

# Edgewood Soil and Water Conservation District



*Photo by Brian Resor  
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## LAND USE PLAN OFFICIAL USE

**Adopted February 9, 2015**

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

**Effective 02-9-2015**

**Edgewood  
Soil and Water Conservation District  
LAND USE PLAN**

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## **EXECUTIVE SUMMARY**

Sections 73-20-25 through 73-20-48 NMSA 1978 is the summary description of the New Mexico Soil and Water Conservation District Act (Act). The Edgewood Soil and Water Conservation District (District) is the administrative body responsible for the dictates of the law in partial areas of Torrance, Bernalillo and Santa Fe, Counties. ESWCD was formed circa 1941 encompassing 476,649 acres.

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

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

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

By law and mutual good, projects of any government agency conceptualized, planned, and undertaken for the matters of soil conservation, erosion control or prevention, flood prevention, or matters of turf enhancement, brush control, or wildlife and livestock system enhancements should be acquired and or managed by the District. As such, the District is the agent and instrumentality for state or federal government acquisition, land designation, construction, operation, or administration of such projects.

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

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

The Plan is predicated on the District always being in full knowledge of agency Schedules of Proposed Actions (SOPA), as well as state and local agency planning efforts. The Plan is also dependent on enhancing and strengthening stakeholder presence culminating from strong local Customs and Culture. Such a matter of importance must be judged on the basis of zero net loss of privately held lands which equates positively to concentration of assisted projects.

**Within the algorithm of control of zero net loss, farm land must further be protected on the same basis. All other matters explicit and implicit in the Plan strongly adhere to that basic premise.**

**Most importantly, the soil and water resource pool must be protected from agency and governmental creation of willing sellers emanating from stepwise reduction of productivity from restrictive land use designations.**

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

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

## 1.0 INTRODUCTION

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

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

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

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

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

An ESA listing needs to be implemented on the basis of local support and governance and transparency shall be maintained. Federal law, in particular, establishes national policies that focus on national interests, rather than local interests. While federal land use and planning decisions may create benefits for state and national citizens outside of the ESWCD, they may also transfer a disproportionate amount of the costs and responsibilities to local communities and citizens.

The Forest Service acknowledged in its own 2002 study, *The Process Predicament*: Statutory, regulatory and administrative requirements impede the efficient, effective management of the National Forest System. As long as they do, the Forest Service's ability to achieve healthy, resilient ecosystems and otherwise meet its multiple use mission will remain in doubt, undermining public confidence in the agency.

## **1.1 BACKGROUND/HISTORY**

### **LOCATION**

The District is geographically located in northern Torrance County, eastern Bernalillo County and southern Santa Fe County (see Appendix A - Map)

### **CLIMATE**

Climate varies according to elevation but predominantly the District's precipitation range is 12" to 28" in the higher elevations; temperatures range from an average 15°F in the winter to 89°F in July. The growing season (frost free days) range 90 days in the higher elevations to 200 in the lower elevations.

**TORRANCE COUNTY HISTORY** Torrance County was created March 16, 1903. It was named for Francis J. Torrance who was an early builder of commerce in New Mexico. The County was carved from portions of Valencia, Lincoln, Socorro and Bernalillo counties. Farming, ranching, and orchards have been the traditional economic activities.

Settlement occurred primarily along the eastern foothill of the Manzano Mountains, railroad and roadway crossings, irrigated agriculture became a major feature in the valley and expansive rangelands attracted a ranching livelihood.

Sawmills were some of the earliest businesses established in territorial New Mexico. In Torrance County, sawmills appeared along the south and east face of the Manzano Mountains. In 1887, B. B. Spencer established the first sawmill in the southern Manzanos.

Water is the most serious issue affecting Torrance County. The County is located within a closed topographic basin containing no major streams or rivers. Recharge is by direct precipitation which makes it critical to protect this valuable resource.

According to the 2012 Agriculture Census, Torrance County has 1,864,589 acres in farm and ranch land production creating a market value of \$58,520,000 in products sold. The County is ranked 5th in the state for grains, oilseeds, dry beans, and dry peas production and 2nd for other crops and hay production.

**BERNALILLO COUNTY (EAST MOUNTAINS) HISTORY** Ancestors of the pueblo Indians first settled the East Mountains about 700 A.D., visible remains of which may be seen at Tijeras Pueblo. Spanish missionaries arrived in the early 1600s, and founded missions at six locations, including Chilili, NM. Spanish colonial settlers built estancias (large farm-ranch centers) between Chilili and Quarai. Drought and Apache raids forced a Spanish retreat about 1670, but settlers returned in 1763 to establish a plaza at Carnuel at the mouth of Tijeras Canyon. After a difficult start, more Spanish colonists arrived in the early 1800s, establishing farms and villages on lands north and south along what is today NM 14.

The East Mountain area is composed of several hydrogeologic areas, distinctive in subsurface geology, groundwater flow, and often, water quality. Water-bearing geologic units in the East Mountain area consist of limestone, sandstone, siltstone, and unconsolidated alluvium. In addition, highly varied water availability conditions, variable storage, fractured flow, and aquifer compartmentalization contribute to the complexity of the hydrogeology.

According to the 2012 Agriculture Census, Bernalillo County has 350,638 acres in farm and ranch land production creating a market value of \$18,131,000 in products sold. The County is ranked fifth in the state for

raising horses, ponies, mules, burros and donkeys, third in grape production and first in hog and pig production. **SANTA FE COUNTY HISTORY** Santa Fe County was founded on January 6, 1852 as one of the nine original counties.

The 2012 Agriculture Census reports Santa Fe County has 717,704 acres in farm and ranch land production creating a market value of \$12,776,000 in products sold. The County is ranked fifth in the state for poultry and egg production and sixth in sheep, goats, wool, mohair and milk production.

#### **LAND STATUS**

ESWCD's land status breakdown includes 340,284 acres (71.39%) private ownership, 44,586 acres (9.35%) under Land Grant jurisdiction, 61 acres (0.01%) under Tribal jurisdiction and the remaining acreage is under public land management. Federal land managers include: Forest Service with 792 acres (0.17%), Bureau of Land Management with 4,453 acres (0.93%), and the State Land Office with 86,473 acres (18.14%).

#### **ELEVATIONS**

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

#### **WATERSHEDS**

ESWCD is wholly within the Rio Grande basin and Rio Grande subregion as delineated by the US Geological Survey, and has four main 8-digit hydrologic unit watersheds: Rio Grande - Santa Fe (NM), Western Estancia (NM), Pecos Headwaters (NM), and Pintada Arroyo (NM).

#### **HYDROLOGY**

The District is located within in a topographically closed basin, and all water that falls as precipitation within the boundaries of the basin can leave the basin only as evaporation, sublimation or transpiration from plants. Ground water moves from upland areas down gradient toward the lower parts of the basin. Most ground water represents recharge from precipitation that falls in the Manzano Mountains because precipitation is greater in the Manzanos.

Hydrologically, there is evidence that groundwater from the Estancia Basin moves into the Tularosa Basin from the southeast area of the Estancia Basin (Hawley, 2008). The basin is, in essence, bowl- shaped. There are no significant perennial streams within the basin, though short reaches of spring-fed drainages exist. Most drainages in the basin are ephemeral and go for prolonged periods with no or limited flow.

Torrance County is the largest in spatial area within the boundaries of the Estancia Basin and encompasses approximately 80% of the land area within the hydrographic boundaries of the Estancia Basin. The residents and economy of the Estancia Basin relies solely of the precipitation and groundwater for water supply. The vast majority of the current water supply is derived from the Valley Fill Aquifer system generally located in the central portion of the Estancia Basin. Santa Fe and Bernalillo Counties also play significant roles in the Estancia Basin due to flourishing residential housing that is expanding eastward into the Estancia Basin.

#### **VEGETATION**

**The District vegetative type by Level IV ecoregions include;** Forests of Douglas-fir, white fir, southwestern white pine, and aspen occur, blue spruce occasionally found in cool, moist canyons. Ponderosa pine, piñon-juniper woodlands with piñon pine, Rocky Mountain juniper, oneseed juniper, mountain mahogany, fourwing saltbush, soapweed, broom snakeweed and areas with Gambel oak. **Grasses:** Mostly shortgrass prairie with black grama, hairy grama, western wheatgrass, sideoats grama, blue grama, alkali sacaton, giant sacaton,

mountain muhly, New Mexico feathergrass, threeawns, some little bluestem, and inland saltgrass may occur in saline areas.

### CURRENT LAND RESOURCE USE

**The District current land use by Level IV ecoregions include;** Recreation, wildlife habitat, some designated wilderness (USDA-FS Cibola National Forest) and tribal land (Isleta). Timber production, woodlands, ranching, and livestock grazing. Agriculture and cropland in Estancia basin of mostly hay, alfalfa, and some corn. The private land use breakdown is 18,000 acres of irrigated cropland, 200 acres of dry cropland, 100,000 acres of urban interface, and 369,335 acres of rangeland.

### GEOLOGIC UNITS

Geologic units in the Estancia Basin range in age from Precambrian to Quaternary. The Madera Group, of Middle and Late Pennsylvanian and Early Permian age, is exposed over most of the eastern slopes of the Sandia and Manzano Mountains. Valley fill of Quaternary age in the Estancia Valley consists of alluvial material, lake and dune deposits, and recent stream deposits. The lower layers of the valley fill are composed of silt, sand, and gravel. Most of this material was probably derived from the Manzano Mountains, but there is some indication (Bachhuber, 1971) that some of this alluvial material was deposited by a through-flowing river before tectonic activity made the Estancia Basin a topographically closed basin.

### PHYSIOGRAPHY/SOILS/GEOLOGY

**Rocky Mountain Conifer Forest - Physiography:** Open low mountains and high mountains with steep slopes, numerous canyons. Mostly moderate to high gradient intermittent with bedrock, cobble, and gravel substrates. **Geology:** Quaternary colluvium, block-rubble colluvium, colluvium with valley-fill alluvium. **Soils:** Mollisols (Argiustolls, Paleustolls, Haplustolls), Alfisols (Haplustalfs, Paleustalfs).

**Conifer Woodlands and Savannas - Physiography:** High hills and low mountains, numerous canyons. Mostly moderate to high gradient intermittent streams with bedrock, cobble, gravel, and sandy substrates; **Geology:** Quaternary block-rubble colluvium, colluvium with valley-fill alluvium. Permian and Pennsylvanian limestone, sandstone, and shale; some Tertiary volcanics, Tertiary intrusive rocks, small areas of Cretaceous sandstone and shale, and Precambrian granite, granitic gneiss, schist, and quartzite. **Soils:** Alfisols (Haplustalfs, Paleustalfs), Inceptisols (Haplustepts), Entisols (Ustorthents), Mollisols (Argiustolls, Calciustolls).

**Piñon-Juniper Woodlands and Savannas - Physiography:** Dissected plains and tablelands with some scattered ridges and hills. Mostly intermittent streams that are spring-fed or that originate in mountain ecoregions. **Geology:** Quaternary colluvium, piedmont alluvium, and colluvium with valley-fill alluvium. Cretaceous, Jurassic, Triassic, Permian, and Pennsylvanian sandstone, siltstone, shale, limestone, dolomite, mudstone, and conglomerate. Some Tertiary volcanic rocks and Tertiary intrusives. **Soils:** Alfisols (Haplustalfs), Aridisols (Haplargids, Haplocalcids, Calciargids, Haplogypsid, Haplocambids), Mollisols (Calciustolls, Haplustolls, Argiustolls), Inceptisols (Haplustepts), Entisols (Torriorthent)

**Central New Mexico Plains - Physiography:** Broad, rolling plains, tablelands, and piedmonts. Ephemeral drainages. **Geology:** Mostly Permian sandstone, siltstone, limestone, dolomite, and shale; minor areas of Triassic sedimentary rocks, and some Tertiary Ogallala Formation sediments. **Soils:** Aridisols (Petrocalcids, Haplocalcids, Calciargids), Mollisols (Calciustolls).

**Pluvial Lake Basins - Physiography:** Flat plains, lake basins. **Geology:** Quaternary lacustrine deposits of clay, sand, and pebble gravel. **Soils:** Aridisols (Haplocalcids), Entisols (Torriorthents), Mollisols (Haplustolls).



## 1.2 AUTHORITY

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

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

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

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

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

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

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

### 1.3 ADOPTION

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

It is the policy of the District for improvement of resource quality, greater multiple uses of the resources, and the enhancement of soil and water stability of administered lands. ESWCD is committed to a positive planning process with federal and state agencies and local governments. ESWCD will equitably consider the best interests of all the people within ESWCD's jurisdictional boundary and the State of New Mexico in the use of state and federal lands. ESWCD commits to seeing that all natural resource decisions affecting the District is guided by the following principles:

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

ESWCD believes that resource and land use management decisions made in a coordinated manner by federal and state agencies and local government entities will maintain and revitalize multiple use of state and federal lands within and affecting the District and will enhance environmental quality.

## 2.0 PRIMARY PLANNING GUIDANCE

### 2.1 PLAN DEFINITIONS

- **Agriculture** – The art and science of growing crops and raising and breeding livestock. As per this Plan, activities which traditionally define agriculture in the District include, but are not limited to, cattle ranching; farming: hay, alfalfa, and some corn and other small grain crop production. Some timber harvest for firewood, latillias, vigas and other traditional wood products.
- **Animal Unit Month (“AUM”)** – The quantity of forage required by one mature cow and her calf (or equivalent, in sheep or horses, for instance) for one month. The amount of forage needed to sustain one cow, five sheep, or five goats for a month. In the United States, a full AUMs fee is charged for each month of grazing by adult animals if the grazing animal (1) is weaned, (2) is 6 months old or older when entering public land, or (3) will become 12 months old during the period of use.
- **Area of Critical Environmental Concern (ACEC)** – areas within public lands where special management attention is required to protect and prevent irreparable damage to important historic, cultural and scenic values, fish and wildlife resources, or other natural systems or processes, or to protect life and safety from natural hazards.
- **Archeological and Historic Preservation Act 1974** – Provides for “the preservation of historical and archeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed as the result of (1) flooding, the building of access roads, the erection of workmen's communities, the relocation of railroads and highways, and other alterations of the terrain caused by the construction of a dam by any agency of the United States, or by any private person or corporation holding a license issued by any such agency or (2) any alteration of the terrain caused as a result of any Federal construction project or federally licensed activity or program.” 16 U.S.C. §469.
- **Candidate Conservation Agreement** – The US Fish and Wildlife Service (FWS) by policy may enter into an agreement with a state agency, local government or private landowner to protect or manage habitat for a species that is proposed for listing but is not yet listed. Under the terms of the agreement, generally an agreed upon amount of land is set aside or earmarked to be conserved for the candidate species. The landowner may also receive compensation and assurances that if the species is listed, the landowner will not be required to adopt additional conservation measures.
- **Communication** – The exchange or transfer of information using the technology of transmission systems.
- **Compensable property right** – Is any type of right to specific property, personal or real, tangible, which, when reduced or taken for public purposes, is due just compensation under the Fifth Amendment of the United States Constitution.
- **Consistency** – “[H]aving agreement with itself or something else; harmonious; congruous; compatible; not contradictory.” Id. at 279.

- **Consultation** – A conference between two or more people to consider a particular question.
- **Cooperation** – Process created to marry the general attempt to blend respective areas of responsibility, authority, and expertise of governing bodies and agencies for creating more effective land planning partnerships.
- **Cooperating Agency** – 1. Generally reference to the partnership agent in the relationship of preparing resource management plans, partnering with Tribes, state, and local governments (intergovernmental partners) before, during, and after plans and Environmental Impact Statements (EISs) are prepared. 2. The agent acting upon and within the framework for intergovernmental efforts in achieving early and consistent partnership involvement, incorporating local customs and cultures as well as state and local land use requirements, address intergovernmental issues, avoid duplication of effort, enhance local credibility of plans and EISs, encourage support for management decisions, and build relationships of trust.
- **Coordination** – 1. Process created by Congress to ensure consistency of federal plans and activities with local government plans and policies. 2. Coordination is defined as the act of coordinating; harmonious adjustment or interaction; one that is equal in importance” (American Heritage Dictionary). Coordination is more than “cooperate” or “consult. The courts have defined the term as well: “The concept of ‘coordination’ means more than trying to work together with someone else. To ‘coordinate’ is ‘to bring into a common action, movement, or condition; it is synonymous with; harmonize.” (California Native Plant Society .v City of Rancho Cordova, 172 Cal. App 4<sup>th</sup> 603, 91 Cal. Rpt. 3d 571 (Third App. Dist. 2009). 3. Specifically the National Forest Management Act (16 U.S.C.§§ 1604 (a)) requires the Secretary of the Department of Agriculture to: develop, maintain and as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management processes of state and local governments and other federal agencies. 4. Specifically the Federal Land Policy and Management Act (43 U.S.C.A. 1712(c)(9)) requires the Secretary of the Department of Interior to: a. Keep apprised of local plans; b. assure consideration is given to the local plans; c. assist in resolving inconsistencies with local plans; d. meaningfully involve local governments in the planning process; and e. ensure land use plans are consistent with local land use plans.
- **Coordination Process** – a process by which local government engages in a government-to-government dialogue with state and federal agencies in a constructive effort to achieve consistency between state and federal land use plans and actions with local government
- **Culture** - Culture is defined as the customary beliefs, social forms and material traits of a group; an integrated pattern of human behavior passed to succeeding generations. *Webster’s New Colligate Dictionary*, 227 (1975).
- **Custom** - Custom is a usage or practice of the people, which by long and unvarying habit, has become compulsory and has acquired the force of law with respect to the place or subject-matter to which it relates. *Bouvier’s Law Dictionary*, 417 (1<sup>st</sup> ed. 1867).
- **de facto Wilderness Management** – Land management policy that is imposed without congressional direction or authority that mirrors or is similar to the management of areas designated by Congress as wilderness pursuant to the 1964 Wilderness Act. The management restrictions and prohibitions include: the prohibition of construction of new roads; restriction or prohibition on reconstruction or maintenance

of existing roads; prohibition of mining or mineral development; restrictions on activities that would require permanent structures or facilities, or restrictions on motorized vehicle use or the use of mechanical tools or means of travel.

- **Desired Plant Community** – A plant community which produces the kind, proportion and amount of vegetation necessary for meeting or exceeding the land use plan/activity plan objectives established for an ecological site(s). The desired plant community must be consistent with the site's capability to produce the desired vegetation through management, land treatment, or a combination of the two.
- **Economics** – Pertaining to the development and management of the material wealth of a government or community.
- **Erosion** – (v.) Detachment and movement of soil or rock fragments by water, wind, ice, or gravity. (n.) The land surface worn away by running water, wind, ice or other geological agents, including such processes as gravitational creep.
- **Federal lands**—All land and associated natural resources owned and managed by the United States. Federal lands include, but are not limited to, public lands, federally reserved lands, federal mineral leases, federal geothermal leases, federal forage leases, federal rights-of-way, but categorically exempted are lands and resources to which private interest or title is attached.
- **Forestland** – Land that is now, or is capable of becoming, at least 10% stocked with forest trees and that has not been developed for non-timber use [Bureau of Land Management (BLM)]. As defined by the USDA Forest Service is land that is at least ten percent covered with trees (Forested Landscapes in Perspective, 1998).
- **Forest Health** – A measure of the robustness of forest ecosystems. Aspects of forest health include biological diversity; air and water productivity; natural disturbances; and the capacity of the forest to provide a sustaining flow of goods and service for people.

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

- **Forms of Production** – The forms of production component include the things you have or need to produce to retain or attain the desired quality of life. The derived forms of production statement of the District reads as follows: “The quality of life we strive for will be achieved by continuing to maintain and enhance sustainable and optimum production of renewable and non-renewable resources and to encourage and support the motive and means to enhance economic opportunity and education.”
- **Future Resource Base** – The future resource base component includes the people, land and community we live in and the services available, and what we will need to sustain and enhance our quality of life and forms of production. The future resource base statement of ESWCD reads as follows: “Through the efforts of cooperation and communication among the local people, our community will have a beneficial impact on sustaining a strong and viable multiple-use of our lands, including agricultural, industrial, mineral production, commercial, recreational and historical uses, which together will provide the continued ability to generate wealth and growth and needs of our community.”
- **Grazing Management Practices** – Grazing management practices include such things as grazing systems (rest-rotation, deferred rotation, etc.), timing and duration of grazing, herding, salting, etc. They do not include physical range improvements.

- **Guidelines (For Grazing Management)** – Guidelines provide for, and guide the development and implementation of, reasonable, responsible, and cost-effective management actions at the allotment and watershed level which move rangelands toward statewide standards or maintain existing desirable conditions. Appropriate guidelines will ensure that the resultant management actions reflect the potential for the watershed, consider other uses and natural influences, and balance resource goals with social, cultural/historic, and economic opportunities to sustain viable local communities. Guidelines, and, therefore, the management actions they engender, are based on sound science, past and present management experience and public input.
- **Habitat Conservation Plan** – The FWS will approve a plan to protect habitat for a species listed under the ESA located on private land. The habitat conservation plan allows private landowners to use or develop the land, even though the activities may adversely affect a listed species. The plan will also include a “takings permit” which will permit the incidental loss of habitat or potential harm to a listed species.
- **Habitat Fragmentation** – An event that creates a greater number of habitat patches that are smaller in size than the original contiguous tract(s) of habitat.
- **Historical Value** – 1. The collective contributions of objects and values derived and established in recorded history that impact the character of the District and contribute directly to the Customs and Cultures related to the use and protection of natural resources as described in the Act. 2. The primary managed value as set forth in Federal Land Policy and Management Act (FLPMA) that applies to natural resources and the respective resource users as set forth in FLPMA.
- **Indicator** – An indicator is a component of a system whose characteristics (e.g., presence, absence, quantity and distribution) can be measured based on sound scientific principles. An indicator can be measured (monitored and evaluated) at a site- or species-specific level. Measurement of an indicator must be able to show change within timeframes acceptable to management and be capable of showing how the health of the ecosystem is changing in response to specific management actions. Selection of the appropriate indicators to be monitored in a particular allotment is a critical aspect of early communication among the interests involved on the ground. The most useful indicators are those for which change or trend can be easily quantified and for which agreement as to the significance of the indicator is broad based.
- **Irreversible and Irretrievable Commitment of Resources** – National Environmental Policy Act (NEPA) requires that each Environmental Impact Statement (EIS) address the resources that will be permanently lost or committed as a result of the project. When oil is produced from a well it is lost or committed and cannot be later developed. Vegetation resources associated with a well pad are not irreversible committed because the site can be reclaimed.
- **Jeopardy Review** – The FWS, pursuant to the Endangered Species Act (ESA), must evaluate all federal actions that may adversely affect a species that is listed under the ESA to determine whether the proposed action is likely to jeopardize the continued existence of the species. 16 U.S.C. §1536. As part of the jeopardy review, which is also called a “Section 7 review,” FWS prepares a biological opinion, makes a determination regarding jeopardy, and recommends additional conservation measures that

would mitigate the impacts on the species. If the FWS makes a finding of jeopardy, the proposed federal action may not proceed.

- **Lands with wilderness characteristics** – lands that fit the strict definition of wilderness as set forth in the Wilderness Act, e.g., ‘5000 contiguous acres’, etc. and are allowed by strict inventory methods as defined by FLPMA.
- **Managed Values** - Values attached to the management of federal lands as set forth in FLPMA. Such values were identified to protect the quality of management, preserve certain lands in their natural condition, provide food and habitat for fish, wildlife, and domestic animals, and provide for outdoor recreation, human occupancy and use. The eight identified managed values are scientific, scenic, historical, ecological, air and atmospheric, water resources, and archeological.
- **Multiple use** – 1. Balanced and diversified management of federal lands and their various public resources to best meet present and future economic and resource needs of the American people. 2. Management of lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the citizenry and the American people. 3. A combination of balanced and diverse resource uses that include managed values as set forth in FLPMA.
  - ◆ Multiple uses of the national forests means the “harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.” Multiple Use and Sustained Yield Act of 1960 (P.L. 86-517, June 12, 1960) as amended. Multiple use implies a sustained yield of outdoor recreation, range, timber, watershed and wildlife and fish values.
- **Natural resources** – As used in this Plan, all renewable and nonrenewable material in its native state which when extracted has economic value as it pertains to the protection and beneficial use of soil and water. Natural resources may be commercial or noncommercial in nature.
- **Non-impairment management** – The standard for determining whether to allow actions or activities on public lands that have been classified as wilderness study areas either by Congress or the Bureau of Land Management. The action or activity may be allowed so long as the impacts will not impair the areas suitability for wilderness or will not degrade the wilderness values so as to preclude its inclusion in the National Wilderness Preservation System.
- **Objective** – An objective is a site-specific statement of a desired rangeland condition. It may contain qualitative (subjective) elements, but it must have quantitative (objective) elements so that it can be measured. Objectives frequently speak to change. They may measure the avoidance of negative changes or the accomplishment of positive changes. They are the focus of monitoring and evaluation activities at the local level. Objectives may measure the products of an area rather than its ability to produce them, but if they do so, it must be kept in mind that the lack of a product may not mean that the standards have not been met. Instead, the lack of a particular product may reflect other factors such as political or social constraints. Objectives often focus on indicators of greatest interest for the area in question.
- **Private property** – As protected from being taken for public uses.

- **Public lands** – Lands open for sale or other disposition under the general land laws to which no claims or rights of others have been attached.
- **Rights-of-way** – This term generally refers to “an easement, lease, permit, or license to occupy, use, or traverse lands” and such right may be created by federal or state statute, deed, contract or agreement, or permit. A right-of-way may also include: Any road, trail, access or way upon which construction has been carried out to the standard in which public rights-of-way were built within historic context. These rights-of-way may include, but not be limited to, horse paths, cattle trails, irrigation canals, waterways, ditches, pipelines or other means of water transmission and their attendant access for maintenance, wagon roads, jeep trails, logging roads, homestead roads, mine to market roads, and all other ways.
- **Range** – Rangelands, forests, woodlands and riparian zones that support and understory or periodic cover of herbaceous or shrubby vegetation amenable to rangeland management principals or practices. Land on which the principal natural plant cover is composed of native grasses, forbs, and shrubs that are valuable as forage for livestock and big game. Any land supporting vegetation suitable for wildlife or domestic livestock grazing, including grasslands, woodlands, shrublands and forest lands.
- **Range Condition** – The current productivity of a rangeland relative to what the land could naturally produce based on the site’s soil type, precipitation, geographic location and climate
- **Range Improvements** – Range improvements include such things as corrals, fences, water developments (reservoirs, spring developments, pipelines, wells, etc.) and land treatments (prescribed fire, herbicide treatments, mechanical treatments, etc.).
- **Range Management** – The art and science of planning and directing range use intended to use the sustained maximum animal production and perpetuation of the natural resources.
- **Rangeland Preservation Area** – a conceptual federal land designation that balances access and land uses, and is in the process of being defined.
- **Recharge** - The addition of water to an aquifer by infiltration, either directly into the aquifer or indirectly by way of another rock formation. Recharge may be natural, as when precipitation infiltrates to the water table, or artificial, as when water is injected through wells or spread over permeable surfaces for the purpose of recharging an aquifer.
- **Recovery Plan** – The ESA requires the FWS to prepare a plan to improve the status of a listed species to the point where the species need no longer be listed. A recovery plan typically sets population goals, identifies tasks to reverse or arrest the decline of a species and criteria for delisting the species.
- **Reintroduction Plan** – Under the ESA, a reintroduction plan is a specialized recovery plan designed to restore a threatened or endangered species to its historical habitat. A reintroduction plan will document the habitat area to be occupied and specific management actions to be taken to ensure the successful reintroduction of the listed species. Alternatively, a reintroduction plan by a state wildlife agency will return fish, game or other wildlife to an area where they have been extirpated.
- **Research Natural Area (“RNA”)** – A type of area of critical environmental concern or ACEC under BLM land use planning process where natural ecological and physical processes are allowed to occur and human activities are prohibited if they will interfere with the natural processes.



Under Forest Service land use policy, a RNA is an area identified as a reference area to evaluate the impacts of management in similar environments, including areas for research and areas to be protected for biodiversity or threatened, endangered and sensitive species.

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

presence or absence of the products themselves. It is the sustainability of the processes, or rangeland health, which produces these by-products.

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

on the scenic qualities and land uses. The land use plans may require modifications to facilities to reduce the visual impacts.

- **Visual Resources** - Visual resources in the District are a composite of landforms, human and animal life forms, water features, cultural features, terrain, geologic features and vegetative patterns which create the visual environment. These visible physical features are important to the landscape and the scenic quality of the County.
- **Visual Resource Management ("VRM")** – The designation of BLM surface lands for visual resource protection and management as part of the land use planning process. The VRM classification takes into account scenic values, sensitivity based on land uses permitted and distance or remoteness. *See* BLM H8410-1.
- **Water** – To supply with water. Irrigate, sub-irrigate, dampen, vaporize, humidify, hose, spray, douse, drench, submerge, immerse, saturate, plunge, dip, splash, sprinkle, moisten, wet, and soak. In all forms, i.e. subterranean, surface, captured, recaptured, processed or wild. All waters (subterranean, ponds, pools, stream, river, wild and or contained arroyos) within the footprint of ESWCD.
- **Water Right** - Legal rights to use a specific quantity of water, on a specific time schedule, at a specific place, and for a specific purpose.
- **Watershed** – The total land area, regardless of size, above a given point on a waterway that contributes runoff water to the flow at that point. It is a major subdivision of a drainage basin. The United States is generally divided into 18 major drainage areas and 160 principal river drainage basins containing about 12,700 smaller watersheds. The entire region or land area that contributes water to a drainage system or stream, collects and drains water into a stream or stream system or is drained by a waterway (or into a lake or reservoir). More specifically, a watershed is an area of land above a given point on a stream that contributes water to the streamflow at that point. A region or area where surface runoff and groundwater drain to a common watercourse or body of water. The area drained by a river or river system enclosed by drainage divides. An area of land that drains to a single water outlet. A watershed is also known as a sub-basin.
- **Wilderness Act of 1964** - Congress established the National Wilderness Preservation System to protect and preserve those areas deemed to be wilderness, which is defined as: A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this chapter an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value. 16 U.S.C. §1131(a).”
- **Wilderness Area** – Tracts of land designated by an act of Congress to be part of the National Wilderness Preservation System.

- **Wildlife** – Populations, variety, and distribution of birds, mammals, reptiles, amphibians, invertebrates and plants.
- **Woodland Products** – Harvestable items from Piñon – Juniper woodlands. These include fuel wood, posts, pine nuts and Christmas trees.
- **Woody** – Consisting of wood plants such as trees or bushes.
- **Wood Fiber Production** – The growing, tending, harvesting and regeneration of harvestable trees.

## 2.2 ANNUAL ACTION PLANS

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

## 2.3 POLICIES AND PROCEDURES

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

## 2.4 EMERGENCY PLANS – (FOR DAMS AND STRUCTURES)

## 2.5 COORDINATION AGREEMENTS – (such as Participating, Cooperating and Stewardship Agreements with State and Federal Agencies)



## 3.0 PURPOSE, CUSTOM AND CULTURE, AND GOALS

### 3.1 PURPOSE

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

The purpose of the Plan is to guide policy regarding soil and water natural resource conservation and enhancement as needed and is intended to provide a framework for local, county, state, and federal agencies in land use planning that affect the resource universe in the District. Additionally the Plan is meant to safeguard the historic, traditional, conceptual and future conservation measures of these resources against all encroachments that may jeopardize their sanctity and beneficial use.

This plan is designed to protect the production and safeguarding of legitimate and worthwhile agricultural products, to ensure private rights, to allow and encourage expansion of resource supplies, and to defend the active engagement of public safety for District citizenry created by the presence and absences of water supplies.

### **3.2 CUSTOMS AND CULTURE**

The District recognizes the importance of Agriculture and its extension of enterprise and resource dependents to the stability of the local economy. The historic and contemporary influence of agriculture is the foundation of the community's Customs and Culture. Farms, ranches and support businesses have played and continue to play a fundamental role in local social and economic well being. ESWCD is increasingly concerned about increasing regulations and land use changes within the dominion of federal land ownership which are reducing the viability of farms and ranches. To reverse such trends, ESWCD supports, encourages and promotes policies that will lead to the long term economic strength of the underpinnings of these Customs and Culture.

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

The fundamental need for food and fiber from those endeavors predicated on the resources of soil and water is basic to life itself. Modern agriculture has been the framework of the relationship between man and those resources in the District. This relationship achieved a state of dynamic equilibrium that has been altered and adjusted based on the growth of population and the demand for goods and services that has developed through the area's relative advantages.

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

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

### **3.3 GOALS OF THE PLAN**

1. Maintain and improve the soil, vegetation and watershed resources in a manner that perpetuates, sustains, and expands the beneficial uses of such resources while maintaining healthy ecosystems and fully supporting public safety, the customs and economic stability and viability of our industries and the general welfare of the citizens of the District.
2. Provide the plans and policies that direct the ESWCD in coordination with local, state, and federal bodies and agencies regarding planning, outlining, orchestrating, scheduling, mapping, designing, manipulating, conceptualizing, formulating, designing, plotting, or strategizing land use plans that will affect the soil, water, and other resources of the District today, tomorrow, or further into the future.

3. Work with federal, state and local government agencies to fulfill the District's primary legal responsibility to provide for the health, safety, and well being of their constituents.
4. Work to reduce any possibility of unintended consequences from decisions and actions that may be taken by agencies that can negatively impact the District; its economy, its tax base and the people it serves. Such action, in general, seeks to minimize the unintended consequences to the local land users from ongoing governmental courses of conduct.

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#### **4.0 PRIMARY PLANNING GUIDANCE AND DIRECTIVES; General Matrix of Balance Objects and Values**

The state of New Mexico has authorized the creation of ESWCD with powers and duties to accomplish the legislative determination of the act.

Congress has mandated stabilization of soil and water through the Soil and Water Resources Conservation Act . . . “Recognizing that the arrangements under which the Federal Government cooperates . . . through conservation districts, with other local units of government and land users, have effectively aided in the protection and improvement of the Nation’s basic resources . . . it is declared to be policy of the United States that arrangements and similar cooperative arrangements be utilized to the fullest extent practicable . . .”

Congress has mandated . . . “Federal agencies shall coordinate with local and state agencies to develop comprehensive solutions to prevent, reduce and eliminate pollution in concert with programs for managing water resources.”

With District coordinated actions, federal agencies must be consistent with officially approved and adopted local land use plans, as long as such local plans are consistent with federal law and regulations.

Work with all federal agencies to ensure resource management plans or management framework plans list known inconsistencies between their plans and district plans and submit those inconsistencies to the Governor of New Mexico. Agencies are obligated to take all practical measures to resolve conflicts between federal and local government land use plans.

Federal Agencies are required to submit a notice of intent to prepare, amend, or revise a resource management plan to State Agencies, consistent with State procedures for coordination of Federal activities,

The District lands must be managed in a manner that will protect the quality and balance of natural resources as defined by the Act with the scientific, scenic, historical, ecological, environmental, air and atmospheric, water resources, and archeological values with the intent to provide both stewardship and continued human occupancy and use.

#### 4.1 OBJECTIVE

To create a coordinated working relationship with agencies and citizenry that protects and enhances local natural resources, safety and well being for all.

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

#### 4.2 RESOURCE CONCERNS

1. **Customs and Culture** - The future and its many unanswered questions of water supply, population growth, and continuing soil resource needs, and particularly, the perpetuation, renewal, improvement, protection and expansion of the farm and rangeland base. The people within the boundaries of Tarrant, Bernalillo, and Santa Fe Counties have traditionally earned their livelihood from activities associated with natural resources. The economy of the area in the past and today depends on the availability and utilization of natural resources. It is paramount the fulfillment of such a process is maintained with highest standards that represents all citizenry equally. Collectively, the past and future represent the **Customs and Culture** of the District.
2. **Water resources** - New Mexico's Water Code was enacted in 1907. Then, the state was sparsely populated, and people relied mainly on surface water supplies. Conditions have changed. The state's population has increased nearly seven times, surface waters have become over-appropriated, and water users have become increasingly dependent on ground water and water from projects such as dams.
3. **Soil** and all of soil related precautions to maintain the integrity, wellbeing and improvement of this all important resource.
4. **Agriculture - Farm, Range and Grassland** - The art and science of growing crops and raising and breeding livestock. As per this Plan, activities which traditionally define agriculture in the District include, but are not limited to, cattle, horses and sheep ranching; the production of hay, grain, and other crop production. It is necessary to improve range and grasslands through various means including brush control and the expanding successes of measures applied by landowners and agencies for the well being of soil and water resource health. It is also important that state and federal agencies continue to provide access to rangelands at levels consistent with proper range management, custom and culture and the protection of equitable property rights. It is also necessary to improve the quality of rangelands so that they provide a sustainable resource into the future.
5. **Wildlife and Livestock** - The beneficial externalities that exist with this important natural resource and the beneficial application and development of water resources.
6. **Threatened and Endangered / Sensitive Species** - Especially those 37 listed species specific to New Mexico and the targeted multi-species mega settlement list, is a dynamic management process. The

status of any listed species must be known and all additions or removals must be coordinated with the District. The District's conservation plans must be taken into account prior to any federal or state protection of a species.

7. **Invasive Species** - Are recognized as one of the leading threats to biodiversity and impose enormous costs to agriculture and other human enterprises, as well as to human health. There are many species that have only recently taken up residence. These plants and animals are taking over areas that native species have lived in for hundreds of years.
8. **Wildfire** - A function of fuel loads and drought. Both issues are part of the resource management aims and obligations of the District's responsibilities. Detrimental and beneficial outcomes of fire regimes needs to be determined on the greater landscape within ESWCD boundaries.
9. **Flood/Storm water Control** - Storm water has been identified as a major source of pollution in urban, suburban and rural areas and the impacts of storm water pollution are not static; it usually increases with land development and urbanization. As infiltration is reduced and precipitation is converted to overland flow, these modifications affect not only the characteristics of the developed site but also the watershed in which the development is located.
10. **Watershed and Forest Health** - A region or area where surface runoff and groundwater drain to a common watercourse or body of water. The area drained by a river or river system enclosed by drainage divides. An area of land that drains to a single water outlet. A watershed is also known as a sub-basin. Watersheds have five essential functions: Collect water that falls as rain or snow, store water and snow in various amounts and for different lengths of time, release water as runoff, filter and clean stored water and runoff, provide habitat for plants and animals. The overgrown condition of New Mexico's forested watersheds, coupled with extended drought, is a key factor that impairs watershed function and leaves our forests susceptible to wildfire and insect infestation.
11. **Renewable Energy** - New Mexico ranks twelfth nationally in wind electric potential and has the second highest solar potential in the country. The State declared in the Solar Rights Act of 1978 that the right to use the natural resources of solar energy is a property right. In 2007 the Solar Rights Act was strengthened to ensure that New Mexicans have the right to solar energy without interference from county and municipality code, covenant, or deed restriction.
12. **Outreach and Education** - to garner the support, understanding, and backing of our community and partner agencies.
13. **Special Land Designations** - Especially those changes that are done beyond congressional action, produce unintended consequences, and affect the threat to and net sum loss of multiple use lands, must be known and discussed with the District and be a matter of public record in District meeting minutes.
14. **Visual Resources** - Visual resource management or VRM is defined by the BLM based on naturalness, scenic qualities and permitted land uses. BLM recognizes four classes, with Classes I and II having the greatest values. The planning process first inventories the viewshed or scenic qualities. Class I is a natural landscape such as a national wilderness area or ACEC with scenic qualities. Classes II through IV are inventoried based on scenic quality, sensitivity (land use), and distance. These three factors are evaluated in light of land uses permitted under BLM's land use plan. The combined evaluation leads to



the designation of VRM classes.

There is a risk that BLM land use plans will use VRM classes to restrict land uses, rather than having the VRM class reflect the permitted land uses. Such action reduces the local tax base limiting the ability of the District, other special districts, the county and the state to sufficiently fund the necessary services and infrastructure that support the community. The VRM classifications should also take into account the Districts current and future soil erosion and flood control plans to ensure federal restrictions do not harm the health and safety of the community.

All inventories of VRM's shall be done in coordination with the District as required by federal statute (43 U.S.C.A. 1712(c)(9)) and consistency must be reached with the Districts plans to prevent harm to the citizens.

#### 4.2-1 CUSTOMS AND CULTURE

- **Goal:** It is the goal of ESWCD to coordinate all activities in a manner that will protect the quality of Customs and Culture derived from historical and environmental values; that, where appropriate, will preserve and protect all lands in a condition that will promote land health which contributes to community economic freedom and security; and undertake such actions in a manner that serves all citizens with a high standard of ethical and objective leadership.
- **Guidance:** FLPMA provides for effective use of the agency administered lands by providing continuity of uses for roads, power, water, grassland, and natural gas. The FLPMA also mandates multiple use of the agency administered lands, provides for continuing inventory and classification reviews of such lands. The agency is required to comply with federal, state, and local government laws relating to such matters including the values set forth in the Declaration of Policy of the FLPMA. The FLPMA is the organic basis of managing federal lands in the West. National Forest Management Act (16 U.S.C. §§ 1604 (a)) requires the Secretary of the Department of Agriculture to: develop, maintain and as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management processes of state and local governments and other federal agencies. ESWCD intends to cooperate in a manner that elevates all values equally without prejudice or inferred cardinal value. This includes the blending of historical and environmental values that have, heretofore, become bookends of manifested priorities. The presence of humans in this landscape is elevated in importance.
  - ESWCD intends to maintain balance within the actions of federal and state government in land use planning within the District.
  - The equality and respect for Customs and Culture created in over 413 years of recorded history must be held inviolate. ESWCD intends to maintain such a balance in the face of federal and state management policies that are often driven by forces outside of the jurisdiction of the District.
- **Due Process and Protection of Private Property**
  - The U.S. Constitution created a form of government characterized by:
    - Limited powers granted to the federal government, with all unenumerated powers being reserved to the respective states.

- Separation of those limited powers into legislative, judicial, and executive branches.
- Creation of a process where the branches act to check and balance the power of the other branches.
- Guarantee rights of due process and just compensation when private property is taken for public use.
- Grant of authority to Congress to make rules and regulations governing federal property.

#### 4.2-2 WATER RESOURCES

New Mexico is a landlocked state. All our water comes from precipitation and river water from Colorado. Under New Mexico's State constitution, all water is managed by the state of New Mexico. ESWCD recognizes that New Mexico must act now to protect our watersheds and water supply. With every year that goes by without a large-scale solution, more acres are severely burned, more critical water sources are jeopardized, more communities are threatened and other natural values are placed at risk.

- **Goal:** ESWCD asserts that water is the most significant resource within its boundaries and believes water is necessary for life as well as essential for promoting economic well-being. Ensuring water quality and quantity is an investment but provides a high return. Water is critical for agriculture, residents, industry, and many service activities. ESWCD will provide proactive support for corrective and conservation practices and programs to protect the public and conserve, expand, extend, and develop beneficially the water resources of the District.

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

- **Objectives:**

1. Coordinate with federal agencies to insure the District's policies are considered and consistency achieved to resolve water resources issues in concert with the conservation of endangered species, pursuant to 16 U.S.C.A. 1531(c)(2) and preserve state administrative authority over State's water.
2. Coordinate with Office of the State Engineer (OSE) to ensure historical water use for farming and ranching is secure within ESWCD boundaries. Start a conversation with OSE on "Zero" new use in the Estancia Basin.
3. Work with OSE to ensure the existing Estancia Basin guideline is practical and sustainable for the next 40 years.
4. Promote drought planning.
5. ESWCD encourages increased efficiency, timeliness and fairness with the adjudication process and supports coordination with local, state and federal agencies on the transfer of irrigation water rights to meet present and future agricultural, domestic and industrial water requirements within the ESWCD.
6. Promote continued research on improving water quality, development and use of crops tolerant to poor quality water, proper use of pesticides and herbicides on both cropland and rangeland, disposal of animal waste on holding areas, sewage and industrial waste disposal

7. Coordinate with OSE to reevaluate the current agriculture well depth restriction within the Estancia Basin and explore, research and promote aquifer storage and recovery strategies within the ESWCD.
8. Inefficient irrigation systems - Work with farmers to achieve proper irrigation water management on all irrigated cropland by providing technical and financial assistance, training, information, and education, and the services of Federal, State, and local agencies
9. The overgrown conditions of New Mexico's watersheds impairs watershed function. Promote, improve and implement forest management within ESWCD and encourage expanding state water planning to specifically include protecting and improving watersheds.
10. Encourage and educate the capture and use precipitation to provide more water for beneficial use. Expand current ESWCD water harvesting/conservation programs within district boundaries and promote rainwater harvesting statewide.
11. Water reuse can extend water supplies, but it requires additional infrastructure and more sophisticated systems. Elevate the idea of water reuse systems with communities and help determine which of the three major approaches fits best (indirect, direct or potable direct) within ESWCD.
12. Promote and provide technical assistance to ESWCD agriculture producers for the Regional Conservation Partnership Program (RCPP) to implement agricultural water enhancement activities on agricultural land for the purposes of conserving surface and ground water and improving water quality.
13. Research, promote and disseminate research done by the Brackish Groundwater National Desalination Research Facility located at El Paso, Texas. This includes the understanding of the environmental impacts of desalination and approaches that lower the financial costs of desalination.

#### 4.2-3 SOIL

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

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

- **Objectives:**
  1. Promote ESWCD small landowner programs and encourage vegetative cover that provides coverage to surface soils and slows wind velocity at the ground surface. Continue support towards windbreak development.
  2. Encourage land managers and landowners to seek technical assistance to mitigate surface disturbance and to facilitate soil and water conservation. Reestablish native or other desired vegetation. Further the progress of the establishment of permanent vegetative cover on poor quality cropland from which water rights have been removed.

3. Promote and provide technical information to Torrance, Bernalillo and Santa Fe Counties as well as ESWCD cooperators on road layout, design, and maintenance to reduce erosion and how to implement drainage structures on county, private, and energy companies access roads.
4. Support and advance minimum tillage methods
5. Provide technical information on native grass reseeding of any disturbed soils including but not limited to transmission, pipeline and wind energy pads.

#### 4.2-4 AGRICULTURE - FARM, RANGE AND GRASSLAND

“The land, waters, and other natural resources are the basic physical assets of New Mexico, and their preservation and development are necessary to protect and promote the health and general welfare of the people of the state.” 73-20-26. Legislative determination; purpose of act. (1965), Chapter 73 Article 20, Sections 25 through 49, New Mexico Statutes, 1978, Annotated.

Agriculture contributes to the economic base of Torrance, Bernalillo and Santa Fe Counties and is integral to the stability of livestock production, wildlife habitat, and farming while maintaining the local custom and culture.

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

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

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

- **Guidance:** Sections 47-9-1 through 47-9-7 NMSA 1978 “Right to farm Act” - The purpose of the Right to Farm Act is to conserve, protect, encourage, develop and improve agricultural land for the production of agricultural products and to reduce the loss to the state of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed a nuisance.

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

coordinated with the District.

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

Land management plans, programs, and initiatives should provide that the amount of domestic livestock forage, expressed in animal unit months, for permitted, active use as well as wildlife forage, be no less than the maximum number of animal unit months sustainable by range conditions in grazing allotments and districts, based on “on-the-ground” and scientific analysis. This is essential to the proper operation of the District. Livestock producers do more than contribute to the economic stability of the community, which helps the District, but are also the primary entities that help to implement the Districts programs. For these reasons, any relinquishment or retirement of grazing animal unit months in favor of conservation easements, wildlife, and other uses can harm the Districts objectives. Any reductions in domestic livestock animal unit months must be temporary and scientifically based upon rangeland conditions.

- **Objective:**

1. ESWCD’s Land Use Plan comprehensively provides the policies that allow for the continuation of farming and ranching with all the associated and supporting businesses that have made lands within ESWCD so productive and so important. All agriculture is dependent on proper soil erosion control, flood prevention, wildlife and species management, which are the responsibilities of this District.
2. Work with the counties and communities to reduce the conversion of prime farmland and rangeland to urban and industrial use. Encourage retaining Class I land for agricultural purposes.
3. Promote ESWCD Small Landowner programs for grazing.
4. Forage reductions resulting from forage studies, fire, drought or other natural disasters will be implemented on an allotment basis and applied proportionately based on the respective allocation to livestock, and wildlife.
5. Permanent increase or decreases in grazing allocations reflecting changes in available forage will be based on the vegetative type of available forage and applied proportionately to livestock or wildlife based on their respective dietary need.
6. Work with the Bureau of Land Management to expand and replicate the “Restore New Mexico” program to all areas of ESWCD.
7. Encourage the use of coordinated range management plans (allotment management plans or coordinated activity plans) for each grazing allotment that allow for the flexibility and updating of management during the ten-year term of the grazing permit. (*i.e.* water development, juniper/mesquite control, re-seeding, fencing, salting plans, herding plans and grazing systems)
8. Coordinate with federal and state agencies on any new federal and state land acquisition within

ESWCD boundaries. Encourage federal and state land management agencies to focus on lands currently under its responsibility.

#### 4.2-5 WILDLIFE AND LIVESTOCK

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

- **Goal:** It is the goal of ESWCD to institute and manage vegetation and landscape projects that will 1) maximize grassland development for livestock and wildlife, collectively, 2) expand water supplies and systems to support such populations on an availability standard, 3) encourage research to determine benefits of more complex grazing practices, 4) work with the New Mexico Department of Game and Fish (NMDGF) to elevate quality hunt opportunities, 5) educate the general public of the benefits and the symbiotic relationships of livestock and wildlife in this desert environment, and 6) Encourage wildlife management practices that sustain wildlife resources and habitat without measurably degrading other multiple use activities or private property rights.
- ESWCD strongly urges land management agencies to: upon termination of a permit, livestock permittee will be compensated for the remaining value of improvements or be allowed to remove such improvements that permittee made on his/her allotment.
- ESWCD will coordinate with the land management agencies to ensure forage reductions resulting from forage studies, fire, drought or other natural disasters will be implemented on an allotment basis and applied proportionately based on the respective allocation to livestock, wildlife. Reductions resulting from forage studies will be applied to the use responsible for the forage impact.
- ESWCD will coordinate with the land management agencies to ensure permanent increase or decreases in grazing allocations reflecting changes in available forage will be based on the vegetative type of available forage and applied proportionately to livestock or wildlife based on their respective dietary need.
- **Guidance:** In various laws and grazing guidelines, Congress has often-mandated stabilization of the local livestock industry by providing for the orderly use, improvement, and development of the range in a manner which adequately safeguards vested grazing and water rights, and in a manner that will not impair the value of a grazing unit when such a right is pledged as a debt security by the permittee.

Multiple Use and Sustained Yield Act of 1960 (P.L. 86-517, June 12, 1960) as amended. Multiple use implies a sustained yield of outdoor recreation, range, timber, watershed and wildlife and fish values. FLPMA sets forth the policy that federal lands be managed in a manner that will protect the quality of multiple resources, will provide food and habitat for fish and wildlife as well as domestic animals and will provide for outdoor recreation and human occupancy and use.

#### • **Objectives:**

1. The District will support opportunities for livestock grazing on private, state and federal lands. This includes advocating for the protection of equitable property rights, science-based land stewardship, and promotion of Best Management Practices for the improvement and continued use of all

rangelands within the District.

2. Coordinate with the NMDGF to develop specific wildlife harvest targets, quality hunts, depredation mitigation, and future management plans to unite private/agency endeavors.
3. Coordinate with federal land management agencies to ensure federal management activities regarding wildlife and livestock grazing do not negatively impact the Districts activities designed to prevent soil erosion and ensure flood prevention. Grazing management decisions can trigger future erosion and flood issues if not carefully coordinated with the District's plans
4. Promote and coordinate water distribution system installation and infrastructure improvements to benefit all wildlife and livestock health and welfare within the ESWCD.
5. Promote and coordinate other valuable and essential work that will provide a healthy environment for the beneficial use of resources that are implicit in the husbandry of wildlife and livestock endeavors.
6. Encourage private landowners to plan, develop, and implement resource management plans that meet the standards of grazing management systems through: proper stocking, deferred and rotational grazing, erosion control, control of poisonous and noxious plants, water development and distribution, and fencing.
7. Coordinate with all landowners and land managers to increase productivity of rangeland to increase and/or maintain AUMs that maximum sustainable levels on rangeland. Any grazing AUMs that are placed in a suspended use category should be returned to active use when range conditions improve.

#### **4.2-6 THREATENED, ENDANGERED / SENSITIVE SPECIES**

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

- The Endangered Species Act ("ESA"), [Addendum Tab No. 12 at 37-59, 16 U.S.C. §§1531-1541], protects individual species of plants and animals wherever they occur when it is determined that the continued existence is threatened or endangered. [Addendum Tab No. 12a at 37, 16 U.S.C. §1533]. The ESA provides for listing of species through rule making, 16 U.S.C. §1533(a), and within a year after listing, the identification of critical habitat for the species.
- Prior to making a determination whether a species is threatened or endangered, the federal agency is required to take into account "those efforts, if any, being made by any State or foreign nations, or any political subdivision of a State or foreign nation, to protect such species, whether by predator control, protection of habitat and food supply, or any other conservation practices, within any area under its jurisdiction; or on the high seas." (16 U.S.C. 1533(b)(1)(A)) This includes a review of the Districts plans, policies and projects. The Districts plan should be reviewed in its entirety as inherent in every policy is the objective to conserve species.

- Additionally, it is the policy “of the Congress that Federal agencies shall cooperate with State and local agencies to resolve water resource issues in concert with conservation of endangered species.” (16 U.S.C. 1531(c)(2)) The ESWCD holds specific authority to manage water resources within our jurisdiction, and therefore, all actions carried out under the Endangered Species Act must be coordinated with the District to resolve any water resource issues that may arise.
- Agencies are to consider the best available science when making a decision whether to list, but economic and social impacts are to be considered in the designation of critical habitat. [Addendum Tab No. 12a at 38, 16 U.S.C. §1533(a)(3)(A)].
- Critical habitat designations must take local socio-economic impacts into account. Areas may be excluded as critical habitat based upon economic impacts unless the failure to designate the area as critical habitat would result in extinction of the species. Area designations that preclude the District from carrying out its soil erosion and floodwater management projects will cause economic harm to the community and shall not be included as critical habitat unless absolutely essential to the survival of the species.
- Once a species is listed, it cannot be “taken,” which is broadly defined to mean any direct harm to the species or harassment, which, in turn, includes disruption in activities or loss of critical habitat. [Addendum Tab No. 12c-ii at 59, 50 C.F.R. §17.3]. If a ‘take’ is likely to occur on private land, the landowner must secure a takings permit under Section 10 of the ESA, and often does so under a habitat conservation plan which also requires compliance with NEPA. [Addendum Tab No. 12c at 59].

The ESA is the basis for several planning mechanisms:

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

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



must be coordinated with the District.

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

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

**Comment/Expectations: In order to meet the District's statutory responsibilities, ESWCD must be notified and coordinated with on all decisions.**

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

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

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

**Comment/Expectations: Coordination with the District on any new decisions concerning the RGCT.**

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

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

**District's policies are considered to achieved a balance to health, safety and economics of the local communities within the BRE EMU while FWS enhances owl habitat across the landscape.**

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

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

The 5 Year Review synthesis states, “The flycatcher’s status has improved (due to an overall increase in known estimated territories) since the 1995 listing, but ongoing threats associated with land and water management combined with the introduction and spread of the leaf beetle create significant challenges toward downlisting or delisting and are likely to cause population declines. Much of the initial increase in known territories is likely attributed to improved survey effort (Durst *et al.* 2007, p. 4), combined with associated conservation efforts. Yet, while some specific known flycatcher populations have grown very large (i.e. Elephant Butte Reservoir along the Rio Grande), broad geographic areas, in other Recovery Units have declined.”

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

**NM Meadow Jumping Mouse (Mouse) - *Bernalillo County*** - The New Mexico meadow jumping mouse (*Zapus hudsonius luteus*) was made a candidate for listing under the Endangered Species Act in 2008. The FWS received a petition to list the jumping mouse, which was already on the candidate list, and published its petition finding on December 10, 2008. Because the Mouse was previously identified through FWS candidate assessment process, the species had already received the equivalent of a substantial 90-day finding and a warranted, but precluded, 12-month finding. The rule became effective July 10, 2014.

FWS assigns priority numbers ranging from 1 – 18 based upon degree of threats, recovery potential, and taxonomic distinctiveness (48 FR 43098) for each species. FWS assigned a priority number of 3C which indicates a high degree of threat, with a high recovery potential. The Mouse is a subspecies, and conflict exists. The threats are high due to ongoing sources of habitat loss, degradation, and modification, including grazing pressure, water management and use (which causes vegetation loss from mowing and drying of soils), lack of water due to drought, and wildfires.

The historical distribution likely included riparian wetlands along streams in the Sangre de Cristo to central New Mexico, including the Jemez and Sacramento Mountains and the Rio Grande Valley from Espanola to Bosque del Apache National Wildlife Refuge.

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

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

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

- **Guidance:** The District will work to continuously coordinate with the FWS for the purposes of: 1) being aware of all matters of listing that impacts its administrative boundaries and 2) allowing the District to evaluate the impact of all decisions on its water resources, economic impact and conservation measures.
  1. ESWCD will promote the balance of actions that result in habitat improvement so that they benefit both the endangered species and other users.
  2. Promote coordination between FWS and the District.
  3. Oppose the introduction or transplant of threatened and endangered species within the boundaries of ESWCD, unless the District consents and it is done pursuant to specific terms and conditions that avoid disrupting existing land uses.
  4. Coordinate with federal agencies in all decisions and proposed actions, including NEPA procedures for an Environmental Assessment ("EA") or Environmental Impact Statement ("EIS"), which affect the District, regarding sensitive, threatened, or endangered species recovery plans, introduction or reintroductions, habitat conservation plans, conservation agreements or plans, or candidate conservation agreements.
  5. Recommend that proponents of protection, recovery activities, and other threatened and endangered and sensitive species programs finance the activities, including public involvement and compensation to the affected landowners.
  6. Support delisting of species once population goals set out in recovery plans are achieved.
  7. Participate in appropriate legislation and regulations directing management of threatened and endangered species and state sensitive species.

8. Recommend that federal agencies respect distinctions between special status species (state sensitive species, etc.) and those listed under the ESA.

#### 4.2-7 INVASIVE SPECIES

Invasive species are recognized as one of the leading threats to biodiversity and impose enormous costs to agriculture (rangeland and farmland productivity) and other human enterprises, as well as to human health. ESWCD has an aggressive invasive species control program in place as well as being a founding member of the Central New Mexico Cooperative Weed Management Area (CWMA).

**Guidance:** New Mexico Harmful Plant Act **76-7A-11 NMSA 1978**; Noxious Weed Control Act **76-7-1 to 76-7-22 NMSA 1978**

ESWCD, authorized by New Mexico statute, to conserve and develop the natural resources within the administrative boundaries of the district. ESWCD is pledged to perform various tasks including but not limited to preservation of wildlife, protecting the tax base, and promoting the health, safety, and general welfare of the people of Torrance, Santa Fe and Bernalillo Counties.

- **Objectives:**

1. Cooperate in noxious weed control to improve the productivity of all jurisdictional rangelands consistent with local, state and federal law and policies to eradicate noxious and invasive weeds, and to enhance native vegetation.
2. Early detection and rapid response is becoming a crucial aspect of ESWCD approach to the invasive species threat. Prevention is the first-line of defense, it is the most cost-effective approach. ESWCD will continue to implement this approach by distributing best management practices to ESWCD landowners to prevent or mitigate invasive species establishment or movement.
3. ESWCD will continue working with Central New Mexico Cooperative Weed Management Area (CWMA) to increase local and area awareness of weed related issues.
4. Continue ESWCD herbicide applicators training for ESWCD and partnering personnel.
5. Reinstate coordination between ESWCD and NM Department of Transportation's local District concerning invasive species management on highway right-of-ways.
6. ESWCD will continue to search for funding to map and monitor invasive species within Central NM CWMA boundaries.

#### 4.2-8 WILDFIRE

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

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

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

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

The Districts long term plans, policies and projects rely upon proper vegetative management on all lands, private, state and federal. Therefore, it is imperative that when the District identifies lands with excessive vegetation that increase the opportunity for wildfires, that it will coordinate with those agencies and landowners to assist in reducing the potential hazard.

- **Guidance:** The District recognizes wildfire is a function of fuel loads and drought. Both issues are part of the resource management aims and obligations of the District’s responsibilities.

- **Objectives**

1. ESWCD strongly supports training for all volunteer fire department members in the basics of wild land fire fighting. To accomplish this, the District will support New Mexico State Forestry Division and any other land management agency with suppression responsibilities in the training of VFD and RFD fire departments. The ultimate objective is to have a majority of volunteers that are qualified and can be allowed to have unencumbered access to all lands within the District.
2. Through coordination with federal agencies and landowners, the District will assist in developing policies for grazing rest prescriptions related to either wildfires or prescribed burns on a site-specific basis taking into account the needs of the vegetation and flexibility to meet the needs of the rancher, and to protect excessive soil erosion. Vegetative treatments and use of livestock grazing shall be utilized to keep fuel loads within appropriate limits.
3. Post-fire grazing will not be limited when monitoring and evaluation produces relevant, accurate data that demonstrates grazing will not unduly harm the range.
4. The District will assist in developing plans and projects that strike a balance of beneficial use of fire and the detrimental effects of intense wildfire. Fire should not be used to replace proper timber harvest as the primary forest management tool.
5. Encourage development of vegetation treatments and use of livestock grazing to keep fuel loads within appropriate limits.
6. Promote programs that assist private landowners with defensible space such as Firewise Communities; Ready, Set, Go!, and Living With Fire.

7. Continue to support area Community Wildfire Protection Plans; Torrance, Bernalillo and Santa Fe County Fire Department and RFDs; and organizations like the East Mountain Interagency Fire Protection Association and Torrance County Local Emergency Planning Committee (LEPC).

#### 4.2-9 FLOOD AND STORM WATER CONTROL

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

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

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

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

- **Objectives:**
  1. Facilitate knowledge of floodplain management, erosion control, and watershed stewardship.
  2. Recommend to and support the appropriate federal and state agencies responsible for the mapping of floodplains within ESWCD more accurately and completely.
  3. ESWCD expects to participate in any and all policy and funding decisions made concerning dam maintenance and safety within District boundaries.
  4. Work to limit agencies restrictions of projects, access, and planning that would obstruct dam safety measures within the ESWCD.
  5. Coordinate with responsible agencies to assist with the capture and return all flood waters within ESWCD to beneficial use.
  6. When reviewing proposed subdivisions ESWCD will recommend; historical arroyos to be defined as

open space, not allow plat lots in arroyos, not allow arroyos to be redirected, sent over roads or ditches without thought to the affects concerning erosion.

7. Promote responsible septic system management.

#### 4.2-10 WATERSHED AND FOREST MANAGEMENT

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

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

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

ESWCD's forested watersheds are no longer within normal fire regimes or fire return intervals, the result of effective fire suppression, limited forest management, and possibly climatic factors. Ponderosa pine stands now burn in an intense, stand replacing manner, rather than the lower intensity fires of the past. With more intense fires there is the risk of the loss of ecosystem components such as water quality. For some landscapes, before fire can safely be returned, mechanical treatment is necessary to reduce fuels to help control fire intensity.

While there is no commercial logging in ESWCD, timber is cut for firewood, post and poles, and other traditional uses of woody products. ESWCD fully supports thinning projects and knows that the current science supports reducing fuel loads and that thinning projects are warranted. The forest and woodlands within the District boundaries are primarily piñon, juniper, ponderosa pine and some dry mixed conifer.

- **Goal:** ESWCD strongly supports the critical need for healthy forests and watersheds that provide a reliable supply of high-quality water and other benefits for New Mexico by implementing long term, collaborative, comprehensive watershed-scale restoration projects that foster ecosystem function and resilience as well as maintain multiple use and sustained yield of forested land for forest uses.
- **Guidance:** Support 1) community-based collaboration with stake holders; 2) integration of Best Management Practices that incorporate peer-reviewed science; 3) expedited implementation of

watershed and landscape restoration and enhancement projects at the site-specific and landscape levels; and 4) flexibility in authorities and programming. 5) Management should be directed towards achieving desired future conditions e.g. promoting active forest management on suitable lands across all jurisdictional lands to achieve an appropriate age class and structural stage distribution following established silvicultural science.

- **Objective:**

1. ESWCD will promote legislative action that will increase investments in forest restoration as well as seek opportunities to work with partners to secure funding for watershed scale forest treatments.
2. Finance and implement forest and watershed restoration projects that restore watershed function within ESWCD boundaries and work with neighboring SWCDs on watershed scale restoration projects.
3. Promote active management of suitable lands to achieve structurally diverse, healthy forests in order to develop more resilient forest landscapes.
4. Continue ESWCD participation with working groups like the Greater Rio Grande Watershed Alliance and Estancia Basin Watershed Health, Restoration & Monitoring Project.
5. A viable forest products industry is essential to enable effective forest management on a meaningful scale. The forest products industry is a partner in forest management, and without it, proposed management projects become quite expensive or non-existent. ESWCD strongly supports the forest products industry to use wood by-products from forest hazardous fuel reduction projects, forest restoration projects and post fire salvage treatments.
6. Advocate management plans and budgets that result in a consistent supply of forest products.
7. Promote and support multiple entries for maintenance work in previously treated areas.
8. Request to be involved in the designation/management of areas that may require single-use or restrictive-use on public lands.
9. Support the maximum area of land possible to be excluded from single-use or restrictive-use designations, so that excluded land is available for active and sound management on public lands.
10. Participate in all efforts with the U.S. Forest Service Rule Revision process (current and future).
11. Maintain membership with New Mexico Forest Industry Association (NMFIA)
12. Promote Natural Resource Conservation Service's EQIP program with forested landowners.
13. Promote and support increasing partnerships and exchanges between natural resource agencies, local government and private forested landowners.
14. ESWCD will promote and support collaborative efforts that are essential for forest, wildlife and wildfire management. Cross jurisdictional collaboration is essential to achieve landscape scale



restoration.

#### 4.2-11 RENEWABLE ENERGY

Energy resources occur without regard to whether the land is in private, state, or federal ownership. These resources have, and continue to, provide economic benefits for the citizens of Torrance, Santa Fe and Bernalillo Counties and the State of New Mexico.

- **Goal:** It is the goal of ESWCD to support beneficial use of renewable energy without hindering agriculture resources.
- **Guidance:** New Mexico ranks twelfth in wind electric potential nationally and has the second highest solar potential in the country. The State declared in the Solar Rights Act of 1978 that the right to use the natural resources of solar energy is a property right. In 2007 the Solar Rights Act was strengthened to ensure that New Mexicans have the right to solar energy without interference from county and municipality code, covenant, or deed restriction
- **Objectives**
  1. Coordinate with the appropriate agencies and support the development of a sustainable biomass industry.
  2. Promote wise use of any energy source that develops within ESWCD boundaries.
  3. Discourage the use of informal policies or unofficial classifications by federal agencies to withhold high energy potential areas from leasing or development
  4. Promote Solar use for water systems
  5. Support reclamation actions to ensure that the site-specific reclamation plan is appropriate for the soils, vegetation, and climate, that the disturbed sites are immediately stabilized to conserve soils, that interim vegetation is planted to hold soils, including the use of sterile, non- native seeds, and that final reclamation is done on disturbed areas as soon as possible.

#### 4.2-12 OUTREACH AND EDUCATION

- **Goal:** It is the goal of ESWCD is to garner the support, understanding, and backing of our community and partner agencies.
- **Guidance:** Participate, foster and have a more active role in local, state, and federal relationships and understanding
- **Objectives:**
  1. Promote cooperation with ESWCD cooperators, organizational partners and entities such as town councils, county commissions, state and federal agencies.

1. Continue promoting ESWCD programs through the District Facebook page, website, newsletters, newspaper ads and articles, and informational brochures.
2. Disseminate and promote partner agencies programs through above listed avenues.
3. Work with area elementary and charter Schools as well as homeschooled children to continue conservation programs directed towards 4th grade level.
4. Continue to support Soil Stewardship programs
5. Establish a Conservation Day at the South Mountain location.
6. Reestablish Conservation Corner at the local radio station and local newspapers to promote ESWCD programs.
7. Support ESWCD partners with their educational programs.
8. Support and promote ESWCD programs at County Fairs, Soil and Water Day during the Legislative session, Ag Fest, and any other local, state or national activity pertinent to the ESWCD.

#### 4.2-13 SPECIAL LAND DESIGNATIONS

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

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

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

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

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

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

1. Designated Wilderness
2. BLM Wilderness Study Areas
3. USFWS areas proposed for Wilderness Designation
4. USFS Wilderness Study Areas or areas of Recommended Wilderness
5. National Park Service areas Recommended or proposed for Designation
6. Lands with Conservation Easements or similar restrictive devices
7. Areas of Critical Environmental Concern
8. National Monuments
9. Lands with Formal Critical Habitat
10. Any roadless island of the public lands.

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

- **Objectives:**

1. Maintain integrity of federal land designations as set forth in organic legislation.
2. Uphold the legal requirements and qualifications set forth in FLPMA, including those providing for the continuation of existing uses in wilderness study areas.
3. Review current wilderness recommendations in relation to the impacts on natural resource-based industries, the economic stability, the custom and culture of the citizens of ESWCD, the ability to develop water resources and to intensively manage rangeland resources.
4. Ensure that a wilderness designation does not affect state authority over water resources and that New Mexico's substantive and procedural laws controlling appropriation and allocation of water resources remain the primary authorities governing the waters in Torrance, Bernalillo and Santa Fe Counties regardless of wilderness designation. Enforce determination that wilderness designation does not create a reserved water right.
5. Reaffirm that the rights to access, enter, inspect, repair and maintain those interests are not affected by any future wilderness designation, including the use of mechanized vehicles and equipment for repairs and maintenance of such facilities.
6. The ESWCD supports resolution of the wilderness issue by Congress and release of the remaining wilderness study areas to multiple-use management. The ESWCD also supports not allowing federal

agencies to engage in endless and repetitive wilderness review or studies that expand lands managed as wilderness or as de facto wilderness while reducing the land base available for multiple uses.

#### 1.4.2-14 Visual Resources

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

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

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

- **Goal:** Support the protection of the visual resource while maintaining economic stability and the underlying land use allocations. Protect private land uses and state land rights and federal land use allocations by adjusting VRM classifications to be consistent with the land uses.
- **Guidance:** VRM classifications should be narrowly tailored to reflect previous and current land use decisions and appropriate land uses.
- **Objectives:**
  1. Coordination with local, state and federal planning actions that affect the visual resource and VRM classifications that affect land uses.

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### **A Continuing Process . . .**

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

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

**REFERENCES:**

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

**LAND USE PLAN**  
**Adopted February 9, 2015**  
**ESWCD Board of Supervisors**

Original Signed by: David King, Chairman David W. King

Original Signed by: Lewis Fisher, Vice-Chair Lewis Fisher

Original Signed by: Bill King, Sec/Treasurer Bill King

Original Signed by: Mark Anaya, Member Mark B. Anaya

Original Signed by: Art Swenka, Member Art Swenka

Original Signed by: Juan Sanchez, Member Juan Sanchez

Original Signed by: Bill Williams, Member Bill P. Williams

State of New Mexico County of Torrance

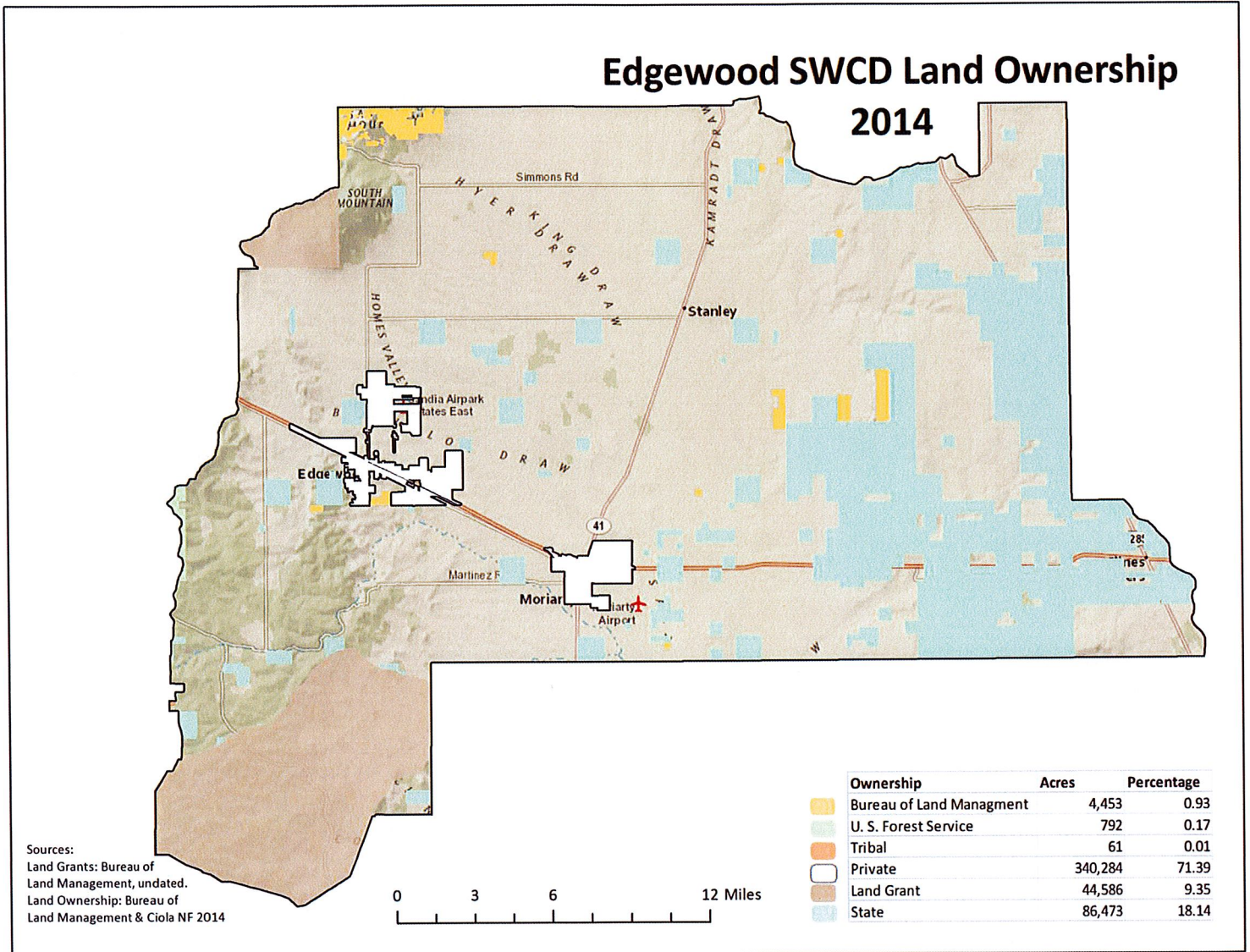
This instrument was acknowledged before me on March 5<sup>th</sup>, 2015 by David King, Lewis Fisher, Bill King, Mark Anaya, Juan Sanchez, Art Swenka and Bill Williams as Board of Supervisors of the Edgewood Soil and Water Conservation District.

Alicia R. Jar Seal Signature of notarial officer

My Commission expires: April 28, 2017

APPENDIX A

Edgewood Soil and water Conservation District Map - Land Status



Edgewood SWCD as of March 15, 1965

Beginning at a point in Santa Fe County in T12N, R7W which is due south of the town of Golden on the north line of S2 and which point is also on the south boundary of the Ortiz Mine Grant; thence south approximately 1/2 mile to the northeast corner of the San Pedro Grant. Thence south along the east boundary of the San Pedro Grant approximately 2 1/2 miles; thence in a southwesterly direction along the divide between the Estancia Valley drainage and the Rio Grande drainage to a point on the south boundary of the San Pedro Grant in the northeast 1/4 of S23, T11N, R6E; thence 3/4 miles west along the south boundary of the San Pedro Grant to the west line of S23, T11N, R6E. Thence south approximately 4 miles to the southwest corner of S2, T10N, R6E; thence in a southwesterly line along the divide of the Manzano Mountains to the northeast corner of the Isleta Indian Reservation near the east quarter corner of S5, T8N, R6E; thence in a southerly direction approximately 6 1/4 miles along the east boundary of the Isleta Indian Reservation to the north line of S32, T8N, R6E. This point is also on the west boundary of the Chislee Grant. Thence 1 mile south along the Chislee Grant line to the Torrance-Bernalillo County line. Thence approximately 1 3/4 miles south along the west boundary of the Chislee Grant; thence following the south and east boundary of the Chislee Grant approximately 15 miles to its intersection with the Bernalillo County line; thence approximately 2 1/2 miles east to the southwest corner of S31, T8N, R8E; thence north along the Bernalillo-Torrance County line approximately 5 miles to the northwest corner of T8N, R8E; thence east approximately 30 miles to a point on the divide between the Pecos River drainage and Estancia Valley, said point being located at the southeast corner of S35, T9N, R12E; thence in a northwest direction following the divide between Estancia Valley and the Pecos River drainage approximately 9 miles to the San Miguel County line at the northeast corner of S5, T9N, R12E. Thence west 2 miles to the southwest corner of S31, T10N, R12E; which point is also the southeast corner of Santa Fe County. Thence north approximately 15 miles along the Santa Fe - San Miguel County line to the northeast corner of S24, T12N, R11E; thence west



3 1/2 miles, to the east boundary of the San Cristoval Grant; thence south approximately 2 5/4 miles to the southeast corner of the San Cristoval Grant. Thence in a northwest direction along the south boundary of the San Cristoval Grant to the southeast corner of S14, T12N, R9E; thence approximately 15 miles west to the point of beginning.

All properties within the exterior boundaries of this soil conservation district of a residential, business, or non-agricultural nature are hereby excluded, omitted, and specifically excepted from this soil conservation district.