



LAND USE POLICY PLAN

The Coronado Soil and Water Conservation District (CSWCD or District) Land Use Policy 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.

Various human groups have greatly affected the processes and evolution of Coronado Soil and Water Conservation District ecosystems, especially riparian zones, from A.D. 1540 to the present. Overgrazing, clear-cutting, irrigation farming, fire suppression, intensive hunting, and introduction of exotic plants have combined with droughts and floods to bring about environmental and associated cultural changes in the District. As a result of these changes, public laws were passed and agencies created to rectify or mitigate various environmental problems in the District. Although restoration and remedial programs have improved the overall “health” of District ecosystems, most old and new environmental problems persist.

*After Dan Scurlock, *An Environmental History of the Middle Rio Grande Basin**

Coronado Soil and Water Conservation District

LAND USE POLICY PLAN

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EXECUTIVE SUMMARY

Sections 73-20-25 through 73-20-48, NMSA 1978, comprise the New Mexico Soil and Water Conservation District Act (Act). The Coronado Soil and Water Conservation District (District or CSWCD) is the administrative body responsible for the natural resource economic viability in partial areas of Sandoval County. CSWCD was formed December 18, 1941, encompassing 379,191 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, as well as private and tribal landowners for the enhancement of the resource base. The District has the authority, concerning natural resources, to assist, contract, and render financial aid, when practicable, to the stakeholder community.

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

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

Tribal lands and their assets represent a large percentage of land ownership within the District's jurisdictional boundaries. As sovereign nations, tribal participation is a critical component of land use and land management decision-making. CSWCD seeks active engagement in the coordination process with tribal land management departments.

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

According to Presidential Executive Order 13563, Improving Regulation and Regulatory Review, "The regulatory system must protect public health, welfare, safety, and our environment while promoting economic growth, innovation, competitiveness, and job creation. It must be based on the best available science. It must allow for public participation and an open exchange of ideas. It must promote predictabil-

ity, reduce uncertainty, be accessible, consistent, written in plain language, and easy to understand.” The District’s Land Use Policy Plan (Plan) is a clear choice for agencies to use as a guideline when developing their rules and regulations.

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 natural resources, and, to fulfill this mandate, the District will coordinate with the federal agencies to resolve water resource issues in concert with the conservation of endangered species and other natural resource issues. The District Plan also serves as the local conservation plan for all species whether listed as endangered, threatened, sensitive or proposed for listing.

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

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.

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

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

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

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

1.0 INTRODUCTION

The Coronado Soil and Water Conservation District (CSWCD or District) Land Use Policy Plan is an executable policy for natural resource management and land use on most lands within the District (tribal lands excluded). 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 are the most important resources within CSWCD, and that, as such, they 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; (3) provide strategies and policies for enhancing the conservation, improvement, and management of these resources and (4) collaborate with tribal natural resource departments within the District's boundaries on District project implementation.

This Plan is not intended to regulate, zone or otherwise reduce private property rights; 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 rights occur within lands administered by federal and state agencies.

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. It is crucial, therefore, that the federal government use the best available objective peer-reviewed science to evaluate whether a listing is necessary or if other conservation efforts will be successful.

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

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

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

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

1.1 BACKGROUND/HISTORY

LOCATION

The District is geographically located in the southeastern portion of Sandoval County. Within the boundaries of the CSWCD there are several jurisdictions of governance, including the Town of Bernalillo and the unincorporated communities of Placitas, Algodones, Pena Blanca and La Madera. The Pueblos of Santa Ana, San Felipe, Santo Domingo, Cochiti and most of Sandia are also within the District's boundaries.

SANDOVAL COUNTY HISTORY

Sandoval County is geographically located in north central New Mexico. The County includes developing suburban areas, all or portions of eight Pueblos, three Navajo Chapters, and a portion of the Jicarilla Apache Reservation. Sandoval County was established as a separate entity on March 10, 1903, nine years before New Mexico's statehood.

Sandoval County covers approximately 3,710 square miles. Public and Native American tribal lands account for 73% of the County. The southeast portion of the County, home to the incorporated communities of Rio Rancho, Corrales, and Bernalillo and the unincorporated community of Placitas, is suburban. The remainder of the County is rural and includes open range, private, federal and tribal lands.

According to the 2012 Agriculture Census, Sandoval County has 950,133 acres in farm and ranch land production, creating a market value of \$10,586,000 in products sold. The County is ranked 4th in the state for nursery stock production, 5th for apple production, 6th for grape production, and 6th for domestic horses, ponies, mules, and burro production. The County's top livestock inventory is cattle and calves, with horses and ponies coming in second. Farm land use is 89.0% pastureland, 8.1% woodland and 2.9% other uses.

DISTRICT LAND STATUS

Concurrent with the District's cultural diversity, there is a complex pattern of state, federal, tribal and private land ownership and jurisdiction. CSWCD's land status breakdown includes 73,721 acres (19.44%) private ownership, 242,462 acres (63.94.8%) under tribal jurisdiction, with the remaining acreage under public land management. Federal land managers include: Forest Service with 32,602 acres (8.59%), Bureau of Land Management with 18,135 acres (4.78%), Department of Defense with 2,202 acres (0.58%), and National Park Services with 2 acres (0.00052%). State public lands consist of the State Land Office with 9,951 acres (2.62%) and NM State Parks with 118 acres (0.031%) for a grand total of 379,191 acres.

ELEVATIONS

Elevation ranges between 4,690 feet above sea level to 9,600 feet above sea level.

CLIMATE

Climate varies according to elevation, but predominantly the District's precipitation range is 8" to 28" in the higher elevations. Temperatures range from an average 9°F in the winter (higher elevations) to 92°F

in July (lower elevations). The growing season (frost-free days) range 90 days in the higher elevations to 200 days in the lower elevations.

WATERSHEDS/STREAMS

The United States Geological Survey (USGS) has designated twenty-one major regions (river basins) for the nation. Regions are further divided into subregions and New Mexico contains portions of five regions: Arkansas-White-Red, Texas Gulf, Upper Colorado, Lower Colorado, and the Rio Grande. Within New Mexico the Rio Grande region is divided into two subregions, the Pecos and the Rio Grande.

CSWCD is wholly within the Rio Grande region as delineated by the USGS, and has three main 8-digit hydrologic unit watersheds: Rio Grande - Albuquerque (NM), Rio Grande - Santa Fe (NM), and Jemez (NM). The principal river basin is the Rio Grande. The principal aquifers are (Albuquerque Basin - Rio Grande) and the Santa Fe Group.

ECOREGIONS

The District has three Level III ecoregions: **The Southern Rockies:** The Southern Rockies are composed of high-elevation, steep, rugged mountains. Although coniferous forests cover much of the region, as in most of the mountainous regions in the western United States, vegetation, as well as soil and land use, follows a pattern of elevational banding. The lowest elevations are generally grass or shrub covered. Low to middle elevations are also grazed and covered by a variety of vegetation types including juniper-oak woodlands, ponderosa pine, aspen, and Douglas-fir. Middle to high elevations are largely covered by coniferous forests and have little grazing activity. The highest elevations have alpine characteristics. Numerous perennial mountain streams with deciduous riparian vegetation support coldwater fisheries and serve as wildlife corridors. **The Arizona/New Mexico Plateau:** It represents a large transitional region between the drier shrublands and wooded higher relief tablelands of the Colorado Plateau in the north, the lower, hotter, less vegetated Mojave Basin and Range in the west, and forested mountain ecoregions that border the region. Local relief in the region varies from a few feet on plains and mesa tops to well over 1000 feet along tableland side slopes. Gunnison prairie dogs are a keystone species in many of the sagebrush ecosystems and their burrows provide habitat for other wildlife including burrowing owls, weasels, badgers, and a variety of snakes. **The Arizona/New Mexico Mountains:** The Arizona/New Mexico Mountains are distinguished from neighboring mountainous ecoregions by their lower elevations and associated vegetation indicative of drier, warmer environments, due in part to the region's more southerly location. Forests of spruce, fir, and Douglas-fir, common in the Southern Rockies, are only found in limited areas at the highest elevations in this region. Piñon-juniper and oak woodlands are found at lower and middle elevations, and the higher elevations are mostly covered with open to dense ponderosa pine forests.

PHYSIOGRAPHY/SOILS/GEOLOGY

Foothill Woodlands and Shrublands: In New Mexico, this ecoregion is a transition area from the higher elevation forests to drier and lower plains and plateaus. Within the region, some flora and fauna species on the east side may differ from those found to the west. This semiarid region has rolling to irregular terrain of hills, ridges, and footslopes, with elevations mostly 6000 to 8500 feet, and a variety of rock and soil types. In New Mexico, piñon-juniper and oak woodlands are dominant. **Physiography:** Hills, ridges, and footslopes and moderate to high-gradient perennial, intermittent, and ephemeral streams with cobble, gravel, and sandy substrates. **Geology:** Surficial and Bedrock—Quaternary block rubble colluvium, colluvium with valley-fill alluvium, colluvium, and alluvium. Tertiary and Cretaceous sandstone, shale, and conglomerate; some Permian and Pennsylvanian sandstone, mudstone, and conglomerates; some Quaternary tuffs, Tertiary basaltic to andesitic lava, and Tertiary intrusive rocks; Pre-

cambrian metasedimentary, metavolcanic, and plutonic rocks. **Soils:** Order—Alfisols (Haplustalfs, Paleustalfs), Inceptisols (Haplustepts), Entisols (Ustorthents), Mollisols (Argiustolls, Haplustolls). Common soil series; Trampas, Mirand, Devisadero, Espiritu, Wauquie, Hogg, Mara, Rombo, Berryman, Ru-son, Elpedro, Stout, Pinitos, Menefee, Montecito, Capillo, and Apache.

Rio Grande Floodplain: Once containing a perennially flowing, meandering, braided river, the Rio Grande Floodplain ecoregion has undergone many human alterations to its landscape and hydrology over the past 400 years. The once-shifting Rio Grande had mosaics of riparian woodlands and shrublands along with a variety of wetland meadows, ponds, and marshes. The gallery forest, or bosque, of cottonwood and willow with understories of coyote willow, New Mexico olive, false indigo, and seepwillow depended on this dynamic system. A long history of irrigation and drainage canals, levees and jetty jacks, and upstream dams has altered river flows and narrowed and straightened the stream channel. Conversion to cropland, orchards, small rural farms and ranchos, and urban and suburban uses have also altered the region. Cottonwood and willow, dependent on spring flooding, have been widely replaced by invasive saltcedar and Russian olive. **Physiography:** River channel and floodplain, low terraces, levees. **Geology:** Surficial and Bedrock—Quaternary river alluvium and terrace deposits of sand, silt, and gravel. **Soils:** Orders—Entisols (Torrifluvents, Ustifluvents, Torripsamments). Common soil series—Gilco, Peralta, Aga, Abiquiu, Alcalde, Gila, Brazito, Vinton, and Glendale.

Albuquerque Basin: Part of one of the deeper physiographic basins of the Rio Grande rift, the Albuquerque Basin ecoregion is lower in elevation, drier, and warmer than surrounding ecoregions to the north, east, and west. The basin is filled with thick sediments of mostly Quaternary and some Tertiary age, with a few areas of volcanic rocks and lava-capped mesas. This region has a largely thermic soil temperature regime. There is a mix of sand scrub and desert grassland vegetation. Urban and suburban land uses are spreading. The Santa Fe Group aquifer, the drinking water source for Albuquerque and most of the Middle Rio Grande Valley, has seen some groundwater declines in recent years, along with increases in contaminants. **Physiography:** Plains and piedmont plains with alluvial fans and some scattered hills. Mostly ephemeral and intermittent streams. **Geology:** Surficial and Bedrock—Quaternary fan alluvium, colluvium. Deep Quaternary and Tertiary sediments, small areas of Quaternary basalt. **Soils:** Order—Aridisols (Haplocalcids, Calciargids, Haplocambids, Haplargids), Entisols (Torrifluvents, Torriorthents, Ustorthents).

Conifer Woodlands and Savannas: This ecoregion is an area of mostly piñon-juniper woodlands, with some ponderosa pine at higher elevations. It often intermingles with grasslands and shrublands. Although elevations are higher than surrounding ecoregions, the boundaries tend to be transitional. The region is generally cooler, with more uniform winter and summer seasonal moisture. **Physiography:** High hills and low mountains, numerous canyons. Mostly moderate to high-gradient intermittent streams with bedrock, cobble, gravel, and sandy substrates. **Geology:** Surficial and Bedrock—Quaternary colluvium, block-rubble colluvium, colluvium with valley-floor alluvium. Tertiary (Miocene and Oligocene) volcanic lavas, tuffs, breccias, volcanoclastic sedimentary rocks. **Soils:** Order—Inceptisols (Dystrochrepts, Cryochrepts), Alfisols (Glossoboralfs, Cryoboralfs). **Common soil series:** Wink, Turney, Madurez, Pajarito, Gila, Kokan, Embudo, Tijeras, Clovis, Zia, Grieta, Pinavetes, San Mateo, Ildefonso, Silver, Harvey, Witt, Sedillo, Placitas, Royosa, Waumac.

Rocky Mountain Conifer Forests: The Rocky Mountain conifer forests are found at elevations from about 7000 to 9600 feet in the mountains east of the Rio Grande. Ponderosa pine and Gambel oak are common, with mountain mahogany and a dense understory. Some Douglas-fir, southwestern white pine, and white fir occur in a few areas. Blue spruce may occasionally be found in cool, moist canyons. In the

Sandia Mountains, white fir and Douglas-fir are extensive. Current forests have been shaped by fire and fire suppression. The region is geologically diverse with volcanic, sedimentary, and some intrusive and crystalline rocks. **Physiography:** Open low mountains and high mountains with steep slopes, numerous canyons. Mostly moderate to high-gradient intermittent and some perennial streams with bedrock, cobble, and gravel substrates. **Geology:** Surficial and Bedrock—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:** Order—Mollisols (Argiustolls, Paleustolls, Haplustolls), Alfisols (Haplustalfs, Paleustalfs). **Common soil series:** Sandia/Manzano Mountains—Jekley, Frigid, some Pinata, Crest, Osha, rock outcrop. Mesic/Sacramento and Southern Mountains—Ustic Caballo, Peso, Gaines, Telefono, Mescalero, Firo, Gavilan, Monjeau, Docdee, rock outcrop.

VEGETATION

The District's natural vegetation includes the following: **Forests:** Douglas-fir, white fir, southwestern white pine, and aspen, blue spruce occasionally found in cool, moist canyons, ponderosa pine, Rocky Mountain juniper at higher latitudes and elevations, Gambel oak woodlands, piñon-juniper woodlands with one-seed juniper and alligator juniper. **Shrubs:** mountain mahogany shrublands, serviceberry, skunkbush, sagebrush, sand sage, and sumac. Bosques of cottonwood, coyote willow (and other varieties of willow), New Mexico olive, false indigo, and seepwillow. **Grasses:** blue grama, black grama, junegrass, threeawn, Arizona fescue, pine dropseed, junegrass, western wheatgrass, galleta, Indian ricegrass, sand dropseed, mesa dropseed, and alkali sacaton. Bosques within District boundaries have been widely replaced by invasive saltcedar, Russian olive and urban landscape species such as Siberian elm.

CURRENT LAND RESOURCE USE

The District's current land uses include recreation, wildlife habitat, rangeland, livestock grazing, hunting, timber production, and mineral extraction. There is some irrigated hayland adjacent to perennial streams, as well as pasture, cropland, orchards, and vineyards. It is a source of water and groundwater for lower, more arid ecoregions. It includes public land (Cibola National Forest, BLM and State), urban and suburban areas and tribal lands (Pueblos of Sandia, Santa Ana, Santo Domingo, San Felipe, and Cochiti). Water withdrawals have lowered groundwater levels in many areas.

ACEQUIA/COMMUNITY DITCH

Some of the acequias and ditches within the District boundary are the oldest water management institutions in the United States. These earthen ditches, native engineering works used for irrigation, date back over 1,000 years. When Europeans arrived in northern New Mexico during the late sixteenth century, they quickly appreciated the efficiency of the water irrigation systems already in place. Acequia irrigation systems in the middle Rio Grande area have supported human subsistence, and social, political, and ecological systems in traditional communities throughout the District.

The acequia irrigators known as parcientes formed their own water democracies operating outside of government in terms of their internal affairs: they elected their own officers, established rules, enforced them, and settled water disputes. The first water laws adopted by the Territorial Assembly of New Mexico in 1851-52 under United States jurisdiction were the Leyes de las Acequias, guaranteeing the priority of water use for irrigation and the application of existing ditch rules. As in the past, acequia communities today are still in charge of their day-to-day governance, and collectively maintain their irrigation works and repair their diversion structures when necessary.

The following acequias/ditches are within District boundaries: **Rio Grande Drainage Basin: Las Huertas Creek** – Las Acequias de Placitas (Placitas Community Ditch), Las Huertas Community Ditch and Acequia la Rosa de Castilla; **Rio Grande** – Middle Rio Grande Conservancy District.

1.2 AUTHORITY

Sections 73-20-25 through 73-20-48, NMSA 1978 [NM Soil and Water Conservation District Act]. As its basic purpose, the Act states 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 [Section 73-20-25] 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, provide for flood control, preserve wildlife, protect the tax base and promote the health, safety and general welfare of the people of New Mexico.

Section 73-20-26. This section 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."

Section 73-20-45. Specific powers of districts (2003): CSWCD 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.

Section 73-20-44. Districts; description; general powers of districts (2003): "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, including, but not limited to, 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.

Section 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."

Section 73-20-48. State agencies to cooperate (2003): "Agencies, instrumentalities and political subdivisions of this state having jurisdiction over or charged with the administration of public lands situate within the defined geographical area of any district shall cooperate to the fullest extent with the district's supervisors in effecting district projects and programs. Supervisors shall have free access to enter and

perform work upon state public lands lying within their districts; provided, however, supervisors shall not have unqualified access to state lands that are subject to private dominion under lease or that are developed for, or devoted to, another public use.

1.3 ADOPTION

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

This Plan 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. CSWCD is committed to a positive planning process with federal, tribal and state agencies and local governments. CSWCD will equitably consider the best interests of all the people within CSWCD's jurisdictional boundary and the State of New Mexico in the use of state and federal lands. CSWCD commits to seeing that all natural resource decisions affecting the District are guided by the following principles:

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

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

2.0 PRIMARY PLANNING GUIDANCE

2.1 PLAN DEFINITIONS

- **Acequia** – Acequias are recognized under New Mexico law as political subdivisions of the state. The acequia associations have the power of eminent domain and are authorized to borrow money and enter into contracts for maintenance and improvements. Acequia associations do not have the power to tax, so the expenses of maintenance and improvements are borne by the individuals served by the irrigation system.
- **Agriculture** – The art and science of growing crops and raising and breeding livestock. As per this Plan, activities which traditionally define agriculture in the District include, but are not limited to, livestock ranching; farming; truck crops, hay, alfalfa, and some corn and other small

grain crop production; and some timber harvesting for firewood, latillas, 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.
1.
- **Area of Critical Environmental Concern (ACEC)** – Federal land management agencies (agencies) define ACEC as 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. CSWCD requires the agencies to coordinate with the District to ensure all cultural and historic values are considered prior to using this designation.
- **Archeological and Historic Preservation Act 1974** – Provides for “the preservation of historical and archeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed as the result of (1) flooding, the building of access roads, the erection of workmen's communities, the relocation of railroads and highways, and other alterations of the terrain caused by the construction of a dam by any agency of the United States, or by any private person or corporation holding a license issued by any such agency or (2) any alteration of the terrain caused as a result of any Federal construction project or federally licensed activity or program.” 16 U.S.C. § 469.
- **Burned-Area Rehabilitation** - USFS and DOI agencies define Burned Area Rehabilitation as follows: Efforts undertaken within 3 years of a wildfire to repair or improve fire-damaged lands unlikely to recover to management-approved conditions, or to repair or replace minor facilities damaged by fire. CSWCD’s protection priorities of rehabilitation are: (1) To repair or improve land damaged directly or indirectly by wildland fire, (2) Soil and water resources, (3) Rehabilitate or established a healthy, stable watershed.
- **Burned-Area Restoration** – USFS defines Burned Area Restoration as the continuation of rehabilitation activities beyond the initial 3 years or the repair or replacement of major facilities damaged by the fire. CSWCD’s definition includes coordination with local government.
- **Candidate Conservation Agreement** – The USFWS by policy may enter into an agreement with a state agency, local government or private landowner to protect or manage habitat for a species that is proposed for listing but is not yet listed. Under the terms of the agreement, generally an agreed-upon amount of land is set aside or earmarked to be conserved for the candidate species. The landowner may also receive compensation and assurances that if the species is listed, the landowner will not be required to adopt additional conservation measures.
- **Clean Water Act** – The Federal Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.) is the foundation for surface water quality protection in the United States. Congress gave States and tribes the option for taking primary responsibility for water pollution control.

- **Communication** – The exchange or transfer of information using the technology of transmission systems.
- **Compensable property right** – 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 to the United States Constitution.
- **Conservation** – Management of the human use of natural resources to provide benefit to current generations while maintaining capacity to meet the needs of future generations. Conservation includes both the protection and rational use of natural resources.
- **Consistency** – “[H]aving agreement with itself or something else; harmonious; congruous; compatible; not contradictory.” *Id.* at 279.
- **Consultation** – A conference between two or more people to consider a particular question.
- **Cooperation** – A 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 refers to the partnership agent in the relationship of preparing resource management plans, partnering with tribes, state, and local governments (intergovernmental partners) before, during, and after plans and EISs are prepared; (2) The agent acting upon and within the framework for intergovernmental efforts in achieving early and consistent partnership involvement, incorporating local customs and cultures as well as state and local land use requirements, addressing intergovernmental issues, avoiding duplication of effort, enhancing local credibility of plans and EISs, encouraging support for management decisions, and building relationships of trust.
- **Coordination** – (1) The process created by Congress to ensure consistency of federal plans and activities with local government plans and policies. (2) Coordination is defined as the act of coordinating; harmonious adjustment or interaction; one that is equal in importance” (*American Heritage Dictionary*). Coordination is more than “cooperate” or “consult.” The courts have defined the term as well: “The concept of ‘coordination’ means more than trying to work together with someone else. To ‘coordinate’ is ‘to bring into a common action, movement, or condition; it is synonymous with; harmonize.” (*California Native Plant Society v. City of Rancho Cordova*, 172 Cal. App. 4th 603, 91 Cal. Rpt. 3d 571 (Third App. Dist. 2009)). (3) Specifically, the National Forest Management Act (16 U.S.C. §§ 1604 (a)) requires the Secretary of the Department of Agriculture to: develop, maintain and as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management processes of state and local governments and other federal agencies. (4) Specifically, the Federal Land Policy and Management Act (43 U.S.C.A. 1712(c)(9)) requires the Secretary of the Department of Interior to: (a) Keep apprised of local plans; (b) ensure that 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 that 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
- **Cryptobiotic Soil Crusts** – Communities of living organisms on the soil surface in arid and semi-arid ecosystems. Cryptobiotic soil crusts perform important ecological roles including carbon fixation, nitrogen fixation, soil stabilization, and water relations, and affect germination and nutrient levels in vascular plants. They can be damaged by fire, recreational activity, grazing, and other disturbance and can require long time periods to recover composition and function.
- **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 Collegiate Dictionary* 227 (1975).
- **Custom** – Custom is a usage or practice of the people, which by long and unvarying habit, has become compulsory and has acquired the force of law with respect to the place or subject matter to which it relates. *Bouvier's Law Dictionary* 417 (1st ed. 1867).
- **de facto Wilderness Management** – Land management policy that is imposed without congressional direction or authority that mirrors or is similar to the management of areas designated by Congress as wilderness pursuant to the 1964 Wilderness Act. The management restrictions and prohibitions include: the prohibition of construction of new roads; restriction or prohibition of reconstruction or maintenance of existing roads; prohibition of mining or mineral development; restrictions on activities that would require permanent structures or facilities, or restrictions on motorized vehicle use or the use of mechanical tools or means of travel.
- **Desired Plant Community** – A plant community which produces the kind, proportion and amount of vegetation necessary for meeting or exceeding the land use plan/activity plan objectives established for an ecological site(s). The desired plant community must be consistent with the site's capability to produce the desired vegetation through management, land treatment, or a combination of the two.
- **Economics** – Pertaining to how individuals, governments and nations make choices on allocating scarce resources to satisfy the development and management of the material wealth of a government, community or individual.
- **Emergency Stabilization** – USFS and DOI agencies define Emergency Stabilization as: Planned actions to stabilize and prevent unacceptable degradation to natural and cultural resources, to minimize threats to life or property resulting from the effects of a fire, or to repair/replace/construct physical improvements necessary to prevent degradation of land or resources. Emergency stabilization actions must be taken within 1 year of containment of the fire. CSWCD's protection priorities of emergency stabilization are: (1) Human life and Safety, (2) property, (3) soil and water resources.
 - Actions to implement emergency stabilization treatments should begin immediately upon plan approval. Implementation should begin as soon as necessary to complete the treatment prior to the rainy season, onset of winter, weather, or other shutdowns.

- **Erosion** – (v.) Detachment and movement of soil or rock fragments by water, wind, ice, or gravity. (n.) The land surface worn away by running water, wind, ice or other geological agents, including such processes as gravitational creep.
- **Federal lands** – All land and associated natural resources owned and managed by the United States. Federal lands include, but are not limited to, public lands, federally reserved lands, federal mineral leases, federal geothermal leases, federal forage leases, federal rights-of-way, but categorically exempted are lands and resources to which private interest or title is attached.
- **Forestland** – Land that is now, or is capable of becoming, at least 10% stocked with forest trees and that has not been developed for non-timber use ("BLM"). As defined by the USDA Forest Service, 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 (*e.g.*, insect and disease infestations, wildfires, and related tree mortality), risks of future problems (*e.g.*, too many small-diameter trees) (overstocking), and 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 CSWCD 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 renewable energy, 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 that 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 culture related to the use and protection of natural resources as described in the Act. (2) The primary managed value as set forth in FLPMA that applies to natural resources and the respective resource users as set forth in the Act.
- **Indicator** – An indicator is a component of a system whose characteristics (e.g., presence, absence, quantity and distribution) can be measured based on sound scientific principles. An indicator can be measured (monitored and evaluated) at a site- or species-specific level. Measurement of an indicator must be able to show change within timeframes acceptable to management and be capable of showing how the health of the ecosystem is changing in response to specific management actions. Selection of the appropriate indicators to be monitored in a particular allotment is a critical aspect of early communication among the interests involved on the ground. The most useful indicators are those for which change or trend can be easily quantified and for which agreement as to the significance of the indicator is broad based.
- **Irreversible and Irretrievable Commitment of Resources** – NEPA requires that each EIS address the resources that will be permanently lost or committed as a result of the project. When oil is produced from a well it is lost or committed and cannot be later developed. Vegetation resources associated with a well pad are not irreversibly committed because the site can be reclaimed.
- **Invasive Species** – A non-native species whose introduction does or is likely to cause economic or environmental harm or harm to human, animal, or plant health.
- **Jeopardy Review** – The FWS, pursuant to the ESA, must evaluate all federal actions that may adversely affect a species that is listed under the ESA to determine whether the proposed action is likely to jeopardize the continued existence of the species. 16 U.S.C. § 1536. As part of the jeopardy review, which is also called a “Section 7 review,” FWS prepares a biological opinion, makes a determination regarding jeopardy, and recommends additional conservation measures that would mitigate the impacts on the species. If the FWS makes a finding of jeopardy, the proposed federal action may not proceed.
- **Lands with Wilderness Characteristics** – Lands that fit the strict definition of wilderness as set forth in the Wilderness Act, e.g., “5000 contiguous acres”, etc. and are allowed by strict inventory methods as defined by FLPMA.

- **Managed Values** – Values attached to the management of federal lands as set forth in FLPMA. Such values were identified to protect the quality of management, preserve certain lands in their natural condition, provide food and habitat for fish, wildlife, and domestic animals, and provide for outdoor recreation, human occupancy and use. The eight identified managed values are scientific, scenic, historical, ecological, air and atmospheric, water resources, and archeological.
- **Multiple Use** – CSWCD defines multiple use as: (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 is defined as the “harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.” Multiple Use and Sustained Yield Act of 1960 (P.L. 86-517, June 12, 1960) as amended. Multiple use implies a sustained yield of outdoor recreation, range, timber, watershed and wildlife and fish values.

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

- **Natural Resources** – As used in this Plan, all renewable and nonrenewable material in its native state which when extracted has economic value as it pertains to the protection and beneficial use of soil and water. Natural resources may be commercial or noncommercial in nature.
- **Non-impairment Management** – The standard for determining whether to allow actions or activities on public lands that have been classified as wilderness study areas either by Congress or the Bureau of Land Management. The action or activity may be allowed so long as the impacts will not impair the area’s 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.
- **Objective Peer Review** – A third-party review by experts of similar competence to the producers of the work, outside of the organization or entity making the claim, to ensure that it meets specific criteria and to prevent dissemination of irrelevant findings, unwarranted claims, unacceptable interpretations, and personal views.
- **Occupied Range (Territory)** – To constitute an occupied range (territory) a pair, a male and female, of any identified species must be present for at least one life cycle, including the successful production of viable offspring. The appearance of a single individual in an area does not constitute occupied range (territory).
- **Playa (Geography)** – A desert basin with no outlet which periodically fills with water to form a temporary lake.
- **Post-fire Watershed Stabilization** – Watershed stabilization includes those emergency stabilization treatments necessary to protect life, property, and watershed values (soil productivity and water quality and quantity).
- **Private Property** – A legal designation for the ownership of property by non-governmental legal entities.
- **Public Lands – Property** that is dedicated to **public** use and is a subset of state **property**. The term may be used either to describe the use to which the **property** is put, or to describe the character of its ownership (owned collectively by the population of a state).
- **Pueblo** – A communal structure for multiple dwelling and defensive purposes of certain agricultural Indians of the southwestern U.S.
- **Pueblo Indian** – A member of a group of Indian peoples living in pueblo villages in New Mexico and Arizona since prehistoric times.
- **Rainwater Harvesting** – The accumulation and deposition of rainwater for reuse on-site, rather than allowing it to run off. Uses include water for garden, water for livestock, and water for irrigation.
- **Rights-of-Way** – This term generally refers to “an easement, lease, permit, or license to occupy, use, or traverse lands” and such right may be created by federal or state statute, deed, contract or agreement, or permit. A right-of-way may also include: Any road, trail, access or way upon

which construction has been carried out to the standard in which public rights-of-way were built within historic context. These rights-of-way may include, but not be limited to, horse paths, cattle trails, irrigation canals, waterways, ditches, pipelines or other means of water transmission and their attendant access for maintenance, wagon roads, jeep trails, logging roads, homestead roads, mine to market roads, and all other ways.

- **RS2477 Rights-of-Way** – RS2477 was a self-executing law. When the conditions were met, the right-of-way grant was made. No further action by the grantee or by Congress was necessary to validate it.
- **Range** – Rangelands, forests, woodlands and riparian zones that support an 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** – Ensure a sustained yield of rangeland products while protecting and improving the basic range resources of soil, water, and plant and animal life. Besides producing forage for livestock and wildlife, a range can provide timber, minerals and recreational opportunities. CSWCD subscribes to the concept of multiple use, which requires that all the resources of a rangeland be managed simultaneously, using constant monitoring and adjustments to provide a mix of material products and intangible assets that best satisfy the needs of the land, landowners and the general public.
- **Rangeland Preservation Area** – a conceptual federal land designation that balances access and land uses, and is in the process of being defined.
- **Recharge** – The addition of water to an aquifer by infiltration, either directly into the aquifer or indirectly by way of another rock formation. Recharge may be natural, as when precipitation infiltrates to the water table, or artificial, as when water is injected through wells or spread over permeable surfaces for the purpose of recharging an aquifer.
- **Recovery Plan** – The ESA requires the USFWS to prepare a plan to improve the status of a listed species to the point where the species need no longer be listed. A recovery plan typically sets population goals, identifies tasks to reverse or arrest the decline of a species and criteria for delisting the species.
- **Recreate** – to refresh by means of relaxation and enjoyment, as restore physically or mentally. An action or lack thereof, which results in relaxation, entertainment, and is enjoyed by those who participate.

- **Reintroduction Plan** – Under the ESA, a reintroduction plan is a specialized recovery plan designed to restore a threatened or endangered species to its historical habitat. A reintroduction plan will document the habitat area to be occupied and specific management actions to be taken to ensure the successful reintroduction of the listed species. Alternatively, a reintroduction plan by a state wildlife agency will return fish, game or other wildlife to an area where they have been extirpated.
- **Research Natural Area (“RNA”)** – A type of area of critical environmental concern or ACEC under BLM land use planning process where natural ecological and physical processes are allowed to occur and human activities are prohibited if they will interfere with the natural processes. Under Forest Service land use policy, an 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. Lake shores and stream banks are typical riparian areas.
- **Riparian Zone** – A riparian zone or riparian area is the interface between land and a river, lake or stream. Plant habitats and communities along the river margins and banks are called riparian vegetation, characterized by hydrophilic plants. Riparian zones are important in ecology, environmental management, because of their role in soil conservation, their habitat biodiversity, and the influence they have on fauna and aquatic ecosystems, including grasslands, woodlands, wetlands, or even non-vegetative areas.
- **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 an 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 of 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.
- **Stakeholder** – A person or group of people who have an interest in or can affect or be affected by the District's actions, objectives and policies and cares about how it turns out.
- **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 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, wind, water and solar rights and rights to use the fruits raised from the surface, such as crops or grass. When land use regulation by federal, state or local government interferes with one of those rights in the bundle of sticks, a taking occurs only if it deprives the owner of all of his bundle of sticks or “investment-backed expectations.” More recent decisions will find a taking when the deprivation is total but temporary or when the deprivation precludes an essential element of the property right, such as the right to exclude others. Federal land agencies enjoy a much greater presumption of authority to limit the exercise of private property rights and successful takings cases more often involve disputes with a local government or state agency.
- **Title V of FLPMA** – In 1976, Congress repealed almost all laws granting rights-of-way for various purposes and established a single title under which rights-of-way would be granted across public lands for any purpose, including power transmission lines, roads and pipelines.

- **Unintended Consequences** – (1) Impact or damages that do not directly and immediately flow from the act or the policy implementation. (2) The result of unforeseen circumstances that are not predictable or immediately apparent to the casual observer without local input.
- **Visibility or Visibility Impairment** – Visibility refers to amount or lack of haze that obscures the ability to see great distances. Visibility impairment measures the extent of haze composed of various air pollutants which manifest as a white or brown haze. This is a major issue with respect to national parks and wilderness areas, which are Class I air quality areas and are given the highest level of protection.
- **View** – The sight or prospect from a particular point, typically an appealing sight.
- **Viewshed** – The geographic area surrounding the visual area to be inventoried and managed.
- **Visual Condition Class** – The Clean Air Act recognizes four air quality classes with Class I applying to national parks and wilderness areas and Class II applying to all other federal land areas, such as National Forests, National Wildlife Refuges, and public lands. Visual conditions are affected by particulates, emissions including ozone, sulfur oxide, nitrogen oxide, carbon dioxide and the chemical reactions caused by humidity and sunshine.
- **Visual Quality or Visual Resource Management Objective** – Standards established in land use plans prepared by the Forest Service or the Bureau of Land Management to apply to specific land areas based on the scenic qualities and land uses. The land use plans may require modifications to facilities to reduce the visual impacts.
- **Visual Resources** - Visual resources in the District are a composite of landforms, human and animal life forms, water features, cultural features, terrain, geologic features and vegetative patterns which create the visual environment. These visible physical features are important to the landscape.
- **Visual Resource Management ("VRM")** – The designation of BLM surface lands for visual resource protection and management as part of BLM's land use planning process. The VRM classification takes into account scenic values, sensitivity based on land uses permitted and distance or remoteness. *See* BLM H8410-1.
- **Water** – To supply with water. Irrigate, sub-irrigate, dampen, vaporize, humidify, hose, spray, douse, drench, submerge, immerse, saturate, plunge, dip, splash, sprinkle, moisten, wet, and soak. In all forms; i.e., subterranean, surface, captured, recaptured, processed or wild. All waters (subterranean, ponds, pools, stream, river, wild and or contained arroyos) within the footprint of CSWCD.
- **Water Conservation** – Reducing the use of water through technologic or social methods. It includes policies, practices, and education that promote the efficient use of water such as minimizing losses, reducing waste, minimizing use, and protecting availability for future uses. These policies and practices can range from more efficient practices in farm, home, and industry to capturing water for use through water storage or land-use practices.

- o The Office of State Engineer defines water conservation as “any action or technology that reduces the amount of water withdrawn from water-supply sources, reduces consumptive use, reduces the loss or waste of water, improves the efficiency of water use, increases recycling and reuse of water or prevents the pollution of water.
- **Water Right** – Legal rights to use a specific quantity of water, on a specific time schedule, at a specific place, and for a specific purpose.
- **Watershed** – The total land area, regardless of size, above a given point on a waterway, that contributes runoff water to the flow at that point. It is a major subdivision of a drainage basin. The United States is generally divided into 18 major drainage areas and 160 principal river drainage basins containing about 12,700 smaller watersheds. The entire region or land area that contributes water to a drainage system or stream, collects and drains water into a stream or stream system or is drained by a waterway (or into a lake or reservoir). More specifically, a watershed is an area of land above a given point on a stream that contributes water to the streamflow at that point. A region or area where surface runoff and groundwater drain to a common watercourse or body of water. The area drained by a river or river system enclosed by drainage divides. An area of land that drains to a single water outlet. A watershed is also known as a sub-basin.
- **Wilderness Act of 1964** – Congress established the National Wilderness Preservation System to protect and preserve those areas deemed to be wilderness, which is defined as: “A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this chapter an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value. 16 U.S.C. § 1131(a).”
- **Wilderness Area** – Tracts of land designated by an act of Congress to be part of the National Wilderness Preservation System.
- **Wildlife** – Populations, variety, and distribution of non-domestic 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 Policy 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, tribal and other local governments engage in methods to enhance agriculture ... not underwrite its removal from the landscape.

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

2.4 EMERGENCY ACTIONS PLANS – (FOR DAMS AND STRUCTURES)

The District currently has in place an Emergency Action Plan (EAP) for the Sandia Mountain Tributaries, Site 1 (Piedra Lisa Dam), which is updated as warranted.

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

The District currently has the following agreements in place with State and Federal agencies:

- ☐ MOU Between USDA Forest Service, Cibola National Forest, and Coronado SWCD, dated May 12, 2015.
 - ☐ Cooperative Working Agreement Between NRCS, the State of New Mexico and Coronado SWCD, dated December 7, 2015.
 - ☐ Watershed Agreement Between Coronado SWCD, Town of Bernalillo, County of Sandoval and NRCS, dated June 14, 2005.
 - ☐ EAP Certifications and Operation and Maintenance Agreement, Sandia Mountain Tributaries Watershed, Site 1, Piedra Lisa Dam, Between NRCS, Coronado SWCD, Town of Bernalillo and County of Sandoval, dated February 6, 2007.
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3.0 PURPOSE, CUSTOMS AND CULTURE, AND GOALS

3.1 PURPOSE

The CSWCD will address the use and management of natural resources, especially watersheds, rangeland, farmland, soil, and water conservation, within the political jurisdiction of CSWCD 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.

3.2 CUSTOMS AND CULTURE

The historic and contemporary influence of agriculture is the foundation of the District's customs and culture. Farms, ranches and support businesses have played and continue to play a fundamental role in local social and economic wellbeing. CSWCD is increasingly concerned about increasing regulations and land use changes within the jurisdiction of federal land ownership which are reducing the viability of farms and ranches. To reverse such trends, CSWCD supports, encourages and promotes policies that will lead to the long-term economic strength and the protection of our natural resources, and, in doing so, that reflect our customs and culture.

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

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

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

3.3 GOALS OF THE PLAN

1. Maintain and improve the soil, vegetation and watershed resources in a manner that perpetuates, sustains, and expands the beneficial uses of such resources while maintaining healthy ecosystems and fully supporting public safety, the customs and economic stability and viability of our industries and the general welfare of the citizens of the District.

2. Provide the plans and policies that direct the CSWCD in coordination with local, state, and federal bodies and agencies regarding planning, outlining, orchestrating, scheduling, mapping, designing, facilitating, conceptualizing, formulating, designing, plotting, or strategizing land use plans that will affect the soil, water, and other resources of the District today, tomorrow, or further into the future.
 3. Work with federal, state, tribal and local government agencies to fulfill the District's primary legal responsibility to provide for the health, safety, and well-being of their constituents.
 4. Work to reduce any possibility of unintended consequences from decisions and actions that may be taken by agencies and/or other entities that can negatively impact the District, its economy, its tax base and the people it serves. Such action, in general, seeks to minimize the unintended consequences to the local land users from ongoing governmental courses of conduct.
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4.0 PRIMARY PLANNING GUIDANCE AND DIRECTIVES

- The state of New Mexico has authorized the creation of CSWCD 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 that "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. Federal 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.
- District lands must be managed in a manner that will protect the quality and balance of natural resources as defined by the Soil and Water Conservation District Act (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 federal, tribal and state agencies plus the citizenry that protects and enhances local natural resources, safety and well-being for all. The District constituency must have a regulatory environment that works for them and minimizes any harm to District land users. The regulatory environment should enhance lives, safety, and resources and improve the economy without imposing unacceptable or unreasonable costs. All regulatory policies must recognize the private sector and private markets that are the engines for economic growth. New regulatory approaches should respect the role of local and state governments and adopt regulations that are effective, consistent, sensible, and understandable. It is, therefore, imperative to set planning guidance for lands and resource interactions as they apply to matters of the District.

4.2 RESOURCE CONCERNS. No priority ranking has been established for the following resource concerns. The District will focus on all concerns.

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

4.2-1 WATER RESOURCES

The water supply in the District is vulnerable to drought, watershed health degradation, and secondary effects following catastrophic fires. At the same time, the population in the District has reached the point where the demand for water may exceed available supply during years of average precipitation. The cumulative pressure of domestic wells and high-capacity public wells is causing water tables throughout the District to decline. Additionally, New Mexico has entered into a number of binding water agreements, or “compacts,” with neighboring states. These compacts govern New Mexico’s use of the Rio Grande and other rivers. The compacts determine the amount of river water that New Mexico is entitled to use and the amount the state must pass along to other states. The Rio

Grande Compact dictates how Rio Grande water is distributed among the states of Colorado, New Mexico, and Texas. Water use within CSWCD is largely impacted by this compact.

The District's surface supply comes from the Rio Grande and tributary streams derived from melting snow from the higher peaks. The central waterbody in the District is the Rio Grande, which collects runoff from the San Juan, Sangre de Cristo and Jemez mountain ranges. The Rio Chama brings central New Mexico's share of water from the San Juan-Chama Project, which captures part of New Mexico's share of the Colorado River. The Otowi Gage represents a boundary that helps establish New Mexico's Rio Grande water delivery obligations to Texas, as defined by the Rio Grande Compact.

In New Mexico, pueblos and tribes might be administered by a tribal water code; however, some do not have such codes. Within the District, the Pueblos of Cochiti, Sandia, San Felipe, and Santa Ana, do not have water codes. Sandia Pueblo and Santa Ana Pueblo do have water quality standards.

New Mexico has two primary agencies that have the responsibility for administering water throughout the state, the Office of the State Engineer (OSE) and the Interstate Stream Commission (ISC). The New Mexico Environment Department (NMED) has lead supervision over water quality. New Mexico has a type of water law called the "prior appropriation" system, which is found in most western states. This system gives preference in times of water shortage to those water rights with the oldest priority dates. The priority date of a water right is the date the water was first put to "beneficial use" on the land. Pueblo water rights, which are not managed by OSE, have the most seniority. The Pueblo water rights have not been quantified, nor have the future needs or uses been quantified.

For acequia-based water rights, this is the date the acequia was first constructed. In many regions of New Mexico the most senior water rights (i.e., those with the oldest priority dates) are held by tribal and by acequia parciales because those are the oldest communities in the region with a continuous history of irrigated agriculture. The priority dates of most acequias are in the 1600s-1800s, which reflect the dates those communities were settled. The preference that is given to senior water rights is recognized by the laws and Constitution of New Mexico.

The OSE has declared the Rio Grande to be a fully appropriated basin, meaning there have been more water-use permits issued than there is actual wet water. In times of shortage, administration of this system with ambiguous ownership may lead to junior water right holders being shut down, or improperly taking water from senior holders. The largest metropolitan area in the state is considered a junior water right holder and it resides on CSWDC's southern boundary.

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

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

New Mexico statutes require that all new appropriations of water and transfers of water be consistent with the public welfare of New Mexico. CSWCD believes that public welfare entitles the retention of some quantity of water in reserve for its economic and cultural future.

The doctrine of federally reserved water rights developed over the course of the 20th Century is known as the **Federal Reservation**. Simply stated, federally reserved rights are created when the United States sets aside land for specific purposes, thereby withdrawing the land from the general public domain. In doing so, there is an implied, if not expressed, intent to reserve an amount of water necessary to fulfill the purpose for which the land was set aside. Federally reserved water rights are not created, or limited, by State law. Federally reserved lands within the District includes Forest Service Lands and Bureau of Land Management Lands.

Prior to the 2015 rule-making process conducted by the Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps), the extent of the Federal Government’s authority under the CWA was limited to “navigable waters,” which under the then CWA, defined as “waters of the United States”. Twice, the Supreme Court has reaffirmed the federal-state partnership under the CWA, when it told the federal agencies that there are limits to federal jurisdiction under the CWA. CSWCD strongly supports the Supreme Court rulings.

EPA and the Corps amended the regulatory definition of “waters of the United States” to conform to the *Northern Cook County* and *Rapanos* decisions. Final Rule, 80 Fed. Reg. 37054 (June 29, 2015), codified at 33 C.F.R. pt. 328; 40 C.F.R. pts. 110, 112, 116, 117, 122, 230, 232, 300, 302, and 401. The new definition covers: (1) waters used for interstate or foreign commerce; (2) interstate waters; (3) the territorial seas; (4) impounded waters otherwise meeting the definition; (5) tributaries of the foregoing waters; (6) waters, including wetlands, adjacent to the foregoing waters; (7) certain specified wetlands having a significant nexus to the foregoing waters; and (8) waters in the 100-year floodplain of the foregoing waters. 40 C.F.R. § 302.3.

Several states and industry groups have challenged the new definition in federal district courts and courts of appeal. In one such challenge, the district court granted a preliminary injunction temporarily staying the rule. *North Dakota v. EPA*, 2015 WL 5060744 (Aug. 27, 2015). Because the New Mexico Environment Department and the New Mexico Office of the State Engineer are plaintiffs in this case, the stay is effective and the new definition does not now apply in New Mexico. The United States is likely to appeal the decision.

New Mexico’s climate has historically exhibited a high range of variability. Periods of extended drought, interspersed with relatively short-term, wetter periods, are common. Historical periods of high temperature and low precipitation have resulted in high demands for irrigation water and higher open water evaporation and riparian evapotranspiration. In addition to natural climatic cycles (i.e., el Niño/la Niña, PDO, AMO) that affect precipitation patterns in the southwestern United States, there has been considerable recent research on potential climate change scenarios and their impact on the Southwest and New Mexico in particular.

The relationship between forests and climate change is intricate. On the one hand forests can mitigate climate change by absorbing carbon, while on the other they can contribute to climate change if they are degraded or destroyed by lack of management.

CSWCD 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.

Water is essential for promoting economic well-being and provides a high return on investment, since water is a necessity for agriculture, residents, industry, and many service activities.

- **Goal:** 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.

Ensure that 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.

- **Guidance:** All New Mexico water laws and State and federal laws that regulate water quality regarding point and non-point sources of water pollution.
- **Objectives:**

The District will:

1. Coordinate with the appropriate local and state entities on water issues as well as encourage locally driven collaborative solutions.
2. Work with special districts and federal agencies to ensure that the District's policies are considered and consistency achieved to resolve water resources issues in concert with the conservation of endangered species, pursuant to 16 U.S.C.A. § 1531(c)(2).
3. Coordinate with the Forest Service to ensure that the District's policies are considered and consistency achieved when developing its new "Groundwater Resource Management" chapter in the Forest Service Manual.
4. Coordinate with NM Environment Department water quality programs (i.e., non-point source pollution programs) within its boundaries to evaluate, mitigate, and minimize the impacts on the District's private water rights, custom and culture, and economic viability. Additionally, the District will coordinate with the NM Environment Department on the State's biennial 303(d) list for waterbodies within the District's boundaries.
5. Require notice of any action or regulation which involves water resources on federal and state land within the District. The District will review and comment on local, federal or state actions or changes significant to water resource issues within the District.
6. Coordinate and participate with the Office of the State Engineer (OSE) to ensure that historical

water use for farming and ranching are not threatened. Also coordinate with OSE to identify areas where senior water rights and stream and spring flow are threatened.

7. Coordinate and participate with OSE to ensure that significant efforts are placed on the exploration, research and promotion of aquifer storage and recovery strategies within the District boundaries.
8. Coordinate with the appropriate federal and state agencies in land use inventory, planning, and management activities that affect water resources in the District, either directly or indirectly, to ensure consistency with the Plan. This includes acequias/community ditches and their water source.
9. Promote, improve and implement forest and woodland management within CSWCD and encourage expanding state water planning to specifically include funding for improving watersheds.
10. Elevate the idea of water reuse systems within communities and help determine which of the three major approaches fits best (indirect, direct or potable direct) within CSWCD.
11. Collaborate with the Environmental Protection Agency and Army Corps of Engineers on matters concerning "Waters of the U.S."
12. Changes in weather patterns may necessitate CSWCD to coordinate with federal, state, tribal and local agencies to manage ecosystems across jurisdictional boundaries by integrating conservation assessments, plans and activities comprehensively.

4.2-2 SOIL

Healthy soil gives us clean air and water, bountiful crops and forests, productive grazing lands, diverse wildlife, and beautiful landscapes. Soil quality is defined as the continued capacity of soil to function as a vital living ecosystem that sustains plants, animals, and humans. Soil contains living organisms that when provided the basic necessities of life (food, shelter, and water) perform functions required to produce food and fiber. Soil health refers to how well soil performs all of its functions now and how those functions are being preserved for future use. Healthy soil cannot be determined by measuring a single outcome so indicators are used. Indicators are measurable properties of soil or plants that provide clues about how well the soil can function. Indicators can be physical, chemical, and biological properties, processes, or characteristics of soils. They can also be morphological or visual features of plants.

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

Within the District boundaries, cryptobiotic crusts form in open spaces between vascular plants. Unlike vascular plant cover, cryptobiotic crusts are not reduced in drought, and unlike rain crusts, these organic crusts are present year-round. Consequently, they offer stability over time and under adverse conditions.

Disturbed crusts are a result of ever-increasing recreational and commercial uses of these semi-arid ecosystems. Based on the results of several studies (McKenna-Neumann et al., 1996; Williams et al., 1995; Belnap and Gillette, 1997), the tremendous land area currently affected by human activity may lead to significant increases in regional wind erosion rates.

- **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 CSWCD to institute and manage vegetation and landscape projects that will maintain proper soil health.
- **Guidance:** “[T]he land, waters and other natural resources are the basic physical assets of New Mexico, and their preservation and development are necessary to protect and promote the health and general welfare of the people of the state; (2) the improper use of land and related natural resources, soil erosion, and water loss result in economic waste in New Mexico through the deterioration of the state’s natural resources; and (3) appropriate corrective and conservation practices and programs must be encouraged and executed in New Mexico to conserve and develop beneficially the soil, water and other natural resources of the state; ...”
- **Objectives:**

The District will:

1. Encourage land managers and landowners to seek technical assistance: (1) to mitigate surface disturbance, and (2) to facilitate soil and water conservation and establish native or other desired vegetative cover on poor quality crop and range land from which water rights have been removed.
2. Coordinate with federal land managers on the retention of the cryptobiotic ecosystem and educate private landowners on the importance of this ecosystem.
3. Encourage vegetative cover that provides coverage to surface soils and slows wind velocity at the ground surface.
4. Promote and provide technical information to Sandoval County as well as CSWCD cooperators on road layout, design, and maintenance to reduce erosion and how to implement drainage structures on county, private, and energy companies’ access roads.
5. Provide technical information on reseeding for any disturbed soils including but not limited to; transmission, pipeline and renewable energy pads.
6. Promote best management practices designed primarily to protect surface water quality such as winter cover crops to cycle nutrients and reduce stormwater runoff; tailwater ponds designed to capture runoff; and tailwater return systems, which recycle runoff back to the field.

4.2-3 CUSTOMS AND CULTURE

The people of Sandoval County have traditionally earned their livelihood from activities associated with natural resources. The economy of the area in the past and today depend on the availability and

utilization of natural resources. Collectively, the past and future represent the **customs and culture** of the CSWCD.

- **Goal:** Coordinate all activities in a manner that will protect the diversity and quality of customs and culture derived from historical and environmental values and that, where appropriate, will use and protect all lands in a condition that will promote land health. The District will undertake such actions in a manner that serve all citizens with a high standard of ethical and objective leadership.
- **Guidance:**

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.
- **Objective:**

The District will:

1. Respect private property rights and consider the effects of policies, regulations, and federal and state decisions on these rights.
2. Respect the customs and culture of the tribal communities within and surrounding the District.

4.2-4 RANGE AND GRASSLAND

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

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

The data indicates that grasslands can be carbon sinks, at least in the short term. Carbon sequestration occurs in an ecosystem when the amount of carbon dioxide absorbed by growing plants is greater than the amount of the gas released by decomposing plant material. The extent of carbon buildup in the grassland soil may be limited, because the lower rate of plant decomposition reduces the supply of nitrogen for additional plant growth.

- **Goal:** Provide proactive support for corrective and conservation practices and programs to conserve, protect, and beneficially develop the range and grassland resources of the District.

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

- **Guidance:** The mixed ownership of rangelands results in differences in management objectives as well as management practices. Because the District has the unique responsibility to work with private, state, tribal and federal land managers for the benefit of soil erosion and 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 District boundaries by management of the lands and natural resources, by the proper optimization of animal unit months (AUMs) for livestock, in accordance with supportable scientific rangeland monitoring technique and the multiple use provisions of the Federal Land Policy and Management Act of 1976, 43 U.S.C §§ 1701 et seq.; the provisions of the Taylor Grazing Act of 1934, 43 U.S.C. §§ 531 et seq.; the Public Rangelands Improvement Act, 43 U.S.C. §§ 1901, et seq.; and the National Forest Management Act, 16 U.S.C. §§ 1600-1687.

Land management plans, programs, and initiatives should provide that the amount of domestic livestock forage, expressed in AUMs, 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.

Objectives:

The District will:

1. Promote activities that deal with controlling and reducing plant densities of native invasive species such as one-seed juniper, and other invasive species like salt cedar, and cholla to restore native grasslands and plant communities.
2. Coordinate with federal agencies on forage reductions resulting from forage studies, fire, drought or other natural disasters and ensure that implementation is on an allotment basis and applied proportionately based on the respective allocation to livestock and wildlife.
3. Encourage the use of coordinated range management plans (allotment management plans or coordinated activity plans) for each grazing allotment that allow for the flexibility and updating of management during the ten-year term of the grazing permit. (*i.e.* water development, juniper/brush control, re-seeding, fencing, salting plans, herding plans and grazing systems).

4. Coordinate with federal and state agencies on any proposed federal and state land acquisition within CSWCD boundaries. The District will encourage federal and state land management agencies to focus on lands currently under its responsibility.
5. Support actions that increase and/or maintain AUMs on federal lands to maximum sustainable levels as well as maintain and enhance desired plant communities for the benefit of watersheds, wildlife, water quality, recreation and livestock grazing. Any suspended federal land AUMS shall be returned to permitted AUMS when conditions warrant.

4.2-5 WILDLIFE AND LIVESTOCK

The production of livestock in Sandoval County is 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, tribal and private lands. CSWCD shall strive to protect the ranching / farming heritage, as it is a primary foundation of the custom and culture of the District.

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

Pursuant to the 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:**

The District will:

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

2. Coordinate with the NMDGF to develop specific wildlife harvest targets (especially for introduced species), quality hunts, depredation mitigation, and future management plans to unite private/agency endeavors.
3. Coordinate with federal land management agencies to ensure that federal management activities regarding wildlife and livestock grazing do not negatively impact the District's activities designed to prevent soil erosion and ensure flood prevention. Grazing management decisions can trigger future erosion and flood issues if not carefully coordinated with the District's plans.
4. Coordinate with federal agencies when appropriate, to set the indicator thresholds at levels suitable to maintain or achieve desired conditions for forest, range, uplands, and riparian areas. CSWCD will advocate adjusting the thresholds when events such as drought, wildland fire, and other natural events occur.
5. Promote and coordinate water distribution system installation and infrastructure improvements to benefit all wildlife and livestock health and welfare within the CSWCD.
6. Identify resources to enable actions for range improvements to maintain or improve soil health and water quality. Promote and coordinate other valuable and essential work that will provide a healthy environment for the beneficial use of resources that are implicit in the husbandry of wildlife and livestock endeavors within the CSWCD boundary.
7. Identify soil sequestration potentials and adopt grazing methods to maximize sequestration. In the future, determine actual amounts of carbon sequestered.
8. Encourage private landowners to plan, develop, and implement resource management plans that meet the standards of grazing management systems through proper stocking, deferred and rotational grazing, erosion control, control of poisonous and noxious plants, water development and distribution, and fencing.
9. Recommend that crucial or critical habitat designations consider economic impacts to the human environment, possible conflicts with other land uses, and protection of private property rights.
10. Coordinate with federal agencies on the redistribution of wildlife so that it does not impact private lands.
11. Coordinate with the appropriate agencies that have jurisdictional responsibility to manage free-roaming horses. This will be done in order to maintain a thriving natural ecological balance and multiple-use relationship on public lands. Also, CSWCD expects the federal agencies to enforce Section 4 of the Wild Free Roaming Horses and Burros Act of 1971 (Public Law 92-195).

4.2-6 THREATENED, ENDANGERED / SENSITIVE SPECIES

The keystone of good environmental stewardship lies in a healthy resource base. Endangered and threatened species 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 District’s plan, policies and projects. The District’s plan should be reviewed in its entirety by federal and state agencies, 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 CSWCD holds specific authority to manage water resources within its jurisdiction, and, therefore, all actions carried out under the Endangered Species Act must be coordinated with the District to resolve any water resource issues that may arise.

Agencies are to consider the *best available objective peer reviewed science* and local input when making a decision whether to list, and economic and social impacts are to be considered in the designation of critical habitat. [Addendum Tab No. 12a at 38, 16 U.S.C. § 1533(a)(3)(A)]. All actions carried out under the Endangered Species Act must be coordinated with the District to resolve any resource issues that may arise.

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

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

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

The ESA is the basis for several planning mechanisms:

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

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

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

Rio Grande Silvery Minnow (E) (also listed by NM G&F) – The Rio Grande silvery minnow was listed as federally endangered in 1994 (59 FR 36988) and critical habitat was designated in 2003 (68 FR 8088). Currently, the Rio Grande silvery minnow is known to occur only in one reach of the Rio Grande in New Mexico, a 174-mile stretch of river that runs from Cochiti Dam to the headwaters of Elephant Butte Reservoir.

The species is most commonly found in depths of less than 7.9 inches in the summer and 12.2-15.75 inches in the winter. There are few use areas with depths greater than 19.7 inches. Throughout much of its historic range, the decline of the Rio Grande silvery minnow may be attributed in part to destruction and modification of its habitat due to dewatering and diversion of water, water impoundment, and modification of the river (channelization). Competition and predation by introduced non-native species, water quality degradation, and other factors may also have contributed to its decline.

The species recovery priority number for the Rio Grande silvery minnow is 2c, which is given for species with a high degree of threat, a high potential for recovery, and a number of existing conflicts between the species’ recovery and economic development.

The width of the critical habitat is defined as the area bound by existing levees, or where no levees are present, as 300 ft. of riparian zone adjacent to each side of the bankfull stage of the middle Rio Grande. The Pueblo lands of Santo Domingo, Santa Ana (including lands within the Jemez watershed), Sandia, and Isleta found within this area are excluded from this designation because specific management plans for the Rio Grande silvery minnow were developed for these Pueblos prior to critical habitat designation (68 FR 8088). **Comment/Expectations: To meet the District’s statutory responsibilities, CSWCD must be notified and coordinated with on all decisions pertaining to the Rio Grande Silvery Minnow to ensure that the District’s policies are considered.**

Mexican Spotted Owl (E) (also listed by NM G&F) – 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: (1) historical alteration of its habitat as the result of timber-management practices; and (2) 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 threat 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, CSWCD must be notified and coordinated with to ensure that the District's policies are considered to achieved a balance to health, safety and economics of the local communities.

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

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

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

Southwest Willow flycatcher (E) (also listed by NM G&F) – 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: CSWCD 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. CSWCD also understands tamarisk is currently considered by the New Mexico Department of Agriculture as a class C noxious weed.

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

Jemez Mountains Salamander (E) (also listed by NM G&F) – Jemez Mountains Salamander (*Plethodon neomexicanus*) is endemic to north-central New Mexico where it is found only in the Jemez Mountains in Sandoval, Rio Arriba, and Los Alamos counties. It occurs from 7,200-11,256 ft. elevation in mixed conifer habitat with abundant rotted logs and surface rocks. This habitat is dominated by Douglas fir, blue spruce, Engelmann spruce, ponderosa pine, and white fir with occasional aspen, Rocky Mountain maple, New Mexico locust, oceanspray, and various shrubby oaks. *Plethodon neomexicanus* is rarely observed on the surface or encountered under surface litter or aspen logs. It is most often encountered under and inside well-rotted Douglas-fir logs or under rocks.

Current threats include: (1) the findings of significantly elevated microhabitat temperatures on the habitat severely burned during the Cerro Grande and Dome fires, (2) the widening of NM Hwy 126 into occupied habitat, (3) the low recapture rates at historic sites, and (4) the detection of a fungal infection from specimens on the Valles Caldera. **Comment/Expectations:** To meet the District's statutory responsibilities, CSWCD must be notified and coordinated with on all decisions pertaining to the Jemez Mountains Salamander to ensure the District's policies are considered.

Meadow Jumping Mouse (E) (also listed by NM G&F) – The meadow jumping mouse was listed as threatened by the New Mexico Department of Game and Fish in 1983 (Jones and Schmitt, 1997) and was uplisted to endangered in 2006. In 2007, the U.S. Fish and Wildlife Service (FWS) designated the New Mexico meadow jumping mouse (*Z. h. luteus*, which includes all New Mexico populations) a Candidate for federal listing under the U.S. Endangered Species Act (ESA). In 2008, NMDGF developed a joint recovery plan for both the meadow jumping mouse and Arizona montane vole, but the plan was not approved by the State Game Commission. In 2013, the FWS proposed the New Mexico meadow jumping mouse be listed as endangered under the ESA throughout its range in New Mexico, Colorado, and Arizona (FWS 2013a) and that critical habitat be designated where populations are known or likely to be still extant (FWS 2013b).

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 New Mexico Jumping Mouse. The recovery priority number of 3C indicates a high degree of threat, a high recovery potential, the listed entity is a subspecies, and conflict exists. The threats are high due to ongoing sources of habitat loss, degradation, and modification, including grazing pressure (which removes the needed vegetation), water management and use (which causes vegetation loss from mowing and drying of soils), lack of water due to drought (exacerbated by climate change), and wildfires (also exacerbated by climate change). Additional sources of habitat loss are likely to occur from floods, loss of beaver, highway reconstruction, residential and commercial development, coalbed methane development, and

unregulated recreation. **Comment/Expectations:** To meet the District's statutory responsibilities, CSWCD must be notified and coordinated with on all decisions pertaining to the Meadow Jumping Mouse to ensure that the District's policies are considered.

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

The following Threatened / Sensitive species are listed by the NM State Game Commission within CSWCD boundaries: Brown Pelican (*Pelicans occidentalis*), Common Black Hawk (*Buteogallus anthracinus*), Bald Eagle (*Haliaeetus leucocephalus*), Peregrine Falcon (*Falco peregrinus*), Arctic Peregrine Falcon (*Falco peregrinus tundrius*), Neotropic Cormorant (*Phalacrocorax brasilianus*), Gray Vireo (*Bireo vicinior*), Baird's Sparrow (*Ammodramus barde*), Jemez Mountains Salamander (*Plethodon neomexicanus*), Pale Townsend's Big-eared Bat (*Corynorhinus townsendii*), Yuma Myotis (*Myotis yumanensis*), Big Freetailed Bat, (*Nyctinomops macrotis*), Ringtail (*Bassariscus lasiurus borealis*), Gunnison's prairie dog [prairie subspecies] (*Cynomys gunnisoni zuniensis*), Meadow Jumping Mouse (*Zapus hudsonius luteus*), Yellow-billed Cuckoo (western pop) (*Coccyzus americanus occidentalis*), Mexican Spotted Owl (*Strix occidentalis lucida*), Southwestern Willow Flycatcher (*Empidonax traillii eximius*), Broad-billed Hummingbird (*Cynanthus latirostris*), Costa's Hummingbird (*Calypte costae*), Rio Grande Silvery Minnow (*Hybognathus amarus*), Wrinkled Marshsnail (*Stagnicola caperata*), Paper Pondshell (*Utterbackia imbecillis*), Arizona Myotis (*Myotis occultus*), Fringed Myotis (*Myotis thysanodes*), Long-eared Myotis (*Myotis evotis*), Long legged Myotis (*Myotis volans*), Western Small-footed Myotis (*Myotis ciliolabrum*), Loggerhead Shrike (*Lanius ludovicianus*), Southwestern Fence Lizard (*Sceloporus cowlesi*), Rio Grande Chub (*Gila pandora*), Northern Goshawk (*Accipiter gentilis*), Mountain Plover (*Charadrius montanus*), Black Swift (*Cypseloides niger*), and Baird's Sparrow (*Ammodramus bairdii*).

The following are considered rare plants by the NM Rare Plant Technical Council: Tufted Sand Verbena (*Abronia bigelovii*), Santa Fe Milkvetch (*Astragalus feensis*), Knight's Milkvetch (*Astragalus knightii*), La Jolla Prairie Clover (*Dalea scariosa*), Robust Larkspur (*Delphinium robustum*), Sandia Alumroot (*Heuchera pulchella*), Springer's Blazing Star (*Mentzelia springeri*), Tough Muhly (*Muhlenbergia arseni*), Sivinskis Scorpionweed (*Phacelia sivinskii*), Brack Hardwall Cactus (*Sclerocactus cloverae ssp. brackii*), and Plank's catchfly (*Silene plankii*).

Species of Concern – These are taxa for which further biological research and field study are needed to resolve their conservation status or are considered sensitive, rare, or declining on lists maintained by Natural Heritage Programs, State wildlife agencies, other federal agencies or professional/academic scientific societies. Federal agencies include Species of Concern for planning purposes only. **The following are listed as federal Species of Concern within CSWCD boundaries:** Burrowing Owl (*Athene cunicularia*), Baird's Sparrow (*Ammodramus bairdii*), Peregrine Falcon (*Falco peregrinus*), Arctic Peregrine Falcon (*Falco peregrinus tundrius*), Northern Goshawk (*Accipiter gentilis*), *zibethicus luteus*, Common Black Hawk (*Buteogallus anthracinus*), Pale Townsend's Big-eared Bat (*Corynorhinus townsendii*).

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

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

- **Guidance:** The District will work to continuously coordinate with the USFWS for the purposes of (1) being aware of all matters of listing that impacts its administrative boundaries and (2) allowing the District to evaluate the impact of all decisions on its water resources, economic impact and conservation measures.
- **Objectives:**

The District Will:

1. Promote critical habitat improvement. However, there must be allowances for traditional uses, such as but not limited to grazing, irrigation, and wood cutting. The actions must benefit both the endangered species and the other user’s customs and culture.
2. Advocate management of the entire ecosystem, recognizing the full array of interactions within an ecosystem, including humans, rather than considering single issues, species, or ecosystem services in isolation.
3. Any proposed introduction or transplant of threatened and endangered species within the boundaries of CSWCD, must be coordinated with the District to ensure consistency with the District’s plans, that water resource issues are resolved, and that economic impacts are mitigated.
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. Seek to ensure that proponents of protection, recovery activities, and other threatened and endangered and sensitive species programs should finance the activities, including public involvement and provide compensation to the affected landowners.
6. Enforce the requirement that critical habitat designations take local socio-economic impacts into account. Areas may be excluded as critical habitat based upon economic impacts unless the failure to designate the area as critical habitat would result in extinction of the species.
7. Support delisting of species once population goals set out in recovery plans are achieved.

8. Request federal agencies to respect distinctions between special status species (state sensitive species, etc.) and those listed under the ESA.
9. Oppose the introduction or transplant of threatened and endangered species within the boundaries of the District, unless the District consents and it is done pursuant to specific terms and conditions that avoid disrupting existing land uses.

4.2-7 PREDATOR MANAGEMENT

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

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

- **Objective:**

The District will:

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

4.2-8 RIPARIAN HABITAT

To have a coordinated working relationship with federal, tribal and state agencies, the District understands that each agency has its own definition for each ecosystem. For example, BLM defines riparian areas as those terrestrial areas where the vegetation complex and micro climate conditions are products of the combined presence and influence of perennial and/or intermittent water, associated high water tables and soils which exhibit some wetness characteristics.

The District defines riparian areas as zones bordering lakes, reservoirs, springs and seeps, wet meadows, vernal pools, and perennial streams. They are of prime importance to water quality, water quantity, stream stability, and fisheries and wildlife habitat. Abundant water, forage, and habitat attract a proportionately greater amount of use and conflict than their small area would indicate.

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

- **Goal:** To promote local partners that will maintain, restore, improve, and protect riparian areas to prevent soil erosion and flooding with the goal of maximizing their productivity, biological diversity, and sustainability.
- **Guidance:** Riparian ecosystems support a greater diversity of plants and animals than upland habitats. A significant percentage of all wildlife in the Southwest uses riparian habitat (Thomas et al. 1979, Johnson et al. 1977).

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

Due to a variety of riparian habitats within CSWCD, the District supports the *New Mexico Non-Native Phreatophyte/Watershed Management Plan*. The District understands that the riparian lands in New Mexico have been seriously affected by the infestation of non-native phreatophytes and other non-native invasive species.

- **Objectives:**

The District will:

1. Implement projects that promote the perpetuation and enhancement of riparian habitat and participate in a coordinated approach with federal and state agencies when establishing riparian and upland management plans that include consideration of the District's soil erosion and flooding policies.
2. When implementing a riparian project the District will strive to establish desired conditions, goals, and objectives for soil and riparian resources that contribute to the overall sustainability of social, economic, and ecological systems within the project area.

3. Promote conservation practices that minimize runoff and protect the soil surface by the establishment of permanent vegetative cover around riparian areas and next to all ditches, drainages, and streams to filter runoff and provide some wildlife cover.
4. Plan to limit surface disturbance to the extent practicable while still achieving project objectives.
5. Promote the use of natural stabilization processes consistent with stream type and capability where practicable rather than structures when restoring damaged stream banks or shorelines.
6. Ensure that planned chemical use projects conform to all applicable local, State, Federal, and agency laws, regulations, and policies.
7. Promote BMPs for pile burning / slash disposal in the riparian zone to minimize effects on soil, water quality, and riparian resources if no practical alternatives are available.
8. Teach the value of balanced watershed management which includes riparian habitat.
9. Coordinate with land managers / owners when establishing riparian and upland management plans and encourage the use of the NM Non-Native Phreatophyte/Watershed Management Plan's Best Management Practices.

4.2-9 INVASIVE /NOXIOUS PLANT MANAGEMENT

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

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

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

- **Goal:** Provide a basis for management decisions that address newly invading, as well as established invasive plant populations.
- **Guidance:** New Mexico Harmful Plant Act, **76-7A-11 NMSA 1978**; Noxious Weed Control Act **76-7-1 to 76-7-22 NMSA 1978**. CSWCD through the Act 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 Sandoval County.

- **Objectives:**

The District will:

1. Cooperate with other SWCDs, and federal, tribal and state agencies, in noxious weed control to improve the productivity of all jurisdictional rangelands consistent with local, state and federal law and policies to eradicate noxious and invasive weeds, and to enhance native vegetation.
2. Coordinate with federal and state land managers on post-fire watershed stabilization to control non-native invasive within a burned area.
3. Given that early detection and rapid response is becoming a crucial aspect of CSWCD approach to the invasive species threat, prevention is the first line of defense and it is the most cost-effective approach, continue to implement this approach by distributing best management practices to CSWCD landowners to prevent or mitigate invasive species establishment or movement.
4. Coordinate with the NM Department of Transportation's local District concerning invasive/noxious species management on highway rights-of-way.
5. Coordinate with energy and transportation entities that have jurisdictional responsibilities for utility and railroad rights-of-way on invasive/noxious species management.
6. Continue to search for funding to map and monitor invasive species within its boundaries.

4.2-10 WILDFIRE

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

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

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

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

The District's 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.

- **Goal:** Encourage fire suppression in areas that threaten communities and private infrastructure. Acknowledge that fire is beneficial and support fire use where it is appropriate for the ecosystem but advocate the use in a controlled manner.
- **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:**

The District will:

1. Support the Sandoval County Community Wildfire Protection Plan (Sandoval County Hazard Mitigation Plan) by developing a landowner assistance fuels reduction cost-share program in conjunction with NM State Forestry's program. The District's program will be contingent on available funding.
2. Support training for all volunteer fire department members in the basics of wild land firefighting. 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.
3. Coordinate with federal agencies and landowners in developing policies for grazing rest prescriptions related to either wildfires or prescribed burns on a site-specific basis taking into account the needs of the vegetation and flexibility to meet the needs of the rancher, and to protect excessive soil erosion. Vegetative treatments and use of livestock grazing shall be utilized to keep fuel loads within appropriate limits.
4. CSWCD expects to be included in all Burned Area Emergency Response (BAER) efforts, i.e. Post-Fire Watershed Stabilization, Emergency Stabilization, Burned-Area Rehabilitation and Burned-Area Restoration (as defined in this document) within CSWCD's jurisdictional boundaries.
5. Coordinate with federal, state, tribal and other local governments identifying post-fire hazards that threaten life, safety or soil and water in accordance with BAER policy (FSM 2523 and FSH 2509.13). Coordinate and cooperate with all appropriate response agencies when potential flooding or other threats occur downstream of federal or state lands due to a catastrophic fire event.
6. Post-fire grazing will not be limited when monitoring and evaluation produces relevant, accurate data that demonstrates grazing will not unduly harm the range.
7. Encourage agencies not to use fire to replace proper timber harvest as the primary forest management tool.
8. Assist land management agencies and District cooperators in developing plans and projects that consider the beneficial and adverse effects of wildland fire on water quality and watershed condition.

9. Assist in identifying areas where the adverse effects of unplanned wildland fire to water quality and watershed condition outweigh the benefits.
10. Promote prescribed fire plan objectives that avoid or minimize creating water-repellent soil conditions to the extent practicable considering fuel load, fuel and soil moisture levels, fire residence times, and burn intensity.
11. Assist land management agencies with emergency stabilization assessments of fire damage that produces hazards to life or property as needed in accordance with BAER policy (FSM 2523 and FSH 2509.13)
12. Ensure the land management agency affected by a wildland fire promptly repairs roads, trails, and other facilities damaged by suppression activities to the extent that it may adversely affect water quality for downstream users, riparian resources and local access to public lands.
13. Encourage development of vegetation treatments, harvesting of forest products, and use of live-stock grazing to keep fuel loads within appropriate limits.
14. Support a concerted public education campaign and direct assistance program for private land-owners that encourage FireWise or like program standards.
15. Coordinate and cooperate with federal and state agencies to ensure that they work with local governments concerning downstream impacts due to post-fire damage in **wilderness areas**. CSWCD also expects the agencies to take action and not cause harm to downstream users.

4.2-11 FLOOD, DAM MAINTENANCE AND STORM WATER CONTROL

The Sandia Mountain Tributaries Site 1 Flood Control Dam, also known as the Piedra Lisa Dam (see appendix B), was constructed by the USDA Natural Resources Conservation Service (NRCS) in the late 1950s on behalf of the Santa Fe-Sandoval Soil and Water Conservation District, now the Coronado Soil and Water Conservation District. In 2005, the Piedra Lisa Dam co-sponsors (CSWCD, the Town of Bernalillo, and Sandoval County) applied for assistance from NRCS to rehabilitate the dam, which took place in the spring and summer of 2007.

The District and co-sponsors of the Piedra Lisa Dam are jointly responsible for its operation and maintenance.

- **Goal:** 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.

CSWCD will see that proposed changes in land use designations by all political subdivisions of the state of New Mexico 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:** The Watershed Protection and Flood Prevention Act (Public Law 83–566). [46-6-11(F)(4) NMSA]: "F. In determining whether a subdivider can fulfill the requirements of Subsections B and C of this section, the board of county commissioners shall, within ten days after the preliminary plat is deemed complete, request opinions from ... (4) the soil and water conservation district to determine:
 - (a) whether the subdivider can furnish terrain management sufficient to protect against flooding, inadequate drainage and erosion; and
 - (b) whether the subdivider can fulfill the proposals contained in the subdivider's disclosure statement concerning terrain management;"

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

- **Objectives:**

The District will:

1. Coordinate with Sandoval County pertaining to the District's statutory responsibility [46-6-11(F)(4) NMSA] on subdivision reviews.
2. Coordinate with municipal or county governments to develop procedures and/or projects that reduce storm water runoff velocity and enhance recharge to aquifers. The projects in turn should reduce erosion in acéquias and streams.
3. Recommend to and support the appropriate federal and state agencies responsible for the mapping and development of debris flow models, floodplain models, hydrology models within CSWCD to keep these up-to date, accurate and complete.
4. Ensure that it participates in any and all policy and funding decisions made concerning dam maintenance and safety within District boundaries.
5. Support a federal and state dam safety program that has a mechanism to address funding for the most critical dam repairs and rehabilitation.
6. Work to limit other agencies' restrictions of projects, access, and planning that would obstruct dam safety measures within the CSWCD.
7. Coordinate with responsible agencies to assist with the capture and return of all flood waters within CSWCD to beneficial use.
8. When reviewing proposed subdivisions, historical arroyos will be defined as open space; not allowing plat lots in arroyos; and not allowing arroyos to be redirected or sent over roads.
9. Promote responsible septic system management.

4.2-12 WATERSHED AND FOREST MANAGEMENT

The Majority of New Mexico's Watersheds 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.

Based on historical information, the occurrence of drought in New Mexico is cyclical, driven by weather patterns. Drought has occurred in the past and will occur in the future. Periods of actual drought with adverse impacts can vary in duration, and the period between droughts is often extended. Although an area may be under an extended dry period, determining when it becomes a drought is based on impacts to individual water users.

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.

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

CSWCD'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 and dry mixed conifer stands now burn in an intense, stand replacing manner, rather than the lower intensity fires of the past. With more intense fires there is the risk of the loss of ecosystem components such as water quality. For some landscapes, before fire can safely be returned, mechanical treatment is necessary to reduce fuel loads to help control fire intensity.

While there is no commercial logging in CSWCD, timber is cut for firewood, post and poles, and other traditional uses of woody products. Thinning projects are warranted to reduce fuel loads. The forest and woodlands are primarily piñon, juniper, ponderosa pine, dry mixed conifer, Spruce -fir and some alpine species.

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

- **Goal:** Support 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 toward 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:**

The District will:

1. Promote legislative action that will increase investments in forest restoration as well as seek opportunities to work with partners to secure funding for watershed scale forest treatments.
2. Implement forest and watershed restoration projects that restore watershed function within CSWCD 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 its participation with working groups, such as but not limited to: Greater Rio Grande Watershed Alliance, Rio Grande Water Fund, Rio Puerco Management Committee, and Middle Rio Grande Water Assembly.
5. Promote and support multiple entries for maintenance work in previously treated areas.
6. Coordinate with the US Forest Service in the designation/management of areas that may require single-use or restrictive-use on public lands.
7. 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.
8. Participate in all efforts with the U.S. Forest Service Rule Revision process (current and future).
9. Assist with identifying areas where the adverse effects of recreational use to water quality and watershed condition outweigh the benefits.
10. Advocate that land management agencies avoid, minimize, or mitigate adverse effects to soil health, water quality, and riparian resources at motorized vehicle use areas by managing activities to maintain ground cover, maintain soil quality, and control runoff to minimize discharge of nonpoint source pollutants and maintain streambank and riparian area integrity.
11. Advocate periodic inspections of the NFS and BLM travel routes. This should be used to assess the road condition and assist in setting maintenance and improvement priorities.

12. Promote and support increasing partnerships and exchanges between natural resource agencies, tribal agencies, local government and private forested landowners regarding the health and monitoring of the watershed.

4.2-13 ENERGY/UTILITIES

The exploitation of all energy sources has some impact on our environment. Energy resources occur without regard to whether the land is private, state, or federal ownership. These resources have provided, and will continue to provide, economic benefits for the citizens of Sandoval County as well as the State of New Mexico.

- **Goal:** CSWCD will coordinate with and participate in all planned, developed or updated energy / renewable energy projects within the District's jurisdictional boundaries. CSWCD expectations are that all projects will not cause any direct or indirect adverse impacts to the natural resources and current land use within CSWCD boundaries.
- **Guidance: Sections 73-20-25 to 73-20-48 NMSA 1978 (NM Soil and Water Conservation District Act):** The purpose of the Act declared that (1) the land, waters and other natural resources are the basic physical assets of New Mexico, and their preservation and development are necessary to protect and promote the health and general welfare of the people of the state; (2) the improper use of land and related natural resources, soil erosion, and water loss result in economic waste in New Mexico through the deterioration of the state's natural resources; and (3) appropriate corrective and conservation practices and programs must be encouraged and executed in New Mexico to conserve and develop beneficially the soil, water and other natural resources of the state.
- **Objectives:**

The District will:

1. Coordinate and consult with federal agencies on all *Energy Policy Act of 2005 Section 368. Energy Right-of-Way Corridors on Federal Lands* designations within District boundaries.
3. Coordinate with the appropriate agencies and energy developers to avoid locating energy facilities/transmission lines in areas identified as having a demonstrated high risk to wildlife, water resources, historical sites and agriculture land uses
4. Require reclamation actions that ensure site-specific reclamation plans use the best available objective peer reviewed science that is appropriate for the soils and vegetation. Use native species whenever and wherever possible. It would be ideal to use the same species that were cleared, but the growth rates of the native plants and the need for more immediate erosion control may make that impractical. Site specific use of non-native perennial grasses may be the most practical.
5. Avoid introduction and spread of non-native invasive species by the energy contractors by requiring the contractors to follow CSWCD policies for non-native invasive/noxious plant control. Contractors should inspect and clean their vehicles and equipment arriving from areas with

known invasive species issues. Energy contractors should use locally sourced topsoil when applicable and monitor for and rapidly remove non-native invasive/noxious weeds at least annually.

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

4.2-14 SPECIAL LAND DESIGNATIONS

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

Wilderness designation will prohibit or hinder needed vegetation and watershed treatment. Wilderness management prohibits the use of mechanical equipment as well as motorized equipment of any kind. Vegetation and watershed treatments are more effectively performed using modern 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 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 CSWCD that where an area exhibits significant "multiple-use" characteristics, they will be excluded from consideration of special land use designation.

- **Goal:** Coordinate with agencies that use land use classifications to establish new de facto wilderness management areas outside of the already-identified wilderness study areas in CSWCD. The District deems it essential to be aware and to be an active coordinating participant in all anticipated land designation changes.
- **Guidance:** Federal law, particularly FLPMA and NFMA, requires federal agencies to coordinate plans, programs and management activities with local governmental entities. Natural resource management as set forth in the Act dictates protections for local customs and culture through the tax base.
- **Objectives:**

The District will:

1. Uphold the legal requirements and qualifications set forth in FLPMA, including those providing for the continuation of existing uses in wilderness study areas.
2. Review current wilderness recommendations on the impacts on natural resource-based industries, the economic stability, the custom and culture of the citizens of CSWCD, the ability to develop water resources and to intensively manage rangeland resources.
3. Recommend the release of wilderness study areas that were not recommended for wilderness from non-impairment management and push for an end to the informal de facto wilderness management of other "study areas."
4. Ensure that a wilderness designation does not affect state authority over water resources and that New Mexico's substantive and procedural laws controlling appropriation and allocation of water resources remain the primary authorities governing the waters in the District regardless of wilderness designation. Enforce determination that wilderness designation does not create a reserved water right.
5. Protect any interests in ditches, reservoirs or water conveyance facilities and easements or rights-of-way associated with those interests from impairment or diminution by any wilderness or other special use designations.

6. Reaffirm that the rights to access, enter, inspect, repair and maintain those interests are not affected by any future wilderness designation, including the use of mechanized vehicles and equipment for repairs and maintenance of such facilities.

4.2-15 AGRICULTURE

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

Since 1980, water use for cropland irrigation has declined by more than 20 percent in the U.S., even as the country’s population has grown to 323 million. In 2010, water use for crop irrigation was the lowest since 1965. Increased productivity through improved management practices including conservation tillage systems and new irrigation technologies allow farmers to grow more with less. But with years of low rainfalls to replenish both fresh water and groundwater supplies, less and less water is available for agriculture.

Conservation tillage systems are systems of managing crop residue on the soil surface with minimum or no tillage. The systems are frequently referred to as stubble mulching, ecofallow, limited tillage, reduced tillage, minimum tillage, no-tillage, and direct drill.

- **Goal:** It is the intent of CSWCD to support the preservation and enhancement of Agriculture as it relates to the basic resources of soil and water within the District.
- **Guidance:** Sections 47-9-1 to 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.

CSWCD’s Land Use Policy 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 CSWCD so productive. All agriculture is dependent on proper soil erosion control, flood prevention, wildlife and species management, which are the responsibilities of this District.

- **Objectives:**

The District will:

1. Promote conservation tillage systems.
2. Promote agriculture conservation practices that may allow for low-cost opportunities to sequester additional carbon in soils and biomass.

3. Take the lead in communicating and seeking government to government endeavors with other districts for the benefit of Agriculture.
4. The long-term goal is to reach legal and policy standards that result in zero net loss attrition of the farm and range land base.
5. Coordinate with local, state and federal agencies to ensure that the District's policies are considered during periods of drought or other emergencies concerning availability of water for critical needs, including agriculture and municipal uses.

4.2-16 VISUAL RESOURCES

Visual resources in CSWCD 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 Sandoval County.

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 zoning, 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:**

The District will:

1. Coordinate with local, state and federal planning actions that affect the visual resource and VRM classifications that affect land uses.
2. Coordinate with federal agencies that use VRM classifications that will impair or impede land uses on private and state lands.

3. Oppose the use of VRM classifications that undercut the federal land use allocation, including grazing permits, special use permits, and flood control.

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

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

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

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

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

- **Goal:** Avoid, minimize, or mitigate adverse effects to soil health, surface water, groundwater, and riparian resources during production, operations, and reclamation activities for minerals exploration, reclaim minerals exploration, upland mineral sites, and sand and gravel deposits.
- **Guidance:** The Mining and Minerals Division (MMD) of the New Mexico Energy, Minerals and Natural Resources Department registers all mines including sand and gravel mines [NMSA 1978, §§ 95A4D, 69516, 6961, 69111 through 69113, 69123, 69124, 69261 through 69263, and 69273]. NMAC § 19.2.5: Relating to leases and permits for various construction materials on State Trust lands.
- **Objectives:**

The District will:

1. Coordinate with businesses to ensure gravel and sand operations are conducted in such a manner as to avoid or minimize the production and transport of fugitive dust from the site.
2. Promote that gravel and sand operations should establish a regular haul road-grading and dust abatement program to minimize erosion, sediment build-up, noise, and dust. Potholes and washboarding should be repaired immediately to minimize noise, dust and equipment wear. The operations plan should show how dust abatement will be accomplished.
3. Coordinate and collaborate with Sandoval County to develop dust abatement ordinances.

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

4.2-18 TRAVEL MANAGEMENT

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

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

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

CSWCD advocates that all federal, state and local governments adhere to all applicable laws and customs governing the management, maintenance, and perpetuation of the network of roads, trails and Off Highway Vehicle areas within the District.

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

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

- **Objectives:**

The District will:

1. Advocate that all established roads are maintained or even enhanced.
2. Support community-based coordination with stakeholders.
3. Protect private and public rights of access and / or restrictions thereof.
4. Maintain all decisions for travel management on the basis of local plans and customary and historical use of the road.
5. Coordinate at the forest, watershed, and project level with the Forest Service during Travel Management Planning activities. Rather than decommissioning roads, CSWCD advocates downgrading roads to a Forest Service Level 1 category, which receives basic custodial maintenance. The focus should be on maintaining drainage facilities and runoff patterns to avoid or minimize damage to adjacent resources and to perpetuate the road for future use.
6. CSWCD expects BLM to follow its Travel Management priorities, which state: "Comprehensive travel management planning should address all resource use aspects, including recreational, traditional, casual, agricultural, commercial, and educational. As such, this involves more than motorized or off-highway vehicle activities, and includes the travel needs for all BLM administered resource management programs for such purposes of mineral extraction, energy production, livestock grazing, wildlife enhancement projects and recreation."
7. CSWCD expects the Forest Service and BLM to address travel needs for private inholdings, grazing permittees, industry, and state and local administrative actions that require access to public lands.
8. Work with the appropriate agencies to promote roads that are located on a landform where it can be readily and effectively drained; is functional when used as intended; preserves the natural drainage pattern of the landform; conserves water; does not cause or contribute to accelerated soil loss; and does not encroach on wetland or riparian areas.

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 CSWCD. This Land Use Plan shall be the basis for enforcing FLPMA and NFMA consistency requirements for public land management.

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

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

GLOSSARY OF ACRONYMS

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



LAND USE POLICY PLAN
Adopted January 19, 2017

CSWCD Board of Supervisors

Original signed by:


Lynn Montgomery, Chair ☒ Yes/No

Original signed by:


Alfred Baca, Vice Chair ☒ Yes/No

Original signed by:


Patricia Bolton, Secretary-Treasurer ☒ Yes/No

Original signed by:

Absent
Gary Miles, Supervisor Yes/No

Original signed by:

Absent
Marvin Mendelow, Supervisor Yes/No

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANDOVAL)

This instrument was acknowledged before me on this 16th day of March, 2017, by
Lynn Montgomery, Alfred Baca, Patricia Bolton, ~~Gary Miles and Marvin Mendelow~~ as Board Supervisors
of the Coronado Soil and Water Conservation District.

Leticia Cruz
Notary Public

My Commission Expires:

6/17/18





APPENDIX A -- Coronado Soil and Water Conservation District Map

SCOTT A. VERHINES, P.E.
STATE ENGINEER



DAM SAFETY BUREAU
LEW WALLACE BUILDING
P.O. BOX 25102
SANTA FE, NEW MEXICO 87504
(505) 827-6122
(505) 827-6068 FAX

**STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER
Santa Fe**

February 8, 2012

Mr. Will Ouellette, Chairman
Coronado Soil & Water Conservation District
P.O. Box 69
Bernalillo, NM 87004

RE: Sandia Mountain Site No. 1 Dam, OSE File D-278

Dear Mr. Ouellette:

As set forth in 19.25.12 21 E NMAC, a License to Operate is issued by the Office of the State Engineer for dams that comply with the Operation and Maintenance Manual requirement. Accordingly, a License to Operate with operating conditions for Sandia Mountain Site 1 Dam is enclosed.

If further discussion would be helpful, please feel free to contact Sushil Chaudhary at 505-827-6136.

Sincerely,

A handwritten signature in blue ink, appearing to read "Elaine C. Pacheco".

Elaine C. Pacheco, P.E.
Dam Safety Bureau Chief

ECP: SKC

Enclosure

cc: Jack Torres, Mayor, Town of Bernalillo, P.O. Box 638, Bernalillo, 87004
Phil Rios, Manager, Sandoval County, P.O. Box 40, Bernalillo, 87004
Roger Ford, PE, State Conservation Engineer, USDA-NRCS via email

Appendix B – Coordination Agreements

SANDIA MOUNTAIN TRIBUTARIES, SITE 1 (PIEDRA LIZA DAM)

Dam Description:

Height: 39.2 ft	Length: 1030 ft
Storage: 383 ac-ft	Drainage Area: 4.15 square miles
Built: 1955 by USDA, NRCS	Hazard Classification: High
Legal Description: North of Sec. 33, T13N, R4E	Dam Owner: Coronado SWCD*
Latitude: N 35.3133° Longitude: W 106.5300°	Major Property Owner: Grevey and Rinaldi
National Inventory of Dams No. NM00278	State Identification: D-278

Dam Location:

The dam is located immediately southeast of the intersection of Interstate Highway 25 and New Mexico Route 165 (Placitas Highway). The primary access to the dam is from NM Route 165 and is located about 0.3 miles east of the east frontage road.

An alternative route to the dam is through a gate from the east frontage road, which is just east of the northbound off ramp for Interstate-25. This route may be used during non-flood or minor flood situations; however, during periods of emergency spillway flow this access route will be difficult or impossible.

EAP CERTIFICATIONS

DAM OWNER'S CERTIFICATION

State of New Mexico)
) ss.
County of Sandoval)

I, A. L. Ouellette, being first duly sworn, upon my oath, state that I am the Chairman of the Coronado Soil and Water Conservation District, a political subdivision duly organized under the laws of the state of New Mexico, that the accompanying emergency action plan for Site 1 of the Sandia Mountain Tributaries Project (Piedra Liza Dam) was made under authority of the Board of Supervisors of said political subdivision and that, in their behalf, I have read and examined the statements and representations and all that is shown herein is done with their free consent and in accordance with their wishes and state that the same is true and correct to the best of my knowledge and belief.

A. L. Ouellette
A. L. Ouellette, Chairman

5/17/07
Date

Subscribed and sworn to before me this 17 day of May, 2007.

Rita Molinar
Notary public

My commission expires August 9, 2008 (SEAL)

SPONSOR'S CERTIFICATION

State of New Mexico)
) ss.
County of Sandoval)

Jack Torres
I, Patricia Chavez, being first duly sworn, upon my oath, state that I am the Mayor of the Town of Bernalillo, a political subdivision duly organized under the laws of the state of New Mexico, that the accompanying emergency action plan for Site 1 of the Sandia Mountain Tributaries Project (Piedra Liza Dam) was made under authority of the Town Council of said political subdivision and that, in their behalf, I have read and examined the statements and representations and all that is shown herein is done with their free consent and in accordance with their wishes and state that the same is true and correct to the best of my knowledge and belief.

Patricia Chavez
Patricia Chavez, Mayor

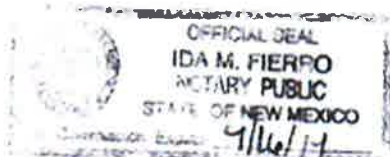
11/11/12
Date

Jack Torres

Subscribed and sworn to before me this 11 day of January, 2012.

Ida M. Fierro
Notary public

My commission expires 9/16/14 (SEAL)



Sandia Mountain Tributaries, Site 1, Sandoval County

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MEMORANDUM OF UNDERSTANDING
Between The
CORONADO SOIL AND WATER CONSERVATION DISTRICT
And The
USDA, FOREST SERVICE
CIBOLA NATIONAL FOREST

This MEMORANDUM OF UNDERSTANDING (MOU) is hereby made and entered into by and between the Coronado Soil and Water Conservation District, hereinafter referred to as "Cooperator," and the USDA, Forest Service, Cibola National Forest, hereinafter referred to as the "U.S. Forest Service."

Background The U.S. Forest Service is revising the existing 1985 Cibola Forest Plan as required by the National Forest Management Act. After two years of engaging the public in assessing conditions, trends, and risks to sustainability and identifying the needs for change to the 1985 Cibola Forest Plan, the U.S. Forest Service has published a Notice of Intent (NOI) to revise the 1985 Cibola Forest Plan and prepare an Environmental Impact Statement (EIS). This proposed action affects the Magdalena, Mt. Taylor, Mountainair and Sandia Ranger Districts.

Title Cooperating Agency Status

I. PURPOSE:

The purpose of this MOU is to document a framework for cooperation and to define the relationship and duties between the parties as Cooperating Agencies in the preparation of an Environmental Impact Statement (EIS) for Forest Plan Revision. This MOU is established to provide coordination, communication, and the exchange of ideas and information between the Forest Service and the Cooperator pursuant to the revision of the Cibola National Forest's Land and Resource Management Plan and development of the required National Environmental Policy Act (NEPA) Environmental Impact Statement (EIS) analysis. The Forest Service and the Cooperator will cooperate in the areas of natural and cultural resources and properties and traditional land use with respect to each entity's regulations, on matters important to the Cooperator's constituency, and on public involvement activities. While the Forest Service recognizes the expertise of the Cooperator in these subjects, this agreement does not preclude the Cooperator from submitting other information, comments, and/or data pertaining to the Cibola Land and Resource Management Plan or EIS analysis, including but not limited to the suggestion of alternatives or alternative methods of accomplishing natural resource objectives.


II. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:

The U.S. Forest Service is in the process of preparing an EIS for Forest Plan Revision for the Sandia, Mountainair, Magdalena, and Mt. Taylor Ranger Districts. The U.S. Forest Service must assure that the EIS complies with the National Environmental Act (NEPA) and other applicable federal statutes, regulations, and Presidential Executive Orders. In addition,

Certificate of organization of Santa Fe-Sandoval Soil Conservation District as a governmental subdivision of the State of New Mexico

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STATE OF NEW MEXICO



OFFICE OF
THE SECRETARY OF STATE

Certificate

I, Alicia Romero, Secretary of State of the State of New Mexico, do hereby certify

that


WHEREAS, a certificate of the due organization of the SANTA FE-SANDOVAL Soil Conservation District as a governmental subdivision of this state and as a public body corporate and politic was issued by this office on the 10th day of December, 1941; and

WHEREAS, William Klawow, Frank Calvin, Harry Gonzalez, Ricardo Romero and Antonio J. Diaz, supervisors of the SANTA FE-SANDOVAL Soil Conservation District presented to this office on the 26th day of July, 1950, an application in the form required by law for a certificate of the inclusion of additional territory within the SANTA FE-SANDOVAL Soil Conservation District; and


WHEREAS, the said application and statement have been made, filed and recorded in this office as required by law; and

WHEREAS, the said application was accompanied by a statement from the State Soil Conservation Committee in the form required by law;

AND, THEREFORE, it is hereby certified that the additional territory described in the said statement has been duly included within the SANTA FE-SANDOVAL Soil Conservation District.



Given under my hand and the Great Seal of the State of New Mexico, at the City of Santa Fe, the Capital on this 26th day of July, 1950 A. D.


Secretary of State