at issue, only Alternative B would close even close to one-tenth of the acreage to oil and gas leasing development. Instead, the vast majority of acreage is open to leasing with standard lease stipulations (without special management to safeguard other vulnerable resources) and there is little true variation among the three alternatives proposed for consideration. *See*, Draft RMP, Tables 2.18 – 2:20, pp. 2-50 – 2-54. This approach to managing fluid minerals is especially unjustified given that the BLM has found relatively low development potential in the planning area and has predicted less than 10 wells would be developed over the entire planning area for the life of the RMP. Draft RMP, p. 3-49 – 3-50.

The range of alternatives is "the heart of the environmental impact statement." 40 C.F.R. § 1502.14. NEPA requires BLM to "rigorously explore and objectively evaluate" a range of alternatives to proposed federal actions. *See* 40 C.F.R. §§ 1502.14(a) and 1508.25(c).

> NEPA's requirement that alternatives be studied, developed, and described both guides the substance of environmental decision-making and provides evidence that the mandated decision-making process has actually taken place. Informed and meaningful consideration of alternatives -- including the no action alternative -- is thus an integral part of the statutory scheme.[20]

An agency violates NEPA by failing to "rigorously explore and objectively evaluate all reasonable alternatives" to the proposed action.[21] This evaluation extends to considering more environmentally protective alternatives and mitigation measures.[22] The range of alternatives in the Draft Rio Puerco RMP ignores reasonable alternatives that would close the majority of the field office to leasing or provide for leasing subject to major restrictions in order to protect recreation, wildlife, lands with wilderness characteristics and other natural and cultural resources. Where the BLM does not expect leasing to produce even 10 wells over the life of the plan, it is not acceptable to limit management alternatives to only those that keep more than 90 percent of the field office available for drilling.

Recommendations: BLM should ensure that, at a minimum, lands with wilderness characteristics, extensive recreation management areas, areas of critical environmental concern and important wildlife habitat are either closed to leasing or only available for leasing with "no surface occupancy" stipulations. Further, BLM should evaluate a range of alternatives that realistically manages lands in proportion to the likelihood of development and adopt an alternative that does not leave the vast majority of the field office open to leasing and drilling.

C. Minerals.

The Draft RMP addresses more than 1.8 million acres that could be developed for locatable or salable minerals. The RMP should incorporate additional protections.

1. **Salable minerals.**

The vast majority of the planning area is "open" for salable minerals in all the alternatives opening approximately 90% or more, with very limited acreage classified as areas to "avoid" or "closed." Draft RMP, p. 2-8. The Draft RMP did not consider a meaningful range of alternatives

[20] Bob Marshall Alliance v. Hodel, 852 F.2d 1223, 1228 (9th Cir. 1988), cert. denied, 489 U.S. 1066 (1989) (citations and emphasis omitted).

[21] City of Tenakee Springs v. Clough, 915 F.2d 1308, 1310 (9th Cir. 1990) (quoting 40 C.F.R. § 1502.14).

[22] *See, e.g.,* Kootenai Tribe of Idaho v. Veneman, 313 F.3d 1094,1122-1123 (9th Cir. 2002) (and cases cited therein); *see also* Envt'l Defense Fund., Inc. v. U.S. Army Corps. of Eng'rs, 492 F.2d 1123, 1135 (5th Cir. 1974); City of New York v. Dept. of Transp., 715 F.2d 732, 743 (2nd Cir. 1983) (NEPA's requirement for consideration of a range of alternatives is intended to prevent the EIS from becoming "a foreordained formality."); Utahns for Better Transportation v. U.S. Dept. of Transp., 305 F.3d 1152 (10th Cir. 2002), modified in part on other grounds, 319 F3d 1207 (2003); Or. Envtl. Council v. Kunzman, 614 F.Supp. 657, 659-660 (D. Or. 1985) (stating that the alternatives that must be considered under NEPA are those that would "avoid or minimize" adverse environmental effects).

for managing salable minerals. Salable minerals, especially industrial minerals such as sand and gravel, are plentiful in the planning area and development is expected to continue. BLM should ensure balanced use by protecting areas that have other values that would be damaged by mineral development.

Recommendations: The Draft RMP should protect natural and cultural resources in areas designated for special management from salable mineral development. For instance, the Petaca Pinta Extensive Recreation Management Area, Boca del Oso Extensive Recreation Management Area, and San Juan Basin Badlands Extensive Recreation Management Area are all open to development in the preferred alternative and should be closed. Lands managed for wilderness characteristics should also be closed to salable minerals development. Further, lands around the community of Placitas should be closed to salable minerals development.

2. **Locatable minerals.**

There are very few producing mining claims in the planning area. While BLM cannot withdraw lands from mining in the Rio Puerco RMP, the RMP can recommend areas for withdrawal and has done so, which is advisable given the many other values and uses at stake and lack of producing resources.

Recommendation: The Draft RMP recommends most of the planning area for withdrawal from mining, in all alternatives, which would protect most of the cultural and natural resources. Draft RMP, p. 2-8. BLM should proceed with this approach.

D. Rights-of-way.

The Draft RMP provides distinct management approaches for pipelines, roads, communication and other sites, and transmission lines separately, which is an appropriate way to distinguish among the many uses of rights-of-way. *See*, detailed management set out in Draft RMP, Table 2.12, pp. 2-35 – 2-37.

Recommendation: In general, the RMP proposes sufficient protections in Alternative B. However, further protection is needed from transmission lines in national scenic and historic trails, areas of critical environmental concern, and cultural sites. No power line proposed through New Mexico's Renewable Energy Transmission Authority to carry wind or solar energy from one portion of New Mexico has suggested siting through the Planning Area. However, for lands already accommodating high voltage power lines, we urge consideration of their re-use for transmission lines that carry renewably generated electricity.

VII. LAND TENURE/WILDLAND-URBAN INTERFACE

The community of Placitas represents one of the important wildland-urban interfaces that require special attention in this RMP. As discussed in detail in the comments submitted by Las Placitas Association, there is significant support from residents and the public, as well as from the benefits to other resources and the local community, for managing BLM lands within and surrounding the community of Placitas for conservation to support open space, low-impact recreation, wildlife habitat, watershed ecological resources, and cultural and historical resources,

including by special area designations. We support this approach, which would also necessitate protecting these lands from mineral extraction, industrial and residential development, and both transportation and energy corridors. We also support further investigation of transferring management and/or ownership for parcels around Placitas to the Forest Service (for the Crest of Montezuma) and to one of the nearby Pueblos (lands north of Placitas) to support conservation and management of wildlife corridors.

We support BLM's approach to land tenure in Alternative B, which retains lands with important conservation values for retention in federal ownership. We also appreciate BLM's commitment to retaining lands in public ownership in lands with wilderness characteristics and seeking to acquire lands within specially designated areas, such as Bluewater Creek, which would then be managed to protect the same values, such as wild and scenic river values.

Recommendations: BLM should manage lands around the community of Placitas to protect the community's quality of life, provide a buffer from industrial activities, and provide open space. Change of ownership and/or management of the Crest of Montezuma and lands north of Placitas also deserve further evaluation. BLM should adopt Alternative B to maximize retention of important federal lands.

VIII. NEPA ANALYSIS

The goal of the National Environmental Policy Act ("NEPA") process is to help federal agencies make decisions that are based on understanding environmental consequences, and to help them take actions that protect, restore, and enhance the environment. *See*, BLM NEPA Handbook, H-1790-1, § IX; *see also* 40 C.F.R. § 1500.1 (c) The continuing overarching environmental policy of the BLM is "to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations of Americans." BLM NEPA Handbook, H-1790-1, § 1.1. This requires accumulating and evaluating all relevant data, and using that data to make the best and most sustainable plan for the public lands under the agency's jurisdiction.

A. NEPA Requires use of Best Available Science

Every authority governing planning by the BLM orders the agency to use the best scientific information in its planning efforts, and we remind the BLM that these obligations continue through the decision-making process:

- Federal Land Policy and Management Act (FLPMA) requires that "the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values." 43 U.S.C. § 1701(a)(8);
- NEPA regulations require that, in an environmental analysis, "The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA." 40 C.F.R. § 1500.1(b);
- BLM NEPA Handbook H-1701-1 Section 6.8.1.2 Analyzing Effects, "Use the best available science to support NEPA analysis";

- Executive Order 13563 (2011), affirming Executive Order 12866 (1993), "Our regulatory system…must be based on the best available science";
- FLPMA regulations, 43 C.F.R. § 1701 (a)(8), directs agencies to protect scientific values.

Recommendation: In evaluating comments and recommendations, BLM should use high quality, scientifically-sound data and authorities and improve the Draft RMP to protect natural and cultural resources as supported by this information.

B. Socio-Economic Analysis in the Rio Puerco RMP

We have some concerns with the socio-economic analysis regarding resource development set out in the Draft RMP. BLM NEPA Handbook, Section 6.8.1.1 (*Defining Environmental Effects*) states that:

> Your EA or EIS must identify the known and predicted effects that are related to the issues (40 CFR 1500.4 (c)), (40 CFR 1500.4(g), 40 CFR 1500.5(d), 40 CFR 1502.16) (*see* ***6.4 Issues***)…Analyze relevant short-term and long-term effects and disclose *both beneficial and detrimental effects in the NEPA analysis*. (emphasis added).

BLM could have and should have conducted a more in-depth analysis in RMP Section 3.16 by analyzing the *beneficial* effects of *not* developing some resources to the surrounding communities. As noted by the BLM, it is difficult to quantify this kind of information. However, according to a 2011 study commissioned by the National Fish and Wildlife Foundation[23], outdoor recreation (which included activities such as hiking, biking, birdwatching, etc.), nature conservation, and historic preservation contributes 9.4 million jobs, and $107 billion dollars in federal, state and local taxes to the US economy annually. This represents $1.06 trillion dollars in total economic activity. These are large financial benefits, comparable to revenues from resource development, and certainly grazing, which operates at a financial loss. Should resources remain *undeveloped*, and land left for public enjoyment, significant benefits would occur to the communities around public lands.

Recommendation: The BLM should conduct a more thorough analysis of the socio-economic impacts, both beneficial and harmful, from various alternatives and ensure that the Proposed RMP relies on such an analysis.

IX. COORDINATED MANAGEMENT OF WILDLANDS WITH CIBOLA NATIONAL FOREST

The lands managed by the Rio Puerco Field Office are distributed around 6 counties and are also adjacent to lands managed by other agencies. Notably, lands managed by the Cibola National Forest share boundaries with the Rio Puerco Field Office and provide an important opportunity for coordinated management. For instance, the BLM's Chamisa WSA is adjacent to the Forest Service Guadalupe Inventoried Roadless Area (IRA), creating a total area of more than 26,000

[23] *The Economics Associated with Outdoor Recreation, Natural Resource Conservation, and Historic Preservation in the United States,* Southwick Associates, for the National Fish and Wildlife Foundation, October 10, 2011. See http://www.nfwf.org/Content/ContentFolders/NationalFishandWildlifeFoundation/HomePage/ConservationSpotlights/TheEconomicValueofOutdoorRecreation.pdf

roadless acres. In addition, the BLM's Ignacio Chavez WSA is adjacent to the Cibola's Ignacio Chavez Contiguous IRA, creating a total of more than 35,000 roadless acres. Similar opportunities exist around lands with wilderness characteristics, ERMAs, and ACECs in the Rio Puerco Field Office. We have created and attached a map (Attachment 3 to these comments, incorporated by reference) showing the relationship between lands of conservation value in the Rio Puerco Field Office and the adjacent areas managed by the Cibola National Forest. The Cibola has just begun the revision of its forest management plan and will be creating an assessment for public review in the upcoming months.[24]

Recommendation: This is an opportune moment to evaluate cooperative management of wildlands and wildlife that do not recognize the borders between the two agencies but could benefit from cooperative management across those borders, above and beyond addressing transfer of the Crest of Montezuma. We recommend that the BLM work with the Forest Service to maximize management that takes into account values managed by both agencies, and include this commitment in the Rio Puerco RMP in relation to lands with wilderness characteristics, WSAs, ERMAs, SRMAs, ACECs, and wildlife corridors.

X. SOUNDSCAPES

We have highlighted the need and methods for managing and protecting the natural soundscape through various submissions to the BLM as part of this RMP planning process. We first raised this issue in our scoping comments, and followed up with more detailed comments and management recommendations in a letter dated February 27, 2009. We also provided the RPFO with The Wilderness Society's SPreAD-GIS acoustic model, and in May 2011 we shared with BLM maps we produced showing noise potential in our proposed Petaca Pinta SRMA that were developed using the SPreAD-GIS model (Attachment 4 to these comments, incorporated by reference).

We appreciate BLM's acknowledgement in the Draft RMP that allowing vehicles on existing routes in lands with wilderness characteristics may adversely affect the soundscape of those lands (Draft RMP, p. 2-157), as well as the no surface occupancy (NSO) stipulation put in place in Alternatives B and C within a certain line of sight/sound of recreation areas to protect resource values. Draft RMP, p. 4-87. We encourage BLM to adopt the NSO stipulation contemplated in Alternative B, which would increase the distance from recreation areas that the stipulation applies to and also give protection to undeveloped recreation areas receiving concentrated public use.

However, we continue to believe the Rio Puerco RMP should take a more proactive approach to soundscape management. BLM's regulations and policies allow for comprehensive soundscape management, and the remote nature and wild character of the areas BLM is proposing to manage to protect quiet, backcountry recreation experiences through recreation management area designations would benefit greatly from soundscape modeling and management prescriptions designed to protect the natural soundscape.

In 2010, BLM updated the recreation and visitor services guidance in the agency's Land Use

[24] See http://www.fs.usda.gov/detail/cibola/landmanagement/planning/?cid=fsbdev3_065627

Planning Handbook (H-1601-1, Appendix C). The "Recreation Setting Characteristics Matrix" considers physical, social, and operational qualities of a landscape to classify areas on a recreation setting spectrum ranging from primitive to urban. Factors in considering the recreation setting include distance from motorized routes and the frequency of hearing sounds of people. These factors demonstrate the importance of the natural soundscape to primitive recreation settings. A study performed by psychologists at Colorado State University found that acoustic stressors impact visual landscape quality, meaning non-natural noise actually affects the perceived naturalness of a landscape.[25] Therefore, in order to preserve the naturalness of an area, BLM must preserve the natural soundscape.

In order to effectively and appropriately achieve BLM's requirement to minimize conflicts among recreation users, the Colorado BLM issued "A Recreation and Visitor Services Strategy" ("Recreation Strategy") to help field offices provide quality recreation experiences for all users. The Recreation Strategy recognizes that BLM's obligation to provide recreation areas for many user types requires designation of quiet recreation zones. It defines "quiet recreation" as "Outdoor recreation enthusiasts such as hikers, skiers, mountain bikers, equestrians, bird watchers, hunters and anglers *who seek the opportunity to enjoy natural soundscapes*." Colorado BLM Recreation Strategy, p. 17 (emphasis added).

The Rio Puerco Draft RMP recognizes the importance of providing quiet recreation opportunities for visitors, designating non-motorized zones within recreation management areas where hiking, wildlife viewing and other human-powered activities are emphasized throughout the range of alternatives. Draft RMP, p. 2-61 - 2-73. In addition, lands with wilderness characteristics are identified by and managed for their naturalness and outstanding opportunities for solitude and primitive, unconfined recreation, which is also affected by noise. We fully support BLM designating backcountry recreation areas and managing lands for wilderness characteristics in order to protect natural areas from the sights and sounds of vehicles and human development and provide wilderness experiences.

To maximize the value of backcountry recreation areas, we recommend BLM incorporate acoustic modeling into their designation and management. Preserving the natural soundscape is an essential component of protecting and enhancing the backcountry experience. SPreAD-GIS can be used to: 1) determine the areas within a planning unit where the natural soundscape is predominant and protect that setting through recreation planning; and 2) model sound propagation from uses such as motorized vehicles in a proposed quiet-use recreation area to determine what planning decisions, such as route closures, could restore and enhance the natural soundscape. In this way, the agencies could ensure that travel and recreation planning decisions provide opportunities for experiencing naturalness and solitude.

In addition to modeling and managing soundscapes in the context of preserving backcountry recreation opportunities, the Interior Department has recognized the importance of evaluating impacts to natural soundscapes in oil and gas leasing and development decisions. An interdisciplinary DOI review team released its final report and recommendations on the 77

[25] Britton L. Mace et al., *Aesthetic, Affective, and Cognitive Effects of Noise on Natural Landscape Assessment*, Society & Natural Resources, 12: 225-242, 1999.

contested leases issued in Utah BLM's December 2008 lease sale ("Stiles Report[26]") in October 2009. The report found that "natural soundscapes can be adversely impacted by oil and gas development and their associated ancillary facilities" and recommended that BLM work with other federal agencies to develop and implement a set of Best Management Practices related to natural soundscapes. Stiles Report pp. 26-27. The interdisciplinary team also recommended deferring specific leases addressed in the report due to potential sound impacts on adjacent National Park Service units, and further recommended that if one such lease was to be reoffered, it include a lease notice identifying the need for soundscape analysis in relation to the nearby park. Stiles Report pp. 6, 25-27.

The BLM acknowledges its authority and obligation to provide enjoyable recreation experiences for a variety of public lands users, including the multitude of Americans who visit the public lands for human-powered recreation activities and seek out natural sights and sounds. SPreAD-GIS provides the agency with a tool to analyze and manage natural soundscapes on the public lands, and to protect and enhance opportunities for primitive recreation.

Recommendations: The Rio Puerco Field Office should utilize the multiple resources we have provided to include soundscape analysis and management in the RMP, including acknowledging this part of management for backcountry recreation and lands with wilderness characteristics. We also recommend BLM pilot a soundscape strategy in the Petaca Pinta ERMA, which is a prime candidate because it is a manageable size and important to recreation users seeking a wilderness experience, and we have already completed some acoustic modeling in the area. BLM should commit to commencing this pilot project and, as results are analyzed, expand to management of other recreation management areas in the field office.

XI. CLARIFICATION OF CO-MANAGEMENT WITH ACOMA PUEBLO

When driving toward the Petaca Pinta WSA, the public passes through line managed by the Acoma Pueblo and then the road seems to enter public land. At this point, a sign states: "You are entering land managed by the Pueblo of Acoma and the Bureau of Land Management. Please remain on existing roads and close all gates." *See*, attached photo of sign (Attachment 5 to these comments, incorporated by reference). We have reviewed the RMP and did not see any discussion of joint management areas in the Field Office or how those lands are being managed. We are concerned that the public will not understand the management of these lands or how to comply with the agreed-upon management.

Recommendations: BLM should specifically address this area in the RMP to explain the agreement reached with the Pueblo of Acoma and the management goals. BLM should also provide further detail in signage to ensure the public understands and complies with the intended management of the area.

Recommendations: BLM should make the MOU or other agreement available to the public, explain the management in this RMP, and also clarify the meaning of this arrangement in notice to the public to ensure compliance.

[26] Available at: http://www.doi.gov/documents/BLM_Utah77LeaseParcelReport.pdf

Thank you for considering these comments. We look forward to seeing them addressed in the Proposed RMP and continuing to participate in this planning process.

Sincerely,

The Wilderness Society
Nada Culver, Senior Counsel
BLM Action Center
1660 Wynkoop Street, #850
Denver, CO 80202
303-650-5818 Ext. 117
nada_culver@tws.org

Michael Casaus
New Mexico State Director

New Mexico Wilderness Alliance
Judy Calman, Staff Attorney
142 Truman St. NE #B-1
Albuquerque, NM 87108

WildEarth Guardians
Bryan Bird, Wild Places Program Director
312 Montezuma
Santa Fe, NM 87501

Rio Grande Chapter of the Sierra Club
Norma McCallan, Vice Chair
1807 2nd Street, Suite 45
Santa Fe, NM 87505

Oscar Simpson
New Mexico Sportsmen - Chair
Back Country Horsemen of New Mexico - Public Lands Chair
3320 12TH ST NW
Albuquerque, New Mexico 87107

New Mexico ConservAmerica
Bill Wiley, President
2005 Quail Run Road
Albuquerque, NM 87122

List of Attachments:

1. Photos of special values in Rio Puerco Field Office – on CD
2. *Designating Wildlife Corridors on the Public Lands: Protection through BLM's Land Use Planning Process*, The Wilderness Society (2012).
3. Map showing Lands of Conservation Value in the Rio Puerco Field Office and adjacent lands managed by the Cibola National Forest
4. Soundscapes write-up and Petaca Pinta analysis
5. Photo of sign regarding management by Pueblo of Acoma and BLM.