



November 5, 2024

Bureau of Land Management  
Carlsbad Field Office  
620 E Greene St.  
Carlsbad, NM 88220

*Submitted via eplanning:*

<https://eplanning.blm.gov/eplanning-ui/project/2034581/510>

**Re: Scoping Comments; Q3 2025 Competitive Oil and Gas Lease Sale – BLM Carlsbad Field Office; DOI-BLM-NM-Po20-2024-1408-EA**

Dear Bureau of Land Management:

New Mexico Wilderness Alliance (New Mexico Wild) is a nonprofit organization dedicated to the protection, restoration, and continued enjoyment of New Mexico's wildlands and wilderness areas, with thousands of members across the state. We appreciate this opportunity to provide scoping comments on the Q3 2025 Competitive Oil and Gas Lease Sale proposed by the Carlsbad Field Office of the Bureau of Land Management (BLM). These comments are timely submitted by November 6, 2024.

As raised during previous lease sales, we strongly oppose BLM's nomination of parcels in areas that have pending nominations for designation as Areas of Critical Environmental Concern (ACECs) or in areas that merit administrative designation for the protection of important resource values. Two of the seventeen parcels included on the BLM's July 2025 Oil and Gas Preliminary Parcel List for New Mexico overlap with one or more pending ACEC nominations, and one of the parcels appears to be located within Avalon Reservoir (Lake Avalon) on the Pecos River. We strongly urge BLM to defer these parcels.

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

Two of the parcels included on the BLM's July 2025 Oil and Gas Preliminary Parcel List for New Mexico conflict with pending ACEC nominations described in the 2018 Draft

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## Resource Management Plan and Environmental Impact Statement for the Carlsbad Field Office (Draft Carlsbad RMP/EIS).<sup>1</sup>

### A. Parcel NM-2025-07-0488 overlaps with proposed Seven Rivers Hill ACEC.

Parcel NM-2025-07-0488 overlaps with part of the Seven Rivers Hill proposed ACEC. As reflected in the Draft Carlsbad RMP/EIS, this 1,027-acre ACEC was nominated by the BLM, and the BLM found that the area met the Relevance and Importance criteria for the following values: scenic values (extraordinary gypsum rills), fish or wildlife (bats), natural systems or processes (karst resources), special status plants (rare, endemic, and threatened gypsum specialists), soils (cryptogamic crusts), and natural hazards (undeveloped caves).<sup>2</sup>

Regarding fish and wildlife, the Seven Rivers Hill area encompasses five caves with known bat roosts, including an established population of over 30,000 cave myotis bats at Billy the Kid Cave, which is the largest known bat roost in the Carlsbad planning area.<sup>3</sup>

Regarding karst resources, the Draft Carlsbad RMP/EIS states as follows:

This area is known to have the densest collection of large dramatic sinkholes in the planning area. The size and depth of these sinkholes indicate the collapse of large cave passages. The caves in the area play a critical role in the recharging of local groundwater. Contaminates entering caves and karst features in the area can quickly find their way to fresh water. This area includes Seven Rivers Sinks, Adobe Cave, Billy the Kid Cave, Little Outlaw Cave, and Rusty Hinge Cave.<sup>4</sup>

Three of the four action alternatives in the Draft Carlsbad RMP/EIS would designate the Seven Rivers Hill area as an ACEC, and all alternatives would place constraints on leasing in the area.<sup>5</sup> The overlap of the proposed parcel and the nominated ACEC is shown on Figure 1 below.

<sup>1</sup> Dep't of Interior, BLM Carlsbad Field Office, Pecos District, N.M., Draft Resource Management Plan and Environmental Impact Statement (Aug. 2018), available at <https://eplanning.blm.gov/eplanning-ui/project/64444/570> [hereinafter Draft Carlsbad RMP/EIS].

<sup>2</sup> Draft Carlsbad RMP/EIS, Vol. II, at pp. K-48 to K-50.

<sup>3</sup> *Id.* at p. K-48.

<sup>4</sup> *Id.*

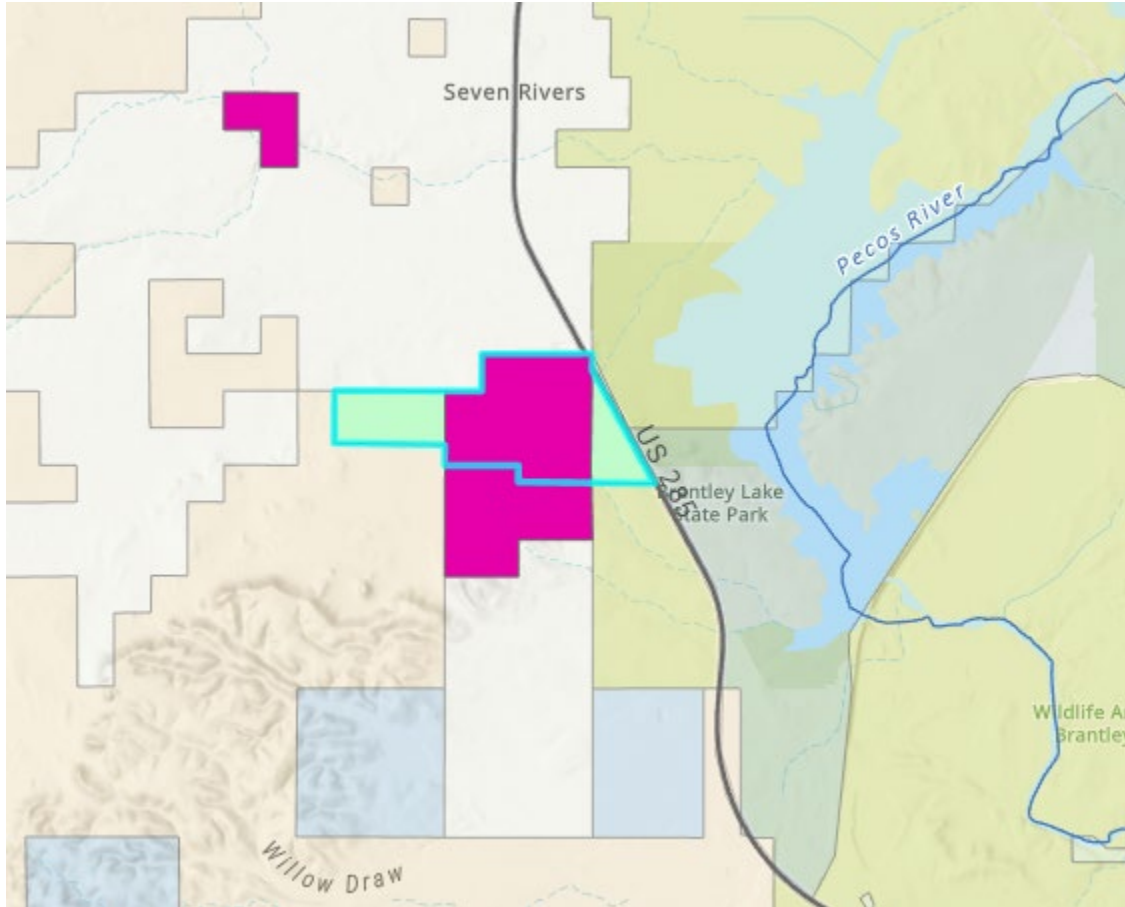
<sup>5</sup> Draft Carlsbad RMP/EIS, Vol. I, at p. 2-71; Vol. II, at pp. C-4 to C-6 (stipulations for cave, karst, and bats).

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**Figure 1:** Parcel NM-2025-07-0488 (pink) overlapping with BLM-proposed Seven Rivers Hill ACEC (outlined in turquoise).



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B. Parcel NM-2025-07-0490 overlaps with proposed Laguna Plata ACEC and proposed Salt Playas ACEC.

Parcel NM-2025-07-0490 overlaps with parts of the proposed Laguna Plata ACEC and part of the proposed Salt Playas ACEC. As reflected in the Draft Carlsbad RMP/EIS, the 4,496-acre Laguna Plata ACEC was nominated by the BLM, and the BLM found that the area met the Relevance and Importance criteria for cultural value and fish or wildlife resources.<sup>6</sup>

The Draft Carlsbad RMP/EIS describes the cultural values of the area as follows:

The nominated ACEC contains a complex of many sites with surface and subsurface cultural materials. This demonstrates that the area was used repeatedly over a lengthy time period. The nominated ACEC is located in a diverse environmental setting or landscape that is significant in understanding cultural adaptations and changes through time. The area is still essentially undisturbed despite some salt mining on the playa bottom and Mississippi Chemical Corporation's use of Laguna Plata for emergency brine water disposal. Historically, playas attracted Native Americans during wet periods, as evidenced by the large number of sites surrounding the salt playas. Shells from freshwater clams, brought from the nearby Pecos River, have been found on the edges of the playas. Salt playas were also prime hunting sites due to the freshwater springs found along the edges. Fish from the springs may also have served as a food source. The Laguna Plata Archaeological District is listed on the National Register of Historic Places.

Regarding wildlife resources,

The nominated ACEC contains known nesting habitat for the western snowy plover (*Charadrius alexandrinus nivosus*). The western snowy plover is a small, sparrow-sized shorebird in the family Charadriidae. The species breeds on the Pacific Coast from southern Washington to southern Baja California, Mexico, and in interior areas of Oregon, California, Nevada, New Mexico, and several other western states. The western snowy plover is regarded as a Species of Greatest Conservation Need for the state of New Mexico. In The U.S. Shorebird Conservation Plan, it receives a maximum vulnerability score due to its small population size. In New Mexico, snowy

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<sup>6</sup> Draft Carlsbad RMP/EIS, Vol. II, at pp. K-30 to K-31.



plovers breed on barren or sparsely vegetated ground, usually on alkali lake flats. The alkali lake flats found within the planning area provide wintering habitat for the species.<sup>7</sup>

Two action alternatives in the Draft Carlsbad RMP/EIS would designate Laguna Plata as an ACEC, and all action alternatives would place constraints on leasing in the area.<sup>8</sup>

The larger 49,722-acre Salt Playas ACEC was nominated by New Mexico Wild.<sup>9</sup> Like the Laguna Plata area nominated by BLM, BLM found that the Salt Playas area met the Relevance and Importance criteria for cultural value and for fish or wildlife resources.<sup>10</sup>

The Salt Playas ACEC would protect a group of Carlsbad's salt lakes, which serve as essential stops for migratory shore birds and as water recharge areas that accumulate rain and snow. Most of the salt playas contain water year-round, and many have a spring system associated with them. These salt playas provide a type of habitat that is very limited but vital to the overall biodiversity in southeast New Mexico, and the list of shorebirds that use them in the Carlsbad area may be unequalled by any other site in the state. The salt playas also have significant archeological and historical value. Unfortunately, people often use these areas for waste disposal.

One of the four action alternatives in the Draft Carlsbad RMP/EIS would designate the Salt Playas area as an ACEC, and all four action alternatives would place constraints on leasing in the area.<sup>11</sup>

The overlap of the proposed parcel and the nominated Laguna Plata and Salt Playas ACECs is shown in Figure 2 below.

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<sup>7</sup> *Id.* at p. K-30.

<sup>8</sup> Draft Carlsbad RMP/EIS, Vol. I, p. 2-66.

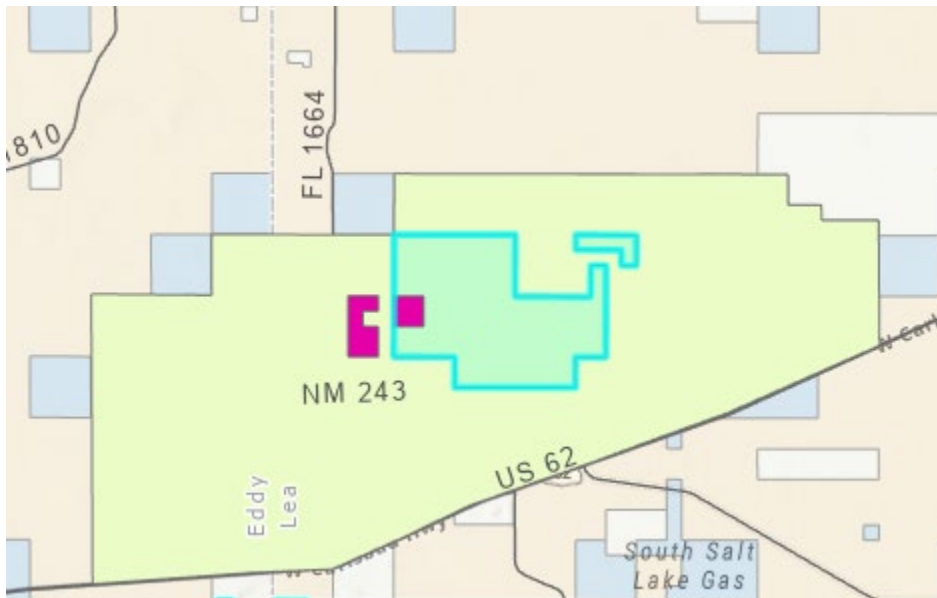
<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at pp. K-43 to K-44.

<sup>11</sup> Draft Carlsbad RMP/EIS, Vol. I, p. 2-69.



**Figure 2:** Parcel NM-2025-07-0490 (pink) overlapping with BLM-proposed Laguna Plata ACEC (outlined in turquoise) and New Mexico Wild-proposed Salt Playas ACEC (green).



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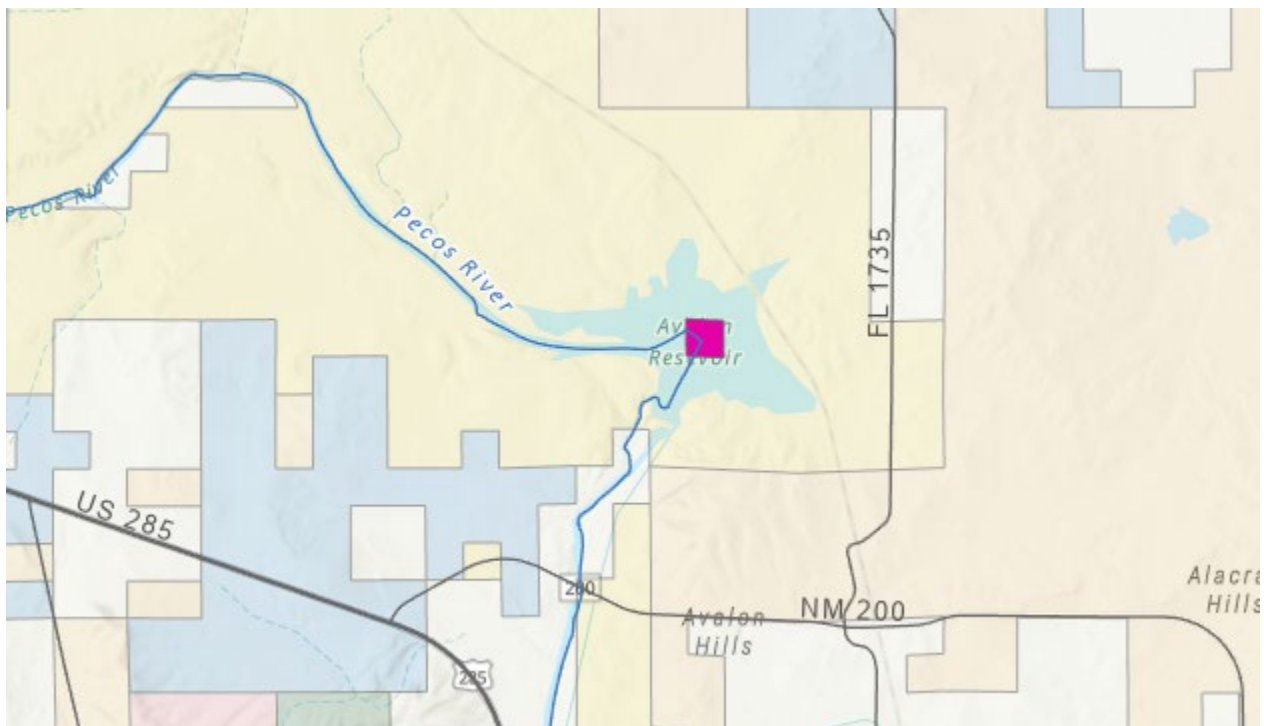
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## II. Parcel NM-2025-07-6852 Is Located in Avalon Reservoir.

Parcel NM-2025-07-6852 appears to be located in the middle of Avalon Reservoir (Avalon Lake), as shown in Figure 3 below. Avalon Reservoir is located on the Pecos River just three miles north of Carlsbad, New Mexico, and is used for irrigation and recreation.<sup>12</sup> Although the standard lease stipulations set forth in the Draft Carlsbad RMP/EIS provide some protections for aquatic areas, including lakes and reservoirs,<sup>13</sup> the BLM should defer leasing of this parcel to protect southeast New Mexico's extremely limited freshwater resources.

**Figure 3:** Parcel NM-2025-07-6852 (pink) overlapping with Avalon Reservoir



<sup>12</sup> Bureau of Reclamation, Avalon Reservoir, <https://www.recreation.gov/camping/gateways/87>

<sup>13</sup> Draft Carlsbad RMP/EIS, at p. C-3 (see stipulation C-4).



### III. Conclusion and Recommendations

The BLM should not proceed with preliminary lease parcels that are located within proposed ACECs or within surface waters of New Mexico. Over the years, sensitive resources, including areas nominated for ACEC designation and freshwater resources, have been impacted by increasing oil and gas development in the Permian Basin.

Regarding the parcels within nominated ACECs, the Federal Land Policy and Management Act (FLPMA) defines ACECs as places where “special management attention is required to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards.”<sup>14</sup> FLPMA expressly mandates that BLM give priority to the designation and protection of ACECs.<sup>15</sup> The Conservation and Landscape Health Rule builds on this requirement and centers ACECs as the principal administrative designation of the BLM.<sup>16</sup>

New Mexico Wild has made many requests for BLM to use its authority under the previous version of BLM Manual 1613 to use interim management to treat the nominated ACECs as if they had already been designated to preserve the relevant and important values contained in each.<sup>17</sup> Chapter 9 of the updated ACEC Manual 1613 describes a clear course of action for ACECs that meet the relevance and importance criteria and require special management:

When the BLM conducts an evaluation and finds that all three ACEC designation criteria are met, the BLM must either initiate a planning process or provide temporary management to protect the relevant and important values from irreparable damage in conformance with the approved RMP and consistent with applicable law, including NEPA.<sup>18</sup>

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<sup>14</sup> 43 U.S.C. § 1702.

<sup>15</sup> 43 U.S.C. § 1711(a); § 1712(c)(3).

<sup>16</sup> Dep’t of Interior, BLM, Conservation and Landscape Health, Final Rule, 89 FR 40308 (May 9, 2024)

<sup>17</sup> See U.S. Dep’t of Interior, BLM, Manual MS 1613 - Areas of Critical Environmental Concern (08/07/2024), available at [https://www.blm.gov/sites/default/files/docs/2024-08/MS-1613%20rel.%201-1832\\_0.pdf](https://www.blm.gov/sites/default/files/docs/2024-08/MS-1613%20rel.%201-1832_0.pdf); see also Dep’t of Interior, BLM, Manual 1613 - Areas of Critical Environmental Concern (9/29/1988), available at [https://www.ntc.blm.gov/krc/system/files?file=legacy/uploads/5657/5\\_1613\\_ACEC\\_Manual%201988.pdf](https://www.ntc.blm.gov/krc/system/files?file=legacy/uploads/5657/5_1613_ACEC_Manual%201988.pdf) (previous version, last visited November 4, 2024).

<sup>18</sup> Manual MS 1613 - Areas of Critical Environmental Concern (2024).





Moreover, for RMP revisions that are delayed, the updated ACEC Manual explains as follows: “The BLM has the discretion to apply temporary management in situations in which the resources management planning process is experiencing unusual or significant delays.”<sup>19</sup>

The BLM’s obligation under FLPMA to “give priority to the designation and protection of areas of critical environmental concern”<sup>20</sup> dictates that the BLM defer the proposed lease sale parcels within proposed ACECs. The fact that the ACECs are under consideration for designation in the draft Carlsbad RMP shows that BLM has found these areas meet the relevance and importance criteria for ACEC designation and contain important public lands resources that would benefit from special management. Authorizing the lease sale of these parcels precludes BLM’s ability to fully consider the designation of these ACECs and risks a future determination that oil and gas impacts have eliminated their relevant and important values.

We request that BLM defer proposed lease sale parcels NM-2025-07-0488, NM-2025-07-0490, and NM-2025-07-6852, for the reasons described above. In the future the BLM should avoid proposing lease sales in areas with high conservation value that are under existing or potential administrative protection. We cannot afford to continue degrading existing designated and protected areas, or undeveloped lands and habitats meriting additional protection.

Sincerely,

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<sup>19</sup> *Id.* at Part 9.3, Temporary Management. (citing 43 C.F.R. § 1610.7-2(i)).

<sup>20</sup> 43 U.S.C. § 1712(c)(3).