



UPPER HONDO

soil & water conservation district

LAND USE POLICY PLAN



Adopted by:
The Upper Hondo Soil & Water
Conservation District
November 24, 2015

The Upper Hondo Soil and Water Conservation District (UHSWCD or District) Land Use Plan (Plan) is an executable policy for natural resource management and land use on the lands within the District and provides a scientifically and culturally sound framework for resource planning objectives.

Upper Hondo Soil and Water Conservation District LAND USE POLICY PLAN

Executive Summary

1.0 INTRODUCTION

- 1.1 Background
- 1.2 Authority
- 1.3 Adoption

2.0 PRIMARY PLANNING GUIDANCE

- 2.1 Plan Definitions
- 2.2 Annual Action Plan
- 2.3 Policies and Procedures
- 2.4 Emergency Plans—(for dams and structures)
- 2.5 Coordination Agreements—(local, state and federal agencies)

3.0 PURPOSE, CUSTOM AND CULTURE, AND GOALS

- 3.1 Purpose
- 3.2 Custom and Culture
- 3.3 Goals

4.0 PRIMARY PLANNING GUIDANCE AND DIRECTIVES (PPGD)

4.1 Objectives

4.2 Resource Concerns

- 4.2-1 Customs and Culture
- 4.2-2 Water Resources
- 4.2-3 Soil
- 4.2-4 Range and Grassland
- 4.2-5 Livestock and Wildlife
- 4.2-6 Threatened and Endangered / Sensitive Species
- 4.2-7 Predator Control
- 4.2-8 Riparian
- 4.2-9 Invasive Species
- 4.2-10 Wildfire
- 4.2-11 Flood Control and Stormwater Management
- 4.2-12 Watershed and Forest Management
- 4.2-13 Energy/Utilities
- 4.2-14 Special Land Designation
- 4.2-15 Agriculture
- 4.2-16 Visual Resources
- 4.2-17 Mineral, Mining and Extraction of Natural Resources Management
- 4.2-18 Travel Management
- 4.2-19 Air Quality

EXECUTIVE SUMMARY

Sections 73-20-25 through 73-20-48 NMSA 1978 is the summary description of the New Mexico Soil and Water Conservation District Act (Act). The Upper Hondo Soil and Water Conservation District (District) is the administrative body responsible for the dictates of the law in partial areas of Lincoln, and Chaves Counties. UHSWCD was formed circa 1941 encompassing 1,073,426, acres.

The District is a governmental subdivision of the state, a public body politic and corporate. The Board of Supervisors (Board) is charged with matters affecting soil erosion and flood water and sediment damage. As such, the duties of the Board include the coordination of matters of research, investigations, and surveys with government agencies. The results should be published and disseminated along with remedies and control measures related to such findings.

The District will coordinate projects on the land with federal, state, local agencies as well as privates and tribal landowners for the enhancement of the resource base. The District is charged with assisting, contracting, and rendering financial aid to the stakeholder community.

The District's customs and culture plays a large role in how the citizens of Upper Hondo Soil and Water Conservation District earn their livelihoods. The District's economy is, and will continue to be dependent upon these activities. Since The District is directly dependent upon its natural resources, management decisions affecting land use directly impact and change the District's custom and culture. Therefore, a critical tie exists between the use of private, federal, state and local natural resources and the economic stability of the District. It is imperative that stakeholders and informed representatives review natural resource issues as they are developed, to assure public land management decisions do not negatively impact.

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

By law and mutual good, projects of any government agency conceptualized, planned, and undertaken for the matters of soil conservation, erosion control or prevention, flood prevention, or matters of turf enhancement, brush control, or wildlife and livestock system enhancements should be coordinated with if not managed by the District. As such, the District is the agent and instrumentality for state or federal government acquisition, land designation, construction, operation, or administration of such projects.

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

ened, sensitive or proposed for listing.

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

The Plan is predicated on the District always being in full knowledge of agency Schedules of Proposed Actions (SOPA), as well as state and local agency planning efforts. The Plan is also dependent on enhancing and strengthening stakeholder presence culminating from strong local customs and culture.

UHSWCD's Land Use Plan comprehensively provides the policies that allow for the continuation of farming and ranching with all the associated and supporting businesses that have made lands within UHSWCD so productive and important. All agriculture is dependent on proper soil erosion control, flood prevention, wildlife and species management, which are the responsibilities of this District.

Most importantly, the soil and water resource pool must be protected from agency and governmental actions that reduce the productivity due to restrictive land use designations.

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

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

1.0 INTRODUCTION

The Upper Hondo Soil and Water Conservation District (UHSWCD or District) Plan is an executable policy for natural resource management and land use on the lands within the District. It adheres to the legislative purpose of the Act and for those measures will serve to conserve and develop the natural resources, provide for flood control, preserves wildlife, protect the tax base and promote the health, safety and general welfare of the people of this District. It provides a scientifically and culturally sound framework for resource planning objectives. There is an identified need to promote public understanding that land and water is the most important resource within UHSWCD, and that, as such, it must be used in a sustainable way. Emphasis is placed on the need to create a viable rural and wildland urban interface working landscape. It is a dynamic plan.

The Plan is designed to: (1) provide protection for the soil and water resources; (2) facilitate federal agency efforts to seamlessly coordinate joint efforts between federal, state and county land use decisions; and (3) provide strategies and policies for enhancing the conservation, improvement, and management of these resources.

This Plan is not intended to regulate, zone or otherwise reduce private property rights, in as much as this Plan seeks to protect private property rights and customs and culture. Where private property such as water rights, rights-of-way, easements, forage rights, mineral rights, and other property occur within lands administered by federal and state agencies, the Plan may prompt decisions that indirectly affect property rights.

When a species is listed under the Endangered Species Act (ESA), there are sweeping consequences for landowners, businesses, and communities near the habitat in question. ESA regulations are incredibly expensive, and a single listing can affect hundreds of thousands of people. So it's crucial that the federal government use the best available objective peer reviewed science to evaluate whether a listing is necessary or if other conservation efforts will be successful.

This Plan has been developed, in part, because regulatory decisions that diminish the value of private property or deprive citizens of access to natural resources can have a substantial effect on the economy of the community and those elements that shape the community's custom and culture.

Federal land decision-making is burdened by an administrative process that needlessly complicates and delays necessary actions. The National Environmental Policy Act (NEPA), for example, was enacted to ensure that environmental impacts were taken into account by public decision makers. Likewise, land use planning under the National Forest Management Act (NFMA) and the Federal Lands Policy Management Act (FLPMA) attempt to make the process of public land decision making better informed and more rational. While the intent of such procedural requirements are appropriate, in practice these procedures have become an obstacle and a stumbling block to effective land management. These practices should be practical and meet the everyday needs of the local community.

The Forest Service acknowledged in its own 2002 study, *The Process Predicament*: "Statutory, regulatory and administrative requirements impede the efficient, effective management of the National Forest

System. As long as they do, the Forest Service’s ability to achieve healthy, resilient ecosystems and otherwise meet its multiple use mission will remain in doubt, undermining public confidence in the agency.

Federal law, in particular, establishes national policies that focus on national interests, rather than local interests. While federal land use and planning decisions may create benefits for state and national citizens outside of the UHSWCD, they may also transfer a disproportionate amount of the costs and responsibilities to local communities and citizens.”

1.1 BACKGROUND/HISTORY

LOCATION

The District is geographically located in Lincoln County and the far southwestern part of Chaves County. Within the boundaries of the Upper Hondo Soil and Water Conservation District there are several jurisdictions of governance including, the Villages of Captain, Lincoln, Hondo, Ruidoso, Ruidoso Downs, Alto, Alto Crest, Arabela, Fort Stanton, Glencoe, Hollywood, San Patricio and Tinnie, the County of Lincoln and the County of Chaves. (see Appendix A - Map)

LINCOLN COUNTY HISTORY

In late Pre-Columbian times, the land that currently makes up Lincoln County was inhabited by Jornada Mogollon peoples (1000 A.D. to 1687 A.D.) who were semi-sedentary tribes that descended from the same culture that built the Gila Cliff Dwellings in Grant County and the Las Humanas dwellings north of Carrizozo. The various Apache tribes came later and settled the Plains and the Southwest by at least 1400 A.D.

Spanish explorer Cabeza de Vaca was likely the first European to pass through the southeastern New Mexico area when he made his way through the United States to Mexico City in 1536. In 1540, Francisco Vasquez de Coronado and his army entered New Mexico and in 1598, Juan de Oñate established the first Spanish settlement in New Mexico.

Lincoln County today comprises of 4,858 square miles or 3,109,120 acres which encompasses grasslands, piñon-juniper woodlands, ponderosa forests to alpine firs. Several intermountain valleys are farmed by using surface water from area streams.

According to the 2012 USDA Census of Agriculture, Lincoln County has 1,553,184 acres used for farming and ranching and farm and ranch land production contributes \$16,865,000 in market value of products sold.

CHAVES COUNTY HISTORY

In 1889 Chaves County was carved out of Lincoln County and includes the city of Roswell, the towns of Dexter, Hagerman and Lake Arthur, and the communities of Dunken, Elk, Elkins, Greenfield, Mesa and Midway. It is now the center for irrigation farming, dairying, ranching, manufacturing, and petroleum production in Southeast New Mexico.

According to the 2012 USDA Census of Agriculture, Chaves County farm land production contributes \$388,099,000 in market value of products sold.

Chaves County is ranked first in the state for hay production and dairy product production, second in the state for milk production and third in the state for cattle and calf operations and Chavez County farmers grow other crops like; cotton, pecans, green chile and alfalfa. The dairy industry in Chaves County is a half billion dollar industry. The county is ranked tenth in the nation for milk production.

An important component of the economic Custom and Culture of Chaves County is based in agriculture, ranching, oil and gas and related service industries. Agriculture and related service industry comprise 16.6 % of the employee earnings of the County and oil and gas and related service industry composed 11.1% of the employee earnings.

LAND STATUS

Concurrent with the District's cultural diversity is a complex pattern of state, federal, and private land ownership and jurisdiction. UHSWCD's land status breakdown includes 618,109 acres (57.5%) private ownership, with the remaining acreage under public land management. Federal land managers include: Forest Service with 267,429 acres (24.9%), Bureau of Land Management with 88,553 acres (8.2%) and the State Land Office with 45,364 acres (4.2%) for a total of 1,073,426 acres.

ELEVATIONS

Elevation ranges between 3,800 feet above sea level to 9,600 feet above sea level.

CLIMATE

Climate varies according to elevation but predominantly the District's precipitation range is 13" to 30" in the higher elevations; temperatures range from an average 13°F in the winter to 90°F in July. The growing season (frost free days) range 90 days in the higher elevations to 200 in the lower elevations.

WATERSHEDS/STREAMS

The United States Geological Survey (USGS) has designated twenty-one major regions (river basins) for the nation. Regions are further divided into subregions and New Mexico contains portions of five regions: Arkansas-White-Red, Texas Gulf, Upper Colorado, Lower Colorado, and the Rio Grande. Within New Mexico the Rio Grande region is divided into two subregions, the Pecos and the Rio Grande. UHSWCD is wholly within the Rio Grande region and Pecos subregion as delineated by the USGS, and has four main 8-digit hydrologic unit watersheds: Tularosa Valley, (NM/TX), Arroyo Del Macho (NM), Rio Hondo (NM), Rio Felix (NM).

The upper Rio Hondo Basin is a semiarid, high-elevation basin spanning 585 square miles with elevations of 5,185 feet (ft) near the confluence of the Rio Ruidoso and Rio Bonito, where the rivers join to form the Rio Hondo, to 12,003 ft at the peak of Sierra Blanca. The upper Rio Hondo Basin contains several streams with perennial reaches, but other streams in the basin are ephemeral. There are several small manmade lakes and reservoirs in the basin that are used to store surface water for domestic supply. Groundwater is present in several aquifers of varying productivity and depth.

In the early 1800s, water resources began to be used for agricultural purposes such as farm use along the valleys of the Rio Bonito and Rio Ruidoso and livestock use over much of the area. The history of the upper Rio Hondo Basin includes a strong military presence in the late 1800s at Fort Stanton. Large-scale diversions for industrial purposes started in 1906 with the construction of the Bonito Pipeline to provide water for locomotive steam boilers. In the 1950s, the resident population increased because of tourism, recreation, horseracing, golf, and residential development. In general, the aquifers of the upper Rio Hondo Basin are characterized by low storage capacity and respond to short-term and long-term variations in recharge with marked water level fluctuations. Droughts and local groundwater withdrawals have caused marked water-table declines in some areas, whereas periodically heavy monsoons and snowmelt events have rapidly recharged aquifers in some areas. Changing water use patterns, concentrated areas of groundwater withdrawal, and variations in precipitation have created localized areas where water-table declines and diminished surface flow are of concern.

ECOREGIONS

UHSWCD has two Level III ecoregions; **The Arizona / New Mexico Mountains** are distinguished from neighboring mountainous ecoregions by their lower elevations and associated vegetation indicative of drier, warmer environments, due in part to the region's more southerly location. Forests of spruce, fir, and Douglas-fir are only found in limited areas at the highest elevations in this region. Piñon-juniper and oak woodlands are found at lower and middle elevations, and the higher elevations are mostly covered with open to dense ponderosa pine forests. These mountains are the northern extent of some Mexican plant and animal species. Surrounded by deserts or grasslands, these mountains in New Mexico can be considered biogeographical islands. **Southwestern Table Lands:** Unlike the adjacent Great Plains ecological regions, little of the Southwestern Tablelands is in cropland. Much of this region is in sub-humid grassland and semiarid rangeland. The eastern boundary represents a transition from the more extensive cropland within the High Plains to the generally more rugged and less arable land within the Southwestern Tablelands ecoregion. The natural vegetation in this region is mostly grama-buffalograss, with some juniper-scrub oak-grass savanna on escarpment bluffs. Prairie fires were likely important in maintaining the grasslands and suppressing encroachment of shrub and woody species. Pronghorn antelope is the most common large native mammal of the region.

VEGETATION

The District natural vegetation by Level IV ecoregions include; Mexican piñon, one-seed juniper, alligator juniper, gray oak, Gambel oak, Emory oak, Ponderosa pine, mountain mahogany, Arizona sycamore, Douglas-fir, southwestern white pine, and white fir. Blue spruce occasionally found in cool, moist canyons. Some areas of aspen at higher elevations. **Shrubs:** shrubs of yucca and acacias **Grasses:** blue grama, black grama, hairy grama, sideoats grama, tridens, threeawn

CURRENT LAND RESOURCE USE

The District current land use by Level IV ecoregions include; Livestock grazing, recreation, wildlife habitat, and timber production. Some public land (USDA-FS Lincoln National Forest, BLM and state land)

PHYSIOGRAPHY/SOILS/GEOLOGY

Madera Lower Montane Woodlands - **Physiography:** High hills and low mountains, some deep canyons. Mostly moderate to high gradient intermittent streams with bedrock, cobble, gravel, and sandy substrates; a few perennial rivers. **Geology:** Quaternary colluvium with valley-fill alluvium, some block-rubble colluvium. Permian and some Pennsylvanian limestone, sandstone, and shale. **Soils:** Deama, Darvey, Asparas, Mesic/ Pena, rock outcrop. Aridic Ustic, Luzena, Faraway, Muzzler, Jonale, Ustic Aridic Lonti, Ruidoso, White House, rock outcrop.

Rocky Mountain Conifer Forests - **Physiography:** Open low mountains and high mountains with steep slopes, numerous canyons. Mostly moderate to high gradient intermittent and some perennial streams with bedrock, cobble, and gravel substrates. **Geology:** Quaternary block-rubble colluvium, colluvium with valley-fill alluvium. Permian and Pennsylvanian limestone, sandstone, and shale; some Tertiary volcanics, Tertiary intrusive rocks, small areas of Cretaceous sandstone and shale, and Precambrian granite, granitic gneiss, schist, and quartzite. **Soils:** Ustic Caballo, Peso, Gaines.

Montane Conifer Forests - **Physiography:** Open low mountains and high mountains with steep slopes, numerous canyons. Mostly moderate to high gradient intermittent and some perennial streams with bedrock, cobble, gravel, and sandy substrates. **Geology:** Quaternary colluvium, block-rubble colluvium, and colluvium with valley-fill alluvium. Tertiary (Miocene and Oligocene) volcanic lavas, tuffs, breccias, volcanoclastic sedimentary rocks; Permian sandstone, siltstone, limestone, Precambrian granite, granitic gneiss, schist, and some Triassic sandstone, shale, and mudstone in Zuni Mountains; **Soils:** Mollisols (Haplustolls, Argiustolls, Haplocryolls), Alfisols (Haplustalfs), Entisols (Ustorthents), Inceptisols (Haplustepts)

Rocky Mountain Subalpine Forests- **Physiography:** High mountain peaks and ridges with steep slopes. Some glaciation (Sierra Blanca: southernmost glaciated peak in conterminous U.S.). A few small, high-gradient streams with boulder, cobble, and bedrock substrates. **Geology:** Quaternary block-rubble colluvium, small area of glacial till on Sierra Blanca. Tertiary intrusives and volcanics. **Soils:** Caballo, Blanca, Supervisor.

Southern New Mexico Dissected Plains- **Physiography:** Well dissected irregular plains, numerous draws and canyons. **Geology:** Quaternary colluvium with valley-fill alluvium. Permian limestone, dolomite, shale, sandstone. **Soils:** Ector, Deama, rock outcrop

WILDLIFE

Large populations of wildlife are found throughout the District including elk, deer, antelope, quail, dove and waterfowl. An abundance of non-game species such as songbirds, reptiles and predator species (coyotes, foxes, bobcats and bears) are found in the area. Warm-water fisheries are found along the Pecos River tributaries. Cold-water fisheries are present in the higher elevation tributaries and lakes.

ACEQUIAS

Several small irrigation systems and acequias are maintained on the streams that have perennial flows, including the Rio Bonito, Ruidoso and Hondo in Lincoln County. Irrigated acreage in the Hondo Basin totals 8400 acres. As in the past, acequia communities today are still in charge of their day-to-day governance, and collectively maintain their irrigation works and repair their diversion structures when necessary.

The following acequia/ditches are within District boundaries: **Pecos River Drainage; Rio Bonito** - Lincoln Acequia Water Users, Government Spring Ditch, Providencia Ditch, Fritz and Gonzales Ditch, Sedillo Lutz Ditch, Protectora (La Protectora) Ditch Padilla Spring, Titsworth Ditch, South Laws Ditch, North Laws Ditch, Hulbert Ditch, F. Chavez Ditch (Dow), Hulbert Ditch, Emil Fritz Ditch, E Fritz Spring, Los Chosas Ditch, Elena Vigil Ditch, Bradstreet & Vorwerk Ditch, H Fritz Spring, Kirkland Ditch, and Cruz de Jara Ditch. **Rio Hondo** - J & P Analla Ditch, Serrano Ditch, Picacho Ditch, P. Chavez Spring Ditch, F & M Analla Ditch, Pas Torres Ditch, Casey, & Ramon Vigil Ditch, Buck Guyse Ditch (South Side Casey), Kline Ditch, Circle Diamond Ditch, Michaelis Ditch, Montano Ditch (River Pump), Main Ditch (a/k/a/ J.P. White), and Diamond A Ditch.. **Rio Ruidoso** - Ambrocio Chavez Ditch, Maxwell Ditch, San Patricio Ditch, Pablo Chavez Ditch, Chosas North Ditch (A. Sanchez Community Ditch), Hale South Ditch, Hale North Ditch, Avent-Bracken Ditch, A. Sanchez Ditch, Storm Ditch, F. Sanchez No 2 Ditch, leeway Ditch, L. Gallegos Ditch, Barragon & West Ditch, Leopoldo Gonzales Ditch, Chosas South Ditch, Lower Chosas South Ditch, F. Herrera South Gomez Ditch, J. Tully Ditch South, Mes Ditch, Upper Chosas South Ditch, R. Herrera, Hewitt Ditch, ope Ditch, Frank Allison Ditch, F. Sanchez Ditch South, F. Sanchez Ditch North, Miracle & Norman Ditch, E. Silva Ditch, P. Gonzales Ditch, J.V. Tully Ditch North, P. Gonzales Ditch, G. Coe Ditch, R. Coe Ditch, F. Coe Ditch North, F. Coe Ditch South, F. Hilbern Ditch, Limacher Ditch, High Line Ditch, Bloom Ditch and Analla-Barragon Community Ditch.

1.2 AUTHORITY

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

It is declared to be the policy of the legislature and the purpose of the Act [**73-20-25 NMSA 1978**] to: 1) control and prevent soil erosion; 2) prevent floodwater and sediment damage; 3) further conservation development, beneficial application and proper disposal of water; 4) promote the use of impounded waters for recreation, propagation of fish and wildlife, irrigation and for urban industrial needs; and 5) by the application of these measures, conserve and develop the natural resources of the state, provided for flood control, preserve wildlife, protect the tax base and promote the health, safety and general welfare

of the people of New Mexico.

73-20-26. Legislative states “The land, waters, and other natural resources are the basic physical assets of New Mexico, and their preservation and development are necessary to protect and promote the health and general welfare of the people of the state.”

Under **73-20-45. Specific powers of districts. (2003)** UHSWCD by and through its supervisors, is authorized to contract, convey and make and execute other instruments and documents necessary or convenient to the exercise of district powers: as well as act as agent for any instrumentality or agency of the state or the federal government in the acquisition, construction, operation or administration of a natural resource conservation, utilization or development project or program within the district.

73-20-44. Districts; description; general powers of districts. (2003) States that “A “soil and water conservation district,” organized under or perpetuated by the provisions of the Soil and Water Conservation District Act is a governmental subdivision of the state, a public body politic and corporate.” Districts may conduct a wide array of research, investigations, and surveys to facilitate conservation and development. Included, but not limited to, is the extended authority to develop comprehensive plans for natural resource conservation, development, and utilization including flood prevention, control and prevention of soil erosion and the development, utilization and disposal of water.

73-20-47. Cooperation between districts. (1965). “The supervisors of two or more soil and water conservation districts may cooperate with each other in the exercise of any district power.”

73-20-48. State agencies to cooperate. (2003) “Agencies, instrumentalities and political subdivisions of this state having jurisdiction over or charged with the administration of public lands situate within the defined geographical area of any district shall cooperate to the fullest extent with the district’s supervisors in effecting district projects and programs. Supervisors shall have free access to enter and perform work upon state public lands lying within their districts; provided, however, supervisors shall not have unqualified access to state lands that are subject to private dominion under lease or that are developed for, or devoted to, another public use.

1.3 ADOPTION

By adoption of this Plan according to the Act, the District hereby records its intention to engage in decision making that pertains to any and all soil and water resources within its jurisdiction as provided under the law. The statement of purpose includes the recognition of the duties, statutory requirements, regulations and court mandates of local, county, state, and federal agencies to comply with plans adopted under the idea and definition of coordination noted herein. This also facilitates the coordination of local, county, state, tribal and federal planning efforts with the local planning efforts of the District.

It is the policy of the District for improvement of resource quality, greater multiple uses of the resources, and the enhancement of soil and water stability of administered lands. UHSWCD is committed to a positive planning process with federal, tribal and state agencies and local governments. UHSWCD will equitably consider the best interests of all the people within UHSWCD’s jurisdictional boundary and the

State of New Mexico in the use of state and federal lands. UHSWCD commits to seeing that all natural resource decisions affecting the District is guided by the following principles:

- To maintain and revitalize the concept of multiple use on state and federal lands within UHSWCD's jurisdictional boundary.
- To protect private property rights and private property interests.
- To protect local historical custom and culture.
- To protect the traditional economic structures in the District that form the base for economic stability.
- To facilitate new economic opportunities by relying on free markets.
- To protect the rights to the enjoyment of the natural resources on public lands within the District by all citizens.

UHSWCD believes that resource and land use management decisions made in a coordinated manner by federal, state and local government entities will maintain and revitalize multiple use of state and federal lands within and affecting the District and will enhance environmental quality. The District will review the Plan every year and update when appropriate. The District will review the Plan every year and update when appropriate.

2.0 PRIMARY PLANNING GUIDANCE

2.1 PLAN DEFINITIONS

- **Agriculture** – The art and science of growing crops and raising and breeding livestock. As per this Plan, activities which traditionally define agriculture in the District include, but are not limited to, livestock ranching; farming: truck crops, hay, alfalfa, and some corn and other small grain crop production. Some timber harvest for firewood, latillias, vigas and other traditional wood products.
- **Animal Unit Month (“AUM”)** – The quantity of forage required by one mature cow and her calf (or equivalent, in sheep or horses, for instance) for one month. The amount of forage needed to sustain one cow, five sheep, or five goats for a month. In the United States, a full AUMs fee is charged for each month of grazing by adult animals if the grazing animal (1) is weaned, (2) is 6 months old or older when entering public land, or (3) will become 12 months old during the period of use.
- **Area of Critical Environmental Concern (ACEC)** – Federal land management agencies (agencies) define areas within public lands where special management attention is required to protect and prevent irreparable damage to important historic, cultural and scenic values, fish and wildlife resources, or other natural systems or processes, or to protect life and safety from natur-

al hazards. UHSWCD requires the agencies to coordinated with the District to ensure all cultural and historic values are considered prior to using this designation.

- **Archeological and Historic Preservation Act 1974** – Provides for “the preservation of historical and archeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed as the result of (1) flooding, the building of access roads, the erection of workmen's communities, the relocation of railroads and highways, and other alterations of the terrain caused by the construction of a dam by any agency of the United States, or by any private person or corporation holding a license issued by any such agency or (2) any alteration of the terrain caused as a result of any Federal construction project or federally licensed activity or program.” 16 U.S.C. §469.
- **Burned-Area Rehabilitation** - USFS and DOI agencies define Burned Area Rehabilitation as: Efforts undertaken within 3 years of a wildfire to repair or improve fire-damaged lands unlikely to recover to management-approved conditions, or to repair or replace minor facilities damaged by fire. UHSWCD’s protection priorities of rehabilitation are: 1. To repair or improve land damaged directly or indirectly by wildland fire, 2. Soil and water resources, 3. Rehabilitate or established a healthy, stable watershed.
- **Burned-Area Restoration** - USFS defines Burned Area Restoration as; The continuation of rehabilitation activities beyond the initial 3 years or the repair or replacement of major facilities damaged by the fire. UHSWCD’s definition includes coordination with local government.
- **Candidate Conservation Agreement** – The USFWS by policy may enter into an agreement with a state agency, local government or private landowner to protect or manage habitat for a species that is proposed for listing but is not yet listed. Under the terms of the agreement, generally an agreed upon amount of land is set aside or earmarked to be conserved for the candidate species. The landowner may also receive compensation and assurances that if the species is listed, the landowner will not be required to adopt additional conservation measures.
- **Clean Water Act** – The Federal Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.) is the foundation for surface water quality protection in the United States. Congress gave States and tribes the option for taking primary responsibility for water pollution control.
- **Communication** – The exchange or transfer of information using the technology of transmission systems.
- **Compensable property right** – Is any type of right to specific property, personal or real, tangible, which, when reduced or taken for public purposes, is due just compensation under the Fifth Amendment of the United States Constitution.
- **Conservation** - Management of the human use of natural resources to provide benefit to current generations while maintaining capacity to meet the needs of future generations. Conservation includes both the protection and rational use of natural resources.

- **Consistency** – “[H]aving agreement with itself or something else; harmonious; congruous; compatible; not contradictory.” Id. at 279.
- **Consultation** – A conference between two or more people to consider a particular question.
- **Cooperation** – Process created to marry the general attempt to blend respective areas of responsibility, authority, and expertise of governing bodies and agencies for creating more effective land planning partnerships.
- **Cooperating Agency** – 1. Generally reference to the partnership agent in the relationship of preparing resource management plans, partnering with Tribes, state, and local governments (intergovernmental partners) before, during, and after plans and EISs are prepared. 2. The agent acting upon and within the framework for intergovernmental efforts in achieving early and consistent partnership involvement, incorporating local customs and cultures as well as state and local land use requirements, address intergovernmental issues, avoid duplication of effort, enhance local credibility of plans and EISs, encourage support for management decisions, and build relationships of trust.
- **Coordination** – 1. Process created by Congress to ensure consistency of federal plans and activities with local government plans and policies. 2. Coordination is defined as the act of coordinating; harmonious adjustment or interaction; one that is equal in importance” (American Heritage Dictionary). Coordination is more than “cooperate” or “consult. The courts have defined the term as well: “The concept of ‘coordination’ means more than trying to work together with someone else. To ‘coordinate’ is ‘to bring into a common action, movement, or condition; it is synonymous with; harmonize.” (California Native Plant Society .v City of Rancho Cordova, 172 Cal. App 4th 603, 91 Cal. Rpt. 3d 571 (Third App. Dist. 2009)). 3. Specifically the National Forest Management Act (16 U.S.C.§§ 1604 (a)) requires the Secretary of the Department of Agriculture to: develop, maintain and as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management processes of state and local governments and other federal agencies. 4. Specifically the Federal Land Policy and Management Act (43 U.S.C.A. 1712(c)(9)) requires the Secretary of the Department of Interior to: a. Keep apprised of local plans; b. assure consideration is given to the local plans; c. assist in resolving inconsistencies with local plans; d. meaningfully involve local governments in the planning process; and e. ensure land use plans are consistent with local land use plans.
- **Coordination Process** – a process by which local government engages in a government-to-government dialogue with state and federal agencies in a constructive effort to achieve consistency between state and federal land use plans and actions with local government
- **Culture** - Culture is defined as the customary beliefs, social forms and material traits of a group; an integrated pattern of human behavior passed to succeeding generations. *Webster’s New Colligate Dictionary*, 227 (1975).

- **Custom** - Custom is a usage or practice of the people, which by long and unvarying habit, has become compulsory and has acquired the force of law with respect to the place or subject-matter to which it relates. *Bouvier's Law Dictionary*, 417 (1st ed. 1867).
- **de facto Wilderness Management** – Land management policy that is imposed without congressional direction or authority that mirrors or is similar to the management of areas designated by Congress as wilderness pursuant to the 1964 Wilderness Act. The management restrictions and prohibitions include: the prohibition of construction of new roads; restriction or prohibition on reconstruction or maintenance of existing roads; prohibition of mining or mineral development; restrictions on activities that would require permanent structures or facilities, or restrictions on motorized vehicle use or the use of mechanical tools or means of travel.
- **Desired Plant Community** – A plant community which produces the kind, proportion and amount of vegetation necessary for meeting or exceeding the land use plan/activity plan objectives established for an ecological site(s). The desired plant community must be consistent with the site's capability to produce the desired vegetation through management, land treatment, or a combination of the two.
- **Economics** – Pertaining to how individuals, governments and nations make choices on allocating scarce resources to satisfy the development and management of the material wealth of a government, community or individual.
- **Emergency Stabilization** - USFS and DOI agencies define Emergency Stabilization as; Planned actions to stabilize and prevent unacceptable degradation to natural and cultural resources, to minimize threats to life or property resulting from the effects of a fire, or to repair/replace/construct physical improvements necessary to prevent degradation of land or resources. Emergency stabilization actions must be taken within 1 year of containment of the fire. UHSWCD's protection priorities of emergency stabilization are: 1. Human life and Safety, 2. property, 3. soil and water resources.
 - o Actions to implement emergency stabilization treatments should begin immediately upon plan approval. Implementation should begin as soon as necessary to complete the treatment prior to the rainy season, onset of winter, weather, or other shutdowns.
- **Erosion** – (v.) Detachment and movement of soil or rock fragments by water, wind, ice, or gravity. (n.) The land surface worn away by running water, wind, ice or other geological agents, including such processes as gravitational creep.
- **Federal lands**—All land and associated natural resources owned and managed by the United States. Federal lands include, but are not limited to, public lands, federally reserved lands, federal mineral leases, federal geothermal leases, federal forage leases, federal rights-of-way, but categorically exempted are lands and resources to which private interest or title is attached.
- **Feral** - A domestic animal becomes "feral" simply by fending for itself when left in the wild, without being helped or managed by humans in any way. If it finds others of its own species, reproduces, and the offspring also fend for themselves in the wild, the result is a feral population. In this Plan, feral refers to “wild horse”.

- **Forestland** – Land that is now, or is capable of becoming, at least 10% stocked with forest trees and that has not been developed for non-timber use ("BLM"). As defined by the USDA Forest Service is land that is at least ten percent covered with trees (Forested Landscapes in Perspective, 1998).
- **Forest Health** – A measure of the robustness of forest ecosystems. Aspects of forest health include biological diversity; air and water productivity; natural disturbances; and the capacity of the forest to provide a sustaining flow of goods and service for people.

This term is often used to express a collection of concerns – with respect to the alleged deterioration in the forest conditions, including both current problems and (*e.g.* – insect and disease infestations, wildfires, and related tree mortality) and risks of future problems (*e.g.* – too many small-diameter trees) (overstocking), excess biomass in an unnatural mix of tree species in mixed stands.

- **Forms of Production** – The forms of production component include the things you have or need to produce to retain or attain the desired quality of life. The derived forms of production statement of the District reads as follows: “The quality of life we strive for will be achieved by continuing to maintain and enhance sustainable and optimum production of renewable and non-renewable resources and to encourage and support the motive and means to enhance economic opportunity and education.”
- **Future Resource Base** – The future resource base component includes the people, land and community we live in and the services available, and what we will need to sustain and enhance our quality of life and forms of production. The future resource base statement of UHSWCD reads as follows: “Through the efforts of cooperation and communication among the local people, our community will have a beneficial impact on sustaining a strong and viable multiple-use of our lands, including agricultural, industrial, mineral production, commercial, recreational and historical uses, which together will provide the continued ability to generate wealth and growth and needs of our community.”
- **Grazing Management Practices** – Grazing management practices include such things as grazing systems (rest-rotation, deferred rotation, etc.), timing and duration of grazing, herding, salting, etc. They do not include physical range improvements.
- **Guidelines (For Grazing Management)** – Guidelines provide for, and guide the development and implementation of, reasonable, responsible, and cost-effective management actions at the allotment and watershed level which move rangelands toward statewide standards or maintain existing desirable conditions. Appropriate guidelines will ensure that the resultant management actions reflect the potential for the watershed, consider other uses and natural influences, and balance resource goals with social, cultural/historic, and economic opportunities to sustain viable local communities. Guidelines, and, therefore, the management actions they engender, are based on sound science, past and present management experience and public input.
- **Habitat Conservation Plan** – The FWS will approve a plan to protect habitat for a species listed under the ESA located on private land. The habitat conservation plan allows private landown-

ers to use or develop the land, even though the activities may adversely affect a listed species. The plan will also include a “takings permit” which will permit the incidental loss of habitat or potential harm to a listed species.

- **Habitat Fragmentation** – An event that creates a greater number of habitat patches that are smaller in size than the original contiguous tract(s) of habitat.
- **Historical Value** – 1. The collective contributions of objects and values derived and established in recorded history that impact the character of the District and contribute directly to the customs and culture related to the use and protection of natural resources as described in the Act. 2. The primary managed value as set forth in FLPMA that applies to natural resources and the respective resource users as set forth in the Act.
- **Indicator** – An indicator is a component of a system whose characteristics (e.g., presence, absence, quantity and distribution) can be measured based on sound scientific principles. An indicator can be measured (monitored and evaluated) at a site- or species-specific level. Measurement of an indicator must be able to show change within timeframes acceptable to management and be capable of showing how the health of the ecosystem is changing in response to specific management actions. Selection of the appropriate indicators to be monitored in a particular allotment is a critical aspect of early communication among the interests involved on the ground. The most useful indicators are those for which change or trend can be easily quantified and for which agreement as to the significance of the indicator is broad based.
- **Irreversible and Irrecoverable Commitment of Resources** – NEPA requires that each EIS address the resources that will be permanently lost or committed as a result of the project. When oil is produced from a well it is lost or committed and cannot be later developed. Vegetation resources associated with a well pad are not irreversibly committed because the site can be reclaimed.
- **Invasive Species** - A non-native species whose introduction does or is likely to cause economic or environmental harm or harm to human, animal, or plant health.
- **Jeopardy Review** – The FWS, pursuant to the ESA, must evaluate all federal actions that may adversely affect a species that is listed under the ESA to determine whether the proposed action is likely to jeopardize the continued existence of the species. 16 U.S.C. §1536. As part of the jeopardy review, which is also called a “Section 7 review,” FWS prepares a biological opinion, makes a determination regarding jeopardy, and recommends additional conservation measures that would mitigate the impacts on the species. If the FWS makes a finding of jeopardy, the proposed federal action may not proceed.
- **Lands with wilderness characteristics** – lands that fit the strict definition of wilderness as set forth in the Wilderness Act, e.g., ‘5000 contiguous acres’, etc. and are allowed by strict inventory methods as defined by FLPMA.

- **Managed Values** - Values attached to the management of federal lands as set forth in FLPMA. Such values were identified to protect the quality of management, preserve certain lands in their natural condition, provide food and habitat for fish, wildlife, and domestic animals, and provide for outdoor recreation, human occupancy and use. The eight identified managed values are scientific, scenic, historical, ecological, air and atmospheric, water resources, and archeological.
- **Multiple use** 1. Balanced and diversified management of federal lands and their various public resources to best meet present and future economic and resource needs of the American people. 2. Management of lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the citizenry and the American people. 3. A combination of balanced and diverse resource uses that include managed values as set forth in FLPMA.

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

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

- **Natural resources** – As used in this Plan, all renewable and nonrenewable material in its native state which when extracted has economic value as it pertains to the protection and beneficial use of soil and water. Natural resources may be commercial or noncommercial in nature.
- **Non-impairment management** – The standard for determining whether to allow actions or activities on public lands that have been classified as wilderness study areas either by Congress or the Bureau of Land Management. The action or activity may be allowed so long as the impacts will not impair the areas suitability for wilderness or will not degrade the wilderness values so as to preclude its inclusion in the National Wilderness Preservation System.
- **Objective** – An objective is a site-specific statement of a desired rangeland condition. It may contain qualitative (subjective) elements, but it must have quantitative (objective) elements so that it can be measured. Objectives frequently speak to change. They may measure the avoidance of negative changes or the accomplishment of positive changes. They are the focus of monitor-

ing and evaluation activities at the local level. Objectives may measure the products of an area rather than its ability to produce them, but if they do so, it must be kept in mind that the lack of a product may not mean that the standards have not been met. Instead, the lack of a particular product may reflect other factors such as political or social constraints. Objectives often focus on indicators of greatest interest for the area in question.

- **Post-fire Watershed Stabilization** - Watershed stabilization includes those emergency stabilization treatments necessary to protect life, property, and watershed values (soil productivity and water quality and quantity).
- **Private property** – As protected from being taken for public uses.
- **Public lands** – Lands open for sale or other disposition under the general land laws to which no claims or rights of others have been attached.
- **Rainwater harvesting** - The accumulation and deposition of rainwater for reuse on-site, rather than allowing it to run off. Uses include water for garden, water for livestock, water for irrigation.
- **Rights-of-way** – This term generally refers to “an easement, lease, permit, or license to occupy, use, or traverse lands” and such right may be created by federal or state statute, deed, contract or agreement, or permit. A right-of-way may also include: Any road, trail, access or way upon which construction has been carried out to the standard in which public rights-of-way were built within historic context. These rights-of-way may include, but not be limited to, horse paths, cattle trails, irrigation canals, waterways, ditches, pipelines or other means of water transmission and their attendant access for maintenance, wagon roads, jeep trails, logging roads, homestead roads, mine to market roads, and all other ways.
- **RS2477 Rights of Way** – RS2477 was a self-executing law. When the conditions were met, the right-of-way grant was made. No further action by the grantee or by Congress was necessary to validate it.
- **Range** – Rangelands, forests, woodlands and riparian zones that support and understory or periodic cover of herbaceous or shrubby vegetation amenable to rangeland management principals or practices. Land on which the principal natural plant cover is composed of native grasses, forbs, and shrubs that are valuable as forage for livestock and big game. Any land supporting vegetation suitable for wildlife or domestic livestock grazing, including grasslands, woodlands, shrublands and forest lands.
- **Range Condition** – The current productivity of a rangeland relative to what the land could naturally produce based on the site’s soil type, precipitation, geographic location and climate
- **Range Improvements** – Range improvements include such things as corrals, fences, water developments (reservoirs, spring developments, pipelines, wells, etc.) and land treatments (pre-

scribed fire, herbicide treatments, mechanical treatments, etc.).

- **Range Management** – Ensure a sustained yield of rangeland products while protecting and improving the basic range resources of soil, water, and plant and animal life. Besides producing forage for livestock and wildlife, a range can provide timber, minerals and recreational opportunities. UHSWCD subscribes to the concept of multiple use, which requires that all the resources of a rangeland be managed simultaneously, using constant monitoring and adjustments to provide a mix of material products and intangible assets that best satisfy the needs of the land, landowners and the general public.
- **Rangeland Preservation Area** – a conceptual federal land designation that balances access and land uses, and is in the process of being defined.
- **Recharge** - The addition of water to an aquifer by infiltration, either directly into the aquifer or indirectly by way of another rock formation. Recharge may be natural, as when precipitation infiltrates to the water table, or artificial, as when water is injected through wells or spread over permeable surfaces for the purpose of recharging an aquifer.
- **Recovery Plan** – The ESA requires the USFWS to prepare a plan to improve the status of a listed species to the point where the species need no longer be listed. A recovery plan typically sets population goals, identifies tasks to reverse or arrest the decline of a species and criteria for delisting the species.
- **Recreate** – to refresh by means of relaxation and enjoyment, as restore physically or mentally. An action or lack thereof, which results in relaxation, entertainment, and is enjoyed by those who participate.
- **Reintroduction Plan** – Under the ESA, a reintroduction plan is a specialized recovery plan designed to restore a threatened or endangered species to its historical habitat. A reintroduction plan will document the habitat area to be occupied and specific management actions to be taken to ensure the successful reintroduction of the listed species. Alternatively, a reintroduction plan by a state wildlife agency will return fish, game or other wildlife to an area where they have been extirpated.
- **Research Natural Area (“RNA”)** – A type of area of critical environmental concern or ACEC under BLM land use planning process where natural ecological and physical processes are allowed to occur and human activities are prohibited if they will interfere with the natural processes. Under Forest Service land use policy, a RNA is an area identified as a reference area to evaluate the impacts of management in similar environments, including areas for research and areas to be protected for biodiversity or threatened, endangered and sensitive species.
- **Riparian** – An area of land directly influenced by permanent water. It has visible vegetation or physical characteristics reflective of permanent water influence. Lakeshores and streambanks are typical riparian areas. Excluded are such sites as ephemeral streams or washes that do not have

vegetation dependent on free water in the soil.

- **Runoff** - Water not absorbed by soil or landscape to which it is applied. Runoff occurs when water is applied too quickly (application rate exceeds infiltration rate), particularly if there is a severe slope. Storm water runoff is created by natural precipitation rather than human caused or applied water use. The part of the precipitation that appears in surface streams.
- **Senior Water Rights** - Have earlier priority date and claimants who hold them have a higher priority to divert water from a stream or water body than those with more junior rights. However, in times of scarcity, when there is not enough water to meet demand in a basin, those who need water for domestic and livestock use have first right to water, regardless of one's priority date.
- **Soil** – Loose material from the earth's surface in which all things grow, and which constitutes geologic sedentary and sedimentary accumulations.
- **Special Land Use Designations** – Refers to the classification or designation tracts of land by Congress or a federal agency to recognize and protect distinctive or unique characteristics. Designations by Congress are permanent and may include national monuments, national parks, national park preserves, national wildlife refuges, national recreation areas, national seashores, wild, scenic or recreation rivers, national forests and wilderness. The President may also establish national monuments, which are permanent unless modified by another President or Congress. Federal law may delegate the authority to various federal agencies to make special land use designations. The Interior Department Secretary may designate wildlife refuges; the Bureau of Land Management through its land use plans may establish special recreation areas, areas of critical environmental concern, resource natural areas, and until 1991, wilderness study areas. The Forest Service through its land use plans establishes special interest areas and research natural areas.
- **Species of Concern or Special Status Species** – This term includes species that have been proposed for listing under the Endangered Species Act or have already been listed as threatened or endangered, as well as species that are on the candidate list published in the *Federal Register*. The term also includes any state-listed species or any “sensitive species” which includes the above categories and might also include species undergoing downward trends due to changes in habitat capability or populations or which occupy specialized habitats.
- **Spill Over** – This term refers to the movement of introduced or reintroduced wildlife into areas where they were not intended to be in the plan. The presence of such species will greatly limit land uses, especially when the species is protected under the ESA or other federal and state laws.
- **Standards** – Standards are synonymous with goals and are observed on a landscape scale. Standards apply to rangeland health and not to the important by-products of healthy rangelands. Standards relate to the current capability or realistic potential of a specific site to produce these by-products, not to the presence or absence of the products themselves. It is the sustainability of

the processes, or rangeland health, which produces these by-products.

- **Sustained Yield** – A “high-level” output of renewable resources that does not impair the productivity of the land. The continuation of a healthy desired plant community.
- **Takings in context of Endangered Species Act** – Includes harm to a protected species when an act actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. 50 C.F.R. §17.3.
- **Takings in context of property and right to compensation** – A ‘taking’ of property is generally defined as to deprivation of the right of use and enjoyment of the property. The ownership of property is often described as a “bundle of sticks” which includes mineral rights, rights of access, rights to use the surface, and rights to use the fruits raised from the surface, such as crops or grass. When land use regulation by federal, state or local government interferes with one of those rights in the bundle of sticks, a taking occurs only if it deprives the owner of all of his bundle of sticks or “investment-backed expectations.” More recent decisions will find a taking when the deprivation is total but temporary or when the deprivation precludes an essential element of the property right, such as the right to exclude others. Federal land agencies enjoy a much greater presumption of authority to limit the exercise of private property rights and successful takings cases more often involve disputes with a local government or state agency.
- **Title V of FLPMA** – In 1976, Congress repealed almost all laws granting rights-of-way for various purposes and established a single title under which rights-of-way would be granted across public lands for any purpose, including power transmission lines, roads and pipelines.
- **Unintended consequences** – 1. Impact or damages that do not directly and immediately flow from the act or the policy implementation. 2. The result of unforeseen circumstances that are not predictable or immediately apparent to the casual observer without local input.
- **Visibility or Visibility Impairment** – Visibility refers to amount or lack of haze that obscures the ability to see great distances. Visibility impairment measures the extent of haze composed of various air pollutants which manifest as a white or brown haze. This is a major issue with respect to national parks and wilderness areas, which are Class I air quality areas and are given the highest level of protection.
- **View** – The sight or prospect from a particular point, typically an appealing sight.
- **Viewshed** – The geographic area surrounding the visual area to be inventoried and managed.
- **Visual Condition Class** – The Clean Air Act recognizes four air quality classes with Class I applying to national parks and wilderness areas and Class II applying to all other federal land areas, such as National Forests, National Wildlife Refuges, and public lands. Visual conditions are

affected by particulates, emissions including ozone, sulfur oxide, nitrogen oxide, carbon dioxide and the chemical reactions caused by humidity and sunshine.

- **Visual Quality or Visual Resource Management Objective** – Standards established in land use plans prepared by the Forest Service or the Bureau of Land Management to apply to specific land areas based on the scenic qualities and land uses. The land use plans may require modifications to facilities to reduce the visual impacts.
- **Visual Resources** - Visual resources in the District are a composite of landforms, human and animal life forms, water features, cultural features, terrain, geologic features and vegetative patterns which create the visual environment. These visible physical features are important to the landscape.
- **Visual Resource Management ("VRM")** – The designation of BLM surface lands for visual resource protection and management as part of BLM's land use planning process. The VRM classification takes into account scenic values, sensitivity based on land uses permitted and distance or remoteness. *See* BLM H8410-1.
- **Water** – To supply with water. Irrigate, sub-irrigate, dampen, vaporize, humidify, hose, spray, douse, drench, submerge, immerse, saturate, plunge, dip, splash, sprinkle, moisten, wet, and soak. In all forms, i.e. subterranean, surface, captured, recaptured, processed or wild. All waters (subterranean, ponds, pools, stream, river, wild and or contained arroyos) within the footprint of UHSWCD.
- **Water Conservation** - Is reducing the use of water through technologic or social methods. It includes policies, practices, and education that promote the efficient use of water such as minimizing losses, reducing waste, minimizing use, and protecting availability for future uses. These policies and practices can range from more efficient practices in farm, home, and industry to capturing water for use through water storage or land-use practices.
 - o The Office of State Engineer defines water conservation as “any action or technology that reduces the amount of water withdrawn from water-supply sources, reduces consumptive use, reduces the loss or waste of water, improves the efficiency of water use, increase recycling and reuse of water or prevents the pollution of water.
- **Water Right** - Legal rights to use a specific quantity of water, on a specific time schedule, at a specific place, and for a specific purpose.
- **Watershed** – The total land area, regardless of size, above a given point on a waterway that contributes runoff water to the flow at that point. It is a major subdivision of a drainage basin. The United States is generally divided into 18 major drainage areas and 160 principal river drainage basins containing about 12,700 smaller watersheds. The entire region or land area that contributes water to a drainage system or stream, collects and drains water into a stream or stream system or is drained by a waterway (or into a lake or reservoir). More specifically, a watershed is

an area of land above a given point on a stream that contributes water to the streamflow at that point. A region or area where surface runoff and groundwater drain to a common watercourse or body of water. The area drained by a river or river system enclosed by drainage divides. An area of land that drains to a single water outlet. A watershed is also known as a sub-basin.

- **Wilderness Act of 1964** - Congress established the National Wilderness Preservation System to protect and preserve those areas deemed to be wilderness, which is defined as: A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this chapter an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value. 16 U.S.C. §1131(a).”
- **Wilderness Area** – Tracts of land designated by an act of Congress to be part of the National Wilderness Preservation System.
- **Wildlife** – Populations, variety, and distribution of birds, mammals, reptiles, amphibians, invertebrates and plants.
- **Woodland Products** – Harvestable items from Piñon – Juniper woodlands. These include fuel wood, posts, pine nuts and Christmas trees.
- **Woody** – Consisting of wood plants such as trees or bushes.
- **Wood Fiber Production** – The growing, tending, harvesting and regeneration of harvestable trees.

2.2 ANNUAL ACTION PLANS

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

2.3 POLICIES AND PROCEDURES

It is the policy of this District to pursue and participate in projects that protect the health, welfare and safety of the community in general and its stakeholders in particular. The defining expectation is that the federal, state, and other local governments engage in methods to enhance agriculture ... not underwrite its removal from the landscape.

The District wants to ensure that the local, state, and federal agencies respect procedural due process rights by providing adequate public notice and the opportunity for a hearing, including an evidentiary hearing, when granted by statute. Regulatory actions, such as designation of critical habitat under the Endangered Species Act or denial of surface access across federal land, operate to inversely condemn private property without providing just compensation. The District supports providing legal remedies when federal or state governmental action operates to take property rights or some portion of the property right.

2.4 EMERGENCY ACTION PLANS – (FOR DAMS AND STRUCTURES)

2.5 COORDINATION AGREEMENTS – (SUCH AS PARTICIPATING, COOPERATING AND STEWARDSHIP AGREEMENTS WITH STATE AND FEDERAL AGENCIES)

3.0 PURPOSE, CUSTOM AND CULTURE, AND GOALS

3.1 PURPOSE

The UHSWCD will address the use and management of natural resources, especially watersheds, rangeland, farmland, soil, and water conservation, within the political jurisdiction of UHSWCD as the heart of its comprehensive planning efforts. The closer decision-making is to the land and to the people who make use of the land, the more informed it will be as to the conditions of the land and the needs and desires of those who live, work and recreate there.

The purpose of the Plan is to guide policy regarding soil and water natural resource conservation and enhancement as needed and is intended to provide a framework for local, county, state, and federal agencies in land use planning that affect the resource universe in the District. Additionally, the Plan is meant to safeguard the historic, traditional, conceptual and future conservation measures of these resources against all encroachments that may jeopardize their sanctity and beneficial use. This plan is designed to protect the production and safeguarding of legitimate and worthwhile agricultural products, to ensure private rights, to allow and encourage expansion of resource supplies, and to defend the active engagement of public safety for District citizenry created by the presence and absences of water supplies.

3.2 CUSTOMS AND CULTURE

The District recognizes the importance of Agriculture and its extension of enterprise and resource dependence to the stability of the local economy. The historic and contemporary influence of agriculture is the foundation of the community's customs and culture. Farms, ranches and support businesses have played and continue to play a fundamental role in local social and economic well being. UHSWCD is increasingly concerned about increasing regulations and land use changes within the jurisdiction of federal land ownership which are reducing the viability of farms and ranches. To reverse such trends, UHSWCD supports, encourages and promotes policies that will lead to the long term economic strength and the protection of our natural resources, in doing so, that reflects our customs and culture.

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

Federal Lands Policy and Management Act of 1976 (FLPMA) Section 102 has 8 values: Scientific, Scenic, Ecological, Environmental, History, Archeological, Air and Atmospheric, and Water. History is the only one that reflects customs and culture. Modern agency management reflects only scientific, scenic, archeological, ecological, environmental, air and atmospheric, and water. Federal land management plans are generally silent on historical features. UHSWCD strongly believes in the need to elevate the importance of historical values, and ensure that all 8 values are equal in any decision made by land management agencies.

Continued equilibrium must be achieved through District interactions with local, state, and federal agencies to imagine and implement plans that meet changing conditions and needs. This interaction is critical to the well being of the District and its ability to adapt for future needs. The District is intent on maintaining current and encouraging future protection of rights to maintain an environment capable of producing opportunities for future generations.

3.3 GOALS OF THE PLAN

1. Maintain and improve the soil, vegetation and watershed resources in a manner that perpetuates, sustains, and expands the beneficial uses of such resources while maintaining healthy ecosystems and fully supporting public safety, the customs and economic stability and viability of our industries and the general welfare of the citizens of the District.
2. Provide the plans and policies that direct the UHSWCD in coordination with local, state, and federal bodies and agencies regarding planning, outlining, orchestrating, scheduling, mapping, designing, facilitating, conceptualizing, formulating, designing, plotting, or strategizing land use plans that will affect the soil, water, and other resources of the District today, tomorrow, or further into the future.
3. Work with federal, state and local government agencies to fulfill the District's primary legal responsibility to provide for the health, safety, and well being of their constituents.
4. Work to reduce any possibility of unintended consequences from decisions and actions that may be taken by agencies and/or other entities that can negatively impact the District; its economy, its tax base and the people it serves. Such action, in general, seeks to minimize the unintended consequences to the local land users from ongoing governmental courses of conduct.

4.0 PRIMARY PLANNING GUIDANCE AND DIRECTIVES

- The state of New Mexico has authorized the creation of UHSWCD with powers and duties to accomplish the legislative determination of the act.
- Congress has mandated stabilization of soil and water through the Soil and Water Resources Conservation Act . . . “Recognizing that the arrangements under which the Federal Government cooperates . . . through conservation districts, with other local units of government and land users, have effectively aided in the protection and improvement of the Nation’s basic resources . . . it is declared to be policy of the United States that arrangements and similar cooperative arrangements be utilized to the fullest extent practicable . . .”
- Congress has mandated . . . “Federal agencies shall coordinate with local and state agencies to develop comprehensive solutions to prevent, reduce and eliminate pollution in concert with programs for managing water resources.”
- With District coordinated actions, federal agencies must be consistent with officially approved and adopted local land use plans, as long as such local plans are consistent with federal law and regulations.
- Work with all federal agencies to ensure resource management plans or management framework plans list known inconsistencies between their plans and district plans and submit those inconsistencies to the Governor of New Mexico. Agencies are obligated to take all practical measures to resolve conflicts between federal and local government land use plans.
- Federal Agencies are required to submit a notice of intent to prepare, amend, or revise a resource management plan to State Agencies, consistent with State procedures for coordination of Federal activities,
- The District lands must be managed in a manner that will protect the quality and balance of natural resources as defined by the Act with the scientific, scenic, historical, ecological, environmental, air and atmospheric, water resources, and archeological values with the intent to provide both stewardship and continued human occupancy and use.

4.1 OBJECTIVE

To create a coordinated working relationship with agencies and citizenry that protects and enhances local natural resources, safety and well being for all. The District constituency must have a regulatory environment that works for them and minimizes any harm to District land users. The regulatory environment should enhance lives, safety, and resources and improve the economy without imposing unacceptable or unreasonable costs. All regulatory policies must recognize the private sector and private markets are the engines for economic growth. New regulatory approaches should respect the role of local and state governments and adopt regulations that are effective, consistent, sensible, and understandable. It is, therefore, imperative to set planning guidance for lands and resource interactions as they apply to matters of the District.

4.2 RESOURCE CONCERNS - No priority ranking has been established for the following resource concerns. The District will focus on each concern as needed.

1. **Customs and Culture**
2. **Water Resources**
3. **Soil**
4. **Range and Grassland**
5. **Wildlife and Livestock**
6. **Threatened and Endangered / Sensitive Species**
7. **Predator Control**
8. **Riparian Habitat**
9. **Invasive Species**
10. **Wildfire**
11. **Flood and Storm Water Control, Dam Maintenance**
12. **Watershed and Forest Health**
13. **Energy/Utilities**
14. **Special Land Designations**
15. **Agriculture**
16. **Visual Resources**
17. **Mineral, Mining and Extraction of Natural Resources Management**
18. **Travel Management**
19. **Air Quality**

4.2-1 CUSTOMS AND CULTURE

The future and its many unanswered questions of water supply, population growth, and continuing soil resource needs, and particularly, the perpetuation, renewal, improvement, protection and expansion of the farm and rangeland base. The people of Lincoln and Chaves Counties have traditionally earned their livelihood from activities associated with natural resources. The economy of the area in the past and today depends on the availability and utilization of natural resources. It is paramount the fulfillment of such a process is maintained with highest standards that represents all citizenry equally. Collectively, the past and future represent the **customs and culture** of the District.

- **Goal:** It is the goal of UHSWCD to coordinate all activities in a manner that will protect the diversity and quality of customs and culture derived from historical and environmental values; that, where appropriate, will use and protect all lands in a condition that will promote land health which contributes to community economic freedom and security. The District will undertake such actions in a manner that serves all citizens with a high standard of ethical and objective leadership.
- **Guidance:** FLPMA provides for effective use of the Agency administered lands by providing continuity of uses for roads, power, water, grassland, and natural gas. The Act also mandates multiple use of the Agency administered lands, provides for continuing inventory and classification reviews of such lands. The Agency is required to comply with federal, state, and local gov-

ernment laws relating to such matters including the values set forth in the Declaration of Policy of the Act. The Act is the organic basis of managing federal lands in the West. National Forest Management Act (16 U.S.C. §§ 1604 (a)) requires the Secretary of the Department of Agriculture to: develop, maintain and as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management processes of state and local governments and other federal agencies. UHSWCD intends to cooperate in a manner that elevates all values equally without prejudice or inferred cardinal value. This includes the blending of historical and environmental values that have, heretofore, become book-ends of manifested priorities. The presence of humans in this landscape is elevated in importance.

- **Objectives:**

1. UHSWCD intends to maintain balance within the actions of the Board itself as well as the actions of federal and state government in land use planning within the District.
2. UHSWCD intends to maintain such a balance in the face of federal and state management policies that are often driven by forces outside of the jurisdiction of the District.
3. Due Process and Protection of Private Property
 - ▶ The U.S. Constitution created a form of government characterized by:
 - Limited powers granted to the federal government, with all unenumerated powers being reserved to the respective states.
 - Separation of those limited powers into legislative, judicial, and executive branches.
 - Creation of a process where the branches act to check and balance the power of the other branches.
 - Guarantee rights of due process and just compensation when private property is taken for public use.
 - Grant of authority to Congress to make rules and regulations governing federal property.

4.2-2 WATER RESOURCES

Water users in the District rely on water supplies from both surface water and groundwater sources. Surface waters are diverted directly from the Rio Hondo, Rio Ruidoso, and Rio Bonito. Surface water is stored in reservoirs both outside and within the District. Ponds on intermittent streams are a water source for both livestock and wildlife. Groundwater is pumped from geological formations that yield from 3500 to less than one gallon of water per minute (gpm).

The District's groundwater supplies are appropriated from several geological formations. The main water-bearing formations are the alluvium and the deeper formations. Wells developed in these formations yield one to 3500 gpm. Irrigation wells were first developed to supplement the surface water diverted from streams. Wells were later developed as a primary source of irrigation water.

Presently, in the reaches of the Ruidoso River, between Ruidoso and its confluence with the Rio Bonito, there are 29 diversion dams serving approximately 179 landowners and 1264 acres of irrigated land. In the reaches of the Rio Bonito, between Fort Stanton and its confluence with the Ruidoso River, there are 13 points of diversion serving 40 landowners and 1030 acres of irrigated land. In the reaches of the Hondo River, from its headwaters to the confluence of the Ruidoso River and Rio Bonito at the McKnight Ranch, there are five points of diversion serving 16 landowners and 672 acres of irrigated land.

According to USGS “Changes in climate (including drought, the occurrence of wildfires, and shifts in the variability and distribution of precipitation) and increased groundwater and surface water use are affecting the availability of water in the upper Rio Hondo Basin. Decreases in surface-water supplies because of persistent drought conditions and reductions in the quality of water because of the effects of wildfire may lead to a larger reliance on groundwater reserves in the upper Rio Hondo Basin. Decreasing water levels because of increasing groundwater withdrawal could reduce base flows in the Rio Bonito and Rio Ruidoso.”

Currently, The Office of the State Engineer (OSE) maintains an administrative policy over water rights in which the user must put that water to “beneficial” use. A water right must continue to be used in perpetuity in order for the appropriator to maintain control of that water right. Historically, the conservation of water has not been categorized as “beneficial use.” This administrative philosophy has resulted in a condition in which water rights holders cannot conserve their water rights in times of plenty for use in times of prolonged shortage. In 2003, the legislature modified the New Mexico statutes to include some provisions to promote water conservation without fear of loss of right due to failing to apply the water to beneficial use.

Additionally, NMSA 1978 72-5-28 (G), indicates that “periods of nonuse when water rights are acquired and placed in a state engineer-approved water conservation program, by an individual or entity that owns water rights, a conservancy district..., a soil and water conservation district..., and acequia or community ditch association ..., an irrigation district ..., or the interstate stream commission shall not be computed as part of the four-year forfeiture period.

New Mexico statutes require that all new appropriations of water and transfers of water be consistent with the public welfare of New Mexico. UHSWCD believes that public welfare entitles the region to retain some quantity of water in reserve for its economic and cultural future. The District is also concerned about the condition of the land (erosion, invasive weeds) after water rights are transferred. UHSWCD expects OSE to coordinate and have a mitigation plan with the current landowner with input from the District.

The New Mexico Statewide Water Quality Management Plan (WQMP) was adopted in 1978. The authority for the WQMP is the New Mexico Water Quality Act (NMSA 1978), which created the NMWQCC. The intent of the WQMP is to meet the requirement under Section 208 of the Federal Clean Water Act of 1977 that all states create and adopt water quality management plans. The WQMP addresses two issues, regional wastewater management and non-point-source (NPS) pollution.

Regulation of pollution and water quality for the Nation's waters has been achieved through a partnership between the state and federal government. This relationship has been successful because of the recognition that not all waters need to be subject to federal jurisdiction and that states have the primary responsibility of regulating waters within their individual boundaries. This federal-state partnership was established under the 1972 Clean Water Act (CWA).

The extent of the federal government's authority under the CWA was limited to "navigable waters," which under the CWA, defined as "waters of the United States". Twice, the Supreme Court has reaffirmed the federal-state partnership under the CWA, when it told the federal agencies that there are limits to federal jurisdiction under the CWA. UHSWCD is committed to protecting the waters within its jurisdictional boundary and believes everyone must work together to achieve that goal without compromising public safety and infrastructure responsibilities.

UHSWCD recognizes that New Mexico must act now to protect our watersheds and water supply. With every year that goes by without a large-scale solution, more acres are severely burned, more critical water sources are jeopardized, more communities are threatened and other natural values are placed at risk.

- **Goal:** Water is essential for promoting economic well-being and provides a high return on investment. Since water is a necessity for agriculture, residents, industry, and many service activities, UHSWCD will provide proactive support for corrective and conservation practices and programs to protect the public and conserve, expand, extend, and develop beneficially the water resources of the District.

Assure the policies and actions of the local, state and federal government in matters of water resources protection are fully inured to the benefit of that resource.

- **Objectives:**
 1. Coordinate with the appropriate local entities on the development of and set up a framework for continuing broad-based discussions on water issues as well as encourage locally driven collaborative solutions.
 2. Federal agencies will coordinate with the District to ensure the District's policies are considered and consistency achieved to resolve water resources issues in concert with the conservation of endangered species, pursuant to 16 U.S.C.A. 1531(c)(2).
 3. The Forest Service will coordinate with the District to ensure the District's policies are considered and consistency achieved when developing its new "Groundwater Resource Management" chapter in the Forest Service Manual.
 4. The District will coordinate with NM Environment Department water quality programs (i.e. nonpoint source pollution programs) within its boundaries to evaluate, mitigate, and minimize the impacts on the District's private water rights, custom and culture, and economic vi-

ability. Additionally, the District will coordinate with the NM Environment Department on the State's biennial 303(d) list for waterbodies within the District's boundaries.

5. The District requires notice of any actions or regulations which involve water resources on federal and state land within the District. The District will review and comment on local, federal or state actions or changes significant to water resource issues within the District.
6. Coordinate and participate with the Office of the State Engineer (OSE) to ensure historical water use for farming and ranching is secure within UHSWCD boundaries.
7. Coordinate and participate with OSE to ensure significant efforts are placed on the exploration, research and promotion of aquifer storage and recovery strategies happen within the UHSWCD boundaries.
8. Coordinate with the appropriate agencies in the land use inventory, planning, and management activities, which affect water resources in UHSWCD, either directly or indirectly, to ensure consistency with the Plan.
9. The overgrown conditions of New Mexico's watersheds impairs watershed function. Promote, improve and implement forest and woodland management within UHSWCD and encourage expanding state water planning to specifically include improving watersheds.
10. Water reuse can extend water supplies, but it requires additional infrastructure and more sophisticated systems. Elevate the idea of water reuse systems with communities and help determine which of the three major approaches fits best (indirect, direct or potable direct) within UHSWCD.
11. UHSWCD will continue the promotion of its rainwater harvesting system cost-share program as part of its overall water conservation program.
12. Support the protection of private rights and interests in irrigation and water development structures on public lands.
13. Collaborate with the Environmental Protection Agency and Army Corps of Engineers on matters concerning "Waters of the US."

4.2-3 SOIL

Healthy soil gives us clean air and water, bountiful crops and forests, productive grazing lands, diverse wildlife, and beautiful landscapes. Soil quality, is defined as the continued capacity of soil to function as a vital living ecosystem that sustains plants, animals, and humans. Soil contains living organisms that when provided the basic necessities of life (food, shelter, and water) perform functions required to produce food and fiber. Soil health is an assessment of how well soil performs all of its functions now and how those functions are being preserved for future use. Healthy soil cannot be

determined by measuring a single outcome so indicators are used. Indicators are measurable properties of soil or plants that provide clues about how well the soil can function. Indicators can be physical, chemical, and biological properties, processes, or characteristics of soils. They can also be morphological or visual features of plants.

Dynamic soil quality is how soil changes depending on how it is managed. Management choices affect the amount of soil organic matter, soil structure, soil depth, and water and nutrient holding capacity. Soils respond differently to management depending on the inherent properties of the soil and the surrounding landscape.

Soil cover conserves moisture, reduces temperature, suppresses weed growth, and provides habitat. This is true regardless of land use; range, cropland, pasture, or hayland.

- **Goal:** Provide proactive support for corrective and conservation practices and programs to conserve, protect, and beneficially develop the soil resources of the District. It is also the goal of UHSWCD to institute and manage vegetation and landscape projects that will maintain proper soil health. Windblown dust in this area occurs both from natural and man-made sources.

To ensure the policies and actions of the local, state, and federal government in matters of soil resource protections are fully inured to the benefit of the resource

- **Objectives:**
 1. Encourage land managers and landowners to seek technical assistance to mitigate surface disturbance and to facilitate soil and water conservation. Reestablish native or other desired vegetative cover on poor quality crop and range land from which water rights have been removed.
 2. Encourage vegetative cover that provides coverage to surface soils and slows wind velocity at the ground surface.
 3. Promote and provide technical information to Lincoln and Chaves Counties as well as UHSWCD cooperators on road layout, design, and maintenance to reduce erosion and how to implement drainage structures on county, private, and energy companies access roads.
 4. Provide technical information on reseeded for any disturbed soils including but not limited to; transmission, pipeline and renewable energy pads.

4.2-4 RANGE AND GRASSLAND

Stewardship of vegetation composition, cover, and production is the foundation of sustainable rangeland management. A key component of rangeland ecosystem management is maintaining vegetation ground cover and productivity within a desirable mix of herbaceous and woody plants.

Effective, economically sustainable native invasive species management systems must be based on available biological and ecological peer reviewed science of the specific species. The District will also rely upon knowledge gained from past successes and failures in managing native invasive species, woody native shrubs and other noxious range and grassland species.

The long term goal is to create a mosaic of grasslands interspersed with thinned piñon/juniper savannas and piñon/juniper woodlands. The District believes that excessive brush control can be detrimental to wildlife populations, aesthetic, recreational, and real estate values of the land. Carefully planned and selective control programs can optimize the value of the land for multiple considerations.

- **Goal:** Provide proactive support for corrective and conservation practices and programs to conserve, protect, and beneficially develop the range and grassland resources of the District. Also, work to increase productivity of rangeland to increase and/or maintain Animal Unit Month ("AUMs") to maximum sustainable levels on rangeland in Lincoln and Chaves Counties as well as maintain and enhance desired plant communities for the benefit of watersheds, wildlife, water quality, recreation and livestock grazing.

It is a long term goal that UHSWCD will partner with other Soil and Water Conservation Districts to promote cutting-edge management of semi arid lands stewardship within this District and statewide.

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

The continued viability of livestock operations and the livestock industry should be supported on federal lands within UHSWCD boundaries by management of the lands and natural resources, by the proper optimization of animal unit months for livestock, in accordance with supportable scientific rangeland monitoring technique and the multiple use provisions of the Federal Land Policy and Management Act of 1976, 43 U.S.C §§1701 et seq., the provisions of the Taylor Grazing Act of 1934, 43 U.S.C. §§531 et seq, the Public Rangelands Improvement Act, 43 U.S.C. §§1901, et seq. and the National Forest Management Act, 16 U.S.C.§§1600-1687.

Land management plans, programs, and initiatives should provide that the amount of domestic livestock forage, expressed in animal unit months, for permitted, active use as well as wildlife forage, be no less than the maximum number of animal unit months sustainable by range conditions in grazing allotments and districts, based on “on-the-ground” and scientific analysis.

This is essential to the proper operation of the District. Livestock producers do more than contribute to the economic stability of the community, which helps the District, but are also the primary entities that help to implement the Districts programs. Any reductions in domestic livestock animal unit months must be temporary and based on objective peer reviewed science on

rangeland conditions.

- **Objective:**

1. UHSWCD will promote activities that deal with controlling and reducing plant densities of native invasive species such as one-seed juniper, and other invasive species like mesquite, salt cedar, and cholla to restore native grasslands and plant communities.
2. Forage reductions resulting from forage studies, fire, drought or other natural disasters will be implemented on an allotment basis and applied proportionately based on the respective allocation to livestock, and wildlife.
3. Due to a combination of conditions such as an engaged body of federal land managers, ranchers, NMSU, the Range Improvement Task Force, state and federal agencies, and UHSWCD; a federal land designation should be sought to elevate the idea of a rangeland and grassland improvement area. UHSWCD supports the development of a world class semi arid range and grassland lands sustainable research and production unit.
4. Permanent increase or decreases in grazing allocations reflecting changes in available forage will be based on the vegetative type of available forage and applied proportionately to livestock or wildlife based on their respective dietary need.
5. Encourage the use of coordinated range management plans (allotment management plans or coordinated activity plans) for each grazing allotment that allow for the flexibility and updating of management during the ten-year term of the grazing permit. (*i.e.* water development, juniper/brush control, re-seeding, fencing, salting plans, herding plans and grazing systems)
6. Coordinate with federal and state agencies on any new federal and state land acquisition within UHSWCD boundaries. Encourage federal and state land management agencies to focus on lands currently under its responsibility.

4.2-5 WILDLIFE AND LIVESTOCK

The production of livestock in Lincoln and Chaves Counties are necessary to the area economy, tax base, and the livelihood of the ranching / farming businesses and related industries and it is also vital to the well being and continued health of natural resources on federal, state and private lands. UHSWCD shall strive to protect the ranching / farming heritage, as it is a primary foundation of the custom and culture of the District.

While science has soundly established that America's mustangs (from the Spanish word "mesteño," meaning "wild") are feral, not wild, centuries of living alongside people in the West have made the mustangs an emblem of grit, defiance and hardiness that American still believe define this nation.

UPSWCD strongly believes the feral horse is a living symbol of the historic and pioneer spirit but requires the federal agencies to manage excess animals as defined in the "Wild Free Roaming Horses

and Burros Act of 1971 (Public Law 92-195), Public Rangelands Improvement Act of 1978 and FLPMA.

Feral hogs (also known as wild hogs, wild boar, or feral swine) are not native to the Americas. The first pigs in the United States originated solely from domestic stock brought to North America by early European explorers and settlers. Many years later, Eurasian wild boar were introduced into parts of the United States for hunting purposes. In areas where domestic pigs and Eurasian wild boar were found together in the wild, interbreeding occurred. Feral hogs alter and damage habitat by causing erosion, uprooting native plants, spreading noxious weeds, damaging river and stream banks, and directly competing for resources important to wildlife.

Goal: UHSWCD will strive to manage vegetation and landscape projects that will 1) maximize grassland development for livestock and wildlife, collectively, 2) expand water supplies and systems to support such populations on an availability standard, 3) encourage research to determine benefits of more complex grazing practices, 4) work with the New Mexico Department of Game and Fish (NMDGF) to elevate quality hunt opportunities and express the need to coordinate with federal land managers, 5) educate the general public of the benefits and the symbiotic relationships of livestock and wildlife in this desert environment, and 6) Encourage wildlife management practices that sustain wildlife resources and habitat without measurably degrading other multiple use activities or private property rights.

UHSWCD strongly urges land management agencies to: upon termination of a grazing permit, assure that a livestock permittee will be compensated for the remaining value of improvements or be allowed to remove such improvements that permittee made on his/her allotment.

UHSWCD will coordinate with the land management agencies to ensure permanent increase or decreases in grazing allocations reflecting changes in available forage will be based on the vegetative type of available forage and applied proportionately to livestock or wildlife based on their respective dietary need.

UHSWCD will be notified of all “suspension of grazing” or any action that decreases grazing on federal lands within the District’s jurisdictional boundaries. UHSWCD believes that the permittee should be given an opportunity to meet the agency dictate to reduce numbers rather than stop grazing immediately.

- **Guidance:** In various laws and grazing guidelines, Congress has often-mandated stabilization of the local livestock industry by providing for the orderly use, improvement, and development of the range in a manner which adequately safeguards vested grazing and water rights, and in a manner that will not impair the value of a grazing unit when such a right is pledged as a debt security by the permittee.

Multiple Use and Sustained Yield Act of 1960 (P.L. 86-517, June 12, 1960) as amended. Multiple use implies a sustained yield of outdoor recreation, range, timber, watershed and wildlife and fish

values. FLPMA sets forth the policy that federal lands be managed in a manner that will protect the quality of multiple resources, will provide food and habitat for fish and wildlife as well as domestic animals and will provide for outdoor recreation and human occupancy and use.

- **Objectives:**

1. The District will support opportunities for livestock grazing on private, state and federal lands. This includes advocating for the protection of equitable property rights, science-based land stewardship, and promotion of Best Management Practices for the improvement and continued use of all rangelands within the District.
2. Coordinate with the NMDGF to develop specific wildlife harvest targets (**especially for introduce species**), quality hunts, depredation mitigation, and future management plans to unite private/agency endeavors.
3. Coordinate with the appropriate agencies that have jurisdictional responsibility to manage feral horses. This will be done in order to maintain a thriving natural ecological balance and multiple-use relationship on public lands. Also, UPSWCD expects the federal agencies to enforce Section 4 of the Wild Free Roaming Horses and Burros Act of 1971 (Public Law 92-195).
4. Coordinate with federal land management agencies to ensure federal management activities regarding wildlife and livestock grazing do not negatively impact the District's activities designed to prevent soil erosion and ensure flood prevention. Grazing management decisions can trigger future erosion and flood issues if not carefully coordinated with the District's plans.
5. Coordinate with federal agencies when appropriate, to set the indicator thresholds at levels suitable to maintain or achieve desired conditions for forest, range, uplands, and riparian areas. UHSWCD will advocate adjusting the thresholds when events such as drought, wildland fire, and other natural events occur.
6. Promote and coordinate water distribution system installation and infrastructure improvements to benefit all wildlife and livestock health and welfare within the UHSWCD.
7. Implement range improvements to maintain or improve soil health and water quality. Promote and coordinate other valuable and essential work that will provide a healthy environment for the beneficial use of resources that are implicit in the husbandry of wildlife and livestock endeavors within the UHSWCD boundary.
8. Encourage private landowners to plan, develop, and implement resource management plans that meet the standards of grazing management systems through: proper stocking, deferred and rotational grazing, erosion control, control of poisonous and noxious plants, water development and distribution, and fencing.

9. Coordinate with all landowners and land managers to increase productivity of rangeland to increase and/or maintain Animal Units Month (AUM) that maximum sustainable levels on rangeland. Any grazing AUMs that are placed in a suspended use category should be returned to active use when range conditions improve.
10. Recommend that crucial or critical habitat designations consider economic impacts to the human environment, possible conflicts with other land uses, and protection of private property rights.
11. Coordinate with federal agencies on the redistribution of wildlife so that it does not impact private lands.
12. Coordinate with the appropriate agencies that have jurisdictional responsibility to manage feral hogs. This will be done in order to maintain a thriving natural ecological balance on private lands and multiple-use relationship on public lands.

4.2-6 THREATENED, ENDANGERED / SENSITIVE SPECIES

The keystone of good environmental stewardship lies in a healthy resource base. Endangered and threatened species, as well as all plants and all animals, depend on the intricate balance of stable ecological, economic and social functions of the immediate local community.

The Endangered Species Act (“ESA”), [Addendum Tab No. 12 at 37-59, 16 U.S.C. §§1531-1541], protects individual species of plants and animals wherever they occur when it is determined that the continued existence is threatened or endangered. [Addendum Tab No. 12a at 37, 16 U.S.C. §1533]. The ESA provides for listing of species through rule making, 16 U.S.C. §1533(a), and within a year after listing, the identification of critical habitat for the species.

Prior to making a determination whether a species is threatened or endangered, the federal agency is required to take into account “those efforts, if any, being made by any State or foreign nations, or any political subdivision of a State or foreign nation, to protect such species, whether by predator control, protection of habitat and food supply, or any other conservation practices, within any area under its jurisdiction; or on the high seas.” (16 U.S.C. 1533(b)(1)(A)) This includes a review of the Districts plan, policies and projects. The Districts plan should be reviewed in its entirety as inherent in every policy is the objective to conserve species.

Additionally, it is the policy “of the Congress that Federal agencies shall cooperate with State and local agencies to resolve water resource issues in concert with conservation of endangered species.” (16 U.S.C. 1531(c)(2)) The UHSWCD holds specific authority to manage water resources within its jurisdiction, and therefore, all actions carried out under the Endangered Species Act must be coordinated with the District to resolve any water resource issues that may arise.

Agencies are to consider the best available objective peer reviewed science when making a decision whether to list, and economic and social impacts are to be considered in the designation of critical habitat. [Addendum Tab No. 12a at 38, 16 U.S.C. §1533(a)(3)(A)].

Critical habitat designations must take local socio-economic impacts into account. Areas may be excluded as critical habitat based upon economic impacts unless the failure to designate the area as critical habitat would result in extinction of the species. Area designations that preclude the District from carrying out its soil erosion and floodwater management projects will cause economic harm to the community and shall not be included as critical habitat unless absolutely essential to the survival of the species.

Once a species is listed, it cannot be “taken,” which is broadly defined to mean any direct harm to the species or harassment, which, in turn, includes disruption in activities or loss of critical habitat. [Addendum Tab No. 12c-ii at 59, 50 C.F.R. §17.3]. If a ‘take’ is likely to occur on private land, the landowner must secure a takings permit under Section 10 of the ESA, and often does so under a habitat conservation plan which also requires compliance with NEPA. [Addendum Tab No. 12c at 59].

The Natural Heritage New Mexico Program gathers, organizes, and disseminates information on unique, rare, threatened, and endangered plant species.

The ESA is the basis for several planning mechanisms:

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

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

The following species have been listed by FWS within the jurisdictional boundaries of UHSWCD but does not preclude the 37 listed species specific to New Mexico by FWS and the targeted multi-species mega settlement list that may affect the District’s customs and culture. The status of any listed species must be known and all additions or removals must be coordinated with the District.

Mexican Spotted Owl (E) - Lincoln County (also listed by NM) - In 1993 the U.S. Fish and Wildlife Service (FWS) listed the Mexican spotted owl (*Strix occidentalis lucida*; “owl”) as threatened under the Endangered Species Act (ESA). Critical habitat for the Mexican spotted owl was designated in 2004, comprising approximately 8.6 million acres on Federal lands in the four corner states. Within the critical habitat boundaries, critical habitat includes protected and restricted habitats as defined in the original Mexican Spotted Owl Recovery Plan, completed in 1995. The species’ recovery priority number is 9C.

Two primary reasons were cited for the original listing of the Mexican spotted owl in 1993: historical alteration of its habitat as the result of timber-management practices; and, the threat of these practices continuing as evidenced in existing national forest plans. The danger of stand-replacing wildland fire was also cited as a threat at that time. Since publication of the 1995 Recovery Plan, FWS has acquired new information on the biology, threats, and habitat needs of the spotted owl. The primary threats to its population in the U.S. has transitioned from timber harvest to an increased risk of stand-replacing wild-land fire. New Mexico’s forests have experienced larger and more severe wildland fires since 1995.

Comment/Expectations: To meet the District’s statutory responsibilities, UHSWCD must be notified and coordinated with to ensure the District’s policies are considered to achieved a balance to health, safety and economics of the local communities.

Yellow Billed Cuckoo - Lincoln and Chaves Counties - The yellow-billed cuckoo is protected as a threatened species under the Endangered Species Act. The western population of the yellow-billed cuckoo, an insect-eating bird found in riparian woodland habitats, winters in South America and breeds in western North America. The major threat to yellow-billed cuckoos has been loss of riverside habitat. The final listing rule became effective November 3, 2014.

FWS’s next step is the designation of critical habitat for the species and development of a recovery plan.

Comment/Expectations: To meet the District’s statutory responsibilities, UHSWCD must be notified and coordinated with on all decisions pertaining to Yellow Billed Cuckoo.

Southwest Willow flycatcher (E) - Lincoln County (also listed by NM)- FWS assigns priority numbers ranging from 1 – 18 based upon degree of threats, recovery potential, and taxonomic distinctiveness (48 FR 43098) for each species. FWS has assigned 3C to the Southwest Willow flycatcher. A 3C indicates the threats to the species are high, the recovery potential is high, the “species” listed under the ESA is taxonomically classified as a subspecies, and conflict with economic development is possible.

The known geographical area historically occupied by both migrating and breeding flycatchers includes New Mexico. The flycatcher currently breeds in areas from near sea level to over 8,500 feet in vegetation alongside rivers, streams, or other riparian habitat. It establishes nesting territories, builds nests, and forages where mosaics of relatively dense and expansive growths of trees and shrubs are established, generally near or adjacent to surface water or underlain by saturated soil.

The 5 Year Review synthesis states, “The flycatcher’s status has improved (due to an overall increase in known estimated territories) since the 1995 listing, but ongoing threats associated with land and water management combined with the introduction and spread of the leaf beetle create significant challenges toward downlisting or delisting and are likely to cause population declines. Much of the initial increase

in known territories is likely attributed to improved survey effort (Durst *et al.* 2007, p. 4), combined with associated conservation efforts. Yet, while some specific known flycatcher populations have grown very large (i.e. Elephant Butte Reservoir along the Rio Grande), broad geographic areas, in other Recovery Units have declined.”

The 5 Year Review continues by stating that during the past five years, the newest threat to the flycatcher is the introduction and spread of the tamarisk leaf beetle. Tamarisk is an important habitat component used by the flycatcher, occurring in just over 50% of their known territories and providing shelter and food at migration stopover areas. **Comment/Expectations: UHSWCD understands that currently the flycatcher has taken advantage of the presence of tamarisk, especially where tamarisk flourishes in areas where landscape stressors impact the occurrence of native vegetation, and FWS considers the current eradication practices by water and land managers to be misguided, and FWS believes this has created opportunities for the flycatcher recovery where dam operations, agricultural practices, and other actions have helped generate large stands of tamarisk. UHSWCD also understands tamarisk is currently considered by the New Mexico Department of Agriculture as class C noxious weed.**

To meet the District’s statutory responsibilities, UHSWCD must be notified and coordinated with to ensure the District’s policies are considered to achieved a balance to health, safety and economics of the local communities.

Rio Grande Cutthroat Trout - Lincoln County - The U.S. Fish and Wildlife Service entered into a Conservation Agreement with New Mexico and Colorado 2013. According to the FWS, the historic range of Rio Grande Cutthroat Trout (RGCT) cannot be known with certainty, but it is probable the subspecies occupied the colder reaches of streams in the mountainous portions of the Rio Grande, Canadian, and Pecos River drainages in New Mexico and Colorado. The RGCT is designated as a species of greatest conservation need by New Mexico Game and Fish Department according to the Comprehensive Wildlife Conservation Strategy (NMDGF 2006) and is managed as a protected species under Chapter 17 NMSA.

RGCT have hybridized with nonnative salmonids in many areas, reducing the genetic integrity of this subspecies. As such, hybridization is clearly recognized as having a strong influence upon RGCT status.

The RGCT was petitioned for federal listing in 1998. The petition was found to be "not substantial". This decision was contested and a subsequent court settlement required completion of a status review and decision whether the species warranted federal candidate status. On June 11, 2002, the FWS published the "Candidate status review for Rio Grande cutthroat trout." FWS determined that the RGCT was not endangered and was not likely to become endangered in the future throughout all or a significant portion of its range and that listing as threatened or endangered was not warranted. In 2007, FWS announced a candidate status review for RGCT to be consistent with the new framework for analyzing "significant portion of its range" and to incorporate new information. On May 14, 2008, the FWS announced the results of the status review for RGCT under the Endangered Species Act of 1973, as amended. FWS found that listing RGCT was warranted but precluded by higher priority actions. It was assigned a listing priority of 9, on a 1-12 descending scale. **Comment/Expectations: To meet the Dis-**

trict's statutory responsibilities, UHSWCD must be notified and coordinated with on all decisions pertaining to the Rio Grande Cutthroat Trout to ensure the District's policies are considered.

Northern Aplomado Falcon - Lincoln and Chaves Counties - A nonessential experimental population (NEP) of the northern aplomado falcon was established in New Mexico and Arizona on July 26, 2006 (71 FR 42298). NEP designation under section 10(j) of the Endangered Species Act lessens land-use restrictions associated with the Endangered Species Act, which made re-establishment of aplomado falcons in New Mexico and Arizona less controversial to land managers and increased the number of reintroduction sites. The NEP designation was considered to be potentially the fastest method to re-establish aplomado falcons in New Mexico and Arizona. Authorities and directives for maintaining and restoring aplomado falcon habitat remain part of all federal agencies' regulations and policies under their section 7(a)(1) responsibilities.

The northern aplomado falcon is one of three subspecies of the aplomado falcon and is the only subspecies recorded in the United States. This subspecies was listed by the Service as an endangered species on February 25, 1986 (51 FR 6686). In New Mexico, the range of the aplomado falcon apparently receded westward in the early 1900s, with birds being reported primarily from the southwestern counties. The subspecies is listed as endangered by the States of New Mexico, Arizona and Texas. Currently, long-term drought, shrub encroachment in areas of Chihuahuan grasslands, and the increased presence of the great-horned owl (*Bubo virginianus*), which preys upon aplomado falcons, may be limiting recovery of this subspecies (Hunt et al. 2013). Between 2006 and 2011, a total of 337 aplomado falcons were reintroduced at sites in southern New Mexico. At present, there is approximately one-half the number of pairs recommended for reclassification of the subspecies to threatened status. **Comment/Expectations: To meet the District's statutory responsibilities, UHSWCD must be notified and coordinated with on all decisions pertaining to all reintroductions of the northern Aplomado falcon within District boundaries.**

Lesser Prairie Chicken (LPC) - Chaves County (also listed by NM) - The lesser prairie-chicken (LPC) (*Tympanuchus pallidicinctus*) has historically occupied the sandy soils of shin oak-bluestem and sand sage-bluestem communities in the plains of eastern New Mexico. LPC are directly and indirectly dependent on vegetative components available in those native rangelands. As a gallinaceous bird with high reproductive potential and high mortality in a semi-arid climate, populations can fluctuate widely over time.

In February 2014 the U.S. Fish and Wildlife Service (FWS) and the Western Association of Fish and Wildlife Agencies (WAFWA) signed a range-wide Oil and Gas Industry Candidate Agreement with Assurances for the Lesser Prairie Chicken. The FWS also released an accompanying environmental assessment. The agreement was entered into with the understanding that cooperation between the five states of the lesser prairie chicken - New Mexico, Texas, Oklahoma, Kansas and Colorado - and FWS undertake conservation action for the species. The LPC five state range covers 20 million acres across 85 counties. In March of 2014 the FWS announced the final listing of the species as threatened under the Endangered Species Act (ESA), as well as a final special rule under section 4(d) that will limit regulatory impacts on landowners and businesses from this listing if they have a conservation plan.

The ESA makes it unlawful for a person to “take” a lesser prairie chicken without a permit or authorization. Take is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct.” Harm is defined to include significant habitat modification or degradation if it results in death or injury to a LPC by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Landowners who participate in the activities protected under the 4(d) rule would be exempt from the take prohibitions of the ESA and no additional actions would be required by the landowner.

New Mexico leaders of the state agriculture and energy departments and the interim director of the Game and Fish Department voiced their opposition in a statement, saying the listing will "without question decimate economic development and job creation in southeastern New Mexico." Oklahoma's attorney general filed a lawsuit in March 2014 over the FWS's decision to settle a lawsuit with an environmental group over the listing status of the lesser prairie chicken and other species.

In June 2014 environmental groups filed a lawsuit to force the FWS to list the LPC as an endangered species.

Comment/Expectations: UHSWCD believes farming and ranching techniques will be drastically altered, reducing production and income for the families of crop and livestock producers and violates the UHSWCD Land Use Plan by causing an economic affect on rural communities of which they are a part. **To meet the District's statutory responsibilities, UHSWCD must be notified and coordinated with on all decisions to ensure the District's policies are considered to achieved a balance to health, safety and economics of the local communities.**

Dunes Sagebrush Lizard - Chaves County (also listed by NM) - In December 2010 the FWS announced that they were taking action to protect the dunes sagebrush lizard by proposing it as endangered under the ESA. The FWS also determined that critical habitat for the dunes sagebrush lizard was prudent but not determinable. It was stated the dunes sagebrush lizard faced immediate and significant threats due to oil and gas activities, and herbicide treatments. The species is highly restricted in its range, and the threats occur throughout its range. Habitat loss and fragmentation due to oil and gas development was a measurable factor affecting the species due to the removal of shinnery oak and creation of roads and pads, pipelines, and power lines.

However, after entering into a Candidate Conservation Agreement with Texas and according to the FWS, unprecedented commitments to voluntary conservation agreements now in place in New Mexico (that provided for long term conservation) for the dunes sagebrush lizard, it was determined not to be endangered and would not be listed at this time. **Comment/Expectations: If the status of the Dunes Sagebrush lizard changes, UHSWCD must be notified and coordinated with on all decisions.**

Pecos gambusia - Chaves County (also listed by NM) - Listed October 13, 1970, the Recovery Plan was completed May 9, 1985. The Pecos gambusia is a member of the Poeciliidae family and endemic to the Pecos River basin in southeastern New Mexico and western Texas. It is viviparous (bringing forth live young that have developed inside the body of the parent), and is a carnivorous surface eater feeding on filamentous algae, insects, and unidentifiable animal material. Pecos gambusia is known principally from the lower elevations and more thermally stable localities within its geographic range.

All populations occur between 2696 feet and 3894 feet in elevation, with Ink Pot, located on the Salt Creek Wilderness Area northeast of Roswell, NM representing the highest elevation. Critical habitats for the Pecos gambusia are springheads and spring runs. Moderately abundant populations are also known from areas with little spring influence, but with abundant overhead cover, sedge covered marshes, and gypsum sinkholes.

The U.S. Fish and Wildlife Service is required by section 4(c)(2) of the Endangered Species Act to conduct a status review of each listed species once every 5 years.

Comment/Expectations: To meet the District's statutory responsibilities, UHSWCD must be notified and coordinated with on all future decisions pertaining to the Pecos gambusia.

Pecos Bluntnose Shiner (T) **Chaves County (also listed by NM)** - Pecos bluntnose shiner was federally listed as threatened (52 FR 5295) February 20, 1987 and state listed in New Mexico as endangered (NMDGF 2006). The Recovery Plan was issued September 30, 1992 but did not have receive a 5 year review until 2010. The five year review kept the reclassification priority number at 3.

According to the FWS, dams have fragmented Pecos bluntnose shiner habitat and altered the natural river hydrograph, limiting occupied habitat to a 186 mile reach of the Pecos River from the confluence of Taiban Creek to Brantley Reservoir.

The five year review recommended a revision the recovery plan. The recovery plan should incorporate new information along with clearly defined recovery actions and measurable, threats-based criteria. During the recovery plan update process, evaluate the efficacy of including the entire reach of the Pecos River, from the confluence of Taiban Creek to Brantley Reservoir, as critical habitat. **Comment/Expectations: To meet the District's statutory responsibilities, UHSWCD must be notified and coordinated with on all future decisions pertaining to the Pecos Bluntnose Shiner**

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

ILT were first reported from the drainage in 1974 (Downing 1980), occupying salt flats on Bitter Lake NWR, adjacent to the Pecos River. Lott (2006) provided monitoring records showing persistence and an increase in numbers of ILT on the refuge from 1987 through 2006. In the Rio Grande, ILT are known to nest only on reservoirs (Lott 2006). These have been only periodically and partially surveyed during the period of record, and while persistence is likely, data are insufficient to indicate trends. There are no data to demonstrate historical occupation of natural rivers in the Rio Grande drainage by ILT. It is possible that the Rio Grande is outside of the historical range of the species, and that reservoir construction during the 20th century provided an opportunity for ILT range expansion into the drainage. It is also possible that the source of the Rio Grande colonization was eastern least terns from the Gulf of Mexico (e.g., Whittier 2001). **Comment/Expectations: To meet the District's statutory responsibilities, UHSWCD must be notified and coordinated with on all decisions pertaining to Least Interior Tern within District boundaries.**

Noel's Amphipod (E) Assiminea Snail (E), Koster's Springsnail (E), Roswell Springsnail (E) - Chaves County (also listed by NM) - These four invertebrates occur at sinkholes, springs, and associated spring runs and wetland habitats. These three snails and one amphipod have an exceedingly limited distribution, low mobility, and fragmented habitat. Currently, Roswell springsnail, Koster's springsnail, and Noel's amphipod are known to occur only at Bitter Lake National Wildlife Refuge and adjacent land owned by the City of Roswell. Pecos assiminea occurs at four isolated locations in the United States: two springs in Texas, several disjunct locations on Bitter Lake National Wildlife Refuge, and a spring system on City of Roswell land.

According to the U.S. Fish and Wildlife Service, they were listed August 9, 2005 for the following reasons: imperiled by introduced species; surface and groundwater contamination; oil and gas extraction activities within the supporting aquifer and watershed; local and regional groundwater depletion; severe drought; and direct loss of their habitat (*e.g.*, through burning or removing marsh vegetation, or flooding of habitat).

A complaint challenging the merits of the critical habitat designation was filed by Forest Guardians and Center for Biological Diversity on December 19, 2007 (U.S. District Court for the District of New Mexico, Case No. 07-cv-1277). The plaintiffs contended that the final critical habitat designation violated the ESA because: 1) it did not designate any critical habitat for Roswell springsnail, Koster's springsnail, or Noel's amphipod; 2) the final designation did not consider scientific evidence indicating that recovery of the four invertebrate species could not be accomplished without the protection of refuge lands and other areas outside of the refuge; and 3) the FWS did not consider best available science on the threat posed by global warming.

The complaint was resolved with a stipulated settlement agreement adopted on December 11, 2008 (U.S. District Court for the District of New Mexico, Case No. 07-1277 JCH [LCS]), in which the FWS agreed to a remand with partial vacatur of the decision not to designate critical habitat at the Bitter Lake National Wildlife Refuge in order to reconsider the federal exclusions made under section 3(5)(A) of the ESA.

Elements of critical habitat for Roswell springsnail, Koster's springsnail, and Noel's amphipod are: permanent, flowing, unpolluted, fresh to moderately saline water; slow to moderate water velocities over substrates ranging from deep organic silts to limestone cobble and gypsum substrates; and stable water levels with natural diurnal and seasonal variation.

Proposed primary constituent elements for Pecos assiminea are: permanent, flowing, unpolluted, fresh to moderately saline water; moist or saturated soil at stream or spring run margins with native vegetation growing in or adapted to aquatic or very wet environments, such as salt grass or sedges; and stable water levels with natural diurnal and seasonal variation. **Comment/Expectations: To conserve the Districts water resources, the UHSWCD must be notified and coordinated with on all decisions on these and any other invertebrates listed.**

Kuenzler Hedgehog (E) Chaves and Lincoln Counties - According to the FWS 5 year review, the Recovery Plan for *Echinocereus fendleri* var. *kuenzleri* was adopted March 28, 1985. The Recovery Plan has not been revised since adoption in 1985, when only two populations with a total of less than 500 plants were known. No critical habitat was designated due to threat of collection. However, within the

past 5 years, surveys have located additional populations, increasing the overall range and abundance of the species. Although threats of grazing and fire may still exist, the increase in populations and individual numbers proportionally diminishes the impact of the threats.

The 5 year review stated “Kuenzler’s hedgehog cactus **should be proposed for reclassification from endangered to threatened**. The known range of this cactus consisted of a single population of approximately 200 individuals when listed as endangered. As such, it was perceived to be upon the brink of extinction. The most serious threat to such a small population would be the elimination of plants in the wild by commercial and hobbyist collectors. Subsequently developed information on the range and abundance of this cactus has significantly altered this perception. In reality, Kuenzler’s hedgehog cactus exists across a much broader geographic range in several populations that total several thousands of individual plants and probably exceeds the 5,000 plants required for downlisting in the recovery plan. **Comment/Expectations: UHSWCD agrees with the finding for downlisting in the Recovery plan and will coordinate with FWS to downlist the Kuenzler’s hedgehog to threatened if not sensitive listing.**

Pecos Sunflower (T) - Chaves County - According to the FWS Recovery Plan for the Pecos sunflower, little is known about the historic distribution. The Pecos sunflower was listed as threatened on October 20, 1999, with a recovery priority of 8, indicating it has a moderate degree of threat with a high potential for recovery. Pecos sunflower is a wetland plant that grows on wet, alkaline soils at spring seeps, wet meadows, stream courses and pond margins. It has seven widely spaced populations in west-central and eastern New Mexico and adjacent Trans-Pecos Texas. These populations are all dependent upon wetlands from natural groundwater deposits. There are two distinct populations on the Pecos River in eastern New Mexico, each constituting its own region. Within the boundaries of UHSWCD the Pecos sunflower occurs at 11 spring seeps and cienegas in the Roswell/ Dexter region of the Pecos River valley in Chaves County. Three of these wetlands support many thousands of Pecos sunflowers, but the remainder are smaller, isolated occurrences.

Because Pecos sunflower is an annual, the number of plants per site can fluctuate greatly from year to year with changes in precipitation and depth to groundwater. Stands of Pecos sunflower can change location within the habitat as well. This sunflower is completely dependent on water-saturated soil conditions within the soil root zone. If a wetland habitat dries out permanently, even a large population of Pecos sunflower would disappear.

Comment/Expectations: UHSWCD supports voluntary conservation efforts on private land and water management plans that maximizes the sunflower population. UHSWCD does not support any new land acquisitions for this species and will coordinate with FWS on all new decisions concerning the Pecos Sunflower.

New Mexico Wildlife of Concern has a total of 118 species and subspecies on the 2012 list of threatened and endangered New Mexico wildlife. The list includes 2 crustaceans, 25 mollusks, 24 fishes, 6 amphibians, 15 reptiles, 32 birds and 14 mammals. New Mexico lists a species as endangered if it is in jeopardy of extinction or extirpation from the state; a species is threatened if it is likely to become endangered within the foreseeable future throughout all or a significant portion of its range in New Mexico. Species or subspecies of mammals, birds, reptiles, amphibians, fishes, mollusks, and crustaceans na-

tive to New Mexico are listed as threatened or endangered under the Wildlife Conservation Act (WCA). The following species are listed by the NM State Game Commission within UHSWCD boundaries: Oscura Mountains Colorado Chipmunk (*Tamias quadrivittatus occuraensis*), Penasco Least Chipmunk (*Tamias minimus atristriatus*), Brown Pelican (*Pelicans occidentalis*), Common Black Hawk (*Buteogallus anthracinus*), Bald Eagle (*Haliaeetus leucocephalus*), Peregrine Falcon (*Falco peregrinus*), Arctic Peregrine Falcon (*Falco peregrinus tundrius*), Broad-billed Hummingbird (*Cyananthus Latiostris*), Gray Vireo (*Bireo vicinior*), Baird's Sparrow (*Ammodramus barde*), Sacramento Mtn. Salamander (*Aneides hardii*), White Sands Pupfish (*Cyprinodon tularosa*), Least Shrew (*Cryptotis parva*), Piping Plover (*Charadrius melodus*), Neotropic Cormorant (*Phalacrocorax brasilianus*), Common Ground-dove (*Columvina passerina*), Bell's Vireo (*Vireo bellii*), Sprague's Pipit (*Anthus spragueii*), Arid Land Ribbonsnake (*Thamnophis proximus*), Suckermouth Minnow (*Phenacobius mirabilis*), Gray Redhorse (*Moxostoma congestum*), Mexican Tetra (*Astyanax mexicanus*), Pecos Pupfish (*Cyprinodon pecosensis*), Greenthroat Darter (*Etheostoma lepidum*), Bigscale logperch (native population) (*Percina macrolepidum*).

Comment/Expectations: To meet the District's statutory responsibilities, UHSWCD must be notified and coordinated with on all decisions pertaining to the above listed New Mexico Wildlife of Concern and any future species that fit the above criteria.

- **Goal:** Participate in all decisions and proposed actions, including NEPA procedures for an Environmental Assessment ("EA") or Environmental Impact Statement ("EIS"), which affect the District, regarding sensitive, threatened, or endangered species recovery plans, introduction or reintroductions, habitat conservation plans, conservation agreements or plans, or candidate conservation agreements. The matter of listing or removal of endangered species must be done on the basis of active coordination with the District.

Coordinate with all stakeholders on developing alternatives to listing, which may include conservation plans and related conservation agreements with local, state and federal agencies to address possible threats to species and their habitat and to avoid official listing.

- **Guidance:** The District will work to continuously coordinate with the USFWS for the purposes of: 1) being aware of all matters of listing that impacts its administrative boundaries and 2) allowing the District to evaluate the impact of all decisions on its water resources, economic impact and conservation measures.
- **Objectives:**
 1. UHSWCD will promote critical habitat improvement. However, there must be allowances for traditional uses such as but not limited to grazing, irrigation, and wood cutting. The actions must benefit both the endangered species and the other user's customs and culture.
 2. Any proposed introduction or transplant of threatened and endangered species within the boundaries of UHSWCD, must be coordinated with the District to ensure consistency with the Dis-

tricts plans, water resource issues are resolved, and economic impacts are mitigated.

3. Coordinate with federal agencies in all decisions and proposed actions, including NEPA procedures for an Environmental Assessment (“EA”) or Environmental Impact Statement (“EIS”), which affect the District, regarding sensitive, threatened, or endangered species recovery plans, introduction or reintroductions, habitat conservation plans, conservation agreements or plans, or candidate conservation agreements.
4. Proponents of protection, recovery activities, and other threatened and endangered and sensitive species programs should finance the activities, including public involvement and provide compensation to the affected landowners.
5. Enforce the requirement that critical habitat designations take local socio-economic impacts into account. Areas may be excluded as critical habitat based upon economic impacts unless the failure to designate the area as critical habitat would result in extinction of the species
6. Support delisting of species once population goals set out in recovery plans are achieved.
7. Participate in appropriate legislation and regulations directing management of threatened and endangered species, state wildlife of concern and state sensitive species.
8. UHSWCD requires federal agencies to respect distinctions between special status species (state sensitive species, etc.) and those listed under the ESA.
9. Oppose the introduction or transplant of threatened and endangered species within the boundaries of the District, unless the District consent and it is done pursuant to specific terms and conditions that avoid disrupting existing land uses.

4.2-7 PREDATOR CONTROL

- **Goal:** Encourage management of predatory animals to minimize damage to private property and wildlife and protect the local economy and tax base to maximize the viability of the agricultural community.
- **Guidance:** Federal agencies are obligated to coordinate their planning processes with local government land use plans. 43 C.F.R. §1610.3-1(a). The National Environmental Policy Act (NEPA) requires federal agencies to “discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned).

Congress intended NEPA to apply to every action that significantly affects the quality of the human environment and the thresholds of local conditions are best observed and measured by local expertise. Considering the existing climate conditions in New Mexico, the effects on the population dynamics of fauna and flora are critical to the conditions affecting the community as well as the endangered species.

- **Objective:**

1. Support control of predators, rodents and insects, which are disease-bearing vectors that are a recognized threat to public health.
2. All federal reintroduction and introduction plans should provide for compensation to livestock operators for actual value of loss, including replacement cost, including direct and incidental expenses relating to the loss, and prompt payment thereof.
3. Support predator control based on a balance between the best peer reviewed science available, economics, and logistics, evaluated on a case-by-case basis utilizing currently recognized methods of predator control that remain as viable options for predator control, until such time that new and better technology offers new options.

PREDATOR POLICY

UHSWCD shall participate in all decision processes associated with management actions relating to all threatened and endangered species, including candidate species.

4.2-8 RIPARIAN HABITAT

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

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

Upland rangelands generally refer to all areas that are not in a riparian area or wetland. The uplands will vary by soil and plant species but do not have natural sources of water that otherwise change soils and plants.

In New Mexico, channelization has severely limited, and in most cases eliminated the water/land relationship that would normally have allowed the establishment of riparian vegetation along the river corridors which in turn supports healthy wetland systems. Instead there are degraded banks (that result in severe soil erosion and sediment build up in rivers and reservoirs) and the loss of habitat for fisheries, waterfowl and wildlife.

- **Goal:** Maintain, restore, improve, and protect riparian areas to prevent soil erosion and flooding

with the goal of maximizing their productivity, biological diversity, and sustainability.

- **Guidance:** Riparian ecosystems support a greater diversity of plants and animals than upland habitats. A significant percentage of all wildlife in the Southwest uses riparian habitat (Thomas et al. 1979, Johnson et al. 1977).

Dick-Peddie (1993) classified riparian habitats in New Mexico into: 1) Montane Riparian, 2) Floodplain - Plains Riparian, and 3) Xeric Riparian habitat types. Montane riparian habitats are found along mountain streams and rivers within New Mexico. Floodplain-Plains riparian communities occur along the major rivers of New Mexico. The condition of xeric riparian communities is largely unknown. Many of these types are linear strands except for playa types and greasewood flats. These communities are common throughout the state but can be highly fragmented due to natural sources.

Due to a variety of riparian habitats within UHSWCD, the District strongly supports the *New Mexico Non-Native Phreatophyte/Watershed Management Plan*. The District understands that the riparian lands in New Mexico have been seriously affected by the infestation of non-native phreatophytes and other non native invasive species. UHSWCD adheres to the coordination as provided under Section 8 of the Public Rangelands Improvement Act of 1978 for riparian areas and wetlands under the jurisdiction of a federal agency.

- **Objectives:**
 1. Implement projects that promote the perpetuation and enhancement of riparian habitat. Participate in a coordinated approach with Federal and State agencies when establishing riparian and upland management plans that includes consideration of the Districts soil erosion and flooding policies.
 2. For each riparian project implemented by UHSWCD, the District will strive to establish desired conditions, goals, and objectives for soil and riparian resources that contribute to the overall sustainability of social, economic, and ecological systems within the project area.
 3. Promote conservation practices that minimize runoff and protect the soil surface by the establishment of permanent vegetative cover around riparian areas and next to all ditches, drainages, and streams to filter runoff and provide some wildlife cover.
 4. UHSWCD will plan to limit surface disturbance to the extent practicable while still achieving project objectives.
 5. Promote the use of natural stabilization processes consistent with stream type and capability where practicable rather than structures when restoring damaged stream banks or shorelines.
 6. UHSWCD will ensure that planned chemical use projects conform to all applicable local, State, Federal, and agency laws, regulations, and policies.

7. Promote BMPs for pile burning / slash disposal in the riparian zone to minimize effects on soil, water quality, and riparian resources if no practical alternatives are available.
8. Educate the value of balanced watershed management which includes riparian habitat.
9. Coordinate with land managers / owners when establishing riparian and upland management plans and encourage the use of the NM Non-Native Phreatophyte/Watershed Management Plan's Best Management Practices.

4.2-9 INVASIVE /NOXIOUS PLANT MANAGEMENT

Invasive species are recognized as one of the leading threats to biodiversity and impose enormous costs to agriculture (rangeland and farmland productivity) and other human enterprises, as well as to human health.

The term "weed" means different things to different people. In the broadest sense, it is any plant growing where it is not wanted. Weeds can be native or non native, invasive or non invasive, and noxious or not noxious. A noxious weed is any plant designated by a federal or state government as injurious to public health, agriculture, recreation, wildlife or property.

Invasive plants include not only noxious weeds but native invasive species and other plants that are not native to this state. The District considers plants invasive if they have been introduced into an environment where they did not evolve. As a result, they usually have no natural enemies to limit their reproduction and spread. Some invasive plants can produce significant changes to vegetation, composition, structure, or ecosystem function.

- **Goal:** Provide a basis for management decisions that address newly invading, as well as established invasive plant populations.
- **Guidance:** New Mexico Harmful Plant Act **76-7A-11 NMSA 1978**; Noxious Weed Control Act **76-7-1 to 76-7-22 NMSA 1978**. UHSWCD is pledged to perform various tasks including but not limited to preservation of wildlife, protecting the tax base, and promoting the health, safety, and general welfare of the people of Lincoln and Chaves Counties.
- **Objectives:**
 1. Cooperate in noxious weed control to improve the productivity of all jurisdictional rangelands consistent with local, state and federal law and policies to eradicate noxious and invasive weeds, and to enhance native vegetation.
 2. Coordinate with federal and state land managers on post-fire watershed stabilization to control non-native invasive within a burned area.

2. Early detection and rapid response is becoming a crucial aspect of UHSWCD approach to the invasive species threat. Prevention is the first-line of defense, it is the most cost-effective approach. UHSWCD will continue to implement this approach by distributing best management practices to UHSWCD landowners to prevent or mitigate invasive species establishment or movement.
3. UHSWCD will continue to lead and coordinate the Cooperative Weed Management Area (CWMA) to increase local and area awareness of weed related issues.
4. Coordinate with the NM Department of Transportation's local District concerning invasive/noxious species management on highway right-of-ways.
5. UHSWCD will continue to search for funding to map and monitor invasive species within its boundaries.

4.2-10 WILDFIRE

In New Mexico the notion of what constitutes a “large” wildfire has grown substantially over the past decade. Since 2000 the size of the largest fire recorded in New Mexico has more than quintupled. Wildfire severity is increasing and fires are spreading at unprecedented rates.

Wildfire is a function of fuel loads and drought. Both issues are part of the resource management aims and obligations of the District's responsibilities. Detrimental and beneficial outcomes of fire regimes needs to be determined on the greater landscape within UHSWCD boundaries.

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

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

- **Goal:** It is the goal of UHSWCD is to support the right of local citizens to protect their private property from wildfire. Where appropriate, encourage limited utilization of fire and, otherwise, encourage fire suppression in areas that threaten communities and private infrastructure, to support and expand multiple uses and to achieve vegetation management goals.

The Districts long term plans, policies and projects rely upon proper vegetative management on all lands, private, state and federal. Therefore, it is imperative that when the District identifies

lands with excessive vegetation that increase the opportunity for wildfires, that it will coordinate with those agencies and landowners to assist in reducing the potential hazard.

- **Guidance:** The District recognizes wildfire is a function of fuel loads and drought. Both issues are part of the resource management aims and obligations of the District's responsibilities. UH-SWCD
- **Objectives**
 1. Fuels treatments are an important component of wildfire risk management. UHSWCD will support the Lincoln and Chaves County Community Wildfire Protection Plan by developing a landowner assistance fuels reduction cost-share program in conjunction with NM State Forestry's program. The District's program will be contingent on available funding.
 2. UHSWCD strongly supports training for all volunteer fire department members in the basics of wild land fire fighting. To accomplish this, the District will support New Mexico State Forestry Division and any other land management agency with suppression responsibilities, in the training of VFD and RFD fire departments. The ultimate objective is to have a majority of volunteers that are qualified and can be allowed to have unencumbered access to all lands within the District.
 3. Through coordination with federal agencies and landowners, the District will assist in developing policies for grazing rest prescriptions related to either wildfires or prescribed burns on a site-specific basis taking into account the needs of the vegetation and flexibility to meet the needs of the rancher, and to protect excessive soil erosion. Vegetative treatments and use of livestock grazing shall be utilized to keep fuel loads within appropriate limits.
 4. UHSWCD will coordinate with wildfire suppression teams, plus state and federal personnel during all stages of an on-going fire on tactics used for suppression. The District and its co-operators have a vested interest and the District wants to ensure firefighters understand the value of fine fuels.
 5. UHSWCD expects to be included in all Burned Area Emergency Response (BAER) efforts, i.e. Post-Fire Watershed Stabilization, Emergency Stabilization, Burned-Area Rehabilitation and Burned-Area Restoration (as defined in this document).
 6. UHSWCD will coordinate with federal, state and other local governments identifying post-fire hazards that threaten life, safety or soil and water in accordance with BAER policy (FSM 2523 and FSH 2509.13). UHSWCD expects federal and state agencies to coordinate and cooperate with all appropriate response agencies when potential flooding or other threats occur downstream of federal or state lands due to a catastrophic fire event.
 7. Since emergency stabilization funds can be used to enter into cooperative agreements with federal, state, tribal, local governments, private nonprofit entities, and landowners for post-

fire stabilization, UHSWCD expects federal agencies to consider entering into an agreement with UHSWCD when appropriate.

8. Post-fire grazing will not be limited when monitoring and evaluation produces relevant, accurate data that demonstrates grazing will not unduly harm the range.
9. Fire should not be used to replace proper timber harvest as the primary forest management tool.
10. The District will assist land management agencies and District cooperators in developing plans and projects that consider the beneficial and adverse effects of wildland fire on water quality and watershed condition.
11. The District will assist in identifying areas where the adverse effects of unplanned wildland fire to water quality and watershed condition outweigh the benefits.
12. UHSWCD will promote prescribed fire plan objectives that avoid or minimize creating water-repellent soil conditions to the extent practicable considering fuel load, fuel and soil moisture levels, fire residence times, and burn intensity.
13. UHSWCD will ensure the land management agency affected by a wildland fire promptly repairs roads, trails, and other facilities damaged by suppression activities. Especially the damage that may adversely affect water quality for downstream users (install erosion control structures), riparian resources (clean up debris flows) and local access to public lands.
14. Encourage development of vegetation treatments and use of livestock grazing to keep fuel loads within appropriate limits.
15. Support a concerted public education campaign and direct assistance program for private landowners that encourage FireWise or like program standards.
16. UHSWCD expects federal agencies to coordinate and cooperate with local governments concerning downstream impacts due to post-fire damage in **wilderness areas**. UHSWCD also expects the agencies to take action and not cause harm to downstream users.

4.2-11 FLOOD, DAM MAINTENANCE AND STORM WATER CONTROL

The District is responsible for a flood-control impoundment that was constructed near the mouth of Salado Creek, where it joins the Rio Bonito. Salado Creek is an ephemeral creek on Bureau of Land Management land which flows in response to precipitation events. Dam rehabilitation is costly and must meet the requirements of the National Environmental Policy Act, current NRCS design standards, and state dam safety requirements. Cultural resources, historic preservation, and threatened and endangered species issues also factor into the cost of rehabilitation. Finding the funds to finance needed repairs or upgrades is nearly impossible. The lack of reliable funding to resolve dam safety issues poses a threat to public safety

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

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

- **Guidance:** 46-6-11(F)(4) NMSA]: "F. In determining whether a subdivider can fulfill the requirements of Subsections B and C of this section, the board of county commissioners shall, within ten days after the preliminary plat is deemed complete, request opinions from ... (4) the soil and water conservation district to determine:
 - (a) whether the subdivider can furnish terrain management sufficient to protect against flooding, inadequate drainage and erosion; and
 - (b) whether the subdivider can fulfill the proposals contained in the subdivider's disclosure statement concerning terrain management;"

Clean Water Act (CWA) §402(p) addresses municipal and industrial (including construction) storm water discharges. US EPA is the regulatory authority for storm water permitting program in New Mexico. Surface Water Quality Bureau, NM Environment Department performs inspections on behalf of US EPA.

- **Objectives:**

1. Coordinate with the counties within the District's jurisdictional boundaries pertaining to the District's statutory responsibility [46-6-11(F)(4) NMSA] on subdivision reviews.
2. Facilitate knowledge of floodplain management, erosion control, and watershed stewardship.
3. The Watershed Protection and Flood Prevention Act (Public Law 83-566) was amended to allow the NRCS to help rehabilitate aging dams. Continue to coordinate with NRCS and OSE's Dam Safety Bureau to address public safety and health concerns, as well as the potential environmental problems associated with the Salado dam.
4. Coordinate with local emergency management personnel and USGS on mapping and developing debris flow models, floodplain models in the Salado Creek area.
5. UHSWCD expects to participate in any and all policy and funding decisions made concerning dam maintenance and safety within District boundaries, especially the Salado Dam.
6. Work to limit agencies restrictions of projects, access, and planning that would obstruct dam safety measures within the UHSWCD.

7. Coordinate with responsible agencies to assist with the capture and return of all flood waters within UHSWCD to beneficial use.
8. When reviewing proposed subdivisions UHSWCD will recommend; historical arroyos be defined as open space, not allow plat lots in arroyos, not allow arroyos to be redirected or sent over roads.
9. Support a federal and state dam safety programs with the mechanism to address funding for the most critical dam repairs and rehabilitation.
10. Promote responsible septic system management.

4.2-12 WATERSHED AND FOREST MANAGEMENT

The Majority of New Mexico's Watershed are in an unhealthy state. This condition has reached a critical state in many watersheds, including 1) unnaturally high density of woody vegetation in some forest types, in woodlands and grasslands, and in riparian communities, 2) a degradation of biodiversity, including an increase of invasive species and noxious weeds such as salt cedar and thistles, and 3) fragmentation and deterioration of wildlife habitat. Results of these trends include susceptibility to catastrophic wildfire, compromised watersheds and decreased water supply, accelerated erosion, desertification, and other unwanted symptoms of ecological degradation. These unhealthy conditions have been created over time by factors including changes in settlement patterns, disruption by human intervention of natural processes such as fire and flooding, unsustainable use, and natural climatic variations.

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

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

UHSWCD's forested watersheds are no longer within normal fire regimes or fire return intervals, the result of effective fire suppression, limited forest management, and possibly climatic factors. Forest density has changed from a density of 20 to 70 trees per acre to a density of 200 to 250 trees per acre. Open areas more than 100 acres in size are now rare in Lincoln National Forest, whereas such areas historically occupied much of the forest (Garrett and Garrett, 2001). Ponderosa pine stands now burn in an intense, stand replacing manner, rather than the lower intensity fires of the past. With more intense fires there is the risk of the loss of ecosystem components such as water quality. For

some landscapes, before fire can safely be returned, mechanical treatment is necessary to reduce fuel loads to help control fire intensity.

While there is limited commercial logging in UHSWCD, timber is cut for firewood, post and poles, and other traditional uses of woody products. Thinning projects are warranted to reduce fuel loads. The forest and woodlands are primarily piñon, juniper, ponderosa pine and some dry mixed conifer.

A viable forest products industry is essential to enable effective forest management on a meaningful scale. The forest products industry is a partner in forest management, and without it, proposed management projects become quite expensive or non-existent.

- **Goal:** UHSWCD strongly supports the critical need for healthy forests and watersheds that provide a reliable supply of high-quality water and other benefits for New Mexico by implementing long term, collaborative, comprehensive watershed-scale restoration projects that foster ecosystem function and resilience as well as maintain multiple use and sustained yield of forested land for forest uses.
- **Guidance:** Support 1) community-based collaboration with stake holders; 2) integration of Best Management Practices that incorporate peer-reviewed science; 3) expedited implementation of watershed and landscape restoration and enhancement projects at the site-specific and landscape levels; and 4) flexibility in authorities and programming. 5) Management should be directed towards achieving desired future conditions e.g. promoting active forest management on suitable lands across all jurisdictional lands to achieve an appropriate age class and structural stage distribution following established silvicultural science.
- **Objective:**
 1. UHSWCD will promote legislative action that will increase investments in forest restoration as well as seek opportunities to work with partners to secure funding for watershed scale forest treatments.
 2. Implement forest and watershed restoration projects that restore watershed function within UHSWCD boundaries and work with neighboring SWCDs on watershed scale restoration projects.
 3. Promote active management of suitable lands to achieve structurally diverse, healthy forests in order to develop more resilient forest landscapes.
 4. Continue UHSWCD participation with working groups, such as South-central RC&D.
 5. UHSWCD strongly supports the forest products industry use of wood by-products from forest hazardous fuel reduction projects, forest restorations projects and post fire salvage treatments.
 6. Advocate management plans and budgets that result in a consistent supply of forest products.

7. Promote and support multiple entries for maintenance work in previously treated areas.
8. Coordinate and participate with the US Forest Service on the 5 year Forest Planning process.
9. Coordinate with the US Forest Service in the designation/management of areas that may require single-use or restrictive-use on public lands.
10. Support the maximum area of land possible to be excluded from single-use or restrictive-use designations, so that excluded land is available for active and sound management on public lands.
11. Participate in all efforts with the U.S. Forest Service Rule Revision process (current and future).
12. UHSWCD will assist with identifying areas where the adverse effects of recreational use to water quality and watershed condition outweigh the benefits.
13. UHSWCD will advocate that land management agencies avoid, minimize, or mitigate adverse effects to soil health, water quality, and riparian resources at motorized vehicle use areas by managing activities to maintain ground cover, maintain soil quality, and control runoff to minimize discharge of nonpoint source pollutants and maintain streambank and riparian area integrity.
14. UHSWCD advocates periodic inspections of the NFS and BLM travel routes. This should be used to assess the road condition and assist in setting maintenance and improvement priorities.
15. UHSWCD will coordinate at the forest, watershed, and project level with the Forest Service during Travel Management Planning activities. Rather than decommissioning roads, UHSWCD advocates down grading roads to a Forest Service Level 1 category which receives basic custodial maintenance. UHSWCD advocates the focus should be on maintaining drainage facilities and runoff patterns to avoid or minimize damage to adjacent resources and to perpetuate the road for future use.
16. Promote and support increasing partnerships and exchanges between natural resource agencies, tribal agencies, local government and private forested landowners.

4.2-13 ENERGY/UTILITIES

All energy sources have some impact on our environment. Energy resources occur without regard to whether the land is private, state, or federal ownership. These resources have, and continue to, provide economic benefits for the citizens of Lincoln and Chaves Counties as well as the State of New

Mexico.

- **Goal:** UHSWCD will coordinate with and participate in all planned, developed or updated energy / renewable energy projects within the District's jurisdictional boundaries. UHSWCD expectations are that all projects will not cause any direct or indirect adverse impacts to current land use within UHSWCD boundaries.
- **Guidance: Sections 73-20-25 through 73-20-48 NMSA 1978**, considered and resolved by legislative action, the purpose of the Act declared that 1) the land, waters and other natural resources are the basic physical assets of New Mexico, and their preservation and development are necessary to protect and promote the health and general welfare of the people of the state; 2) the improper use of land and related natural resources, soil erosion, and water loss result in economic waste in New Mexico through the deterioration of the state's natural resources, and; 3) appropriate corrective and conservation practices and programs must be encouraged and executed in New Mexico to conserve and develop beneficially the soil, water and other natural resources of the state.
- **Objectives**
 1. Coordinate with the appropriate agencies and support the development of a sustainable biomass industry.
 2. Federal agencies will consult and coordinate with the District on all *Energy Policy Act of 2005 Section 368. Energy Right-of-Way Corridors on Federal Lands* designations within District boundaries.
 3. UHSWCD will coordinate with the appropriate agencies and developer to avoid locating energy facilities/transmission lines in areas identified as having a demonstrated high risk to wildlife, water resources, historical sites and agriculture land uses
 4. Promote wise use of any energy source that develops within UHSWCD boundaries.
 5. Require reclamation actions that ensures site-specific reclamation plans use the best available peer reviewed science that's appropriate for the soils and vegetation. Use native species whenever and wherever possible. It would be ideal to use the same species that were cleared, but the growth rates of the native plants and the need for more immediate erosion control may make that impractical. Site specific use of non native perennial grasses may be the most practical.
 6. Avoid introduction and spread of non native invasive species by the energy contractors by requiring the contractors to follow UHSWCD policies for non native invasive/noxious plant control. Contractors should inspect and clean their vehicles and equipment arriving from areas with known invasive species issues. Energy contractors should use locally sourced topsoil when applicable and monitor for and rapidly remove non native invasive/noxious weeds

at least annually.

7. Coordinate with appropriate land manager to ensure that pipelines corridors, transmission lines, facilities, and other rights-of-ways are properly maintained to minimize soil and natural resource damage.

4.2-14 SPECIAL LAND DESIGNATIONS

Special Land Use designations can prevent the District from carrying out necessary soil erosion and flood control projects, among other duties, that are necessary to protect the health, safety and welfare of the people within and outside our jurisdiction. It is imperative that prior to any federal, state or local agency making special land use designation that they first coordinate with the District to resolve conflicts with the District's Plan, reach consistency between the plans, and develop mitigation measures where appropriate. It is critical that the District is not prevented today or in the future from implementing essential projects that will protect the growing population within and surrounding the District.

Wilderness designation will prohibit or hinder needed vegetation and watershed treatment. Wilderness management prohibits the use of mechanical equipment as well as motorized equipment of any kind. Vegetation and watershed treatments are more effectively performed using modern day equipment. Wilderness areas are not intensively managed, so fire suppression is rarely undertaken.

While livestock grazing may continue, grazing management is difficult and expensive due to limits on access and use of motorized equipment and agency resistance to range improvements or increases in livestock numbers.

- **Goal: Coordinate with federal agencies on all efforts to inventory and / or change** land use classifications. These include, but are not limited to Wilderness Characteristics, Areas of Critical Environmental Concern, National Monuments and Historical Site recommendations.

Only those areas that meet the specific definition of wilderness as set forth in the Wilderness Act shall be considered as having Wilderness Characteristics in the inventory process.

Areas contiguous with lands that already have been identified as having wilderness potential, or are set aside for conservation through conservation easements or other such instruments will not be considered as candidates for special designation because such designations would create too large of an area inaccessible for future soil erosion and flood control measures. Such areas include:

1. Designated Wilderness
2. BLM Wilderness Study Areas
3. USFWS areas proposed for Wilderness Designation
4. USFS Wilderness Study Areas or areas of Recommended Wilderness

5. National Park Service areas Recommended or proposed for Designation
6. Lands with Conservation Easements or similar restrictive devices
7. Areas of Critical Environmental Concern
8. National Monuments
9. Lands with Formal Critical Habitat
10. Any roadless island of the public lands.

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

- **Goal:** Coordinate with agencies that use land use classifications to establish new de facto wilderness management areas outside of the already-identified wilderness study areas in UHSWCD. The District deems it essential to be aware and to be an active coordinating participant in all anticipated land designation changes.
- **Guidance:** Federal law, particularly FLPMA and NFMA requires federal agencies to coordinate plans, programs and management activities with local governmental entities. Natural resource management as set forth in the Act dictates protections for local customs and culture through the tax base.
- **Objectives:**
 1. Uphold the legal requirements and qualifications set forth in FLPMA, including those providing for the continuation of existing uses in wilderness study areas.
 2. Review current wilderness recommendations on the impacts on natural resource-based industries, the economic stability, the custom and culture of the citizens of UHSWCD, the ability to develop water resources and to intensively manage rangeland resources.
 3. Recommend the release of wilderness study areas that were not recommended for wilderness from non-impairment management and push for an end to the informal de facto wilderness management of other “study areas.”
 4. Ensure that a wilderness designation does not affect state authority over water resources and that New Mexico's substantive and procedural laws controlling appropriation and allocation of water resources remain the primary authorities governing the waters in the District regard-

less of wilderness designation. Enforce determination that wilderness designation does not create a reserved water right.

5. Protect any interests in ditches, reservoirs or water conveyance facilities and easements or rights-of-way associated with those interests from impairment or diminution by any wilderness or other special use designations.
6. Reaffirm that the rights to access, enter, inspect, repair and maintain those interests are not affected by any future wilderness designation, including the use of mechanized vehicles and equipment for repairs and maintenance of such facilities.

4.2-15 AGRICULTURE

“The land, waters, and other natural resources are the basic physical assets of New Mexico, and their preservation and development are necessary to protect and promote the health and general welfare of the people of the state.” 73-20-26. Legislative determination; purpose of act. (1965), Chapter 73 Article 20, Sections 25 through 49, New Mexico Statutes, 1978, Annotated. Irrigated crops contribute to the economic base of Lincoln and Chaves Counties and are integral to the stability of livestock production, wildlife habitat, and farming while maintaining the local custom and culture.

- **Goal:** It is the intent of UHSWCD to take an aggressive attitude to the preservation and enhancement of Agriculture as it relates to the basic resources of soil and water within the District.
- **Guidance:** Sections 47-9-1 through 47-9-7 NMSA 1978 “Right to farm Act” - The purpose of the Right to Farm Act is to conserve, protect, encourage, develop and improve agricultural land for the production of agricultural products and to reduce the loss to the state of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed a nuisance.
- **Objectives:**
 1. UHSWCD’s Land Use Plan comprehensively provides the policies that allow for the continuation of farming and ranching with all the associated and supporting businesses that have made lands within UHSWCD so productive. All agriculture is dependent on proper soil erosion control, flood prevention, wildlife and species management, which are the responsibilities of this District.
 2. It is incumbent on soil and water conservation districts to minimize drift between Agriculture and various agencies, our land grant university, and local, state, and federal governments. UHSWCD intends to aggressively solidify those vital relationships.
 3. UHSWCD will take a lead in communicating and seeking government to government endeavors with other districts for the benefit of Agriculture.
 4. The long term goal is to reach legal and policy standards that result in zero net loss attrition

of the farm and range land base.

5. Coordinate with local, state and federal agencies to ensure the Districts policies are considered during periods of drought or other emergencies concerning availability of water for critical needs, including agriculture and municipal uses.

4.2-16 Visual Resources

Visual resources in UHSWCD are a composite of landforms, human and animal life forms, water features, cultural features, terrain, geologic features and vegetative patterns which create the visual environment. These visible physical features are important to the landscape and the scenic quality of Lincoln and Chaves Counties.

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

There is a risk that BLM land use plans will use VRM classes to restrict land uses, rather than having the VRM class reflect the permitted land uses. When that occurs, the VRM classes may restrict livestock grazing or energy development by managing the viewshed to be natural or like wilderness, even though the land use plan otherwise permits energy development and livestock grazing. VRM classifications should be narrowly tailored to reflect previous and current land use decisions and appropriate land uses.

- **Goal:** Support the protection of the visual resource while maintaining economic stability and the underlying land use allocations. Protect private land uses and state land rights and federal land use allocations by adjusting VRM classifications to be consistent with the land uses.
- **Guidance:** VRM classifications should be narrowly tailored to reflect previous and current land use decisions and appropriate land uses.
- **Objectives:**
 1. Coordination with local, state and federal planning actions that affect the visual resource and VRM classifications that affect land uses.
 2. Coordinate with federal agencies that use VRM classifications that will impair or impede land uses on private and state lands.
 3. Oppose the use of VRM classifications that undercut the federal land use allocation, including grazing permits, special use permits, and oil and gas leases.

4.2-17 MINERAL, MINING AND EXTRACTION OF NATURAL RESOURCE MANAGEMENT

UHSWCD believes that the prudent use of natural resources should be an important engine for sustainable economic growth that contributes to sustainable development and poverty reduction, but if not managed properly, can create negative economic and social impacts.

Aggregate mines occur throughout New Mexico and their improper operation can result in adverse impacts air, vegetation and groundwater quality. Plans should be developed to avoid and/or mitigate potential impacts to the environment in general.

Through the Bureau of Land Management (BLM), the U.S. Department of the Interior has the primary role in issuing mineral leases and permits and supervising operations for many mineral activities on federal lands. The Geothermal Steam Act of 1970 (30 U.S.C. 1001-1025) requires that geothermal leasing on National Forest System lands be subject to the consent of the Secretary of Agriculture to protect the lands for the purpose for which they were withdrawn or acquired. The Secretary of the Interior is not authorized to issue prospecting permits for geothermal resources which might occur in National Forest System lands.

Although reclamation is usually thought of as the final step in managing mineral operations, reclamation measures must be considered during project planning.

- **Goal:** Avoid, minimize, or mitigate adverse effects to soil health, surface water, groundwater, and riparian resources during production, operations, and reclamation activities for minerals exploration, reclaim minerals exploration, upland mineral sites, and sand and gravel deposits.
- **Guidance:** The Mining and Minerals Division (MMD) of the New Mexico Energy, Minerals and Natural Resources Department registers all mines including sand and gravel mines [NMSA 1978, §§ 95A4D, 69516, 6961, 69111 through 69113, 69123, 69 124, 69261 through 69263, and 69273]. 19.2.5 NMAC, Relating to leases and permits for various construction materials on State Trust
- **Objectives:**
 1. Coordinate with businesses to ensure gravel and sand operations are conducted in such a manner as to avoid or minimize the production and transport of fugitive dust from the site.
 2. Gravel and sand operations should establish a regular haul road grading and dust abatement program to minimize erosion, sediment build-up, noise, and dust. Potholes and washboarding should be repaired immediately to minimize noise, dust and equipment wear. The Operations plan should show how dust abatement will be accomplished.
 3. Coordinate and collaborate with Lincoln County to develop dust abatement ordinances.

4. UHSWCD advocates the use of suitable measures to provide surface drainage and manage runoff from the work areas in a manner that avoids or minimizes pollutant contamination of surface waters or groundwater.
5. The District will coordinate with the appropriate agency to identify suitable measures to avoid impacts to waterbodies, riparian areas, and wetland habitats through appropriate location, design, operation, and reclamation requirements.
6. UHSWCD advocates that all proposed projects will identify suitable interim and post-project surface water and groundwater monitoring where needed to detect adverse changes at the earliest practicable time, and develop appropriate changes in operations.
7. The District will coordinate with the appropriate agency or developer to plan operations at the site in advance to minimize disturbance area and more effectively and efficiently open and operate the site.

4.2-18 TRAVEL MANAGEMENT

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

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

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

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

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

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

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

- **Objectives:**

1. Advocate that all established roads are maintained or even enhanced.
2. Support community based coordination with stakeholders.
3. Protect private and public rights of access and or restrictions thereof.
4. Maintain all decisions for travel management on the basis of local plans and customary and historical use of the road.
5. UHSWCD will coordinate at the forest, watershed, and project level with the Forest Service during Travel Management Planning activities. Rather than decommissioning roads, UHSWCD advocates down grading roads to a Forest Service Level 1 category which receives basic custodial maintenance. UHSWCD advocates the focus should be on maintaining drainage facilities and runoff patterns to avoid or minimize damage to adjacent resources and to perpetuate the road for future use.
6. UHSWCD expects BLM to follow its Travel Management priorities which state “Comprehensive travel management planning should address all resource use aspects, including recreational, traditional, casual, agricultural, commercial, and educational. As such, this involves more than motorized or off-highway vehicle activities, and includes the travel needs for all BLM administered resource management programs for such purposes of mineral extraction, energy production, livestock grazing, wildlife enhancement projects and recreation.
7. UHSWCD expects the Forest Service and BLM to address travel needs for private inholdings, grazing permittees, industry, and state and local administrative actions that require access to public lands.

4.2-6 AIR QUALITY

The air quality in the District is one of the area's greatest resources. Air quality problems do exist but are usually site specific. The dust generated by wind, drought conditions, and unpaved access roads can be extensive but mostly is marginal. The District is committed to protecting its air resources.

The U.S. Environmental Protection Agency sets standards for particulate pollution, and the New Mexico Environment Department is responsible for monitoring and enforcing those standards. Air Quality Control Act, NMSA 1978, sections 74-2-1 et seq.

- **Goal:** UHSWCD will coordinate with federal, state and local governments on projects that reduce, eliminate, or mitigate site-specific degradation of air quality. Assist landowners and agriculture businesses that are experiencing conflict with their neighbors due to their operations.
- **Guidance:** Sections 47-9-1 through 47-9-7 NMSA 1978 “Right to farm Act” - The purpose of the Right to Farm Act is to conserve, protect, encourage, develop and improve agricultural land for the production of agricultural products and to reduce the loss to the state of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed a nuisance.
- **Objectives**
 1. Coordinate with the New Mexico Environment Department, Air Quality Bureau to resolve air quality issues that affect landowners within the district boundaries and ensure landowners have the right to farm, ranch, meat process, dairy farm, and other related agriculture endeavors that may affect air quality.
 2. UHSWCD will coordinate with state and federal agencies on any new regulations that affects agricultural practices and production plus work with the NM Environment Department to insure the Districts policies are considered.
 3. Encourage land managers and landowners to seek technical assistance to mitigate surface disturbance to facilitate soil conservation and the reestablishment of native or other desired vegetation.
 4. UHSWCD will be notified and participate, as appropriate, in any local, state, regional and federal land planning processes that influence the management of and monitoring of air resources in the District.
 5. Promote air quality compliance programs that address all the causal factors affecting air quality.

A Continuing Process . . .

The District recognizes that this Plan is dynamic and adaptive and will be updated as needed. It will require the cooperation, work and dedication of many District residents and partners. The ongoing planning will include consideration of historic, current and future land uses in UHSWCD. This Land Use Plan shall be the basis for enforcing FLPMA and NFMA consistency requirements for public land management.

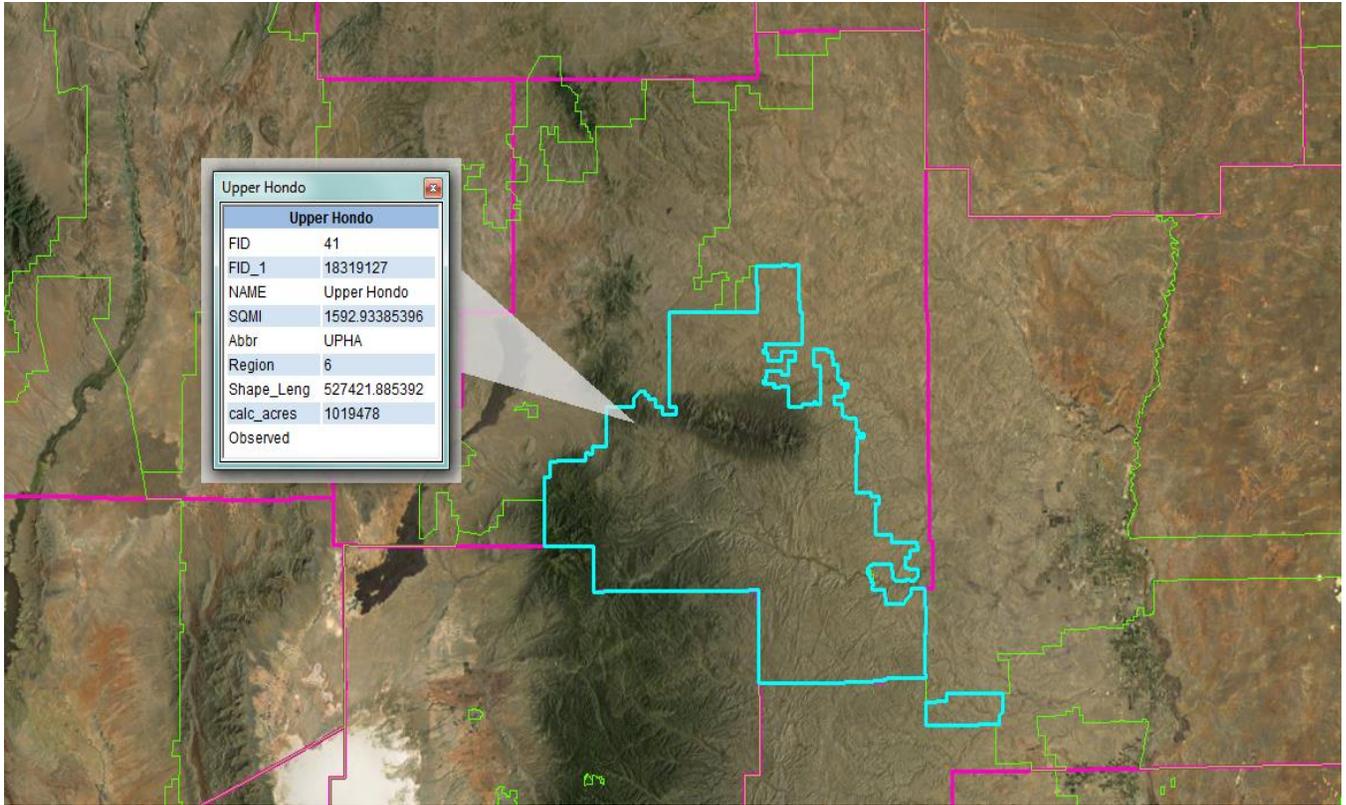
Land and natural resources are essential to local industry and residents. It is the policy of the District that the design and development of all federal and state land dispositions and acquisitions, including boundary adjustments or land exchanges, be carried out for the benefit of individual property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

REFERENCES:

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

APPENDIX A

Upper Hondo Soil and water Conservation District Map - Land Status



UPPER HONDO SOIL AND WATER CONSERVATION DISTRICT

LAND USE PLAN

GLOSSARY OF ACRONYMS

AML	Appropriate Management Level
AMP	Allotment Management Plan
ARPA	Archaeological Resources Protection Act
AUM	Animal Unit Month
BAER	Burned Area Emergency Response
BLM	United States Department of Interior, Bureau of Land Management
BMP	Best Management Practice
CWA	Clean Water Act
CEQ	Council on Environmental Quality
DPC	Desired Plant Communities
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FLPMA	Federal Land Policy and Management Act or the “BLM ORGANIC ACT”
NFMA	National Forest Management Act
NEPA	National Environmental Policy Act
NRCS	Natural Resources Conservation Service
SWCD	Soil and Water Conservation District
FWS	United States Department of the Interior, Fish and Wildlife Service
USGS	U.S. Geological Survey

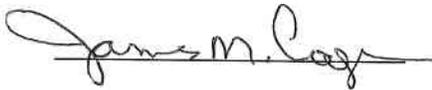
LAND USE POLICY PLAN

Adopted

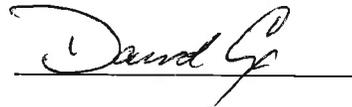
November 24, 2015

UHSWCD Board of Supervisors

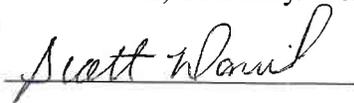
Original signed by:
James Cooper, Chairman



Original signed by:
David Cox, Vice Chairman



Original signed by:
Scott Daniel, Secretary/Treasurer



Original signed by:
Jason Price, Supervisor

ABSENT

Original signed by:
Robert Runnels, Supervisor



Original signed by:
Troy Stone, Supervisor

ABSENT

Original signed by:
Jack Valentine, Supervisor

ABSENT

Notary Page:

State of New Mexico County of Lincoln

This instrument was acknowledged before me on November 24, 2015, by James Cooper, David Cox, Scott Daniel, and Robert Runnels as Board of Supervisors of the Upper Hondo Soil and Water Conservation District.



Seal Signature of notarial officer



My Commission expires:

April 16, 2016