

# FINAL REPORT

## CARLSBAD RESOURCE MANAGEMENT PLAN COMMUNITY ROUNDTABLES

REPORT PREPARED BY: KEYSTONE POLICY CENTER  
AUGUST 2018

1628 Saints John Road, Keystone, CO 80435

## Executive Summary

### Purpose of this report

This report is a summary of discussions from two community roundtables that were designed to enable community members and stakeholders to share perspectives, challenges and opportunities regarding land management in the context of the Bureau of Land Management's (BLM) Carlsbad Resource Management Plan (RMP). This report does not represent consensus recommendations to the BLM, nor is it or the meetings it summarizes part of BLM's formal public engagement process. The report is comprised of points of view raised by individual community members and stakeholders in attendance, who may or may not be formal experts in the fields being discussed. The report is provided as a reference to the BLM, community members and stakeholders to use, as each desires, during the upcoming period of public comment and associated deliberations on the RMP.

### About the report author: Keystone Policy Center

This report was prepared by Keystone Policy Center (Keystone), a non-profit, non-advocacy organization founded in 1975 to drive actionable, shared solutions to contentious agriculture, environment, energy, education, and public health issues. Keystone is recognized by public, private, and civic-sector leaders throughout the United States for independent, collaborative problem-solving approaches that offer a proven blueprint for progress and collective impact. Keystone is funded by a diverse range of organizations representing the private, nonprofit, and government sectors. For an overview of Keystone's funding please reference its annual reports (<https://www.keystone.org/resources/>). Funding for these roundtables was received from the Theodore Roosevelt Conservation Partnership. In all of its work, Keystone operates under a statement of independence (<https://www.keystone.org/about/>).

### Community Roundtable Discussion Themes

The following major discussion themes emerged during the two community meetings. More detailed synthesis of perspectives and discussions shared at the roundtables is provided in the subsequent sections of this report. These discussions were brief, exploratory, preliminary to the release of the RMP, and comprised of participants representing a diversity of sectors rather than a statistical sampling of community perspectives; there was not an attempt to reach consensus nor to identify a majority point of view.

- Participants recognized the important role of oil and gas as the main economic driver of the region.
- Participants discussed resources and multiple uses for BLM land in the region, including energy and minerals, agriculture, sensitive/unique ecosystems, and recreation. They also discussed general concerns such as policy enforcement, site reclamation, and other issues that affect the land's resources but are not directly addressed by an RMP.
- Varying views were shared on the management of oil and gas with respect to other resources and uses through the RMP, with some preferring additional protections for other uses and others emphasizing existing protections and a desire not to inhibit oil and gas as a key economic driver for state and local economies.
  - a. Some participants emphasized concerns regarding the pace and scale of oil and gas development and its impact on other interrelating uses and economies such as ranching, wildlife, and recreation, paired with concerns about the ability of BLM to monitor and enforce existing rules and regulations for reclamation and otherwise. These participants tended to favor additional protections for certain resources and support for multiple uses on public lands.
  - b. Others emphasized the economic importance of keeping areas open to energy leasing for large and smaller operators, utilizing existing rules and regulations (e.g., the Surface

Owners' Protection Act) to address other resource use and reclamation concerns rather than creating new rules, legislation or restrictions, and offering mechanisms to expedite permitting processes. These participants tended to favor fewer restrictions and management stipulations in the RMP and noted that robust protections are already in place. These participants also emphasized the importance of oil and gas for the local and state economy and the importance of not inhibiting this economic driver.

- c. The group also discussed how these two points of view are not necessarily exclusive, and it discussed a range of regulatory and technological solutions to concerns that were raised.
  - General interest was expressed in ensuring local input into the RMP once the draft is published.
  - There was discussion of further opportunities for stakeholders to work together on these topics, both as part of and separate from the RMP development process.
  - Participants expressed an eagerness to see the draft RMP to enable them to react further, including interest in the meetings the BLM will hold once a draft is released.

## **Process overview**

### ***Organizers and Participants***

The community roundtables were convened by Eddy County Commissioner Susan Crockett and Lea County Commissioner Ron Black. Theodore Roosevelt Conservation Partnership (TRCP) served as a host, providing refreshments and funding support for the meetings. The conveners and TRCP invited Keystone to facilitate the meetings as an independent third party. Keystone provided facilitation, planning and documentation support for the meetings and worked with the conveners and host to design the meetings. Invited participants were identified among leaders who represented the following subset of local interests: oil and gas; agriculture; recreation; local, state, and federal government; conservation and environment; religious leaders; and the local business community. Participants who attended each meeting were invited to share and engage in discussion on perspectives that pertained to land management and the Carlsbad RMP.

### ***Roundtable #1 (May 22, 2018): Identifying Issues***

This roundtable sought to create a common understanding of the RMP process, a common understanding of interests and issues, and a common set of maps and data. The meeting

- Introduced the management planning process, the BLM's timeline and decision process, key elements of the Draft RMP and EIS, and how stakeholders could inform the final decision.
- Engaged participants in sharing their interests and concerns related to the RMP.
- Invited participants to compile and work from a common set of data (maps and otherwise) regarding the attributes of the RMP area.
- Began to identify where interests align and diverge and how this could impact stakeholder recommendations for the management plan.

### ***Interim Assignment: Management Suggestions***

Between the two meetings, participants were asked to submit written responses on specific geographies within the Carlsbad Field Office that hold special interest for them. For each location, they were asked to identify and prioritize management suggestions for specific resource interests. They were also asked to supply any data, maps or documentation they might have to illustrate their suggestions. Keystone compiled these responses to structure and inform the second roundtable meeting.

### ***Roundtable #2 (July 31, 2018): Discussing Management Recommendations***

Using the responses received from the interim assignment, the roundtable

- Discussed participant feedback on locations and resources of interest, and these interests could be addressed through the RMP.
- Identified the range of perspectives on these management suggestions and resource interests

### **Ground Rules**

The following ground rules were observed at each of the two roundtable meetings.

1. This process is by invitation only.
2. The scope of discussions is the Carlsbad Resource Management Plan (RMP).
3. Discussions are not for attribution; all participants will use discretion in characterizing meeting discussions.
4. This independently convened stakeholder process is separate from the Bureau of Land Management's (BLM) formal scoping process; the community roundtable is not a Federal Advisory Committee.
5. Participants in the process should participate actively and in good faith:
  - Be respectful of differing points of view
  - Be mindful of the presence of multiple backgrounds
  - Be fair in use of discussion time
  - Maintain focus on the issues and objectives
  - Take ownership in and be open to outcomes

### **Supporting materials**

The following provide more-in depth documentation of the viewpoints and discussions that are summarized briefly above.

1) Roundtable 1 summary	Page 4
2) Interim assignment compilation for Roundtable 2	Page 13
3) Roundtable 2 summary	Page 24
4) Maps	Page 31

## Roundtable 1 Summary

**Carlsbad Resource Management Plan Community Roundtables**  
**Meeting #1: May 22, 2018**  
**9 AM to 2 PM**

**Eddy County Fire Services, 1400 Commerce Drive, Carlsbad, NM**  
**Conference Room 1**

**Co-convened by Eddy County Commissioner Susan Crockett**  
**and Lea County Commissioner Ron Black**

### SUMMARY

#### Participants

*See Appendix A for a full list.*

#### Next steps and action items

- The next meeting of the Carlsbad RMP Community Roundtable will explore location-specific issues more in depth. To enable this discussion, roundtable participants should each complete a copy of the “homework” assigned for this meeting, which asks for specific locations and resources that the group should address, returning completed copies to Jonathan Geurts ([jgeurts@keystone.org](mailto:jgeurts@keystone.org)).
- Roundtable participants can access an online map of the area at the following link: <https://arcg.is/0LjK5T>. You can click layers on and off in the ‘contents’ section on the left-hand toolbar. This is intended as a resource for everyone to see and share various information about lands within the RMP. There looks to be functionality for everyone to add their own shapefiles but we haven’t fully tested that yet. You can also submit map data (in any file type - ArcGIS (shapefiles), Google Maps, etc.) to Joelle Marier ([joelle@nmwild.org](mailto:joelle@nmwild.org)).
- For the next event, the conveners, hosts and facilitators will work to address suggestions around additional representation from the oil and gas industry.

#### Notes

##### ***Welcome and Introductions***

Eddy County Commissioner Susan Crockett opened the meeting and welcomed the community members to speak openly about the BLM RMP (Bureau of Land Management Resource Management Plan). This meeting is not a part of the official NEPA (National Environmental Policy Act) public engagement process.

Lea County Commissioner Ron Black welcomed the participants. He mentioned that oil is the giant in the room, bolstering the economy, which spurs social good. The BLM land is central to these goods, as well as ranching and recreation.

John Cornell (Theodore Roosevelt Conservation Partnership) welcomed everyone as the host of the roundtable. He reminded the group that public lands are for multiple uses.

Julie Shapiro (Keystone Policy Center) introduced herself and Jonathan Geurts, the facilitators for the roundtables, and emphasized Keystone Policy Center's nonprofit status and nonpartisan, non-advocacy role in facilitating the meeting. She reviewed the objectives, agenda, and ground rules of the meeting, indicating that it had become a publicly noticed meeting due to the interest shown by elected officials.

The roundtable participants engaged in a round of introductions.

***Update on Resource Management Plan process***

Jim Stovall and Ty Allen (Carlsbad BLM) described the purpose of a Resource Management Plan, which is written up ideally on a 20-year cycle (current RMP is 30 years old) with input from the public to inform how the BLM manages the resources within the scope of a field office for their many uses. The Carlsbad Field Office manages a diverse array of landscapes. Unique in this district is the amount of contiguous land. The current plan was finalized in 1988, was amended in 1997 to address oil and gas development and again in the early 2000s to address the threatened species listing of the lesser prairie chicken and sand dune lizard.

To begin development of the current RMP, the Carlsbad Field Office published a notice in the Federal Register in 2010. The drafting team then identified gaps and research needs to improve the 1988 RMP and identified cooperating agencies. A reasonable foreseeable development plan was developed with New Mexico Tech, which assessed the probability of oil and gas development to spread. This February, a draft RMP was sent to the state and national BLM offices for review, after which it will be available online for public review. Paper copies will be available in major towns within the district. This draft plan will include several management alternatives that aim to balance the multiple uses within the area in different ways.

The publication of the report will initiate a 90-day public comment period, which will include a series of public meetings. Spoken comments will be taken at the meetings, and written comments will be received online and by mail. It would help most for the development of the RMP if comments are constructive and submitted within the 90-day timeframe. Ty emphasized that comments from the roundtable meeting would not be considered formal comments for the purposes of RMP development. After the comments have been responded to, the final RMP will be published, and an implementation team will consider how best to carry out the plan. April 2019 is the current estimate for finalization of the plan and initiation of implementation.

Participants asked questions of Ty, to which he responded as follows.

- Areas with formal status designations, such as Areas of Critical Environmental Concern, are each backed up by site-specific management strategies, which vary from site to site and can also apply to areas not within a formal designation.
- Interim plan maintenance is scheduled every five years within the lifecycle of an RMP. As issues come up that need to be resolved, an EIS (Environmental Impact Statement) or an amendment can be added to the RMP as needed.
- Along with the announcement of this RMP the BLM asked groups to submit requests for special designations. A diverse set of groups responded with their interests at this early stage.
- Should another federal agency have jurisdiction of an action that falls within the scope of this RMP, the BLM will work with them to ensure compliance.
- The pace of permitting is affected by other factors than the RMP, which will determine how we manage lands within the district.
- The Carlsbad Field Office will try to conduct outreach to populations affected by the plan area, including those not in the immediate Carlsbad area.

***Sharing and discussion of community interests, concerns, and initial ideas related to the RMP***

Julie introduced a community brainstorm activity, in which group members and observers were invited to identify one or two key issues that are the most important to them related to the scope of the RMP. These issues were then grouped into high-level categories, which then structured the following session.



The high-level categories of issues included the following.

1. Economic and community development
2. BLM Permitting process
3. Multiple Use
4. Recreation
5. Grazing
6. Restoration and reclamation
7. Preservation and conservation
8. Enforcement and accountability

For each high-level category, Julie read off the submitted comments then requested participants to speak for up to three minutes to build on the ideas. Each participant was allowed one speaking opportunity during this session. After each of the categories had been addressed, the floor was opened to further discussion, permitting participants to speak again and respond to the conversation. Lastly, meeting observers were invited to comment.

A summary of the oral responses is provided below.

*(Note: Each paragraph below denotes a new speaker, who was given three minutes to offer a comment. Each comment reflects the views of the individual speaker only. Section headers are high-level categories of issues identified by the group previously in the community brainstorm session. Each participant chose which category during which he/she offered comments, even if the participant's comments extended beyond that particular category.)*

### **1. Economic and community development**

In 1928 we had two trees in Hobbs, and both were planted. Everything that happens in Hobbs must be intentional, including how we develop and maintain our resources. We need businesses that will jump through the necessary hoops to keep the community intact as well as bring jobs.

We have National Parks here that have a use. There is a tendency to try to turn BLM land into national park, which encroaches on what the agency purpose is. You have ranching, mining, and oil and gas, as well as hunting and fishing uses. BLM was designated for a purpose, and it isn't the same as a national park.

I want to protect oil and gas, as well as farming and ranching uses, making sure that it stays beautiful for hunting and hiking. Oil and gas is how these communities survive.

There are relationships between land uses and transportation. A number of state and US highways are the primary roads that access the oil and gas fields. I want to make sure some consideration is made to engage NMDOT (New Mexico Department of Transportation) with land planning, so highways can be made to match this use.

### **2. Permitting Process**

We live in a state with a dwindling population and a budget that has been cyclically impacted by oil and gas. The resources we have belong to everyone and are vitally important to the nation. Whether WIPP (Waste Isolation Pilot Plant), oil and gas, tourism, or sportsmen, we must have a thriving economic base. Because we have so much land controlled by federal gov't, the time consumed by permitting new facilities has been detrimental to our economy. We need to become competitive with neighboring

states and other oil and gas areas. The federal government is slowing down economic prosperity in New Mexico. Nothing solves our problems better than consistent, higher paying jobs.

I have made several trips to neighboring areas to ask what they need. The answer we get is that they need help with the BLM - the national office - which hasn't had experience with oil and gas in New Mexico. We need to streamline the environmental process to make it easier to get through.

The permitting process is one of the main concerns we hear on our side. We see some improvement in speed, and reclamation is part of the permitting process, which has some other issues. Texas companies are used to dealing with private landowners, and they are surprised at what is required by the federal government.

The permitting process is one thing, but when you go through an EIS (Environmental Impact Statement) process, it takes forever. When a business wants to come in, for example a potash mine, by the time they have finished the process it is three years later.

### **3. Multiple Use**

BLM is a multiple use agency. By law, they are also required to manage for outdoor recreation, watershed qualities, and archaeology, all of which are ancillary to the permitting process. Each time the EA (Environmental Assessment) or EIS must fold in all these potential impacts. Given the limited number of people in the Carlsbad Field Office, it takes time to process the thousands of applications that come in each year. An EIS can streamline the process somewhat by lumping a lot of actions under one umbrella. Locally, there have been impacts to our local community, for example hotel rates too high to encourage tourism. Any plan must have a balance between all the multiple uses.

### **4. Recreation**

*Participants declined to speak during this specific topic category; however, there are comments related to recreation in subsequent sections.*

### **5. Ranching/Grazing**

I have seen this district change significantly. Sportsmen rely on public ranchers. Wildlife in Southern NM depends on water. With grazing being encroached upon, we are losing pasturelands, including the motivation to run water for cattle. Water systems are endangered. I would like the BLM to maintain water systems for wildlife. Also, given all the permitting for different structures, where is the enforcement? I haven't seen a BLM law enforcement officer in my whole life.

### **6. Restoration/Reclamation**

FLPMA (Federal Land Policy and Management Act) states that the major uses of BLM land include and are limited to domestic livestock, fish and wildlife, mineral exploration, rights of way, outdoor recreation, and timber production. Except for the last, we have all of these in Lea and Eddy Counties. If we divided this land by these five uses, the uses would not currently be evenly divided. I support oil and gas but not faster paced permitting. The handbook requires reclamation and restoration after use. This is not happening, not only on BLM but also on state land. Contamination is entering the cave and karst landscape, as well. All of these things affect tourism and other uses. A simple principle that would help is to require restoring a well to permit a new one.

This goes to the cumulative effect of the oil and gas development. In areas, the well pads, pipelines, and other infrastructure is not restored. The loss of wildlife habitat makes it less effective as multiple use land. At their most dense, oil wells eliminate whole geographical areas from other uses. There might be a happy medium.



There is a lot out there that has not been reclaimed. In this new RMP, it would be great to see better enforcement to allow grazers back on old oil pads. It would be good to see wildlife coming back, as well. It would be great to see enforcement of illegal dumping. It is up to us as users of the land to report these things, as well. This land is ours, and we all have a responsibility to it. Fence line awareness and coordination with ranchers on pipeline development would also be helpful.

Any of us who have been on a flight out of Roswell or Hobbs has seen that the grazing land has been affected by 50% or more by oil and gas development. I hope RMP will address reclaiming this land. It takes money, but this land should be restored as close as possible to the way it was before production came. By reclaiming this land, it improves our watershed, which makes water that reaches our rivers and aquifers more usable. Water is a priceless commodity in the arid west.

Carlsbad Soil and Water Conservation District (SWCD) projects included restoring land on BLM land. The contractors basically broke up the caliche and seeded it. You need rain to make that work, which we haven't had. Why in the world does a SWCD have to do this? My guess is that the land was abandoned. Oil and gas needs to have a fund for reclamation like the state has.

Have lived on the oil fields, which boom and bust. We used to have roads around Goldsmith, which have all gone. Most of the time the oil producers will work with the ranchers. My area is southern Lea Co. It is a war zone down there. I've made it a point to take people down there. With all of the traffic it can get actually dangerous. From the air, it is solid development. We thought it was going south to Texas, but it is also coming back north. If there is any way BLM can help, we need to do anything we can to clean up. Ranchers are losing their way of life. We need to keep the companies accountable.

I want to echo reclamation concerns. We have all seen pads that are very old. Oil companies need to be held accountable. We benefit from oil and gas, but they benefit from the land. The companies are trying to buy land, so they don't have to clean it up. Government agencies need to get some teeth.

We are putting all our emphasis on the front end. As we put all these resources to development on the front end, we are neglecting the back end. Former development areas aren't useful for anything, and we are losing it. Let's gauge future development based on reclamation of past development. I am proud of what sportsmen contribute economically in Eddy County, including hundreds of jobs, millions of dollars of revenue. We can lose this sustainable revenue, which was there before the Permian boom and will hopefully be there after, as well. BLM is in the end the agency that needs to hold everyone accountable.

## ***7. Preservation/Conservation***

On first coming here, I was blown away by the extent of the national park resources as well as the oil and gas resources, Chihuahuan desert ecosystem, and lots of hiking opportunities. Clean air, water, and tourism, and lots of wildland. This place is rich. Roadless areas make for excellent wildlife habitat. Lands with wilderness characteristics and areas of critical environmental concern are BLM designations that are based on conserving specific resources. The two national parks are adjacent to BLM lands, which affect the experience of visiting the parks and the ecosystems they protect.

I agree with every comment that has been made. It is about sustainability, maintaining a healthy balance that will help our future. There are enough resources for everybody, but we have to maintain it.

It's a misconception how much funding comes to the state of NM by hunting and trapping. It brings billions of dollars to the state annually. We don't have the wildlife we had 30 years ago, and that has

been largely due to habitat loss. We have had a good relationship with BLM establishing water and habitat for wildlife. The New Mexico Department of Game and Fish functions entirely off of license sales, none from the general funds. We have a lot of conflicting demands, but at the end of the day we have an obligation to the sportsmen of NM to protect our wildlife for future generations. We have to find a happy medium that allows wildlife, cattle, and oil and gas development to coincide.

Even the younger people here have seen often irreversible changes take place in our lifetime. Most of the faith communities, including Pope Francis have made statements on how we are responsible to take the long view on conservation of nature. We need to take the long view, what will take place over the next hundred thousand years.

#### **8. Enforcement and Accountability**

*Participants declined to speak to this category specifically, as it had already been addressed in prior comments.*

#### **9. Open Discussion**

Over half of the acreage in the BLM district are karstic, including connected water and biological systems. Many of these areas have not been studied enough to understand fully what the interactions and connections are between them. Without knowing where the water goes, you cannot do an adequate job of understanding the alternatives in the RMP process. When you are looking at cave systems, it is the springs that wildlife uses. Without knowing where the water goes or what impacts might happen if there is a spill or release, how should we know who to call downstream? When you are dewatering aquifers for fracking, that water then becomes unusable for ranching, wildlife, or anything else.

I periodically get calls from constituents. Time is money for the subcontractor truckers who carry brine, some of which are dumped on the landscape as they drive. It is difficult to track because you have to catch them doing it. There needs to be a number to call to report these things.

We have to change the way we do things if we want a different outcome. The ideas of restoration with expansion ongoing is logical. Holding up transfer of assets until responsibilities are met is good. What the industry needs are clear timelines and expectations. To say they need to be held accountable is one thing, but many of them believe they are working within the rules that have been set. We have to be careful because every industry creates jobs, which are important to establish the tax flow necessary to rebuild. We need to demand restoration.

Every single issue that has been brought up today has already been published. It's enforcement and management that is lacking. "Industry is too large" is a response we get when we try to enforce rules. Regulations and policies are there. The question I have is how can we assist them in protecting our public land?

A lot of the actual central companies do care, but then third-party contractors end up cutting corners. Would be good to see more enforcement on these actors.

Every topic we have addressed today has been published. Nobody enforces them. Let's look at the hub of why we are here, how enforcement is handled in the RMP.

Oil and gas money should be used wisely. It should be set aside in a lockbox, where interest is used to resolve these issues.

Carlsbad is 82% leased to oil and gas, expected lease sale is going to bump up to 85%. \$107million for quiet activities; \$6 billion for outdoor recreation; Guadalupe Mountains National Park generated \$12 million in economic output; Carlsbad Caverns National Park generated \$31 million in economic output. These recreational incomes are sustainable economics.

This area has other issues. Nobody would argue that this place needs reclamation. Our unemployment rate is pretty low; BLM office is fairly empty. In the RMP, there should be economic benefit comparable to the income they generate for local BLM to be able to add resources to their local staffing. More money needs to go into their operation, and the feds should prioritize those areas that need it most.

People are allowed to drill on private land and BLM land. On private land, they will not allow you back if you don't clean up. When you rent a facility for recreation, is there not a deposit? Should oil and gas have something similar, a deposit up front?

The generator of the salt water that is dumped isn't the owner of the lease. The guy who digs the trench for the pipeline isn't the one who reseeds it. Third parties don't have the same responsibility.

Subcontractors who haul water don't have to pay for use, but they should as users of the land.

#### **10. Observer Comments**

Reclamation funds tend to cover 9% of the cost of spills and other accidents, the rest filled by taxpayers. Congress members can advocate on behalf of you to agencies and other actors if you want numbers like these to change.

When oil and gas is put on the land, it can't be used for another use. Why aren't we considering other uses that don't eliminate the opportunities for other uses?

#### ***Presentation on the purpose and content of a BLM RMP***

Ty Allen and Jim Stovall presented on the purpose and use of a Resource Management Plan. RMPs indicate how BLM manages for the future. Many of the concerns that have been expressed do have management solutions targeted at resolving them, though they do need to be prioritized as the workload is large. To be able to meet these needs more fully, the Field Office needs more funding, which is up to Congress. For some resources, BLM has a small role in regulation and management. For example, water quality is managed largely by the State of NM. In some cases, local communities have taken issues into their own hands. For example, one established a \$1,000 reward for information provided on illegal dumping, which has made a difference on the frequency of this violation.

Participants discussed the issues facing BLM with Ty and Jim. Their responses to questions are in second tier bullets.

- How can this group assist BLM in realizing the regulations that exist?
  - o It would help for community members to send us comments on specific issues, for example the real size of drill islands, if you think regulations are not matching up with what is happening on the ground.
- A good RMP requires cool, scientific analysis. Various uses can damage the land for others.
- What do the designations mean (e.g. ACECs (Areas of Critical Environmental Concern), roadless areas)? Do these impose restrictions, such as disallowing grazing?
  - o Each designated area will have a different set of requirements based on the resources it is meant to protect. This fact means that an RMP can become complex and is why we hold public meetings to assist citizens in interpreting its alternatives.

- What is your largest struggle in the Field Office getting the necessary resources to implement the management strategies?
  - o The hiring process is difficult due to the lengthy process and requirements and competition with other job providers in the area.

***End of day reflections, information needs and next steps***

At the close of the meeting, participants were invited to offer reflections on the day, information needs, and next steps. The following individual participant comment were offered:

- A lot of issues we have heard today can't be addressed through the BLM but can be addressed through energy industry and by other means. There could be an opportunity to publicize a citizen watch campaign, for example. NMOGA (New Mexico Oil and Gas Association) can communicate with industry. We don't seem to have the best industry representatives in the room to have a productive conversation in response to concerns heard today.
- Ranching is a big part of what we do, and oil and gas is enormous. We need to hear from oil and gas more at the next meeting.
- Industry may be the problem, and it is potentially a big part of the solution. We need to hear their recommendations.
- A few bad apples make it bad for everyone. We have a mix of competent industry professionals and bad actors. We need to ask oil and gas what their plan is for dealing with them. Also, I want to know what underlies each of the proposed designations, as they can cause a lot of trouble.
- We don't know what the RMP draft will say. We will commit to bring more industry representatives to the next meeting. BLM has confirmed that regulations are there, even though they can't enforce all of them. What BLM did say was they might be ready to engage the public more.
- It's hard to have this discussion again without knowing anything about the alternatives in the RMP.

Joelle Marier (New Mexico Wild) offered to share an online mapping resource for the reference of those in the room. Layers that highlight resources can be added and subtracted from the management area. It is important to note that as this is a NM Wild resource, it contains layers that communicate a NM Wild proposal to the BLM and are not indicative of the draft RMP. Group members are welcome to submit their own layers to add to this resource.

Julie Shapiro summarized the next steps and action items coming out of the meeting, including a homework assignment designed to move the conversation forward at the next meeting. It requests participants to get specific about the locations they are concerned about, the resources the location should support, management suggestions for promoting these resources, and any data or documentation that may add context or detail to the concern. Completed homework should be submitted to Jonathan Geurts (Keystone) by June 5<sup>th</sup>, 2018.

***Adjourn***

**Appendix A – Participant and Observer List**

Participants		Group/Affiliation
Jennifer	Armendariz	Eddy County Emergency Management
Dale	Ballard	Carlsbad Irrigation District
Ron	Black	Lea County Commission
Neal	Christopher	Sportsman/Business Owner
John	Cornell	Theodore Roosevelt Conservation Partnership
Susan	Crockett	Eddy County Commission
Robert	Defer	Carlsbad Chamber of Commerce
Mike	Gallagher	Lea County
James	Goodbar	Caves Specialist, Recreational User
Karla	Hamel	Carlsbad MainStreet
Jon	Henry	Eddy County Commission
Chad	Ingram	CARC, Inc/Washington Ranch
Dean	Jackson	Lea County Commission
Don	Jones	Lea County Commission
Nick	King	Carlsbad Mennonite Church
Kyle	Littrell	XTO Energy
Joelle	Marier	New Mexico Wild
Gordon	Martin	Lincoln National Forest
Robert	McEntyre	New Mexico Oil and Gas Association
Stacey	Mills	Ranching Community
Stella	Davis	Eddy County Commission
Kenney	Rayroux	Eddy County
Jonathan	Sena	Lea County Commission
Wayne	Smith	Ranching Community
Whit	Storey	CEHMM
Jim	Townsend	NM House of Representatives
Josh	Waldrup	NM Department of Game & Fish
James	Walterscheid	Eddy County Commission
John	Waters	Carlsbad Department of Development
Observers		
Ty	Allen	Carlsbad BLM Field Office
Elaine	Allen	Lincoln County Commission
Rory	McMinn	3 Bearfield Services, LLC
Corey	Needham	Lea County
Jim	Stovall	Carlsbad BLM Field Office
Matt	Skroch	Pew Charitable Trusts
John	Switzer	
JW	Todd	Rancher
Beverly	Allen	Senator Tom Udall
Facilitators		
Julie	Shapiro	Keystone Policy Center
Jonathan	Geurts	Keystone Policy Center

## Compilation of Interim Assignment Responses

### Carlsbad RMP Community Roundtables: Management Suggestions Received

Attendees of the first Roundtable and additional identified stakeholders were asked to complete this form to help all participants understand their initial management suggestions. This information will enable the full community roundtable to better discuss the ideas and identify areas of divergence and common ground. ***Please note: Even though all were invited to submit comments, only a few responses were received. These have been compiled below but may not be representative of all voices of the group. Accordingly, the input below will be used as a starting place for the discussion at Roundtable #2 as a way to begin to draw in all participant perspectives.***

#### Respondent #1

Specific Location(s) (be as specific as possible, or note if this is an area-wide concern)	Resource Interests addressed by the management suggestion (e.g., oil and gas development, drinking water, fish and wildlife, recreation, ranching, air quality, noise, etc.)	Level of Priority for the specific resource interest (e.g., high, medium, low)	Management Suggestions (e.g., open, closed, no surface occupancy (NSO), controlled surface use (CSU), best management practices (BMPs), infrastructure, phasing of leases, setbacks, timing, reclamation, etc.)	Data and documentation to support the management suggestion (also include any needed data) What map layers and other data sources are you using in making these management suggestions?
Area wide concern.	Fish and wildlife, ranching and recreation. Oil & gas development.	High	BMPs for restoration & Reclamation. Allocate as many resources for R & R as expediting new APDs. Adequate buffers and NSO for riparian areas and known wildlife corridors. BLM provide adequate resources to vigorously enforce existing rule & regulation for R & R and oil & gas development.	



Area wide concern	Water	High	<p>Water recycling. Who owns the water rights? What will unchecked development mean to domestic water needs, wildlife, agricultural community, other, non-oil &amp; gas, uses and development?</p> <p>New Mexico officials have released an updated state water plan that calls for conserving groundwater and taking other proactive steps to mitigate the effects of severe drought.</p>	
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**Respondent #2**

Lea County	Ranch land	High	Open/continue this land use with best management practices	Need to coordinate with the NM State Land Office on grazing leases
Lea County	Water	High	Work towards protection/conservation of surface and groundwater	Need to coordinate/take into consideration designations from the Office of the State Engineer for land uses and water availability. Also, need to reference regional water plans that are in Eddy and Lea counties
Lea County	Oil and gas	High	This is the largest land use and the one that has the largest overall impact to the local economy. Continue this land use. Need to reduce time to obtain needed permits, need to ensure that proper enforcement is in place. This land use must be able to coexist with other land uses	
Lea County	Potash	High	This land use must be able to coexist with other land uses.	

Lea County	Wildlife	Medium		
Lea County	Recreation	Medium		
Lea County	Reclamation	High	There is a need for reclamation of oil and gas sites and all land uses to have requirements of reclamation to return the land to its use before it was distributed – to restore the land’s ability to support stabile ecosystems	Coordinate with soil and water conservation districts in Lea and Eddy Counties, work with industry, ranchers, and wildlife/range groups

#### Additional Comments

1. Need to have public discussions – town hall meetings in Eddy and Lea counties.
2. Suggest changing the name of plan – the area impacted goes beyond the city limits of Carlsbad. Given the proposed name, members of the public that reside outside of Carlsbad may seem to be not interested—though they should be interested. Many people are probably not aware of this proposed plan.
3. Need to have representation from all land uses at the next meeting.
4. How are local plans being considered?
5. What will be done to have greater enforcement?
6. Need to have presentations at each city and county board meetings to alert public of the proposed plan.
7. When will the proposed plan or a draft of the plan be made available for review and comment? It is difficult to provide comments without a draft plan.

### Respondent #3

#### Specific Location(s)

(be as specific as possible, or note if this is an area-wide concern)

##### **Proposed Birds of Prey Area of Critical Environmental Concern**

340,500 acres of grassland habitat on BLM lands north of the Guadalupe District of the Lincoln National Forest in Eddy County (and Chavez?) (see online map layer).

#### Resource Interests addressed by the management suggestion

(e.g., oil and gas development, drinking water, fish and wildlife, recreation, ranching, air quality, noise, etc.)

**Wildlife:** this expansive grassland habitat harbors diverse birds of prey – an apex predator in the current ecosystem. Twenty-four species of birds of prey, including the endangered Aplomado falcon, as well as several sensitive grassland bird species are known to rely upon this important habitat. These grasslands also provide connectivity with nearby National Forest lands, the Guadalupe Mountains, the Sacramento Mountains, White Sands Missile Range, and Otero Mesa.

**Ranching:** this grassland habitat is prime for livestock grazing. If done sustainably, both cattle and wildlife can flourish here.

**Recreation:** excellent area for hunting large and small game as well as game birds. Also provides for great birdwatching, sightseeing, hiking and biking.

**Air Quality:** air quality in Eddy County has shown an overall downward trend in the past decade. Air quality impacts flora and fauna as well as the many human uses of this landscape.

**Noise:** noise pollution can disrupt wildlife behavior and productivity

#### Level of Priority for the specific resource interest

(e.g., high, medium, low)

**HIGH** – industrial development of this area would destroy wildlife and grazing habitat, as well as reduce connectivity of key habitats in southeast and southcentral New Mexico.

#### Management Suggestions

(e.g., open, closed, no surface occupancy (NSO), controlled surface use (CSU), best management practices (BMPs), infrastructure, phasing of leases, setbacks, timing, reclamation, etc.)

- Designation as Area of Critical Environmental Concern to ensure wildlife habitat is at the forefront of the decision-making process.
- Provide temporary management as a potential ACEC until Resource Management Plan revision is complete.
- Allow all current leases within the ACEC to expire without the possibility of renewal
- Do not allow any new leases to be granted within the ACEC
- Make a reasonable effort to eliminate any current leases within the ACEC through trades and exchanges
- Within the ACEC, use best management practices, including lease stipulations, air quality testing, and active dust control to ensure development has the absolute minimal impact
- Eliminate grazing from riparian areas and natural springs
- Reclaim abandoned roads and well pads, remove unnecessary pipes and other infrastructure, and conduct restoration as necessary to create suitable habitat for native species
- Reintroduce native species as appropriate
- Create a restoration fund for the area
- Conduct a bio-inventory and monitoring work throughout the area
- Re-establish populations of black-tailed prairie dogs within the ACEC and establish no-kill zones at release sites
- Control invasive species
- Conduct archeological and paleontological surveys
- Manage the area as a no-trapping zone
- Conduct nocturnal lagomorph surveys to determine health of the grassland community
- Educate the public and industry about birds of prey, as well as the ACEC's purpose and management prescriptions
- Develop a roadside byway for the area highlighting the short-grass prairie and the diverse birds of prey in the ACEC.
- Install a roadside kiosk to guide visitors on what to see and where to go within the ACEC
- Installation of wildlife waterers to improve wildlife and grazing habitat.
- Limitations on noise pollution would maintain current wildlife habitat.

- Limitations on industrial development and emissions requirements for existing and new development would help to curb declining air quality

**Data and documentation to support the management suggestion** (also include any needed data) What map layers and other data sources are you using in making these management suggestions?

Federal Land Policy and Management Act  
Proposal for the Designation of the Birds of Prey Area Grassland of Critical Environmental Concern  
BLM Relevance and Importance handout for the Birds of Prey ACEC  
Conservation Science Partners report  
Aplomado Falcon habitat GIS layer  
American Lung Association State of the Air reports

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### **Specific Location(s)**

(be as specific as possible, or note if this is an area-wide concern)

#### ***Proposed Desert Rivers Area of Critical Environmental Concern***

103,800 acres of Chihuahuan desert habitat west of the Pecos River that contains sections of the Delaware and Black Rivers, sensitive karst topography, and important riparian habitat (see online map layer)

### **Resource Interests addressed by the management suggestion**

(e.g., oil and gas development, drinking water, fish and wildlife, recreation, ranching, air quality, noise, etc.)

**Wildlife:** The Delaware River designated an Important Bird Area by the Audubon Society and is home to over twenty BLM sensitive species, among a host of other life. Riparian areas within the ACEC contain several species which are threatened, endangered, species of concern, or species which appear to be declining.

**Caves and Karst:** Most of the proposed ACEC lies within a critical cave and karst potential area. Remaining portions of the ACEC lie within high cave and karst potential areas. Unchecked development could have negative impacts on these sensitive geologic features and the ground water they recharge.

**Archeological and Paleontological Resources:** A number of important historic properties along the Delaware River corridor and twenty archeological sites have been recorded along the portion of the river within BLM-managed lands. Pleistocene mammoth and bison bones have been found along the eroding banks of the Delaware River and in 1999, a 10,000 – 20,000-year-old mammoth tusk was discovered.

**Sensitive Soils:** The Yeso Hills area contains fragile cryptogamic soils that are very sensitive to surface disturbance and can take decades to regenerate. This area also contains unique gypsophilic vegetation that supports and equally unique ecosystem.

**Air Quality:** air quality in Eddy County has shown an overall downward trend in the past decade. Air quality impacts flora and fauna as well as the many human uses of this landscape.

**Water quality:** The cave and karst topography found in this ACEC feeds directly into the Capitan Aquifer which supplies many freshwater springs, supports agricultural operations in the area, and provides drinking water for the city of Carlsbad.

**Noise:** noise pollution can disrupt wildlife behavior and productivity

### **Level of Priority for the specific resource interest**

(e.g., high, medium, low)

**High:** This area is currently in the “eye of the storm” for oil and gas development.

### Management Suggestions

(e.g., open, closed, no surface occupancy (NSO), controlled surface use (CSU), best management practices (BMPs), infrastructure, phasing of leases, setbacks, timing, reclamation, etc.)

- Designation as Area of Critical Environmental Concern to ensure riparian habitat, cultural and paleontological resource protection, and sensitive karst topography and gypsum soils are at the forefront of the decision-making process.
- Provide temporary management as a potential ACEC until Resource Management Plan revision is complete.
- Create “special management zones” in all areas within 250 meters of a spring or river, on any surface above a cave or cave system, in the Yeso Hills area, and within the Chosa Draw ACEC.
- Allow all current leases within special management zones to expire without the possibility of renewal.
- Do not allow any new leases to be granted within special management zones.
- Make a reasonable effort to eliminate any current leases within special management zones through trades and exchanges.
- Within all other areas of the ACEC, use best management practices, including lease stipulations, air quality testing, and active dust control to ensure development has the absolute minimal impact.
- Eliminate grazing from riparian areas and natural springs
- Reclaim abandoned roads and well pads, remove unnecessary pipes and other infrastructure, and conduct restoration as necessary to create suitable habitat for native species
- Reintroduce native species as appropriate
- Create a restoration fund for the area
- Control invasive species
- Conduct archeological and paleontological surveys
- Educate the public and industry about the ACEC’s purpose and management prescriptions
- Limitations on noise pollution would maintain current wildlife habitat.
- Limitations on industrial development and emissions requirements for existing and new development would help to curb declining air quality

**Data and documentation to support the management suggestion** (also include any needed data) What map layers and other data sources are you using in making these management suggestions?

Proposal for the Designation of the Chihuahuan Desert Rivers Area of Critical Environmental Concern

BLM Relevance and Importance handout for the Desert Rivers ACEC

Conservation Science Partners report

Capitan Aquifer GIS data

Karst presence GIS data

Lease data, including Sept. 2018 lease sale

American Lung Association State of the Air reports  
1992 BLM report table A 16-3  
Federal Land Policy and Management Act

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### Specific Location(s)

(be as specific as possible, or note if this is an area-wide concern)

#### **Proposed Salt Playas Area of Critical Environmental Concern**

58,100 acres of salt playa habitat supportive of diverse wildlife and known for presence of cultural resources / cultural significance (see online map layer)

### Resource Interests addressed by the management suggestion

(e.g., oil and gas development, drinking water, fish and wildlife, recreation, ranching, air quality, noise, etc.)

**Wildlife:** wetland-like salt playas serve as essential stops for migratory birds and are vastly important to local plant and animal communities. Birds are the primary element of vertebrate life here, but invertebrates provide the true variety. Historically, large numbers of ducks wintered and migrated through the salt playas region and several species of herons nested here, as well. Virtually every shorebird recorded in New Mexico has been found here – a list unequalled by almost any other site in the state. Unfortunately, the common practice of using the playas to contain waste water and/or depleting their water supplies for industrial uses has severely depleted the wildlife that visit today.

**Ranching:** The grassland habitat outside of the playas is prime for livestock grazing. If done sustainably, both cattle and wildlife can flourish here.

**Archeological Resources:** Playas provided integral water, food, and material resources for Native Americans of this region who left evidence of their presence along playa shores. Today, these areas are popular sites for collection of arrowheads and other artifacts – a practice that can deplete or even erase the archeological record before surveys are complete.

### Level of Priority for the specific resource interest

(e.g., high, medium, low)

Medium

### Management Suggestions

(e.g., open, closed, no surface occupancy (NSO), controlled surface use (CSU), best management practices (BMPs), infrastructure, phasing of leases, setbacks, timing, reclamation, etc.)

- Designation as Area of Critical Environmental Concern to ensure wildlife habitat, water quality, and cultural resources area at the forefront of the decision-making process.
- Provide temporary management as a potential ACEC until Resource Management Plan revision is complete.
- Allow all current leases within the ACEC to expire without the possibility of renewal
- Do not allow any new leases to be granted within the ACEC
- Make a reasonable effort to eliminate any current leases within the ACEC through trades and exchanges



- Within the ACEC, use best management practices, including lease stipulations, air quality testing, and active dust control to ensure development has the absolute minimal impact
- Reclaim abandoned roads and well pads, remove unnecessary pipes and other infrastructure, and conduct restoration as necessary to create suitable habitat for native species
- Conduct a biological inventory of the area and periodically monitor it. An invertebrate inventory should be a priority.
- Conduct archeological and paleontological surveys
- Monitor illegal collection of artifacts from within the ACEC.
- Construct nesting platforms for herons within the ACEC
- Create a restoration fund for the area
- Educate the public and industry about the ACEC's purpose and management prescriptions
- Limitations on noise pollution would maintain current wildlife habitat.
- Limitations on industrial development and emissions requirements for existing and new development would help to curb declining air quality

**Data and documentation to support the management suggestion** (also include any needed data) What map layers and other data sources are you using in making these management suggestions?

Federal Land Policy and Management Act

Proposal for the Designation of the Salt Playas Area of Critical Environmental Concern

BLM Relevance and Importance handout for the Salt Playas ACEC

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### **Specific Location(s)**

(be as specific as possible, or note if this is an area-wide concern)

#### **Proposed Desert Heronries Area of Critical Environmental Concern**

48,500 acres of important great blue heron nesting habitat east of the Pecos River (see online map layer)

### **Resource Interests addressed by the management suggestion**

(e.g., oil and gas development, drinking water, fish and wildlife, recreation, ranching, air quality, noise, etc.)

**Wildlife:** Great blue herons have been observed nesting at several sites east of the Pecos River. Loss of large trees along the Pecos River has pushed nesting to isolated populations of Western soapberry trees, sometimes a mile or more away from the river. Herons have not been documented using this type of nesting habitat in any other part of their range. Today, these stands of Western soapberry are integral to survival and productivity of local heron populations. They are under particular threat as this area lies in the “eye of the storm” of expanding oil and gas development.

**Air Quality:** air quality in Eddy County has shown an overall downward trend in the past decade. Air quality impacts flora and fauna as well as the many human uses of this landscape.

### **Level of Priority for the specific resource interest**

(e.g., high, medium, low)

**High:** Loss of Western soapberry stands within the ACEC would have detrimental impacts to heron survival and productivity. As oil and gas development expands rapidly across the region, this habitat is under significant threat.

### Management Suggestions

(e.g., open, closed, no surface occupancy (NSO), controlled surface use (CSU), best management practices (BMPs), infrastructure, phasing of leases, setbacks, timing, reclamation, etc.)

- Designation as Area of Critical Environmental Concern to ensure heron nesting habitat is at the forefront of the decision-making process.
- Provide temporary management as a potential ACEC until Resource Management Plan revision is complete.
- Identify “heronry zones” within a specified distance of any known heron nest.
- Allow all current leases within heronry zones to expire without the possibility of renewal
- Do not allow any new leases to be granted within heronry zones
- Make a reasonable effort to eliminate any current leases within heronry zones through trades and exchanges
- Within the ACEC, use best management practices, including lease stipulations, air quality testing, and active dust control to ensure development has the absolute minimal impact on heronry zones
- Remove cattle from all riparian areas.
- Develop a regular monitoring program for herons and their nests and keep accurate count of active nest locations.
- Reclaim abandoned roads and well pads, remove unnecessary pipes and other infrastructure, and conduct restoration as necessary to create suitable habitat for native species
- Construct nesting platforms for herons within the ACEC
- Create a restoration fund for the area
- Limitations on noise pollution would maintain current wildlife habitat.
- Limitations on industrial development and emissions requirements for existing and new development would help to curb declining air quality
- Educate the public and industry about the ACEC’s purpose and management prescriptions

**Data and documentation to support the management suggestion** (also include any needed data) What map layers and other data sources are you using in making these management suggestions?

Federal Land Policy and Management Act

Proposal for the Designation of the Chihuahuan Desert Heronries Area of Critical Environmental Concern

BLM Relevance and Importance handout for the Desert Heronries ACEC

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### Specific Location(s)

(be as specific as possible, or note if this is an area-wide concern)

**Lands with Wilderness Characteristics**

A total of 134,702 acres spread across seventeen roadless and primarily undeveloped units that individually total 5,000 acres or more OR are adjacent to an existing designated wilderness area. All areas lie in either Eddy or Chavez County, most are in close proximity to the Lincoln National Forest or Carlsbad Caverns National Park (see online map layer)

#### Resource Interests addressed by the management suggestion

(e.g., oil and gas development, drinking water, fish and wildlife, recreation, ranching, air quality, noise, etc.)

**Wildlife:** Unfragmented, undeveloped, roadless landscapes are integral to healthy wildlife populations. These areas also provide connectivity to other nearby undeveloped landscapes such as Carlsbad Caverns National Park, BLM Wilderness Study Areas, and roadless areas on the Lincoln National Forest.

**Recreation:** For many types of public land users, roadless lands provide a type of recreation not found on more developed public lands such as hunting, hiking, backpacking, exploring, sightseeing, birdwatching, etc. LWC units adjacent to National Parks, designated wilderness, National Forest lands, and other undeveloped landscapes contribute to the user experience by preserving natural viewsheds and expanding opportunities for quiet recreational experiences across management boundaries.

**Ranching:** Grassland habitat within these LWC units is prime for livestock grazing. If done sustainably, both cattle and wildlife can flourish here.

**Air Quality:** air quality in Eddy County has shown an overall downward trend in the past decade. Air quality impacts flora and fauna as well as the many human uses of this landscape. Undeveloped lands contribute to air quality by reducing the total acres of land that are available for development and the air quality impacts development incurs.

**Noise:** noise pollution can disrupt wildlife behavior and productivity and can also impact recreational experiences. Undeveloped and roadless lands provide opportunities for solitude, thus enhancing both wildlife habitat and the visitor experience.

#### Level of Priority for the specific resource interest

(e.g., high, medium, low)

**High:** In an area under pressure from increasing industrial development, maintaining the integrity of remaining roadless lands is an important and difficult task.

#### Management Suggestions

(e.g., open, closed, no surface occupancy (NSO), controlled surface use (CSU), best management practices (BMPs), infrastructure, phasing of leases, setbacks, timing, reclamation, etc.)

Manage lands with wilderness characteristics to preserve their wilderness character.

**Data and documentation to support the management suggestion** (also include any needed data) What map layers and other data sources are you using in making these management suggestions?

New Mexico Wild LWC inventory GIS and other data

BLM LWC inventory GIS and other data

Federal Land Policy and Management Act

BLM manual 6310

## Respondent #4

<b>Specific Location(s)</b>  (be as specific as possible, or note if this is an area-wide concern)	<b>Resource Interests addressed by the management suggestion</b>  (e.g., oil and gas development, drinking water, fish and wildlife, recreation, ranching, air quality, noise, etc.)	<b>Level of Priority for the specific resource interest</b> (e.g., high, medium, low)	<b>Management Suggestions</b>  (e.g., open, closed, no surface occupancy (NSO), controlled surface use (CSU), best management practices (BMPs), infrastructure, phasing of leases, setbacks, timing, reclamation, etc.)	<b>Data and documentation to support the management suggestion</b> (also include any needed data) What map layers and other data sources are you using in making these management suggestions?  reminder: submit data and map layers to <a href="mailto:joelle@nmwild.org">joelle@nmwild.org</a>
Karst aquifers; Capitan Reef and outwash plain, Burton Flats, Chosa Draw, Yeso Hills, Nash Draw	Safe drinking water, clean water, Wildlife habitat, water source for riparian habitat, ranching.	High	<p>Enforce existing laws, regulations and guidance, expand/designate protection areas, withdraw from all mineral entry, apply NOL and NSO,</p> <p>Coordinate with the State Engineer's Office for input on the approval of transferring and stacking water rights to be used for pumping for oil and gas purposes.</p>	<p>There is a decided lack of data for karst aquifers. There is no data or research that shows where the water goes. When there is an undesirable event (ie. petroleum or brine leak or spill etc.) there is no way of knowing where or how large the impacted area may be. Where is "down stream", who to notify of possible immediate water contamination, etc. Dye tracing can answer these question.</p> <p>Excessive water pumping for drilling and fracking in some karst areas may dewater or jeopardize the viability of certain karst aquifers. In isolated locations (ZARA: Karst Invertebrate Technical Report, 2012) karst biological inventories have been conducted and have documented a rich biodiversity of troglobitic species including two new aquatic species. Karst biological inventories need to be conducted in the mentioned areas.</p>

## Roundtable 2 Summary

**Carlsbad Resource Management Plan Community Roundtables  
Meeting #2: July 31, 2018  
9 AM to 2 PM**

**Eddy County Fire Services, 1400 Commerce Drive, Carlsbad, NM  
Conference Room 1**

**Co-convened by Eddy County Commissioner Susan Crockett  
and Lea County Commissioner Ron Black**

### SUMMARY

#### Participants

*See Appendix A for a full list.*

#### Next steps and action items

- Keystone Policy Center will distribute a summary of discussion and written pre-work for the second meeting received as part of the community roundtables process within two weeks of this meeting.
- Group members will have one week to review the summary before it is finalized and published online.

#### Notes

##### ***Welcome and Introductions***

Julie Shapiro (meeting facilitator, Keystone Policy Center) opened the meeting and invited the conveners and hosts to introduce themselves.

Lea County Commissioner Ron Black welcomed everyone and introduced himself, adding that BLM permitting is a key factor in the continued development of oil and gas industry around Carlsbad and that he did not want anything to result from the RMP that inhibits oil and gas development.

Julie read aloud comments by Eddy County Commissioner Susan Crockett, who could not attend due to illness, in which she welcomed everyone and reminded them to treat the roundtable as an open discussion with no right or wrong points of view.

John Cornell (Theodore Roosevelt Conservation Partnership) welcomed everyone, noting that the meeting hosts and organizers had responded to comments coming out of the first meeting and made an extra effort to ensure industry representation at this meeting.

Julie Shapiro introduced herself and Jonathan Geurts, the facilitators for the roundtables, and emphasized Keystone Policy Center's nonprofit status and non-advocacy role in facilitating the meeting. She then initiated a round of introductions by everyone present.

After introductions, the facilitator reviewed the objectives, agenda, and ground rules of the meeting. She reviewed the purpose of the roundtables, which was to identify and discuss issues pertinent to the pending draft of BLM's Resource Management Plan (RMP) for the Carlsbad Field Office. There was not an expectation of consensus recommendations to the BLM, but rather the meetings were intended to

help share perspectives. Nor were the meetings part of BLM's formal public engagement process. Julie noted that Keystone would draft a summary report for reference by the community as desired during the upcoming period of public comment. It was noted that the meetings and the summary will be comprised of points of view raised by community members and stakeholders in attendance, who may or may not be formal experts in the fields being discussed.

***Review: What is and is not managed by an RMP; what are the management tools or prescriptions that are used; current status of RMP process***

Ty Allen (Carlsbad BLM) discussed the scope of a Resource Management Plan (RMP). RMPs are built to guide the management of a field office in the management of public resources for the life of the plan, which is officially 20 years. The plan responds to existing laws and clarifies how to implement them through processes such as permitting and planning. For example, the RMP will not change the Mineral Leasing Act, but it will influence how the Carlsbad Field Office implements it. At the last meeting, the group expressed concerns about reclamation, spills, and other situations that BLM has other processes to address, for example the bonding process. Ty noted that a BLM expert on reclamation would be coming in later in the meeting to discuss these issues specifically.

Ty described that, as a long-term document, the RMP serves as a long-term set of goals. One charge of the BLM is to identify and conserve wildlife habitat, and the RMP makes some specific landscape-scale recommendations for doing so; for example, modifying fences and protecting migration corridors. This approach is applied to mineral leasing, archaeology, and other major resources. The draft RMP that will soon be released has been in development for several years and includes five alternatives that each emphasize a theme. For example, one alternative may emphasize watershed health while another may emphasize minimum management. A preferred alternative will be identified that may lie between these extremes.

After the 90-day public comment period on the draft RMP, a final alternative may be assembled from any of the five alternatives. The draft RMP is scheduled for publication in August 2018, after which BLM will conduct public meetings across the state.

***Questions to BLM and responses on the RMP***

Does the RMP influence permitting policies and procedures?

- The BLM does reference the RMP for some mitigations or lease stipulations that would apply in permitting.

How were the alternatives in the RMP drafted, and when were proposals taken?

- The BLM took community input to draft the alternatives in 2010-11 from cooperating government agencies and other groups, including the Counties.
- New RMPs tend not to be major shifts in policy, just targeted adjustments to the existing RMP. Endangered species, climate change, and other factors have emerged as concerns on the landscape in the thirty years since the current RMP was drafted.

Once the public comment period is open, what is the most effective way for parties to be heard?

- Written comments will be the most effective, especially those that are backed up by substantive rationale.

Since the scoping process was so long ago, how will the draft RMP be based on the present situation?

- BLM asked New Mexico Tech to redo its prognostics for likely development patterns during the most recent boom time to inform adjustment of the draft.

***Discussion (comments from individual participants)***



- Chavez County is attempting to coordinate with the BLM on designations such as Lands with Wilderness Characteristics (LWCs) and Areas of Critical Environmental Concern (ACECs). From the County's perspective, the RMP conflicts with the Chavez Land Management Plan.
- It is difficult to discuss what might go into alternatives that have already been drafted, and it seems pointless discussing a plan that has not yet been published.
  - o The idea of these community meetings has been to discuss what is on the minds of community members, so when the RMP does come out, everyone can understand more in depth the interests associated with different alternatives.

### ***Discussion of participant recommendations regarding the Carlsbad RMP***

The facilitator reviewed the assignment issued to participants at the end of the first roundtable, which was to identify geographically specific resource issues within the field office jurisdiction for the group to discuss. Four responses were received, which were utilized to help organize this meeting's discussion around four major categories of use: energy and minerals, agriculture, sensitive/unique ecosystems, and recreation. The discussion in this meeting is meant to cultivate back-and-forth exploration of these themes while referring to input from the 'homework' as well as bringing in additional dialogue and perspectives.

*Discussion points on each category are reflected below; bullets reflect the comments and perspectives of individual roundtable participants.*

#### ***Energy and minerals***

- Oil and gas is a key part of the economic life in Lea County, and effort should be made not to hamper its progress. We do not want to destroy the land or make mistakes that we will regret, but we also do not want to hurt the industry.
  - o Oil and gas is one of the most regulated industries, and keeping regulation from increasing is crucial in New Mexico due to competition with the largely private land leased in Texas.
  - o In New Mexico, the industry is responsible for 100,000 jobs and 40% of the state budget and is critical for its economic wellbeing.
  - o Technology has emerged over the years that reduces the surface impact of drilling substantially, by enabling 1-3 mile horizontal drilling and consolidation of wells on fewer pads. The future of oil and gas should not be judged by the legacy fields developed in the past.
- As an oil and gas company, we would prefer to work with ranchers and conservationists one-on-one than with the federal agencies as a middle man. To that end, it is worthwhile to foster good relationships across the multiple uses and landscape types.
  - o From a ranching point of view, messages get lost in translation when dealing with a middle man. In direct dealings, I have good relationships with a number of oil and gas representatives.
  - o Working with the federal agencies is still working with individuals, though they are trying to manage a broad set of resource values as their responsibility to the US public interest.
  - o In New Mexico the issue of leasing is made more complex by the number of different adjacent land owners, where a single development typically crosses federal, state, and private holdings.
  - o The Secretary's potash area is a good example of a high-functioning collaborative effort that spans across land ownership.

### *Agriculture*

- Ranching cannot exist without oil and gas and the reverse – we all need oil and food. The same is true for ranching and wildlife. I appreciate concentrated well pads, which allow for more discretion in avoiding sensitive sites, and I would like to see more reclamation of older pads.
  - o BLM guidance has helped to minimize surface damage from oil and gas. This kind of oversight has not been typical of the State Land Office until the last year or so. Private land owners vary widely in their knowledge of and care for how their land is developed.
- Are some areas within the Carlsbad Field Office more critical for ranching than others?
  - o Ranching is widespread throughout the district.
- Flow lines divide up the land quite a bit, blocking both livestock and wildlife movement and increasing the effective footprint of well pads.
  - o The petroleum price depression a few years ago resulted in increased use of flow lines. With the help of BLM and the ranching community, the industry has implemented pipeline safety checks, labeling, and siting in paths of preexisting disturbance as part of a comprehensive flow line policy. This new development cycle is more sustainable than the last, and is being built to last for decades, so oil and gas is interested in being a good neighbor.
  - o The New Mexico Department of Game and Fish and sportsmen groups were not a part of the group developing flow line policy; these groups have the science on wildlife requirements and should be included.
    - The policy meetings are public, so all interested stakeholders are welcome to attend.
  - o The process the industry went through developing Cooperative Conservation Agreements for threatened species is a good model for how wildlife issues can be worked out.

### *Sensitive/Unique Ecosystems*

This part of the discussion took the form of a conservation group representative presenting an overview of geographically-specific proposals, followed by Q&A and discussion. Map layers, including administrative boundaries, federal ownership, proposed designations, and mining activity, were displayed in an ArcGIS interface for reference by the group.

#### *Overview of ACEC and LWC proposals*

- The multiple use mandate of BLM includes both the responsible development of the land and the protection of special areas. Over 80% of the Carlsbad Field Office is already leased, and these comments are not about that percentage. Within the remaining lands, the BLM is required to conduct an inventory of lands that meet the qualifications for wilderness, which may then be identified as Lands with Wilderness Characteristics (LWCs) as part of their management decision. Designation of LWCs limits certain uses, such as the development of new roads. In the scoping process, New Mexico Wild conducted an independent inventory and submitted areas additional to those identified by the BLM for consideration. Some of these areas have since been disqualified due to development. The BLM is also required to prioritize Areas of Critical Environmental Concern (ACECs), identification of which is codified in an agency manual. ACECs may be designated for any reason related to an environmental resource, including science, safety, ecology, or archaeology, and each one is managed specifically to respond to the needs of that resource. These “mini” management plans can be very flexible to other uses. New Mexico Wild proposed areas for consideration as ACECs, including the following.
  1. The proposed Desert Rivers ACEC includes the confluences of the Black, Pecos, and Delaware Rivers, is home to 18 BLM-identified sensitive species, and is designated an

important birding area by the Audubon Society. Recommended management is to be careful near rivers, not to prohibit oil and gas development overall.

2. The proposed Salt Playas and Desert Heronries ACECs are designed specifically for birds with recommendations specifically aimed at protecting this resource.
3. The proposed Birds of Prey ACEC is an area that has been identified as nationally important bird habitat, with one of the highest biodiversity counts in the country.

The original proposals for all ACECs include special management zones requested for no further leasing, for example, immediately alongside rivers. In other areas, the proposals ask for no surface occupancy or adherence to best management practices.

#### *Discussion of ACEC and LWC proposals*

- Is the concern requiring these recommendations disturbance to things on or near the surface? If so, why do the recommendations go so far as to specify areas for no further leasing rather than just no surface occupancy?
  - o There are some cave and karst issues that may require below-ground management.
- How many acres total are in the proposed ACECs, and what percentage of that number is proposed as no leasing allowed?
  - o The ACEC proposals comprise 480,000 acres total. Can follow up with the percentage recommended for no leasing, though it will be quite small in all but the Birds of Prey proposal, which we are prepared to be flexible on.
- How does oil and gas inhibit birds of prey?
  - o The activities fragment their habitat.
  - o In the reasonable and foreseeable development analysis conducted by New Mexico Tech, the closer to Chavez County you get the less potential exists for oil and gas development. The area within the proposed Birds of Prey ACEC does have high potential for wind power development.
- In BLM's review of any ACEC, is it their prerogative to designate a part of a proposed ACEC rather than the whole?
  - o Yes, it is easy to shrink a proposed ACEC. Expanding one is more difficult, as it would require a separate internal nomination process from the BLM.

#### *Caves and Karst*

- Cave and karst forms in rock that is dissolved either by carbonic acid from rainwater, which is more common or, in this region, from water containing sulfuric acid rising from deep sources. In addition to limestone karst, the region also contains gypsum karst, which is restricted to within 350 feet of the surface. The karstic terrain lies in three general areas: 1) In the Capitan Reef area between Carlsbad Caverns National Park and the city of Carlsbad, with a gypsum area south of the Park, 2) within the Nash Draw and Burton Flats areas north of Carlsbad, and 3) along both sides of the river near Artesia. Drilling around karst is governed by the drilling casing and cementing program, which is adequate provided it is executed correctly. Leaks and casing problems can cause spills. Unlike in traditional soil profiles, where surface spills slowly infiltrate and affected soil can be removed, in karstic areas water flows straight to the water table through open cavities without resistance. In addition to water quality concerns, the karstic aquifers are relatively shallow and are recharged only occasionally by desert rainstorms. Also, the science has not yet been done to know how quickly water flows through the main drinking water reservoir for the city of Carlsbad and therefore when to expect the emergence of impurities from a spill. Lastly, life has been found in these aquifers. A biological assessment identified three species new to science.

- The best estimates available place industrial and city uses of water at 15% of the total, with agriculture taking the remainder.
  - o The difference between agricultural and industrial uses of water is that some agricultural water will recharge the aquifer.
  - o There is not a lot of groundwater pumping near Carlsbad for agriculture. More can be found near Artesia, but they pump from the Ogallala rather than from the smaller karstic aquifers.
  - o The New Mexico regulation that used fracking water needs to be pumped so deep underground that it cannot percolate back up into groundwater needs to be revised.
  - o The operators I am aware of use produced water rather than freshwater for drilling and fracking, apart from the time spent drilling through aquifers.
  - o Economies of scale and improved technology permit grouping wells around produced water ponds, which enables this reduction in freshwater use.

### *Recreation*

- One reason that sportsmen are partnering closer with ranching communities is that what is good for livestock is good for wildlife. Riparian areas and surface water are especially important. Nash Draw, for example, used to be prime mule deer habitat but seems to have declined due to disturbances such as potash mining and unreclaimed well pads.
- From the standpoint of recreation, there is concern of the fragmentation counterproductive to camping, hiking, and wildlife observation. The oil field traffic is intense and can rattle people who are trying to recreate.
- Off-road recreational vehicle use is significant in the district and can be managed by designating trails and areas to limit its impact.
  - o Recreation is important to the state economy, and it is a program we want to grow.
  - o Part of the planning process includes the development of a travel management plan, which will get more granular on routes within the broad designated areas in the RMP.
  - o It was noted that motorized user groups were not represented at these roundtables, though there is interaction between them and the other land uses that were represented.

### **Discussion on Reclamation**

Jim Amos (BLM) discussed and took questions on the rules, regulations, and best practices for well pad reclamation. The Mineral Leasing Act assigns responsibility to the Department of Interior to reclaim the surface of public land after disturbance. In the last 10-15 years especially, BLM has become more particular about site restoration. A restoration process now begins by removing caliche and contamination and replacing them with topsoil. If the site originally had a slope, it too is restored prior to planting with native seed. There are as many as 400 individual operators in southeast New Mexico, which has made it difficult to keep up with all the transfers of operating rights. The reclamation program has also historically been underfunded. The Carlsbad Soil and Water Conservation District has assisted in reclaiming roughly 150 orphaned well sites in prairie chicken areas and other high priority habitat. Currently, operators are required to restore every well they dig. This year they have plugged and restored 300 wells, which are monitored by BLM until they have grown 80% of the vegetation as their surroundings. This process usually takes between 2 and 5 years but has extended longer. Sometimes leases get terminated when there are no longer any active wells. If the lease gets put back out to lease, any abandoned wells must be reclaimed or put back to use in two years.

#### *Discussion*

- Similar regulations exist on State lands, and protections also apply to operations on private land. The New Mexico Surface Owners' Protection Act provides protections and has administrative

counterparts at both the New Mexico State Land Office and the BLM; these provide existing protections.

- Looking at the state of New Mexico alone, it would take hours to go through all the requirements for operators. When you combine these regulations across multiple jurisdictions and apply redundancies, the burden is enough to put smaller producers out of business.

### Closing and Next Steps

The facilitator acknowledged that there were issues and suggestions raised in the between-meeting work that could not be addressed due to time. She also noted that throughout the day's discussion, a lot of ideas were raised on ways to partner to address various issues. She summarized next steps, including the development of a summary report of both roundtable meetings drafted by Keystone, which will be distributed within two weeks for one week of review by the group before being published online. The group asked clarifying questions about Keystone's governance and funding sources, which were answered, and it was recommended that this be clearly described in the final report (*see report intro for more information*).

### Appendix A – Participant and Observer List

Participants		Group/Affiliation
Ron	Black	Lea County Commission
Judy	Bock	Carlsbad Soil and Water Conservation District
Judy	Calman	New Mexico Wild
John	Cornell	Theodore Roosevelt Conservation Partnership
James	Goodbar	Caves Specialist, Recreational User
Jon	Henry	Eddy County Commission
Jerrod	Jones	XTO Energy Inc.
Patrick	Padilla	New Mexico Oil and Gas Association
Kenney	Rayroux	Eddy County
Larry	Scott	New Mexico House of Representatives
JW	Todd	Rancher
Jim	Townsend	New Mexico House of Representatives
Fred	Verner	Chevron
Jim	Winchester	Independent Petroleum Association of New Mexico
Observers		
Ty	Allen	Carlsbad BLM Field Office
Jim	Amos	Carlsbad BLM Field Office
Will	Cavin	Chavez County Commission
Dean	Chumbley	Concho
Robert	Corn	Chavez County Commission
Jerry	Fanning	Devon Energy
Cody	Layton	Carlsbad BLM Field Office
Jim	Stovall	Carlsbad BLM Field Office
Facilitators		
Julie	Shapiro	Keystone Policy Center
Jonathan	Geurts	Keystone Policy Center



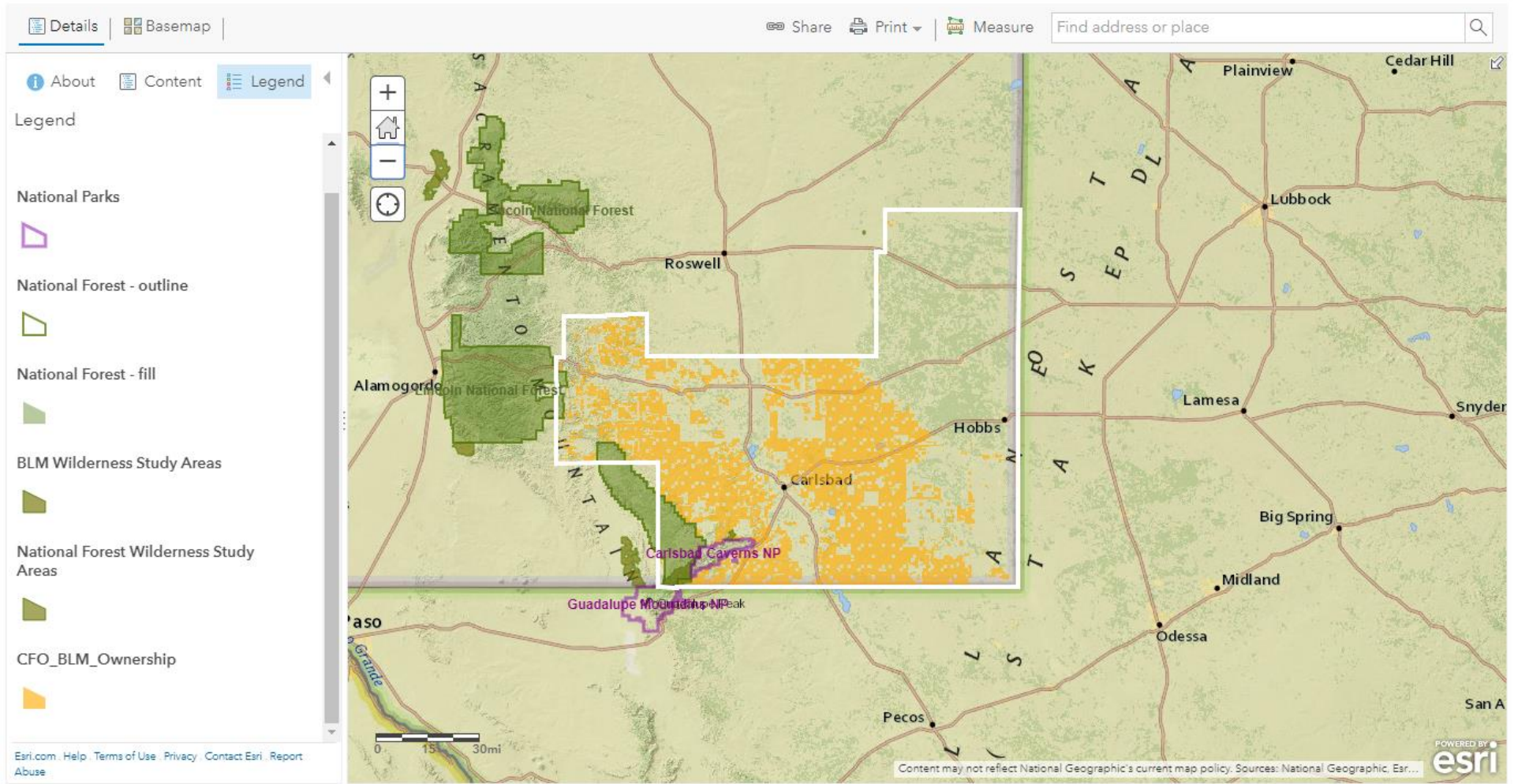
## Maps

Map layers were compiled at <https://arcg.is/0LjK5T>

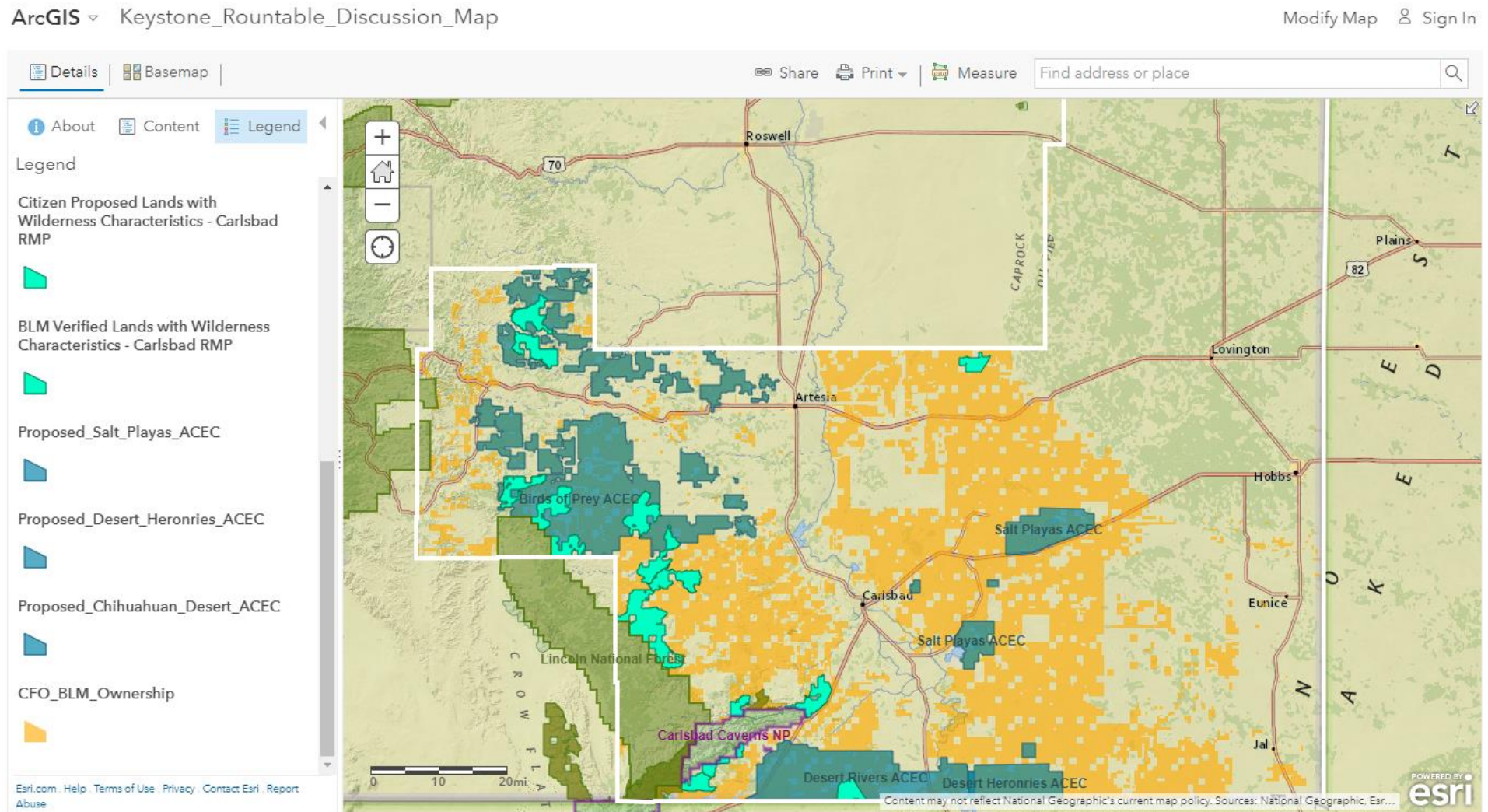
### Federal Land Management

ArcGIS ▾ Keystone\_Rountable\_Discussion\_Map

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## ACECs (Areas of Critical Environmental Concern) and LWCs (Lands with Wilderness Characteristics) Proposed by NM Wild





## Oil and gas wells, lands leased for energy, and the Secretary's Potash Area

ArcGIS ▾ Keystone\_Rountable\_Discussion\_Map

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