

**CHAVES COUNTY
BOARD OF COUNTY COMMISSIONERS**

William E. Cavin, Chairman
Jeff Bilberry, Vice Chairman



Dara Dana, Member
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Richard C Taylor, Member

William B. Williams, County Manager

**SPECIAL MEETING MINUTES
MONDAY, MARCH 21, 2022
CHAVES COUNTY ADMINISTRATIVE CENTER – JOSEPH R SKEEN BUILDING
#1 ST. MARY'S PLACE, ROSWELL, NM 88203**

CALL TO ORDER

Chairman Cavin called the meeting to order at 2:01 PM.

PLEDGE OF ALLEGIANCE

Commissioner Ezzell led the pledge and Commissioner Bilberry led in prayer.

DETERMINATION OF QUORUM

Those present were Commissioners Cavin, Bilberry, Ezzell, Dana, and Taylor. Also present were County Manager, Bill Williams, Public Services Director, Mac Rogers, IT Director, Alfredo Garcia, County Clerk, Cindy Fuller, media, staff, and guests.

AGENDA ITEMS

COORDINATE THE DRAFT LINCOLN NATIONAL FOREST PLAN AND NEPA ANALYSIS AS IT RELATES TO THE PLANS AND POLICIES OF CHAVES, EDDY, LINCOLN, AND OTHER COUNTIES WITH THE US FOREST SERVICE, LINCOLN NATIONAL FOREST

Commissioner Cavin introduced Diane Prather, Travis Moseley, and Lauren Raven from the Lincoln National Forest Service, Eddy County Manager, Allen Davis, Eddy County Commissioner, Fred Beard, Otero County, RB Nichols, Otero County Commissioner, Vickie Marquardt, Lincoln County Natural Resources Division, Robert Barber, Lincoln County Commissioners, Todd Proctor, Lynn Willard, and Elaine Allen. In the room are a lot of ranchers and former Chaves County Commissioners, Kim Chesser and Robert Corn, Kim Perry from Representative Herrell's Office, and State Representative, District 58, Candy Spence Ezzell.

Commissioner Cavin stated today is an important day for all four of the Counties to find out where we are headed with the public plans in each of our counties. We are trying to protect and conserve our lands. He stated he recently saw in a report that the Lincoln National Forest is at the top of the list as far as fire hazards. It's extremely important that we do a good job supporting our Forest Service but at the same time do our due diligence to make sure we're doing our part and coordinating with our agencies we work with.

UPDATE FROM THE US FOREST SERVICE

Presenter: Diane Prather, Lincoln National Forest, Forest Planner

Ms. Prather stated the Lincoln National Forest is revising their land management plan. This plan has to be done every fifteen to twenty years or when conditions have changed and according to the 2012 planning rule, they are ripe for it. They went through a process of doing an assessment of all the resources and the condition and then came up with statements for change. From this they developed a draft plan that was published for comment. Those comments were incorporated into a draft plan and a draft EIS with alternatives was developed. That came out from August through November, last fall, for public comment. They received approximately 1700 comments. The forest has been going through those comments, responding to them, and noting where they need to make edits to the plan and EIS, and this is where they are currently. Once

they have gone through this, they will submit it to their Regional Office where they have additional specialists. They will review what was done, turn it back to them, they will make more changes, edits, and clarifications. The next step is a biological assessment which will be prepared for the US Fish and Wildlife Service. Following this, they will come out with a draft record of decision. Travis will make a decision on which alternative, there are four alternatives in the EIS. They are anticipating this in late fall, maybe into the winter of 2022. They will go into an objection period for sixty days when people can file objections. Once they work through that there will be a final plan and they are anticipating this in the Spring of 2023.

Robert Barber stated he's been involved with the Cibola as well as this plan, and one of the things that concerns him is he had made a recommendation about two years ago that they establish collaboration teams. Can we do that now? We are behind the eight ball as far as the Counties getting involved. He knows they have had public meetings and he's been to those, but they were sorely lacking in input from a lot of people. Is there a way we can form a collaboration team with the groups that are represented at this table so that they can work with the Forest Service? Chapter 70 of their handbook allows for collaboration teams. They did this in Cibola, and it worked very well. Ms. Prather stated the short answer is yes. Back in 2019 the Counties were invited to be cooperating agencies, but they can enter into a cooperating agency agreement at any time in this process. Mr. Barber stated he's the chair of the Lincoln County Land Committee and he never saw that invitation and he doesn't think the County Manager at the time saw that as well. We need to work on our communication. Mr. Barber asked if they had a time frame of when they will let people know if their comments were accepted? Ms. Prather stated that information will be available, and they can post it to their website. Mr. Barber is aware they will publish them as an appendix to the EIS but for them that's way too late. He stated we need to know now where they're going based on the comments that have been submitted because we'd like to work together with you. Ms. Prather stated when their regional office gets through looking at what they have written and they are good with what they've come up with, they can post that.

Commissioner Cavin stated they were not aware of this up until probably four or five months ago. One of his biggest concerns is that they should actually be coordinating with the Forest Service in putting these plans together and he asked who the Forest Service has been working with in putting these plans together to make these decisions for the four Counties in creating these wilderness areas? Ms. Prather stated the agencies that did accept cooperating agency status were NM Game and Fish, New Mexico Department of Agriculture, and the Otero Soil and Water Conservation District. The Counties did not accept. Commissioner Cavin asked if the Forest Service met with the County Managers to explain to them what was going on? Ms. Prather stated she personally went to Otero County; hand delivered the invitations and gave them a presentation inviting them. They've also gone to Lincoln County and given presentations and updates on the status of all of their projects to the Commissioners. Commissioner Cavin stated Eddy and Chaves just have a little piece, so they weren't contacted? Ms. Prather stated that was not the intent and generally their line officers and district rangers attend and are the government facing entity in the Forest Service and generally attend County Commissioner meetings. Commissioner Cavin asked what is the figure of acreage that these plans are looking at as far as turning the acreage into wilderness areas? Ms. Prather stated there are four alternatives based on comments they got from the public. They have public that don't want any wilderness, public that maybe a little they'd be ok with, and public that wants a lot of wilderness. The maximum one is 200,000 acres and the smallest is zero, and an alternative with about twenty thousand. Mr. Barber stated he had the document in front of him and Alternative B recommends 40,500 acres, Alternative C is 402,000 acres, Alternative D is 40,500, and Alternative E is 21,900. Ms. Prather said it will be Travis's decision which alternative he picks based on comment.

Commissioner Cavin stated he is curious about the public meetings they had and asked if they had ranchers and people who had skin in the game for grazing areas and water rights and all the things that come with creating these wilderness areas that would take that away from a lot of the people that are sitting here in the room. Ms. Prather stated she personally, annually has gone to the Lincoln National Forest allotment owners and briefed them. She specifically went at the beginning of the comment period on the drafts and the development of these alternatives and presented this material to them. She gave them advice on how to prepare comments, she didn't

tell them what to say but made suggestions on being clear and concise. They turned around and developed a presentation which they gave to her, the district ranger, and Travis, that was full of really good information which they added to the project record, and they have incorporated the comments. Commissioner Cavin stated in the document Mr. Barber has in front of him in the appendix, she named off some of the different entities that have worked with them on putting this plan together but asked if there are any other outside agencies that aren't State of New Mexico or federal agencies that worked with them on putting these plans together? Ms. Prather stated not as a cooperating agency, but they did receive comments from the Department of Defense.

Commissioner Beard, Otero County, asked what is motivating this, what's broken or wrong that the government feels like this needs to be done? Ms. Prather stated the 2012 planning rule is what's motivating this and specifically it says that they have to do a recommended wilderness evaluation, in the law. Congress is the only authority that can designate wilderness.

Mr. Barber asked if Congress and the President can select areas that are in the EIS as alternatives and alternatives that Travis doesn't sign, say he picks alternative B and the EIS includes the other 360,000 acres, can Congress pick and choose from those 360 if they want to increase it? Ms. Prather stated probably yes, and she suspects that if there was enough public support and you worked with your Congressman or Congresswoman that they could then put something forward even without talking to the Forest Service. When she worked for the BLM in Las Cruces, they didn't have a lot of say. Travis Moseley stated congress can act independent of the executive branch and they promulgated the law so they can act to designate even in the certain areas like on the southern end of the Guadalupe ranger district which is a recommended wilderness study area designated by congress. The President can recommend anything out there, the whole Lincoln National Forest if they so choose but that usually is predicated on a lot of public input. So, it doesn't necessarily have to come through the Forest Service for congress to act on designating wilderness. Through the 2012 rule they are charged with making an evaluation of the entire forest of what areas have certain values and they make a recommendation in the EIS for Congress to consider.

Commissioner Cavin asked Mr. Moseley if there was a plan with no changes and he knows that that was one of the plans that was within the Carlsbad RMP so he would hope that whatever the changes are, they will be minimal when the final product is put together. He asked Margaret Byfield to talk about their coordinating and cooperating status on this plan.

Margaret Byfield, American Stewards Executive Director, stated we are talking about three different processes, the collaboration process, the cooperative process, and the coordination process. She wants to clarify and set forth what they really want to focus on here today. The collaboration process is to get the public involved in the planning process. You can get your stakeholders together, they can meet and come up with a plan, work with you, everybody can be involved in that stakeholder meeting. They can make a recommendation and the Forest Service can choose whether to accept and advance them or not. That's the collaboration process. The cooperative agency process is different, unique, and specific to the NEPA process. When you're doing your environmental impact statement, that's when the cooperative agency process is triggered. So, you file a notice of intent to revise the plan and conduct an environmental impact statement and that's when cooperative agency begins, and you can go out and advance at that point to invite participants into that process to develop the analysis. What's important to understand about that process though is the purpose of that is to develop the analysis. It's separate from the plan. There are different responsibilities under the NEPA process.

Ms. Byfield stated one of the reasons Chaves County wasn't interested in joining in the cooperative agency process was because they don't want to help develop the analysis, but they do want to be involved in the actual plan itself, and what that's going to look like and that's the third process which is coordination. This plan is being built under the National Forest Management Act and this act requires that they coordinate the planning and the revision and development of the resource plan with local governments. She stated what gets a little bit confusing about the three processes, is we tend to blend them all together and talk about them

like they are interchangeable but they're not. Coordination is specific to local and state governments, entities that have planning processes. Chaves County has a Land Use Plan, a Natural Resource Plan. They have planning authority and are at a higher level than the public. They are not the public. They represent the public and they have planning authority in which your forest is in their area as well as all of the other three counties. This is why it gets frustrating from the counties perspective to be lumped into the cooperative agency process and collaboration process when that does not give the counties the voice they should have in this process. Specifically, the Forest Management Act and planning rules require that you have outreach to the local governments to sit down and look and consider their plan and incorporate this into your process, your planning process. So, that's one of the first things that should have happened in this whole process.

Ms. Byfield stated the outreach they did to the public was great, but they didn't do the coordination with the counties and with all the entities, they are the ones with planning authority who are directly impacted by the decisions. She stated she knows they have had this conversation on the phone before and to say well, we can start doing that now doesn't solve the problem of how much information is in that analyzed environmental impact statement that's moving forward that can be selected without the county's plans and the county's positions which are required to be incorporated in that plan. NEPA requires these to be included as well. This is what we really want to focus on today because that's the whole part of this planning process that is missing. There has been no coordination with the counties. She can speak on behalf of Otero and Chaves. Ms. Byfield read in the 2016 planning rules under assessment stating this is the beginning of the process. When they do that assessment to decide if they need to revise the plan and if so, what are the changes we need to make and where are the problems. It says under assessment, paragraph A2.219.6, "coordinate with or provide opportunities for the regional forest or agency staff and research and development, federally recognized Indian tribes and Alaska native corporations, and other governmental parties. That's your local governments, they're to be coordinated with in the very beginning. In the planning rules, there are other directions which very specifically says you're supposed to look at the county plans at the beginning, consider them and identify conflicts. All of these things were supposed to have been done at the assessment phase before it even gets into the drafting of a plan. That's what the frustration is, that's what the law requires as Diane was saying you guys are required to follow the law. That's what the National Forest Management Plan requires of the agency and that's what's been missing in this whole process. The Counties are interested in coordination.

Mr. Moseley stated he doesn't disagree that there are those things in the law that Ms. Byfield just expressed. One of the things he caught there are the opportunities to do so, that they have to afford those opportunities to do so. What have we done to date? They've held 46 meetings dating back to when they started this in 2015, it's been published, there's been lots of opportunities. He doesn't disagree that they could sit down and spend a lot more time face to face going through these and there's still opportunity to do so but they do that in the assessment phase. They had the plans and looked through them and started to identify where are there consistencies or inconsistencies. They have some of that process documented. They have been focused a little more on the wilderness recommendations in the EIS and that's probably something they can spend some more time on. They've had some great, substantive information from the producers that are affected by at least four of those allotments on the east side of the Sacramento ranger district. The other issue that comes up is when you have those inconsistencies in our respective plans how do you go about resolving and reconciling those differences? They run in to rubs when there are inconsistencies in the federal enabling laws that gives them their marching orders. If there is something inconsistent in the local plan that leads them in a different direction, then that's something they're going to have to agree to disagree on in terms of reconciliation of those. It doesn't require them to reconcile them, but it does require them to acknowledge and recognize them and try to resolve them. They are here in the spirit of that, to try and resolve those.

Ms. Byfield asked where in the plan does it identify that they looked at the Chaves County plan? Where in the draft or environmental impact statement does it mention this? The forest plan that you have looks nothing like and incorporates none of the policies that Chaves County has. Chaves

County's policies have all been built to comply with federal law. There's nothing in your plan that matches up or has the same philosophy as the Chaves County plan and there's also nothing in there that mentions you have reviewed their plan or how you've identified those inconsistencies and how you were unable to resolve them. NEPA requires that all that information be in the analysis. If you had done all of that and found inconsistencies, as part of the coordination process, you should be coming to the County and talking about the things that are in conflict and having a conversation to get together. That never happened and that is your responsibility. It doesn't show up in the plan and it's not in the environmental impact statement. Those are some of the flaws in the process and it's a real problem as far as advancing the environmental impact statement as to whether or not it's sufficient because those things should be in there.

Mr. Moseley stated it wouldn't be found in the forest plan itself, but it will be included in the EIS as an appendix to show where those consistencies and inconsistencies are. That's how it will be addressed through the NEPA process and any other ongoing activities or interaction they have with counties relative to reconciliation of those differences.

Ms. Byfield stated this will come out in the final analysis which is the end of the process, and the National Forest Management Act requires that that be done at the beginning of the process. Before the draft analysis, environmental impact statement went out to the public for them to comment, the position of the County should've been stated in there so that the public and decision makers can consider that when they're making their comments. It's nice that you're doing it now, but it should have been done at the beginning where it could have influenced the actual outcome of the alternatives. Putting it in at the end doesn't do anything but check off a box.

Mr. Moseley stated it was in the assessment as well. Ms. Byfield asked where in the assessment? Ms. Prather spoke without using the microphone and her comments were inaudible. Ms. Byfield stated again, they are not the public and if they found inconsistencies how come they didn't come ask them about it? How come you didn't work with them to try to resolve the inconsistencies?

Mr. Moseley stated he did not have a good answer for that. They looked at it and presented plenty of opportunities mostly at their solicitation when asked for them to come talk about the Forest Plan. In many ways you're arguing matters of law and he's not going to sit here and try to explain how they implemented things. He stated he thinks they have followed the law and they did consider that. Could they have done better and engaged more often, more consistently? Sure. Could the County have come to them with these inconsistencies as well? Yes, they could have.

Ms. Byfield stated the County couldn't come to them with inconsistencies until they'd seen their plan and they were not given a copy of the plan. Mr. Moseley stated they did not have a plan at the assessment phase when they started looking at these things. Ms. Byfield asked if she could give a practical situation. In reading through their public material, they held some public meetings for the public to help them define what is substantially and noticeable and pictures were put up and the public who attended was asked which pictures seemed substantially unnoticeable. The reasoning in your documents for an area to be considered wilderness or a wilderness study area is it has to meet the definition of the wilderness act and that uses the term substantially and noticeable which your documents say was not defined, therefore, you went to the public in order to get their input as to what would be defined. You then went forward with that definition in order to determine which areas were wilderness study areas in the Lincoln National Forest. One of the issues we have is that you went through the Chaves County plan, correct? And you had done that by the time you did this assessment? Mr. Moseley stated in the assessment phase, in early 2015, was when those were looked at. Ms. Byfield stated the Chaves County plan has criteria for what can be considered wilderness. Instead of going to the public and showing them pictures, why not coordinate with the County since you'd looked at their plan? Those are some of the decisions that if you had coordinated with them early on, at the beginning of the process, you would've had the benefit of their expertise to define that going forward which could have completely changed the end result and all of the WSA's that are now being advanced.

You had public meetings but the actual coordination which is required has not taken place and there were many opportunities where you could've done that and should have done that.

Mr. Moseley stated he agreed that they could have done it differently and here they are today in the process, and they're going to advance that and understand what are those substantive things that they're concerned.

Commissioner Cavin stated he heard Travis say they started this process in 2015 and that was his first year as a commissioner. We have former Commissioner Chesser and Corn in the room. He said maybe he just missed it and he's tried to follow in the former commissioners' footsteps but then suddenly we come up with this deal six months ago that it's already a plan and we haven't been a part of this really at all. Up until today, this is the first time we are having this type of open meeting with you guys to have this conversation. He was just out in Washington DC for a NACO conference and one of the last meetings he was in they had someone from the Interior Department and USDA Department. One of our biggest concerns that we have right now out west is the 30 x 30 plan. That was part of our conversation with these folks and there was a Commissioner from Washington State that was really getting on to them and they said just trust us. At this particular stage and where we're at right now we're having a hard time just trusting what's going on here. You guys just want us to go with it without coordinating with you and he fought this with Commissioner Corn and Commissioner Chesser for his seven years and three months on this commissioner. We're not being coordinated with as a County or local government, and he can guarantee that all the federal and state agencies show up at the reservations with the tribes and sit down with them to coordinate. They should be treated the same way as a county and local government. He hopes this works out in the best interest of all the citizens of Eddy, Otero, Lincoln, and Chaves County. This meeting is extremely important to a lot of folks in this audience, and he hopes it gets us to where we need to be to protect our constituents. He appreciates them being here.

Mr. Moseley stated he values that as well. At the end of the day, they serve the public, the American public, it's a natural resource. He also recognizes that the effects are local, it's a huge asset to our local economies. The natural resources and ecological amenities are derived from the nation forest whether it be water or scenery and it brings visitors to our communities to spend money and enjoy the natural world. Commissioner Cavin stated he hopes by the time we finish this process that they earn the trust of the forest service and that the forest service earns their trust.

Kim Chesser, former Chaves County Commissioner, 399 Chesser Road

Mr. Chesser stated he had the opportunity to serve on this commission for eight years and he was very involved with the RMP process for the Carlsbad district. A question was asked earlier if in 2015 when he was a commissioner was he aware of this plan with the forest service and honestly, he does not remember. He could've gotten an email on it but he doesn't remember the particulars. Never, to his knowledge, was the forest service directly in contact with the County Manager and the County Commission at that time of saying we're going to start this process and we want you to be involved with us. That's something he would remember. He stated if the coordination process is handled right where everybody can set down at the table at the same time at the very start and be able to hear the views of the forest service as well as the County even before this goes out for public comment. It makes a lot of difference because everybody feels like they have some say. This process is a lot like making a stew, everybody puts in their part and then the plan is not necessarily just the forest service, it's not the county or the public but yet everybody has had a part in making the stew. The frustration of Chaves County along with Otero and Eddy and Lincoln that they haven't had an opportunity to, at least in their eyes, to put their part in the stew.

Commissioner Ezell stated that what we are missing here is that the forest management act and FLPMA do not put the burden on local governments to go to the federal agency and beg to be allowed to be a cooperating agency or a coordinating local government. It is the exact opposite. The federal laws require their employees to coordinate with state and local governments. He stated he has FLPMA right there and can read it to them if they want, but the burden is on the

agency, whether it be the forest service, BLM, or Fish and Wildlife. The burden is on them in order for them to comply. He is a lawyer. When you read the federal law it says to the agency, these are the steps you do and those are the steps that weren't taken. That is the root cause of local government frustration. He has a question he's been asking BLM for a decade now and has never gotten an answer, so he'll bounce it off the forest service. Under FLPMA, which is 45 years old, federal agencies were required to inventory federal lands and note those that had wilderness like characteristics. Those inventories have been going on for 45 plus years, has the definition or the criteria of wilderness like characteristics changed in that period of time to the point that something that did not have wilderness like characteristics in 1990 all of a sudden has them now? Mr. Moseley stated those haven't changed. Commissioner Ezzell asked how can there ever be a proposal for new wilderness? It was all over the Carlsbad RMP. Mr. Moseley stated the 2012 rule directs them to evaluate all the national forest lands for wilderness values and that's the implementation they are doing now. It's not a yes and no answer it's really a continuum and even their evaluation, they rank them in terms of low to high, very high propensity towards meeting those values and that's how they use them in recommending different acreages of wilderness. The Wilderness Act in and of itself hasn't changed.

Commissioner Ezzell asked in any of the five alternatives are there any private land inholdings? Ms. Prather stated yes but they all have access. Mr. Moseley stated in his recollection, there are certainly some adjacent, budding what was recommended but he doesn't recall inholdings. Ms. Prather stated she believes there are inholdings and they do have access. Commissioner Ezzell asked if any of the inholdings have forest service grazing permits? Ms. Prather stated she doesn't know and asked if he was asking about the base property. Commissioner Ezzell stated yes and Ms. Prather stated she doesn't know. Commissioner Ezzell asked if there was wilderness designation would the grazing permits go away? Ms. Prather stated no, it's an allowable use in the law, wilderness act.

Commissioner Cavin asked for the ranchers in the different areas to come up and give presentations on how this will affect their property and grazing and all the other things that may be a detriment to them.

Stetson Elkins stated the presentation he is going to give is through Alternative B. He ranches and has an allotment that would be affected in Alternative C. He stated they brought this to Travis and Diane, and he thanked them and stated they have been very good and receptive. They found out through Diane coming to the Otero County cattle group, she brought this up. They went to work showing infrastructure that each one of the allotments has that has been there and they just want to show they don't think it fits lands with wilderness characteristics and that's what the purpose of the presentation will be. He showed slides reflecting the Dog Canyon Allotment owned by Mr. Joe Adan, Cuevo Canyon Allotment owned by Alden Elkins, the Neil Canyon Allotment, Cooper Brothers Ranch, Antelope Canyon Allotment owned by Bonnie Smith, Katie Allotment owned by Jim Ellett, and Avis Allotment owned by Ken Katy.

Punk Cooper thanked the Commissioners from the various Counties, especially Lincoln. He stated he's a part of a family that has been in New Mexico for quite a while. He's the fourth generation and there are generations behind him all in the same family operation called Cooper Brothers Livestock. A large part of what they operate on is a combination of Bureau of Land Management lands and Forest Service lands in three counties, Chaves, Otero, and Lincoln. Anything that we talk about that would be of adverse effect to our operation, wouldn't just affect one operation it would affect all three counties from the standpoint of their operations in their contribution to those counties in the way of tax base and so on. He also showed slides of Mule Canyon allotment and stated Alternative B is only about close to half of the allotment and the other half is in Alternative C. Most of the items seen in the pictures were not put in by the forest service but by private money going back to before 60 years ago. Many of the items were also put in with equip contracts where you contract to maintain for 20 years. On many of the allotments the contracts are ongoing, they haven't finished them yet. His contracts are finished but there is still a requirement to maintain it for 20 years, maintain not only the item but the use of the item. To maintain the well would require a big enough vehicle to pull a 1,000 foot of well pipe to the surface. You can't do that horseback, with a four-wheeler or Polaris, you're going to have to have

a big truck. If you lose this ability, you lose the efficiency of the operation. This particular allotment is a pivotal part of their operation. That and the other four ranch locations operate together as one business. When you damage one part by making it less efficient, you're reducing the efficiency of all the rest.

Joe Adan, owner of Dog Canyon allotment, stated that all the infrastructure was put in with heavy equipment. They used dozers, backhoes, skid steers, trailers, and trucks to get it in there and a lot of the water line is buried three foot deep. It's fed by three primary wells and hooked up to six wells to keep it wet and that particular area has no natural water. The tanks that exist there catch water and they obviously have to be cleaned out. If it springs a leak they have to go in there with heavy equipment to dig it up and fix it. He was told by one of the people that works with his allotment at the Forest Service that if this becomes a wilderness study area or a wilderness itself he won't be able to go in there except with hand tools. That's impossible, the whole system would go down. It was put in with a lot of NRCS money, equip money. He thinks the contract was over \$300,000.00 and took them five and a half years to do it. He's concerned, it will be the demise of the ranch if that allotment goes down, there are about 7,000 acres. Ms. Byfield asked Mr. Adan to clarify on an equip contract, if they can't continue to maintain that do they have to pay that money back? Mr. Adan stated there is a penalty, but he doesn't know what it is.

Jim Ellett stated his ranch is JB Runyan Incorporated and they've had that allotment for 97 years. In 1973 they built a fence across it to keep us off of it. It cost more to build the fence than what the land was worth at the time. He had slides of his allotment and stated it's probably the only one that qualifies but he doesn't want to lose it.

Gary Stone, President of the Otero County Cattleman's Association, member of the Otero County Grazing Advisory Board, and a fourth-generation rancher, stated they did submit comments to the draft Forest Plan and EIS and are specifically here to talk about the wilderness characteristics. He stated he would like to read some of the comments. The Act of June 4th, 1897 was an act making appropriation for sundry civil expenses of the government and the physical year ending June 13th. The reservations are for non-wilderness purposes. The Act of June 4th, 1897 surveying the public land states, no public force reservation shall be established except to improve forced reservations, conditions of water flows, and to furnish a continuous supply of timber for the use and necessity of citizens of the United States. This law specifically states that uses for the forest lands were set aside. They were to be used for the economic and personal benefits of the citizens of the United States by utilizing the resources. The creation of forest reserves were never intended to be closed from the use of the resources. The Forest Service does not have the legal authority to manage any of the forest lands as wilderness areas when they had not been congressionally designated as a wilderness. Wilderness areas are a direct conflict with a multiple use of the Forest Service. He likes the question about what makes it a wilderness now. He thinks it's agenda. His passion is for the livestock industry and the hard-working middle-class rancher, the culture and the heritage. He stated the wilderness characteristics is just another piece of a huge agenda and a land grab that's put together and driven by environmentalists and special interest groups. The 30/30 plan being one of those, ESA, which is endangered species act, is chopping more heads off than anything else. We all saw what the spotted owl did to the economic stability of the communities and to the hard-working class loggers. Now we see the same attack coming on the livestock industry which is all we have left. We had the spotted owl and now we have the NM meadow jumping mouse, they have 170 or 180 of these things they can pull out of the drawer at any time they want to. We just had one of the largest allotment owners in the region get his head chopped off a couple of weeks ago. He went from 550 and they authorized 103 head. He's done, he's out of there. It's over. He thinks the wilderness characteristics is just part of an agenda driven land grab. He thanked the Commissions for getting together and listening to them. He stated we need to preserve the livestock industry if we can because there is a direct attack on it.

Commissioner Cavin stated he agreed with Mr. Stone that there is an attack on our ranchers and farmers and it's unfortunate. He told the Forest Service he was not saying that to them but out

in the West that's what is happening. He told Mr. Stone he appreciates him making those statements.

Loren Patterson, President of the New Mexico Cattle Growers, stated he appreciates being able to address them today. He's lucky to represent many of the people in this building and on your board as well. He gets to wear two hats up there today, he's an allotment owner in the Lincoln Forest, Smokey Bear District, and he is directly affected by this. He has about 6,000 acres of proposed wilderness on him. It affects three separate pipelines, 15 drinkers, five dirt tanks, two storage tanks, no wells, luckily all his wells are on private property, so he'll still have the base property and the water. His four biggest expenses as a rancher are the land, supplemental feed, fuel, and labor. So, land, fuel, and labor will all be affected when they make those designations. He doesn't blame anybody in the room for the proposed designations. He does believe these are coming from a higher source in our government and he does appreciate that the local governments and County governments are involved because right now they are the only line of defense. They are constantly feeling pressure when they make these wilderness declarations, we're already a tinder box. How is this going to affect their ability to fight these wildfires that we're going to see? We just saw in Texas what a fast-moving wildfire can do and that's our assets out there grazing around. Twice he's made it to 800 head of his own cows with his own brand and twice he's had to sell down to 200 head in his 40 years of ranching here in New Mexico. Luckily, he is building back up and is ever optimistic but that's the way they have to be in this industry. He appreciates Margaret being there. He stated we have to fight this thing together and he sure hopes they take a look behind him, there's a lot of good people here and he's trying to tell them the truth. They filed a lawsuit yesterday against the US Forest Service as New Mexico cattle growers in regard to 65 head of cattle that were killed in the Gila National wilderness. Obviously, we don't want that to be an example of how to deal with the stray cattle in the State of New Mexico, it's not what they want as an industry or producers or New Mexicans. We filed that largely because they took managers off that wilderness. Those grazing allotments were taken over by the Forest Service and managers left, not ranchers but land managers. The same thing can happen in our Lincoln National Forest, and we sure want to fight that.

Todd Proctor, Commissioner from Lincoln, stated he doesn't have anything against anybody in the room and very much agrees that this probably came from DC. He doesn't think it started here. He's been around long enough he remembers Bruce Babbitt, Bill Clinton, Cattle Free in 93. This is along the same lines and it all kind of went away under Bush. Obama comes along and we started getting the notices and the fight started all over. The first question he asked was what's the emphasis behind this? It seems to him it's not a coincidence that none of this was going on during the Trump Administration. A year and a half into the Biden Administration and here we go again.

Mr. Stone stated in dealing with his grazing allotment over the last two years the Forest Service Office has not been open. They have not been able to gather in meeting rooms like this and discuss these things. They have been mandated to silence in a lot of respects and he sure hopes they can reopen some of the public comment because in some regards, he feels like they were silenced as an Association, as an Industry, and as a rancher.

Bill Williams, Chaves County Manager, had four slides to show a frame of reference. He spoke to Mr. Moseley and stated they don't consider this a personal attack by them, but do feel like there is a big picture going on here, everyone has mentioned it with conservation stuff. They viewed a slide with the potential for the 402,000 acres of wilderness area. The next slide showed the Carlsbad Resource Management Plan area. The next slide showed some of the proposed wilderness areas. The areas did not meet the requirements in 1978. There are satellite dishes and water supply areas, a pipeline going to a feeder, there's gas lines, all kinds of infrastructure throughout some of these areas that are proposed. The next slide showed the areas of critical environmental concern. You can see how we are starting to get concerned. Chaves County is already 60% government owned between the state and federal government so that only leaves 40% for our tax base. All the government stuff is paid for by payment in lieu of taxes which is a negotiated thing, they don't give us the full amount that the lands are worth, and we can't build roads, hospitals, and schools if we don't get some kind of credit for that. Then you add the secure

rural schools. If it's not funded, it doesn't affect Chaves County very much, he thinks we only get \$24,000.00 on secure rural schools. Commissioner Cavin stated the problem with that is if the secure schools don't get funded, we go from having \$3.5 million dollars to probably about \$2.1 million. Mr. Williams stated they will start taking money from the PILT to make everyone whole across the nation for all the forest that didn't get funded. That's a broken system. We continue to add more and more lands to the federal. Then comes along the 30x30. They want 30% of the nation's lands and waters by the year 2030 and their real goal is 50% of the lands and waters in the world to save us all from global warming. His personal opinion on that is the God that he worships didn't wake up in the 20th century and say man I never thought about global warming or the industrial revolution, what am I going to do? He knew, He planned, He knows, and Mr. Williams thinks we are foolish to think we can change something like that if it's even going on. He believes it has a lot more to do with administrations than it does to do with actual need. His last slide was a USGS slide. It showed a significant portion of NM is forest service. There's not a whole lot of land left for us to manage our local governments and do the things we need to do. He thanked the Forest Service for coming and the public as well as the honorable board of people that have come forward to help.

Tony Lewis, Rancher, stated he is from the Guadalupe Ranger District and pretty much most of his place is being designated as wilderness, the Macomb Allotment. He's the only person whose name is on the ranch deeds and the lease. It's a four-generation family operation, used to be five but his Dad passed. He wants to talk about why it's inappropriate due to all the structures that are there. He looked over their plan and he thinks they missed a lot of the infrastructure. One part has 8,000 acres, 12 sections, and probably 14 ½ miles of water pipeline, nine water tanks, Cottonwood Well watering complex, 150 foot plus solar well, mostly installed at his expense in coordination with the Forest Service. It has two solar boosters on it to feed four other tanks which is in pretty rough Country that climbs 2400 feet. It's pretty expensive infrastructure. The Forest Service provided some of the material for those, but the reality is the real cost is in the labor, and it would be hard to put a price on the labor. His grandkids would say the price is in strained backs, this is a family thing. There's 27 miles of fence line that surrounds the area and quite a few livestock pens. There are eight roads that run through there, 21 miles of it. In the Forest Service description of that area, they mentioned that it was slightly used but the fact is, it's heavily used during hunting season, by cavers, and recreational site see-ers. There's been a big demographic change, there's a lot of old people. He's here for personal reasons because this is going to affect his allotment but it's also going to affect an awful lot of people whose only access to those areas is if they can use ATV's and UTV's. This isn't just about ranching and how it affects things, people come from all over the United States. There was also a description by the Forest Service that the roads are in rough shape. Guadalupe Ranger District is the stepchild of the Lincoln National Forest, and they don't get a lot of funding for taking care of roads, so they have basically been going through demolition by neglect, that's probably a budget problem. The water system was installed and is maintained for cattle, but the reality is that it's a primary source for wildlife in that area. It's also put down on maps because there are a lot of hiking trails there and people stop to get water. The water was expensive to put in and it's expensive to maintain, it's a natural part of the ecosystem. There is an exotic species of barbary sheep all over that area that are hunted extensively, and he's not sure that got seen. As he read the Forest Plan it said, "motorized access should be allowed for administrative purposes on existing roads and trails including for research and rescue operations, livestock management, State of New Mexico Game and Fish operations, and Lincoln National Forest administration." He assumes this means the grazing allotment and asked if grazing allotment owners will still be allowed to drive on those roads? The Forest Service responded "yes". Mr. Lewis asked if all the roads that go to the different infrastructure will be there? He stated, assuming we have that right and it does get designated wilderness, is that something they will have in writing, and will it transfer with the grazing allotment by heritage or sales?

Mr. Moseley stated that should one of these be selected, they manage the recommended areas in a way so as not to further impair the values they had at that time of designation. When you ask the question, can I guarantee that Congress, upon designation, won't restrict that kind of use, the current ESA grandfathers in livestock grazing access. The rule is non-motorized, the exception is use of motorized equipment to get access. There is always going to be some uphill battle for

motorized vehicles, he's telling him honest. If it's designated wilderness it will be designated for that purpose. There are additional processes for getting approval to do those things. It's not saying it's not allowed; it is allowed but there are processes to do that. Congress can act in any way shape or form that they choose and restrict motorized all together. He stated he can't guarantee him anything but can tell him that while it's in the recommendation status, they will continue to allow access.

Mr. Lewis stated he looked up the act and it didn't look like in the act they would have that kind of leeway and if they did have leeway, how long would it last? Until the next guy comes in? The reason all that infrastructure was put in was to use the grazing for what's best for the forest. He tries really hard to be a good steward. He tries to keep it so it looks beautiful. It is beautiful and rugged and they love sharing it. He thinks it's a shame that if this gets designated that there are a whole lot of people that will never see it unless they happen to be very able bodied who can wander through, people that do triathlons, instead of the people that he sees up there right now in there 50's. This affects us economically and in a lot of other ways and it's inappropriate because it's not been untrampled by man, that area has been ranched for well over 100 years. He stated the Forest Service has talked a lot about the fact that they've given people a chance to give their input to this, he works closely with the Forest Service, prior to COVID especially and he has talked with and worked with Renee, and he's had other meetings with the Forest Service because they've had a lot of problems with the ponderosa up there. It wouldn't have taken much for the Forest Service to use their mailing list and send something out. The Forest Service mentioned having meetings at all the Counties and he asked if they had any meetings in Eddy County and how were they announced? Was it like a little legal notice in the back of the paper?

Lauren Raven with the Forest Service stated they used a variety of methods. They used their mailing list for people who signed up for their mailing list. They used a mailing list that has 32,000 people on it. They used their social media platforms that have over 17,000 followers. They put PSA's on the radio. They put out press releases to local media including the Carlsbad Current Argus, the Roswell Daily Record, the Ruidoso News, and the Mountain Monthly based out of Cloudcroft. All of these covered Forest Plan revision at some point. Most of them also published the days of the public meetings and when the comment periods were open. Mr. Lewis stated he guesses he just missed it but he doesn't think it would have been that hard to send a letter to the stakeholders.

Janet Cox, allotment holder in the Guadalupe, thanked the panel for all their time, going through this, and being on their side. She stated one of her forest friends that works on the admin side on the Guadalupe told her they are the armpit of the Lincoln National Forest, and she thinks it's because they are separated and most of the money goes up to the Sacramento and Ruidoso area. They have a 50-section ranch and it's kind of in the middle of the Guadalupe and from what she can tell from the map, a tiny bit affects them but because all the rest around them has been designated, purposed, if it goes into effect, it definitely affects their ranch. All of the waters will be gone. There isn't any running water in the Guadalupe except on one ranch which is private land. There is another spring on another ranch that furnishes water for the majority of their ranch and a lot of that ranch is designated proposed wilderness. If this goes into effect, all the wildlife will be on them. Right now, they have almost got every fence repaired, they have one well that furnishes water for eight pastures, most of the elk are on them. She told Mr. Moseley that he had stated that Game and Fish were cooperating with the Forest Service on this, but she talked to their local Game and Fish guy when she found out about this, which was a few months ago, he didn't know about it and his boss didn't know anything about it. She agrees with Tony that if they started this in 2015, they did go to a meeting early on, but nothing was about wilderness. It was about how can we better use the Forest Service and what can we do in the Guadalupe area, and we talked about putting in some campgrounds and stuff like that but nothing about the wilderness. They've had seven annual meetings with the Forest Service and none of this was brought us. Her husband Joe had his meeting this last week and George was there because Renee was out, Renee has been great, and Joe asked George why they haven't ever been told about this and he didn't know. The stakeholders, the people who actually live and work on the land, should be the first people told and brought into the planning. They would appreciate a little more communication with things that affect them in their livelihood. Her

granddaughter has a place that is adjacent to them, all of her place has been proposed for wilderness, every bit of it, just like Tony's. They just bought this place; they've had it about two years and wanted to carry on the tradition of our family. We started out in the Sacramentos and ended in the Guadalupe, Cox Canyon, is named for my husband's family. We have generations that want to continue with agriculture, we all have to eat.

Mr. Adan stated they asked if there was an obligation on the equip projects and he thinks the NRCS contract is 20 years. In talking about the value of these allotments, he asked his banker out of Lubbock how this will affect him. He was told that just because they are on the table right now reduces his collateral ten percent and if it becomes a wilderness area or a study area, they will no longer fund it.

Candy Spence Ezzell, rancher and State Representative District 58

Representative Ezzell stated she has been ranching most of her life and she resides in Chaves County on a ranch west of town, she's been a Chaves County resident all her life. She asked the Forest Service about how they get their releases out and asked if she said something about the neighborhood of 47,000 people and asked how many of those are from this area that's affected? Lauren Raven with the Forest Service responded, "obviously not all of them". Representative Ezzell stated she really has a problem with this, collaboration, there has been none, and this affects these people's livelihood. She thanked the Commissioners present for having the public here today and stated we are the ones that pay the bill for the Forest Service and all the other entities that go on but we're the last to know. She stated it's nothing against the lady from the Forest Service, but it goes back to coordination and collaboration, conversation. Whenever we have school kids that don't even have the internet when all the COVID condriacs were scarring us all to death. Those kids could not even participate because the social media part of it wasn't part of their lives because of where they live. She stated they have had the problems Mr. Stone talked about for years and that allotment was put in place before our State was even a State. We have the Center for Biological Diversity, CBD, trying to put all of us out of business. When we have agencies like this stepping right along side of them it's disgraceful. She asked them to get the latest edition of the New Mexico Stockman magazine if they would like to read a letter they wrote the NM Forest Service over the slaughter of the strays in the Gila. It will make your stomach sick. They did it through helicopters and snipers. She stated this is what we're dealing with here and asked if they are now going to turn those guns on us? That's what it seems like to her. She appreciates them being here and representing the County and stated if we don't all stick together, we're not going to have a life anymore and their way of life is slowly being eroded by the special interest groups. She told the Forest Service people she hopes they understand who pays their wages and that there is no common sense being used at all.

Commissioner Cavin stated he has a question about wilderness area and asked if you have to have a continuous 5,000 acres and some of the slides showed County roads going through and down the middle and he's wondering in the plans how many were set up with continuous acres to do that. He stated the hunters show up with their ATV's and asked how they have a county road going down like wilderness areas and don't have them stop to camp. He guesses they don't have enough personnel to look at this. That is a concern if they are going to break up the 5,000 continuous areas and say there's a road running through here so now, we have 2,500 over here and 2,500 over here. It doesn't make any sense to him, and he thinks everyone in the room is looking for some common sense and they hope that's what it comes to.

Commissioner Dana stated at the beginning of the presentation they talked about having presentations and taking comments. Will the comments from the people here be put in or is it not official? Ms. Prather stated the comments will be considered and she has been taking notes. Commissioner Dana stated we've heard from a lot of people here that they didn't know about the meetings and for some reason they are emphasizing comments more than counties. Yes, they are very important, but she wants to make sure the comments are in their presentation and what they are trying to do because their comments are very important, this is their livelihood. They aren't considered in the 47,000 emails or Facebook page. Their comments today need to be put into the comments they are going to present and hopefully those comments will be

considered. The one vital thing they have all said is it's up to Congress and we know the make up of Congress. When this is presented to Congress is when our voices need to be heard too.

Commissioner Cavin asked what our future looks like and what kind of commitments and where do we go from here after this meeting with them to try and resolve this and get us to where we're at the table to coordinate on what is going to be the plan that is proposed?

Mr. Moseley stated he appreciates the very specific feedback they were provided by the allotment holders. As site specific as the information is, it has been taken in by his team. He has directed them to relook at their evaluation that set up what was proposed. That process is ongoing. There is a lot of new information they did not pick up. That evaluation process was done mostly by looking at what they have on the books and what's in the maps. A lot of the infrastructure was missed. We can all tell these are working environments. There are a lot of hands of man out there working and using that land. Someone spoke to the existence of a County road in existence on either side of a proposed wilderness, this speaks to the manageability of it. They are already taking these comments and evaluating them. This is new information that hasn't been considered. This is what they do with all the feedback, ask if something should be changed in their Forest Plan, evaluation, or NEPA process because they are two different processes. The Forest Plan represents their proposed action and the NEPA is there to look at alternatives to that proposed action based on the issues that are identified. Getting to the question of what's next, they are doing that very thing and incorporating the feedback and then looking at it. How they showed up in the alternatives was predicated on a ranking of the polygons, chunks of land up there, that had those various characteristics. They took into account manageability and things that were substantially noticeable. It's not a yes or no answer it's a continuum of how well they meet the wilderness. This feedback they have already gotten has already changed that criteria for them. They missed some information and that has down graded that area. With cooperating agency status, which is part of the planning piece, there's an opportunity for those that have cooperating status with them to get a preliminary look at that. This is different than what we would offer the public. They haven't signed a cooperating agency status agreement as of yet. The current agreement that has been proposed to them, in it's current form, he can't sign that. He looks to the spirit of that and there are pieces that are broader and ongoing management engagement. It's about broader and longer-term coordination. He is interested in setting up a structure of how they go about doing this through an MOU. NEPA requires public involvement and that they have to disclose the consequences of their proposed actions. They are not going to stop their forest planning process, at this stage of the game, they have invested a lot of time and money but that's not to say he is deaf towards feedback and input. He's wants to know where they are coming from and how they can address the issues of conflict between their respective plans. He can't do much about where their policy leads them one way and their planning goals or intent lead a different direction. He has to follow the federal laws, but they can get to the spirit of the underlying interest. Its not about a legal battle to him but how we reconcile the underlying interests. With all respect to the courts and lawyers, those are not usually very collaborative conversations. At the end of the day, they are public servants.

Commissioner Cavin asked if they were three months out, six months out, a year, and at what point in time can we come back together to meet to see where we are. We would like to have a time frame on what plan is going to be submitted and hopefully, we are all in agreeance with the plan. We have to work to gain trust on both sides.

Mr. Moseley stated the next step is addressing the myriad of comments they have received. Ms. Prather stated they just completed draft responses and edits. These have gone to the regional manager, and she is going to go through it, make edits, and send it back. They will make those changes and then it goes back to the regional office to the specialists to look at. This really depends on all of their schedules. It will probably be pretty firm in four months. Commissioner Ezzell asked if they will get copies of those drafts? Ms. Raven stated a year would be too long to wait to have us meet again and they are recommending quarterly meetings. Diane and Margaret are going to continue to work on getting some sort of MOU established that is agreeable to both parties. That's when they will go into what Diane and Travis are talking about of reviewing the

comments. If they get the MOU and they become an official cooperating agency, which is their hope, it will give them early access before it's released. Commissioner Ezzell asked if they would agree that the Forest Management Act and FLPMA require them to grant coordinating status to State and Local Governments with or without an MOU. We don't need to formalize, your policy may state they can enter into an MOU but the damn law says we have that status already and they are required to follow those steps.

Mr. Moseley agreed that the law defines that intent, the idea of coordination, cooperation, consultation, that's a given. When they go into an MOU they define "how" are we going to do that in terms of the cooperating agency status. He stated this is really a legal matter that lawyers talk about. He talks with their general counsel and the idea of what coordinating status means, they acknowledge a cooperating agency status. The idea that there is coordination agency status is a matter of legal debate as far as he knows.

Margaret Byfield asked if she could correct him and stated there is no such thing as coordination agency status. It's not for agencies it's for local governments. It's just a coordination process that gets confused. There's cooperative agency status, created so agencies could cooperate in doing the EIS. It was really designed for agencies that can operate behind closed doors and have those discussions. Coordination is with local governments who have to do everything in front of the public. That's one of the unique distinctions. There is no such thing as coordinating agency, it's just a process. Along those lines and following what the Commissioner was saying, if you want to give the Counties that draft now you could, for them to review. You really don't have to have the MOU for that. We understand that you don't like to advance a potential decision to the public before it being final because then you get a lot of darts thrown at you when it's not your final decision. They understand the process. That's what the MOU process can help protect you from, but the Commissioner is right, they don't even need that. Elected Officials deal with much more confidentially sensitive issues than a Forest Plan and they can be trusted to handle these issues appropriately.

Mr. Moseley stated you're right, that's the intent of the law to coordinate. It does not require an MOU. He thanked Ms. Byfield for the distinction between the two.

Commissioner Ezzell asked Alfredo to get Travis's team a transcript of this meeting, so they don't have to rely on their notes. He asked if they had overlaid the MOA's, military operating area, over their proposed plans? He'd like to see maps where the MOA's are. If this hasn't made it into the planning, it should. Mr. Moseley stated he's not sure exactly, but they do provide feedback to DOD on those NEPA documents. Commissioner Ezzell stated their wilderness area isn't going to do a thing to their MOA.

Commissioner Cavin asked that they get another meeting set up in the next three to four months. He also stated they are a coordinating agency so if they have already put together some type of draft they would like to have that, hopefully before the end of the week. Ms. Prather stated she contacted their grants and agreements folks and got a case worker assigned to them, she has made contact with him and described what it is they're trying to do, and he is currently looking for examples that have already gone through the screening process with other forests working with counties. Commissioner Cavin asked if the draft has been completed and gone on to the next level? Ms. Prather stated no. Commissioner Cavin asked when they anticipate that draft to be done. Ms. Prather stated she doesn't know. Mr. Moseley stated as a point of clarification he wanted to make sure they were both talking about the same draft, the draft of comments? Ms. Prather thought they were talking about something else. Mr. Moseley stated he knows where they're headed and he wants to provide that to them, they have their processes, and he wants to have it reviewed and squared away and make sure they are right with the world. After they go through that they will entertain giving it to them.

Commissioner Cavin stated they need to be part of the coordination. He appreciates the Forest Service being there today and that they know they are doing their jobs and they want to trust in the Forest Service.

Commissioner Marquardt, Otero County, stated she was told by the Otero County Attorney that the Otero County Land Use Ordinance is not in the assessment, so they need to get that taken care of. From what she's seen from the assessments and improvements how can they be included? She doesn't understand this. It seems so apparent that this whole thing has not been done right. She hopes they will take that into consideration, and she knows the Little Bear Fire up in Lincoln just about burned down Ruidoso and she thinks a lot of that had to do with designated wilderness areas. Her concern and heart is with the ranching families and she thinks that is the true endangered species. She stated she knows they are New Mexico residents too and asked them to work with them to make this good for our ranching families. We are still free Americans, and this is still our land so just turning this all over the Congress, she doesn't agree with that. We all have to stand and fight together.

Mr. Barber suggested they talk to Jay Turner on the Cibola. He was very much a part of their plan and he would be an example of a Forest that worked with the communities and the governments. He thinks this group needs your proposed final plan before we have the meeting so they can talk intelligently and have conversations. He's talking about the plan they are getting finalized through Regional with all the steps. He asked if Mr. Moseley sees the potential of the wilderness polygons changing. Mr. Moseley stated yes.

Commissioner Proctor stated they appreciate the Forest Service being there and he wanted to echo as far as to bring to their attention what has met and what has not met their description in their handbooks of what wilderness should be and he believes they need to look back at wilderness areas already in place and know that is another overstep, and he would like for them to consider that as well.

Commissioner Cavin thanked everyone for being there. He called a ten-minute recess @ 4:42 pm.

OTHER BUSINESS

DISCUSS JOINING LAWSUIT WITH LEA AND EDDY COUNTIES IN REDISTRICTING LITIGATION

The meeting reconvened at 4:59 pm with only the Chaves County Commissioners present. Stan Riggs, Chaves County Attorney, joined the meeting via phone. Mr. Riggs stated he recommends they join this lawsuit. Commissioner Taylor asked what their potential cost would be. Mr. Riggs stated the billing will go to Lea County and they would be responsible for a great majority of this cost. At this point, they are trying to join as an intervener. They are not joining the lawsuit right now they are doing a motion to get Chaves, Lea, and Eddy into the suit. The costs don't look to be very high for Chaves County. If that changes, they could always relook at it, but they have some commitments from the other counties, so he believes they are in a pretty good financial situation. Commissioner Taylor asked for a range. Mr. Riggs stated he suspects their part would be under \$1,000.00 at this point.

Commissioner Dana stated she agrees with the litigation but at this time because they don't know the cost should they make a motion to join the lawsuit as an intervener and then when they know the cost make that a separate motion? Mr. Riggs stated they could make a motion that says they want to go ahead and be an intervener, or file a motion to intervene, and then they could come back and talk about the cost. If the costs got outrageous, they could always drop out of the intervener role.

<p>MOTION MADE TO: FILE A MOTION TO BE AN INTERVENER IN THE LAWSUIT WITHOUT MONETARY COMMITMENT AT THIS TIME MOTION MADE BY: COMMISSIONER DANA SECOND MADE BY: COMMISSIONER BILBERRY COMMENTS: COMMISSIONER EZZELL STATED HE WILL ABSTAIN FROM THE VOTE BECAUSE OF HIS FIRM'S INVOLVEMENT IN FAVOR: COMMISSIONERS CAVIN, BILBERRY, DANA, AND TAYLOR OPPOSED: NONE ABSTAINED: COMMISSIONER EZZELL</p>
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The meeting was adjourned at 5:07 PM.



Cindy Fuller
Cindy Fuller

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