



October 18th, 2016

The Board of Chaves County Commissioners held a special commission meeting in the Commission Chambers of the Joe Skeen Building, #1 St. Mary's Place in Roswell, New Mexico. Chairman Corn called the meeting to order at 9:00 A.M. Those present were Commissioners Corn, Chesser, Wooton, Cavin and Duffey. Also present were County Manager Stan Riggs, Sheriff Britt Snyder, Chief Deputy Clerk Jeff Ortega, Planning and Zoning Director Marlin Johnson, news media, staff, and guests Dan Girand, Chairman of the Chaves County Land Council, Lewis Derrick, Advisor on land use issues in Eddy County and former Chairman of the Eddy County Commission, Margaret Byfield, American Stewards of Liberty, Jim Stovall, BLM District Manager, George McDonald, Field Manager Carlsbad BLM Office and Chuck Smith, Field Manager Roswell BLM Office.

Commissioner Duffey led the Pledge of Allegiance and Commissioner Chesser led in prayer.

Overview of Coordination Process

Margaret Byfield, American Stewards of Liberty presented an overview of the Coordination Process. She stated this is the first meeting on the Carlsbad plan. She spoke about the government to government relationship in coordination. Coordination is in the Federal Land Policy and Management Act required by Congress. The five key things are: Federal agencies shall be apprised of local government plans, shall give consideration to local government plans, shall work to resolve the consistency of local governments, meaningfully involve local governments in the planning process, and if all else fails the burden is on the federal agencies to make their plans consistent with the local plans. Congress required coordination because there's two planning authorities involved. The Bureau of Land Management which has authority over the planning of the habitat of the land in our jurisdiction and the county which has planning authority over all of the county. The county has to take into consideration not just the counties priorities but all of the other planning authorities in its jurisdiction as well. The comprehensive plan for the county is the unifying plan. The State of New Mexico gave the county the authority to prepare the comprehensive plan to pull everything together. The local governments are in charge of protecting the health, safety and welfare of the people. The federal agencies purview is to execute federal law and in this case it's to manage the habitat on the BLM lands. The purpose of coordination is to resolve the conflicts. If you have a good coordination process no one will end up in court. Some of the key Federal Statutes that require coordination are FLPMA, the National Forest Management Act, NEPA and the Endangered Species ACT. The Federal Land Policy and Management Act states the secretary shall to the extent consistent with the laws governing the administration of the public lands, coordinate the land use inventory, planning, and the management activities of or for such lands with the land use planning and management programs of other Federal departments and agencies and of States and local governments within which the lands are located. The first element is the Secretary shall, to the extent he finds practical, keep apprised of State, local, and tribal land use plans; assure that consideration is given to those State, local, and tribal plans that are germane in the development of land use plans for public lands; assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal Government plans, and shall provide for meaningful public involvement of State and local government officials, both elected and appointed in the development of land use programs, land use regulations which would be planning 2.0 and land use decisions for public lands, including early public notice of proposed decisions which may have a significant impact on non-Federal lands. The fifth element is if all else fails the land use plans of the Secretary under this section shall be consistent with State and local plans to the maximum extent he finds consistent with Federal law and the purposes of the Act. In the FLPMA regulations the definition of consistent means the Bureau of Land Management plans will adhere to the terms, conditions, and decisions of officially approved and adopted resource related plans, or in their absence, with policies and programs, subject to the qualifications in 1615.2. An Officially approved and adopted resource related plan means plans, policies, programs or processes prepared and approved pursuant to and in accordance with authorization provided by Federal, State and local constitutions, legislation, or state charters which have the force and effect of State law.

Consistency requirements:

Guidance and resource management plans and amendments to management framework plans shall be consistent with officially approved or adopted resource related plans, and the policies and programs contained therein, of other Federal agencies, State and local governments and Indian tribes, so long as the guidance and resource management plans are also consistent with the purposes, policies and programs of Federal laws and regulations applicable to public lands, including the State lands.

Development of planning criteria:

There's specific direction the planning criteria should be coordinated with the local governments. For the county it's really important and should be one of the first things that is done to determine if there are any conflicts.

Analysis of the management situation:

Specific requirements and constraints to achieve consistency with policies, plans and programs of other Federal agencies, State and local government agencies and Indian tribes.

National Environment Policy Act (NEPA):

NEPA also requires coordination. The purpose of the National Environment Policy Act is to do the environmental analysis. NEPA is an informative document it's not the deciding document. The purpose of this act is to declare a national policy which will encourage productive and enjoyable harmony between man and his environment.

CEQ Regulations:

To apply NEPA early in the process agencies shall integrate the NEPA process early so that it can affect planning decisions and to head off potential conflicts. To better integrate environmental impact statements into State or local planning processes, statements shall discuss any inconsistency of a proposed action with any approved State or local plan or law. Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law.

Environmental Consequences:

One of the things that is to be looked at is the direct impacts and indirect impacts. Possible conflicts between the proposed action and the objectives of Federal, regional, State, and local land use plans, policies and controls for the area concerned. Conflicts that are there should not be hidden. They are to be discussed so that the public and decision makers are fully apprised of the conflicts that are going on or may be going on in the decision making.

Update on Chaves County Comp Plan

Stan Riggs, County Manager stated the concept of the comprehensive plan is a unifying planning document that takes into account all the complimentary and competing interest providing planning directives that best insure existing and future needs for the purpose of promoting the health, safety, morals, order, convenience, prosperity and the general welfare for the citizens of Chaves County. This is the unifying plan of our entire county.

Comprehensive Plan Mission Statement:

Chaves County is a growing and diverse community characterized by the strongest agricultural industry in New Mexico where friendly people have all American hometown values with progressive attitude. Chaves County's goal is to provide the highest quality of life for future generations by encouraging development that is respectful of community desires, values, customs, and culture utilizing existing economic assets while recognizing individual private property rights with input from the community and cooperation from other entities. Chaves County will promote and facilitate a comprehensive plan that has flexibility for future growth of the County and surrounding region. This

plan was developed in 2015 through public hearings and was adopted by the Chaves County Board of Commissioners in 2015.

Stan Riggs, County Manager stated Chaves County is a leader in agriculture and it's important to point out that one of the themes is we strive to increase the agriculture output including the dairy, ranching and farming. Oil and gas is also an important component of Chaves County's economy. As part of the plan states we are a multi-use plan. We want all plans to work together but we want multiple uses on the land including the BLM land.

Chaves County Custom and Culture:

The term custom and culture is an integral part of the land use element of the Chaves County Comprehensive Plan because it helps to define and enhance the counties position concerning Federal and State trust lands within the county. Chaves County defines culture as the body of customary beliefs, social forms and material traits constituting a distinct complex of traditions of a racial, religious or social group that includes knowledge, belief, morals, laws, custom, opinions, religion, superstitions and art. Custom, in the context of comprehensive plan use, refers to land uses and practices that have acquired the force of tacit and common consent.

Goals and Highlights:

Preserve and protect the counties custom and culture by incorporating it into Federal and State trust land use decisions.

Livestock grazing is a vital industry that supports county services. Grazing shall continue to be a valid use of all lands with special designations. The restrictions placed on lands with special designations shall not reduce the level of grazing or increase the grazing expenses on the producer. This is very important to us.

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. These lands need to meet the definition of Wilderness Act. We look at it as your either a land with wilderness characteristics or not. It's very concerning to hear discussion around the country that 5,000 acres are taken away because they may be considered lands with wilderness characteristics. Wilderness characteristics must follow the act and that's something we want to look at during this process.

Discuss with the county the relevance and importance of the area the agency has determined gives rise to the special designation.

Protect private property rights. This plan heavily wants to protect private property rights. This is very important to us.

With ACEC's we get into the issue of irreparable harm and how industry causes irreparable harm.

Livestock grazing is considered to be an equitable estate. Our plan is agricultural based. Agriculture is huge to us. We are the #1 agricultural producing county in the state of New Mexico. We take it very serious and it's a huge part of our economy.

Chaves County shall recognize that the County Sheriff is the senior law enforcement officer in the county as such the Chaves County Sheriff shall have primary jurisdiction over all law enforcement matters within Chaves County outside the limits of incorporated cities, towns and villages. He also has law enforcement inside the limits of all incorporated cities, towns, and villages.

Carlsbad RMP Highlights

George McDonald, Field Manager Carlsbad BLM Office gave an overview of the draft and where they are in the process. Mr. McDonald stated they have a range of alternatives that they are looking at in their draft. Part of the process for doing an RMP revision is to give a lot of briefings to the BLM Washington office. Every time they give a briefing they give us additional duties to address. He stated

they are operating under their 1988 resource management plan that has the amendments from 1997 and 2008. 1997 was for oil and gas. 2008 was for the special status species. In June of 2010 their notice of intent was published in the federal register and November 2011 through 2014 they hosted a number of workshops and community meetings, completed travel and resource inventories and had newsletters throughout the process as well. Additional outreach included meetings with the New Mexico Wilderness Alliance, New Mexico Oil and Gas Association, Chaves County and town meetings in Hope. The draft EIS has been completed and was sent to the New Mexico State Office BLM leads for review in June 2015 and to the Washington office leads in December 2015. They've been working since then to address the comments they had. They worked with 26 different agencies including all three counties that are in the field office area. Some of the issues that have come up in the scoping process are oil and gas development, internal and external ACEC nominations, lands to protect wilderness characteristics, inventories that hadn't been completed since the 70's, recreation, the ability to continue grazing on public lands and travel management. Some key issue topics in the plan are livestock grazing, and areas of critical environment concern. Commissioner Wooton asked Mr. McDonald for a country boy definition of wilderness characteristic. Mr. McDonald stated his understanding is the criteria is specific. There has to be a certain acreage or be adjacent to some other wilderness area and no development improved roads.

Lands with Wilderness Characteristics (LWWC)

Dan Girand asked the BLM representatives if they've considered how many acres are being either removed from occupancy or with restrictions and what restrictions are they considering in the wilderness area. Mr. McDonald stated about 12% of the area would have some kind of special management designation. That includes the ACEC's, LWWC, habitat evaluation areas for the chicken, an area of the black river that's identified as a wild and scenic river. Dan Girand asked if there would be reduced grazing. Mr. McDonald stated in terms of grazing the only areas that are preferred alternative are a total of 8,000 acres which is .04% of their field office. Commissioner Chesser asked if we titled these lands as lands with wilderness characteristics and managed them as wilderness lands and if there is any protocol for ever having those lands come out of that or if they are designated as lands with wilderness characteristics. He stated what difference would that be from saying they are wilderness if that's the way they are going to be managed. Chuck stated only congress can designate wilderness. Margaret Byfield stated if that area didn't qualify for a wilderness area then and then turned into a WSA what has changed in those years that qualifies it today. That's one of the key questions because as we've looked at these in other places we didn't find much. So if it didn't meet the original definition it would have to not be used by anybody for the last 30 years for it to qualify as an LWC today. Second, inventory is something that has to be coordinated and hasn't been done yet in this process. Next, on the lands with wilderness characteristics the restrictions are actually determined by the local office. Commissioner Cavin asked the BLM representatives what's to stop the Federal Government from overriding everything that you guys are talking about and saying this is how it's going to be and we are not going to listen to our field offices or what our local governments are going to say. The BLM representative stated Commissioner Cavin had a valid concern. Commissioner Corn inquired about two square blocks in area 902 and 813 which appear to be completely surrounded by lands with wilderness characteristics study areas and asked to explain why those are not included and what the particular situation is with those areas. Mr. McDonald stated those areas are private land that's surrounded by contiguous BLM land. Commissioner Corn asked what's been done to insure the property owner in area 813 will have access to their property. Mr. McDonald stated that is one of the issues they will need to address.

Areas of Critical Environment Concern (ACEC's)

Lewis Derrick stated we are looking at a big area and it may be two years or five years before Roswell gets into the RMP. It might be quicker just depends on the directive of Washington D.C. He stated he already knows what ACEC's do. They throw up a red flag in the area like there's going to be some kind of critical environmental disaster in the area which can't be resolved locally at the county level. He stated environment Nazis file lawsuits over certain species or anything else and some of the species may not be listed. He stated with ACEC designation there are more restrictions on grazing and oil and gas but he thinks there's already enough regulations, policies and laws. They don't need to declare

an ACEC in these areas to promulgate oil and gas and grazing. Stan Riggs inquired about the birds of prey ACEC and what is actually trying to be protected. Mr. McDonald stated it was nominated for grassland bird habitat. Mr. Riggs stated under ACEC's don't we have to get to an issue of relevance and importance and also irreparable harm. Is grazing going to cause irreparable harm to the birds of prey? Mr. McDonald stated grazing was excluded because that's what the nominators had recommended. Commissioner Chesser stated in one of the scoping meetings someone mentioned that the reason this area was nominated was because it has the most birds of prey in any area in New Mexico. It was his understanding that there was no true scientific data behind this. It was somebody strictly saying this is what's there so it needs to be an ACEC. Stan Riggs stated our plan says you got to meet certain things and if you don't meet those things then we have a conflict. Stan Riggs asked the BLM representatives if we could pull those out right now. The preferred plan says they can come out. Whether they are in the preferred plan or not let's pull them out. Mr. Stovall stated I think it's important for us to work our process. Stan Riggs stated but at this point there is no reason to keep them. Mr. Stovall stated I think we had an external nomination, it came in and we accepted it, and now it's important for us to work our process. As George has mentioned in our preliminary preferred alternative we are not recommending that be an ACEC to be managed as it currently is but being that we accepted that nomination way back in the day we have to work our process. Commissioner Cavin asked who the nominators are. Mr. McDonald stated the specific nominators for that ACEC was the New Mexico Wilderness Alliance and included folks from New Mexico. Margaret Byfield stated we are not looking to make public comments. We are looking to coordinate it and that being a part of the inventory process that's going to be really important. Since we weren't on that original part we are a little behind the game now. It is very good to hear it's not in the preferred. One of the concerns I have though is what we have seen BLM doing across the west in the planning process. When they get to the final they are cutting and pasting different parts of alternatives to make the final alternative. Things that are happening in alternative "A" is not the preferred so we don't need to worry about it. This could actually be put into a combined alternative and we are seeing that happen a lot more now. That's one of the reasons Stan's comments are really important because as much as we would like to say I'm glad you didn't put it in the preferred we can't stop worrying about it because we know it can still go through the process especially if it's studied. It could be included in the final plan so with that information I think it would be very helpful if you could help us get up to speed on your analysis and provide that analysis that you did so we can see what studies were looked at. Then we can start doing a little homework on it. Also if you can give us the assurance that if you think it's going to come back up and that it could possibly become part of the plan that we get forewarned and the opportunity to have that discussion with you before it goes public. That is very important to us. We are not the public so before it goes public we ask you to give us 120 days prior to it going public on both LWC's and ACEC's. Dan Girand stated he doesn't know if anybody remembers but when this first was presented at a scoping meeting Chaves County made comments and asked that it be withdrawn. We analyzed the four studies and discussed why they shouldn't be in the plan at all. We didn't hear an answer but since it's there I guess you all analyzed it. We have been following the process and we have not heard why you think our comments weren't persuasive. Mr. McDonald stated in all the briefings to the Washington office he's made them aware of Chaves Counties concern with the designation of ACEC's and LWWC. Chairman Corn stated he had a chance to further review the map and noticed another land lock private area in NM-060810 that might be an issue.

Set Date for Next Meeting

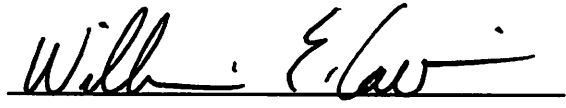
Chairman Corn set December 6th 2016 at 9:00 A.M. as the tentative date for the next meeting.

Chairman Corn adjourned the meeting at 11:05 A.M.

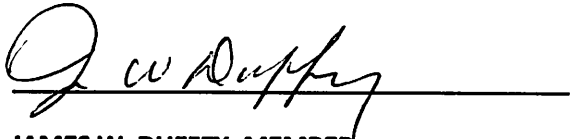
CHAVES COUNTY BOARD OF COMMISSIONERS



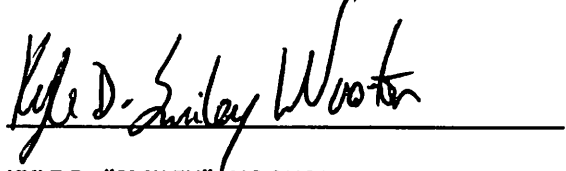
ROBERT CORN, CHAIRMAN



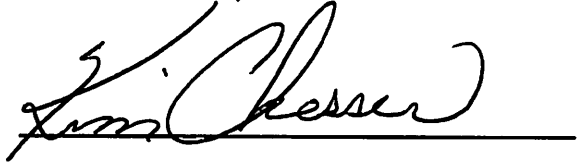
WILLIAM E. CAVIN, VICE CHAIRMAN



JAMES W. DUFFEY, MEMBER

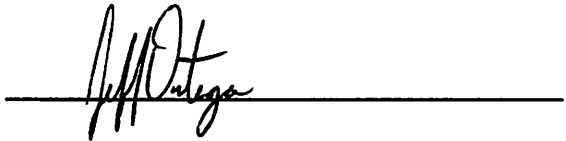


KYLE D. "SMILEY" WOOTON, MEMBER



KIM CHESSER, MEMBER

ATTEST:



JEFF ORTEGA, CHIEF DEPUTY CLERK

