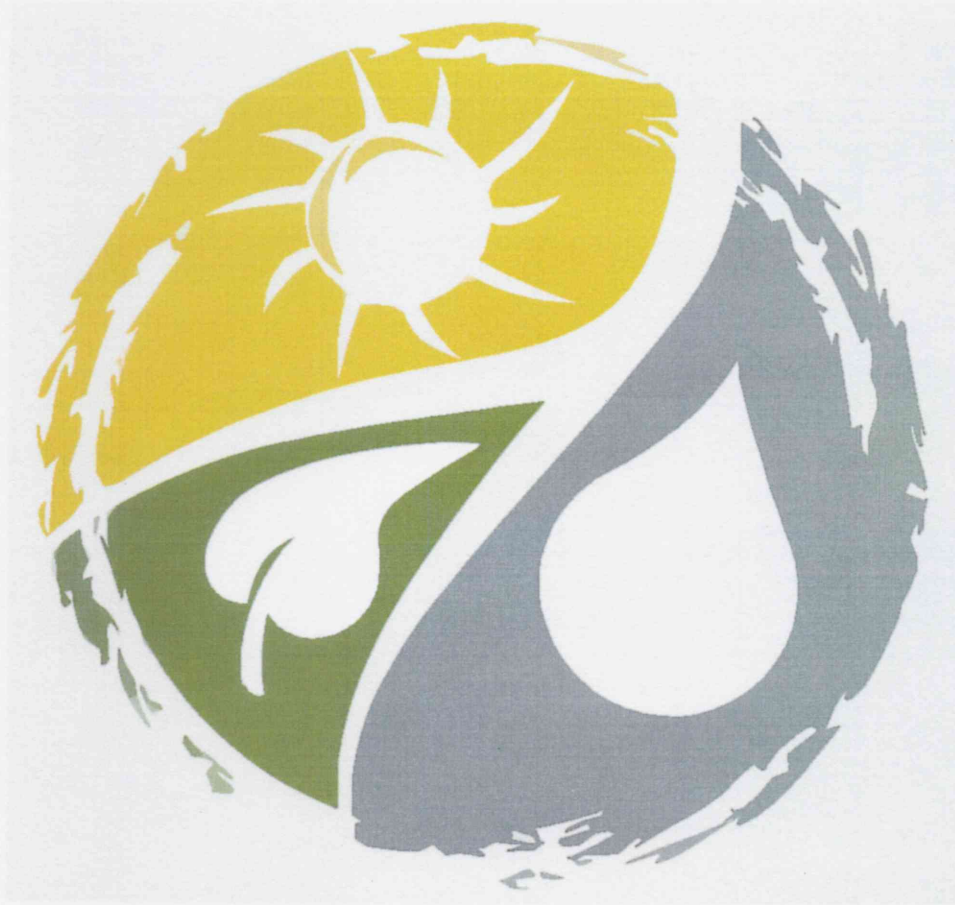


Central Curry Soil and Water Conservation District



LAND USE POLICY PLAN

Update May 2024

THE CONSERVATION OF NATURAL
RESOURCES IS THE FUNDAMENTAL
PROBLEM. UNLESS WE SOLVE THAT
PROBLEM, IT WILL AVAIL US LITTLE TO
SOLVE OTHERS.

- THEODORE ROOSEVELT -

**Central Curry
Soil and Water Conservation District
LAND USE PLAN**

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EXECUTIVE SUMMARY

The Central Curry Soil and Water Conservation District (CCSWCD 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.

Sections 73-20-25 through 73-20-48 NMSA 1978, comprise the New Mexico Soil and Water Conservation District Act (Act). The Central Curry Soil and Water Conservation District (District or CCSWCD) is the administrative body responsible for the natural resource economic viability in Curry and Roosevelt Counties outside of the administrative boundaries of the Border and Roosevelt Soil and Water Conservation Districts. CCSWCD was formed circa December 28, 1938, and there are approximately 1,060,389 acres within CCSWCD boundaries.

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

The District will coordinate projects on the land with federal, state, and local agencies for such remedy and enhancement of the resource base. The District has the authority, concerning natural resources, to assist, contract, and render financial aid, when practical, to the stakeholder community.

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

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

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

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

CCSWCD'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 our natural resources that have made lands within CCSWCD so productive and important. All agriculture is dependent on proper soil erosion control, flood prevention, wildlife and species management, which are the responsibilities of this District.

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

Endangered Species Act (ESA) policies have been increasingly driven by litigation, which has diverted attention and resources away from species recovery. It is this District's policy, to the maximum extent possible including 'cooperating agency status' and 'coordination' as defined by congressional action, to participate in all decision processes associated with federal and state agencies management actions relating to all sensitive, threatened, and endangered species, including candidate species.

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

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

INTRODUCTION

The Central Curry Soil and Water Conservation District (CCSWCD or District) Plan is an executable policy for natural resource management and land use on the lands within the District. It adheres to the legislative purpose of the Soil and Water Conservation District 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 resource within CCSWCD, and that, as such, they must be used in a sustainable way. Emphasis is placed on the need to create "viable" rural working landscapes. It is a dynamic plan.

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

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

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

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 affects were taken into account by public decision makers. Likewise, land use planning under the National Forest Management Act (NFMA) and the Federal Lands Policy Management Act (FLPMA) attempt to make the process of public land decision making better informed and more rational. While the intent of such procedural requirements is appropriate, in practice these procedures have become an obstacle and a stumbling block to effective land management.

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

1.1 BACKGROUND/HISTORY

DISTRICT LOCATION

Located in Eastern New Mexico with its eastern border being the Texas stateline. According to the U.S Census Bureau, Curry County has a total area of 1,408 square miles, of which 1,405 square miles is land and 3.2 square miles (0.2%) is water. The portion of Roosevelt County within CCSWCD is an area locally known as the pan-handle and has a total area of 252 square miles.

CURRY COUNTY HISTORY

Curry County was established in 1909 and named after George Curry, Territorial Governor of New Mexico (1907-1910). Curry County was created from parts of Quay and Roosevelt counties. It lies on the far eastern side of the state and is adjacent to the state of Texas. Curry County is 1405.9 square miles, making it one of the smallest counties in New Mexico. Cities located in Curry County are Clovis, Melrose, Texico, Grady and Cannon Air Force Base. Unincorporated communities are; Bellview, Broadview, Gallaher, Pleasant Hill, Portair, Ranchvale, and St. Vrain.

Agriculture (especially cattle and dairy operations) remains a base industry for Curry County. **According to data provided by Dairy Producers of New Mexico, the number of Dairy Farms in Curry County has decreased from 28 in 2017 to 19 in 2022. The number of cattle farms/ranches has decreased from 236 in 2017 to 206 in 2022.**

According to the 2022 Census of Agriculture, Curry County had 665 farms consisting of 891,911 acres. Total cropland consists of 454 farms totaling 446,772 acres, however, only 102 farms totaling 321,390 acres are considered irrigated farms and of that 58,440 acres are irrigated. The primary crops include: wheat, sorghum, hay, cotton, forage land for livestock and several vegetables and orchards in the mix.

Playas, the only surface water in the county, cover approximately 1.0% of land (Guthery et al. 1981), and contain water only infrequently.

ROOSEVELT COUNTY HISTORY

Roosevelt County sits in eastern New Mexico and was created in 1903 from Chaves and Guadalupe Counties. The County was named for Theodore Roosevelt, the twenty-sixth President of the United States, who had enlisted in the New Mexico Rough Riders when he climbed San Juan Hill during the Spanish-American War. Portales, the county seat, is the home of Eastern New Mexico University and it is near the major Blackwater Draw archaeological discoveries of "Bison Nomads." Over 11,000 years ago the area was the home of the Paleo-Indian Culture at Blackwater Draw. Early investigations recovered evidence of a human occupation in association with Late Pleistocene fauna, including Columbian mammoth, camel, horse, bison, sabertooth cat and dire wolf.

Secondary communities in the county are: Elida, Floyd, Dora, Causey, Arch, Kenna, Lingo, Milnesand, Pep, and Rogers. After irrigation techniques were perfected, the first half of the 20th century saw steady growth in agriculture. Among the crops were peanuts, sweet potatoes, cotton, feed grains and wheat. Small family dairies were also a mainstay through the 1960s. In recent years, larger dairies have been located in Roosevelt County and support several major dairy product industries in the area.

According to the 2022 Census of Agriculture, Roosevelt County had 638 farms consisting of 1,294,906 acres. Total cropland consists of 355 farms totaling 313,382 acres, however, only 111 farms totaling 35,743 acres were irrigated. The primary crops include: wheat, sorghum, cotton, forage land for livestock and several vegetables and orchards in the mix. The number of Dairy Farms has decreased from 24 farms in 2017 to 19 farms in 2022. The number of cattle farms/ranches has decreased from 307 in 2017 to 212 in 2022. Approximate land area in acres 1,556,468; proportion in farms 82.7%.

Currently, Roosevelt County has major dairy operations, certified organic pastures, agriculture, and ranching; the area is the fourth most important county in New Mexico for market value of its agricultural products.

Besides vegetables, orchards and milk other products grown locally are corn, sorghum, wheat for grain, cotton, alfalfa and chile as a niche market. Beef cattle are raised on rangeland which occupies the majority of the county's landmass.

DISTRICT LAND STATUS

CCSWCD's land status breakdown includes 926,669 acres (87%) private ownership with the remaining acreage under public land management. The federal land manager is the Department of Defense with 24,019 acres (2%), and State Land Trust with 109,701 acres (10%).

ELEVATION

Ranges between 4,100 feet above sea level to 4,890 feet above sea level.

CLIMATE

Climate varies according to elevation but predominantly the District is temperate and continental in type, with cool winters and warm summers. Temperature ranges from an average minimum of 20°F in January to an average maximum in July of 99°F.

WATERSHEDS

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. CCSWCD is part of three regions; **1) Rio Grande region - Pecos subregion** with the following two 8-digit watersheds: Taiban (NM) and Upper Pecos (NM); **2) Texas Gulf region - Brazos headwaters subregion** with the following three 8-digit watersheds: Yellow House Draw (NM/TX), Black Water Draw (NM/TX), Running Water Draw (NM/TX) and **Red headwaters subregion** with the following two 8-digit watersheds: Tierra Blanca (NM/TX) and Palo Duro (NM/TX); **3) Arkansas - White - Red region - Lower Canadian subregion** with the following 8-digit watershed: Middle Canadian - Trujillo (NM/TX)

ECOREGION

The District is ecologically classified in one Level III ecoregion: 1) Southern Shortgrass Prairie. The shortgrass prairie was historically dominated by expanses of blue grama, side-oats grama, fourwing saltbush, little bluestem and buffalo grass. Within this ecoregion, two key terrestrial habitat types have been identified: The Western Great Plains Sandhill Sagebrush Shrubland, and the Western Great Plains Shortgrass Prairie. The lesser prairie-chicken and sand dune lizard in particular have received much attention in this habitat type.

Level IV ecoregions within the District include; Shinnery Sands, and Llano Estacado. **The Shinnery Sands ecoregion** includes sand hills and dunes as well as flat sandy recharge areas. These sand beds lie at the western edge of the High Plains where rising winds drop heavier sand grains and carry finer material further east onto the flat expanse of the Llano Estacado. The ecoregion is named for the Havard (shin) oak brush that stabilizes sandy areas subject to wind erosion. Although the shin oak rarely grows higher than 4 feet, its extensive root system can reach over 50 feet through dune sand to reach water. The largest area of sand dunes, at the southwestern edge of the Llano Estacado is composed of sands blown out of the Pecos River Basin against the Mescalero Escarpment of the Llano Estacado by prevailing southwesterly winds. These dunes serve as a major recharge area for the Pecos River. While sandsage and prairie grasses may create a continuous plant cover in portions of Ecoregion, the vegetative cover is vulnerable to overgrazing and subsequent wind blowouts which may begin a cycle of dune formation. In dune areas, anchoring shrubs such as Havard shin oak, fourwing saltbush, and yucca stabilize the dune sand for herbaceous grasses and forbs such as sand verbenas, sunflowers, fringed sagewort, and hoary rosemary-mint. Ephemeral ponds and swales between the dunes support rushes, sedges, and sandbar willow. The shinnery sands are habitat for the lesser prairie-chicken and sand dune lizard. The shrubs offer cover and shade for nesting prairie-chickens, and shin oak acorns are a staple food source.

The Llano Estacado ecoregion, translated as the “Staked Plain” is a level, treeless, elevated plain surrounded by escarpments on three sides. Geologically, the Llano Estacado began as an apron of Miocene-Pliocene sediments (Ogallala Formation) eroded from the eastern Rocky Mountains. Several caliche horizons developed in the Ogallala sediments, including a hardened caprock caliche in the uppermost layer. The caprock was eventually covered by Pleistocene wind-borne sand and silt, the Blackwater Draw Formation. The smooth surface of the plain holds seasonal rainfall in numerous playas. The Llano Estacado was once covered with shortgrass prairie, composed of buffalograss, blue and sideoats grama, and little and silver bluestem. Bison were once prominent elements of a prairie ecosystem that no longer functions as an interdependent web of bison, black-tailed prairie dog, black-footed ferret, snake, ferruginous hawk, coyote, swift fox, deer, pronghorn, mountain lion, and gray wolf. About 80-90% of the Llano Estacado in Texas and New Mexico is presently tilled for agriculture, with more rangeland to the west. Farmers produce cotton, corn, and wheat under dryland agriculture or irrigated with water pumped from the Ogallala Aquifer. The capacity of the Ogallala Aquifer is limited, particularly under drought conditions.

PHYSIOGRAPHY/SOILS/GEOLOGY

The District physiography includes; Llano Estacado - Level, elevated plains, decreasing in elevation from west to east. Few to no streams. Surface water in numerous ephemeral pools or playas. **Shinnery Sands** - Smooth plains, sand hills and dunes. Intermittent or spring-fed streams are rare, mostly little or no stream network.

Soils - Llano Estacado; Mollisols (Paleustolls, Argiustolls, Haplustolls, Calciustolls), Alfisols (Paleustalfs), Vertisols (Epiaquerts, Haplusterts), Inceptisols (Calciustepts, Haplustepts), Aridisols (Haplocalcids). **Shinnery Sands;** Entisols (Ustipsamments, Torripsamments), Alfisols (Paleustalfs, Haplustalfs), Inceptisols (Calciustepts), Aridisols (Haplargids, Petrocalcids, Haplocalcids)

Geology - Llano Estacado; Quaternary sandy and loamy eolian deposits, discontinuous eolian deposits over caprock calcrete, and lacustrine-eolian complexes. **Shinnery Sands;** Quaternary eolian dune sands and piedmont and escarpment footslope alluvium deposits. Tertiary (Pliocene and Miocene) gravel, sand, silt, clay, siltstone, sandstone, caliche layers, and caliche caprock of the Ogallala Formation

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CURRENT LAND RESOURCE USE

Llano Estacado - Grassland; cropland with cotton, corn, sorghum and wheat; ranching and livestock grazing; some urban. Endemic playa lake flora and fauna have been altered by agricultural activities. **Shinnery Sands** - Grassland and shrubland: ranching, livestock grazing, wildlife habitat, some cropland to the North in flat areas with cotton and grain sorghum. Wind generation, and some oil and gas production.

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 stewardship 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, provided for flood control, enhance wildlife, protect the tax base and promote the health, safety and general welfare of the people of New Mexico.

Section 73-20-26 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) CCSWCD 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) States that "A 'soil and water conservation district,' organized under or perpetuated by the provisions of the Soil and Water Conservation District Act is a governmental subdivision of the state, a public body politic and corporate." Districts may conduct a wide array of research, investigations, and surveys to facilitate conservation and development. Included, but not limited to, is the extended authority to develop comprehensive plans for natural resource conservation, development, and utilization including flood prevention, control and prevention of soil erosion and the development, utilization and disposal of water.

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 in accordance with the Act, the District hereby records its intention to engage in decision making that pertains to 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, court mandates, executive orders, and policies of local, county, state, and federal agencies to comply with plans adopted under the concept and definition of coordination noted herein. This also facilitates the coordination of local, county, state, and federal planning efforts with the local planning efforts of the District.

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

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

CCSWCD believes that resource and land use management decisions made in a coordinated manner by federal and state agencies and local government entities will maintain and revitalize multiple use of state and federal lands within and affecting the District and will enhance environmental quality. The District will coordinate with the various agencies to participate in and advance such efforts.

2.0 PRIMARY PLANNING GUIDANCE

2.1 PLAN DEFINITIONS

- **Agriculture** – The art and science of growing crops and raising and breeding livestock. According to this Plan, activities which traditionally define agriculture in the District include, but are not limited to, poultry, cattle, sheep, hogs, dairy production and pigs; hay, grain, chile, vegetables, melons, orchards, grapes, hemp, potatoes, and other crop production.
- **Animal Unit Month (“AUM”)** – The quantity of forage required by one mature cow and her calf (or equivalent, in sheep or horses, for instance) for one month. The amount of forage needed to sustain one cow, five sheep, or five goats for a month. In the United States, a full AUMs fee is charged for each month of grazing by adult animals if the grazing animal (1) is weaned, (2) is 6 months old or older when entering public land, or (3) will become 12 months old during the period of use.
- **Area of Critical Environmental Concern (ACEC)** – areas within public lands where special management attention is required to protect and prevent irreparable damage to important historic, cultural and scenic values, fish and wildlife resources, or other natural systems or processes, or to protect life and safety from natural hazards.
- **Archeological and Historic Preservation Act 1974** – Provides for “the preservation of historical and archeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed as the result of (1) flooding, the building of access roads, the erection of workmen's communities, the relocation of railroads and highways, and other alterations of the terrain caused by the construction of a dam by any agency of the United States, or by any private person or corporation holding a license issued by any such agency or (2) any alteration of the terrain caused as a result of any Federal construction project or federally licensed activity or program.” 16 U.S.C. §469.
- **Candidate Conservation Agreement** – US Fish and Wildlife Service (FWS) by policy may enter into an agreement with a state agency, local government or private landowner to protect or manage habitat for a species that is proposed for listing but is not yet listed. Under the terms of the agreement, generally an agreed upon amount of land is set aside or earmarked to be conserved for the candidate species. The landowner may also receive compensation and assurances that if the species is listed, the landowner will not be required to adopt additional conservation measures.
- **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.
- **Climate** - Is the average weather in a given area over a longer period of time. A description of a climate includes information on, e.g. the average temperature in different seasons, rainfall, and sunshine. Also, a description of the (chance of) extremes is often included.
- **Climate Cycles (Natural)** - Climate varies without human influence, and this natural variation is a backdrop for the human-caused climate change occurring now. These patterns hold important lessons for understanding the magnitude and scope of current and future climate changes. Cyclical variations in the Earth's climate occur at multiple time scales, from years to decades, centuries, and millennia. Cycles at each scale are caused by a variety of physical mechanisms. Climate over any given period is an expression of all of these nested mechanisms and cycles operating together.

- **Climate Change** - is any systematic change in the long-term statistics of climate variables such as temperature, precipitation, pressure, or wind sustained over several decades or longer. Climate change can be due to natural external forcings (changes in solar emission or changes in the earth's orbit, natural internal processes of the climate system) or it can be human induced.
- **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 of the United States Constitution.
- **Conservation** - Management of the human use of natural resources to provide the maximum 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.
- **Conveyance of Harm** – The loss or detriment suffered by resource users because of intrusion of uncoordinated actions.
- **Cooperation** - (1) An act or instance of working or acting together for a common purpose or benefit; joint action. (2) Process created by government agencies to marry the general attempt to blend respective areas of responsibility, authority, and expertise of governing bodies and agencies for creating more effective land planning partnerships.
- **Cooperating Agency** – (1) Generally reference to the partnership agent in the relationship of preparing resource management plans, partnering with Tribes, state, and local governments (intergovernmental partners) before, during, and after plans and Environmental Impact Statements (EISs) are prepared. (2) The agent acting upon and within the framework for intergovernmental efforts in achieving early and consistent partnership involvement, incorporating local customs and culture as well as state and local land use requirements, address intergovernmental issues, avoid duplication of effort, enhance local credibility of plans and EISs, encourage support for management decisions, and build relationships of trust.
- **Coordination** – (1) 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. 3rd 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 policy 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.

- **Coordinated Resource Management (“CRM”)** – A group of people working together to develop common resource goals and resolve natural resource concerns. CRM is a people process that strives for win-win situations through consensus-based decision-making.
- **Critical Threshold or tipping point events** - A threshold is crossed in a natural system that triggers an irreversible reaction. Reversing the trigger does not restore the natural system to its original condition. *Example* - when water is pumped from certain aquifers, the pore space in the aquifer will collapse, resulting in permanently reduced capacity of the aquifer.
- **Culture** - Culture is defined as the customary beliefs, social forms and material traits of a group; an integrated pattern of human behavior passed to succeeding generations. *Webster’s New Colligate Dictionary*, 227 (1975).
- **Custom** - Custom is a usage or practice of the people, which by long and unvarying habit, has become compulsory and has acquired the force of law with respect to the place or subject matter to which it relates. *Bouvier’s Law Dictionary*, 417 (1st ed. 1867).
- **Data Quality Act** - Section 515 of the Treasury and General Governmental Appropriations Act for Fiscal Year 2001 (Public Law 106-554) directed the Office of Management and Budget to issue guidelines to “provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information [including statistical information] disseminated by Federal agencies.”
- **de facto Wilderness Management** – Land management policy that is imposed without congressional direction or authority that mirrors or is similar to the management of areas designated by Congress as wilderness pursuant to the 1964 Wilderness Act. The management restrictions and prohibitions include: the prohibition of construction of new roads; restriction or prohibition on reconstruction or maintenance of existing roads; prohibition of mining or mineral development; restrictions on activities that would require permanent structures or facilities, or restrictions on motorized vehicle use or the use of mechanical tools or means of travel.
- **Desired Plant Community** – A plant community which produces the kind, proportion and amount of vegetation necessary for meeting or exceeding the land use plan and activity plan objectives established for an ecological site(s). The desired plant community must be consistent with the site's capability to produce the desired vegetation through management, land treatment, or a combination of the two.
- **Economics** – Pertaining to the development and management of the material wealth of a government or community.
- **Erosion** – (v.) Detachment and movement of soil or rock fragments by water, wind, ice, or gravity. (n.) The land surface worn away by running water, wind, ice or other geological agents, including such processes as gravitational creep.
- **Federal lands**—all land and associated natural resources owned and managed by the United States. Federal lands include, but are not limited to, public lands, federally reserved lands, federal mineral leases, federal geothermal leases, livestock grazing allotments and leases, federal rights-of-way, but categorically exempted are lands and resources to which private interest or title is attached.
- **Feral** - A domestic animal becomes "feral" simply by fending for itself when left in the wild, without being helped or managed by humans in any way. If it finds others of its own species, reproduces, and the offspring also fend for themselves in the wild, the result is a feral population.

- **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 nonrenewable 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 CCSWCD 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 and 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 than the original contiguous tract(s) of habitat.
- **Healthy Soils** - soil that enhances its continuing capacity to function as a biological system, increases its organic matter and improves its structure and water- and nutrient-holding capacity.
 - “Soil health principle” is a principle that promotes soil health in a given environment and includes:
 - Keeping soil covered;
 - Minimizing soil disturbance on cropland and minimizing external inputs;
 - Maximizing biodiversity;
 - Maintaining a living root
 - Integrating animals into land management, including grazing animals, birds, beneficial insects or keystone species, such as earthworms
- **Historical Value** – (1) The collective contributions of objects and values derived and established in recorded history that impact the character of the District and contribute directly to the customs and cultures related to the use and protection of natural resources as described in the Act. (2) The primary managed value as set forth in Federal Land Policy and Management Act (FLPMA) that applies to natural resources and the respective resource users as set forth in 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 broadly 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 irreversible 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 Endangered Species Act (ESA), must evaluate all federal actions that may adversely affect a species that is listed under the ESA to determine whether the proposed action is likely to jeopardize the continued existence of the species. 16 U.S.C. §1536. As part of the jeopardy review, which is also called a “Section 7 review,” FWS prepares a biological opinion, makes a determination regarding jeopardy, and recommends additional conservation measures that would mitigate the impacts on the species. If the FWS makes a finding of jeopardy, the proposed federal action may not proceed.
- **Lands with Wilderness Characteristics** – Lands that fit the strict definition of wilderness as set forth in the Wilderness Act, e.g., ‘5000 contiguous acres’, etc., and are allowed by strict inventory methods as defined by FLPMA.
- **Managed Values** - Values attached to the management of federal lands as set forth in FLPMA. Such values are identified to protect the quality of management, preserve certain lands in their natural condition, provide food and habitat for fish, wildlife, and domestic animals, and provide for outdoor recreation, human occupancy and use. The eight identified managed values are scientific, scenic, historical, ecological, air and atmospheric, water resources, and archeological.
- **Multiple Use** – (1) Balanced and diversified management of federal lands and their various public resources to best meet present and future economic and resource needs of the American people. (2) Management of lands and their various resource values so that they are used 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.
- **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.
- **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.

- **Objectivity** - Includes whether disseminated information is being presented in an accurate, clear, complete, and unbiased manner. In a scientific or statistical context, the original or supporting data shall be generated, and the analytical results shall be developed, using sound statistical and research methods.
- **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. Objective Peer-Review will ensure consistent and transparent decisions.
- **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).
- **Playas** - Playas are a wetland type found across the shortgrass prairie region of New Mexico. Playas are defined as, "shallow depressional recharge wetlands similar to prairie potholes, characterized by annual or multiyear cycles of drydown and filling" (Smith 2003). The greatest density of playas is found in the short grass prairies of the Llano Estacado, a portion of which exists in Eastern New Mexico and CCSWCD.
- **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).
- **Rainwater Harvesting** - The accumulation and deposition of rainwater for reuse on-site, rather than allowing it to run off. Uses include water for garden, water for livestock, water for irrigation.
- **Rights-of-Way** – This term generally refers to "an easement, lease, permit, or license to occupy, use, or traverse lands" and such right may be created by federal or state statute, deed, contract or agreement, or permit. A right-of-way may also include: Any road, trail, access or way upon which construction has been carried out to the standard in which public rights-of-way were built within a 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** – Revised Statute 2477 was a self-executing law. When the conditions were met, the right-of-way grant was made. No further action by the grantee or by Congress was necessary to validate it.
- **Range** – Rangelands, forests, woodlands and riparian zones that support and understory or periodic cover of herbaceous or shrubby vegetation amenable to rangeland management principles 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. CCSWCD 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, land-owners 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 FWS to prepare a plan to improve the status of a listed species to the point where the species need no longer be listed. A recovery plan typically sets population goals, identifies tasks to reverse or arrest the decline of a species and criteria for delisting the species.
- **Reintroduction Plan** – Under the ESA, a reintroduction plan is a specialized recovery plan designed to restore a threatened or endangered species to its historical habitat. A reintroduction plan will document the habitat area to be occupied and specific management actions to be taken to ensure the successful reintroduction of the listed species. Alternatively, a reintroduction plan by a state wildlife agency will return fish, game or other wildlife to an area where they have been extirpated.
- **Research Natural Area (“RNA”)** – A type of area of critical environmental concern or ACEC under BLM land use planning process where natural ecological and physical processes are allowed to occur, and human activities are prohibited if they will interfere with the natural processes. Under Forest Service land use policy, 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. Lakeshores and streambanks 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 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 the

first right to water, regardless of one's priority date.

- **Species of Greatest Conservation Need (SGCN)** - Species considered for inclusion had to occur within the state of New Mexico and meet at least one of the following conditions:
 - Declining: Species that have experienced substantial long-term declines in habitat or numbers.
 - Vulnerable: Species in which some aspect of their life history and ecology makes them disproportionately susceptible to decline within the next 10 years. Factors include, but are not limited to, concentration to small areas during migration or hibernation; low reproductive rates; susceptibility to disease, inability to respond to changing climate conditions, habitat loss, wildfire, and overexploitation for anthropogenic purposes.
 - Endemic: Species that are limited to New Mexico.
 - Disjunct: Species that have populations geographically isolated from other populations of the same species and are thereby disproportionately susceptible to local decline or extirpation.
 - Keystone: Species that are crucial to the integrity and the functioning of their ecosystems. These species may represent more value to conservation of biological diversity than the size of their population or their distribution would suggest.
- **Shade Balls** - Plastic spheres that float on top of livestock water tanks, which can lower evaporation dramatically, keep birds from spoiling water with excessive droppings, prevent algae and moss growth, and reduce freezing.
- **Soil** - A mixture of minerals, dead and living organisms (organic materials), air, and water. These four ingredients react with one another making soil one of our planet's most dynamic and important natural resources. Another definition is: The surface mineral and/or organic layer of the earth that has experienced some degree of physical, biological and chemical weathering.
- **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" identified by the BLM State Director, which includes the above categories and might also include species undergoing downward trends due to changes in habitat capability or populations or which occupy specialized habitats.
- **Spill Over** - This term refers to the movement of introduced or reintroduced wildlife into areas where they were not intended to be in the plan. The presence of such species will greatly limit land uses, especially when the species is protected under the ESA or other federal and state laws.
- **Standards** - Standards are synonymous with goals and are observed on a landscape scale. Standards apply to rangeland health and not to the important byproducts 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 byproducts.
- **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 acts 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.
- **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 Protection Plan** – A plan that implements the requirements of the Clean Air Act.
- **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.
- **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 Resources** - Visual resources in the District are a composite of landforms, human and animal life forms, water features, cultural features, terrain, geologic features and vegetative patterns which create the visual environment. These visible physical features are important to the landscape and the scenic quality of the District.
- **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 CCSWCD.
- **Water Conservation** - Reducing the use of water through technological 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.
 - The Office of State Engineer defines water conservation as “any action or technology that reduces the amount of water withdrawn from water-supply sources, reduces consumptive use, reduces the loss or waste of water, improves the efficiency of water use, increase recycling and reuse of water or prevents the pollution of water.

- **Water Right** - Legal rights to use a specific quantity of water, on a specific time schedule, at a specific place, and for a specific purpose.
- **Watershed** – The total land area, regardless of size, above a given point on a waterway that contributes runoff water to the flow at that point. It is a major subdivision of a drainage basin. The United States is generally divided into 18 major drainage areas and 160 principal river drainage basins containing about 12,700 smaller watersheds. The entire region or land area that contributes water to a drainage system or stream, collects and drains water into a stream or stream system or is drained by a waterway (or into a lake or reservoir). More specifically, a watershed is an area of land above a given point on a stream that contributes water to the streamflow at that point. A region or area where surface runoff and groundwater drain to a common watercourse or body of water. The area drained by a river or river system enclosed by drainage divides. An area of land that drains to a single water outlet. A watershed is also known as a sub-basin.
- **Weather Modification** - Is the act of intentionally manipulating or altering the weather. The most common form of weather modification is cloud seeding, which increases rain or snow, usually for the purpose of increasing the local water supply. In New Mexico, the New Mexico Interstate Stream Commission is responsible for the administration of applications for weather modification programs, under **Title 19 - NATURAL RESOURCES AND WILDLIFE, Chapter 17: Weather Modification, Part 2: Weather Control and Precipitation Enhancement, and Chapter 75 - Miscellaneous Natural Resources Matters, NMSA 1978 - Article 3 - Weather Control and Cloud Modification.**
- **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.

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

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

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

2.4 EMERGENCY ACTION PLANS – (filed for reference)

2.5 COORDINATION AGREEMENTS – (SUCH AS THE CURRY AND/OR ROOSEVELT COUNTY LAND USE PLAN, PARTICIPATING, COOPERATING AND STEWARDSHIP AGREEMENTS WITH STATE AND FEDERAL AGENCIES.) PLUS ANY AGREEMENT WITH OTHER LOCAL GOVERNMENTS OR NON-PROFIT ORGANIZATIONS.

3.0 PURPOSE, CUSTOM AND CULTURE, AND GOALS

3.1 PURPOSE

The CCSWCD will address the use and management of natural resources, especially ground and surface water resources, watersheds, rangeland, soil health, water conservation, and farmland within the political jurisdiction of CCSWCD 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 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 community's customs and culture. Farms, ranches and support businesses have played and continue to play a fundamental role in local social and economic well-being. CCSWCD is increasingly concerned about increasing regulations and land use changes within the dominion of federal land ownership are reducing the viability of farms and ranches. To reverse such trends, CCSWCD 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 the local area requires protection of the tax base, including the right (responsibility of the CCSWCD) 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. CCSWCD 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 health, 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 CCSWCD in coordination with local, state, and federal bodies and agencies regarding planning, outlining, orchestrating, scheduling, mapping, facilitating, imagining, 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 local, state and federal government agencies to fulfill the District's primary 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 affect the District; its economy, its tax base and the people it serves. Such action, in general, seeks to minimize the unintended consequences to the local land users from ongoing governmental courses of conduct.

4.0 PRIMARY PLANNING GUIDANCE AND DIRECTIVES

- The state of New Mexico has authorized the creation of CCSWCD 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. 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,
 - 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) commands federal agencies to “discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned).
- The District lands must be managed in a manner that will protect the quality and balance of natural resources as defined by the Act with the scientific, scenic, historical, ecological, environmental, air and atmospheric, water resources, and archeological values with the intent to provide both stewardship and continued human occupancy and use.

4.1 OBJECTIVE

To create a coordinated working relationship with federal and state agencies plus the citizenry that protects and enhances local natural resources, safety and wellbeing 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 land and resource interactions as they apply to matters of the District.

4.2 RESOURCE CONCERNS. No priority ranking has been established for the following resource concerns. The District will focus on each concern equally, when appropriate.

- 1. Water resources**
- 2. Soil**
- 3. Agriculture**
- 4. Range and Grassland**
- 5. Livestock and Wildlife**
- 6. Energy/Renewable Energy**

7. Wildfire/Post Fire Response
8. Customs and Culture
9. Riparian habitat
10. Threatened and Endangered / Species of Greatest Conservation Need
11. Predator Control
12. Outreach and Education
13. Watershed Management
14. Climate Cycle/Weather Modification (aka Cloud Seeding/Water Enhancement)
15. Playa Lakes
16. Stormwater Management

4.2-1 WATER RESOURCES

Under New Mexico's State constitution, all water is managed by the state of New Mexico. In 1931, the New Mexico Legislature passed the state's Groundwater Code. The Code gave the State Engineer control over groundwater administration. There are 39 underground water basins in New Mexico. The District is located in the Portales Basin.

The majority of the District's water source is from the Ogallala Aquifer. The Ogallala Aquifer is an underground water reservoir, created more than a million years ago through geologic action and covers about 174,000 square miles mainly in Nebraska, Kansas, Oklahoma, and parts of New Mexico, Texas, South Dakota, Wyoming, and Colorado. The Ogallala is part of the **High Plains Aquifer System**.

A recent study on the lifetime projections for the Ogallala/High Plains aquifer in east-central New Mexico (Rawling and Rinehart, 2018) concludes that many areas, particularly in southeast Curry and northeast Roosevelt counties, are below the 30-ft threshold of saturated thickness necessary for a viable aquifer, and most of the remaining area has a projected lifetime of less than 10 years.

Ute Reservoir, located in northeastern New Mexico on the Canadian River, is the source and an allocation up to 16,415 acre-feet per year and is intended for Clovis, Elida, Portales, Texico, Cannon Air Force Base and unincorporated areas in Roosevelt and Curry counties to relieve the critical water shortage. The Ute Reservoir allocation is, in effect, a water right granted to New Mexico within a Compact agreement with Texas and Oklahoma. It is important to know that the Ute Pipeline Project is not a federal project. It will be built, owned, and operated by participating local governments.

The Eastern New Mexico Water Utility Authority (ENMWUA) a member organization comprised of the City of Clovis, Town of Elida, City of Portales, and the City of Texico, in partnership with the US Bureau of Reclamation and the Office of the State Engineer is in the process of constructing the Ute Lake Pipeline. However, the pipeline will not provide water for irrigation, which is the main water use in the District.

In order to extend the County's water supply, Curry County has committed funding to create a local land trust. As such, the County has contracted CCSWCD to procure the funding to an organization that can implement current and future grants to reduce agriculture water use. The Ogallala Land and Water Conservancy (OLWC - created in 2021) is the organization receiving the funding and it's pursuing conservation easements on both groundwater and surface rights by paying landowners for the value of the water. This innovative method is one of the efforts to slow the groundwater decline.

Cannon Air Force Base has partnered with CCSWCD, NRCS, NMACD, OLWC, US Fish & Wildlife Service, Office of the State Engineer and Private Landowners to initiate a DoD program called Readiness and Environmental Protection Integration Program to help fund OLWC's short-term, 3-year Water Right Lease Agreements to pay farmers residing in the paleochannel to immediately cease pivot irrigation. This will slow the decline of the aquifer and allow the landowners to convert irrigated croplands to both pastureland and dry cropland.

NRCS's Regional Conservation Partnership Program (RCPP), established through the 2014 Farm Bill, is working in tandem with REPI through the New Mexico Ogallala Preservation and Conservation Initiative to implement land management and assist with perpetual conservation easements.

In order to extend the City's water supply before the ENMWUA project comes online, Clovis, and EPCOR (the private water supplier) will continue with the reclaimed water system, continue the water conservation program, will research artificial recharge and recovery and conduct rainwater harvesting and management.

Currently, the NM Office of the State Engineer 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 NM 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.

According to Bulletin 164: Climate Change in New Mexico Over The Next 50 Years: Impacts On Water Resources, the average temperature increase over much of the Eastern Plains is projected to be roughly a degree lower than the state average, but evapotranspiration is likely to experience among the greatest change in the state, leading to higher aridity. This is a consequence of projected decreases in precipitation during spring and summer, when evapotranspiration is highest. Summer precipitation is projected to decrease slightly over the next 50 years, but autumn and winter precipitation may increase slightly—with much uncertainty inherent in these projections. If an increase in extreme precipitation events does occur (regardless of changes to total precipitation), the Eastern Plains will be the most strongly impacted part of New Mexico by far, even more so than the mountainous regions.

The State Water Plan Act NMSA §72-14-3.1 (C)(6) states that a water plan should [also] "include a drought management plan designed to address drought emergencies and promote strategies for the prevention of drought-related emergencies in the future. The Plan should include the following:

- Support the use of recycled water or alternative sources of water in place of potable water when economically feasible.
- Encourage agricultural water conservation methods that do not increase consumptive use and advance soil health.
- Encourage water conservation measures to be developed in local and regional water plans and in building codes.
- Coordinate efforts to promote conservation among local, state, federal, and tribal governments.

Federal Reservation: The doctrine of federally reserved water rights was developed over the course of the 20th Century. 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 the 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 include Cannon Air Force Base.

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

On August 29, 2023, the U.S. Environmental Protection Agency (EPA) and Department of the Army (the agencies) announced a final rule amending the 2023 definition of "waters of the United States." The amendments conform with the U.S. Supreme Court's May 25, 2023, decision in the case of *Sackett v. Environmental Protection Agency*. While EPA's and Army's 2023 rule defining "waters of the United States" was not directly before the Supreme Court, the decision in *Sackett* made clear that certain aspects of the 2023 rule are invalid. Therefore, the agencies have amended key components of the nation's waters consistent with the Supreme Court's decision while advancing infrastructure projects, economic opportunities, and agricultural activities.

Exclusions from "Waters of the United States:"

The amendments to the January 2023 Rule do not change the eight exclusions from the definition of "waters of the United States" - The exclusions are:

- Prior converted cropland, adopting USDA's definition and generally excluding wetlands that were converted to cropland prior to December 23, 1985.
- Waste treatment systems, including treatment ponds or lagoons that are designed to meet the requirements of the Clean Water Act.
- Ditches (including roadside ditches), excavated wholly in and draining only dry land, and that do not carry a relatively permanent flow of water.
- Artificially irrigated areas, which would revert to dry land if the irrigation ceased.
- Artificial lakes or ponds, created by excavating or diking dry land that are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
- Artificial reflecting pools or swimming pools, and other small ornamental bodies of water created by excavating or diking dry land.
- Water filled depressions, created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction operation is abandoned and the resulting body of water meets the definition of "waters of the United States."
- Swales and erosional features (e.g., gullies, small washes), that are characterized by low volume, infrequent, or short duration flow.

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

CCSWCD will 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:**

1. Coordinate with partners, local governments, and organizations chartered for the benefit of the Ogallala, to instigate a means to maintain and improve the Ogallala Aquifer. As well as encouraging locally driven collaborative solutions.
2. Follow the 50-Year Water Action Plan (Action B3) - "Fully fund and implement the Aquifer Mapping and Monitoring Program at the New Mexico Bureau of Geology and Mineral Resources and establish an integrated statewide groundwater monitoring network in order to better understand complex aquifers and track changes" in order to ensure CCSWCD has the information needed for its water supply issues.
3. To stay current with water reuse efforts. The District should monitor and support, if appropriate, the 50-Year Water Action Plan (Action B1) "create a program framework and guidelines for desalination and wastewater treatment/reuse" and (Action B2) "Develop and implement comprehensive water reuse rules for potable and non-potable reuse of treated wastewater." This can be an additional solution for the water shortages within CCSWCD boundary.
4. Promote the investment in rainwater harvesting systems to capture, divert, and store precipitation for livestock water, landscape irrigation, domestic use, and aquifer recharge.
5. Promote brush control to remove species that reduce recharge to aquifers. If Prescribe fire is used, inform cooperators and local agencies of the New Mexico Prescribed Burning Act (NMSA 1978, Section 68-5-1 *et seq.*) and subsequent amendments.
6. Promote research that helps cooperators transition to lower water requiring crops or livestock-based forage systems or improved dry land crop production systems.
7. Coordinate with local and state agencies on the transfer of irrigation water rights to meet present and future agriculture, domestic and industrial water requirements and the resulting erosion from the abandoned lands.
8. Promote and provide technical assistance to CCSWCD agriculture producers with conservation related programs, both state and federal, that implement agricultural water enhancement activities on agricultural land for the purposes of conserving surface and ground water and improving water quality.
9. Promoting technology that helps prevent evaporation from drink tanks.

4.2-2 SOIL

Soil is not an inert growing medium – it is a living and life-giving natural resource. It is teeming with billions of bacteria, fungi, and other microbes that are the foundation of an elegant symbiotic ecosystem.

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. Healthy soil cannot be determined by measuring a single outcome, so indicators are used. Indicators are measurable properties of soil or plants that provide clues about how well the soil can function. Indicators can be physical, chemical, and biological properties, processes, or characteristics of soils. They can also be morphological or visual features of plants.

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

The soil health foundation consists of five principles: 1) Keeping soil covered; 2) Minimizing soil disturbance; 3) Maximizing biodiversity; 4) Maintaining a living root; and 5) Integrating animals into land management, including grazing animals, birds, beneficial insects or keystone species (like earthworms).

Soil plays a strong role in determining how New Mexico's diverse landscapes will respond to climate. Soil cover acts like a sponge, holding in water that falls as rain or snow. Soil enhances other processes such as infiltration of water and aquifer recharge. Loss of vegetation due to warmer climate increases erosion, in many cases caused by wind, where soils that are not well developed are easily damaged. In the Eastern Plains, large amounts of dust will be produced (*Bulletin 164 - Impacts on Water Resources*).

- **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 CCSWCD to institute and manage vegetation and landscape projects that will mitigate blowing dust. Windblown dust in this area occurs both from natural and man-made sources.

- **Objective:**

1. **Ensure the policies and actions** of the local, state, and federal government in matters of soil resource protections are fully inured to the benefit of the resource e.g. not allowing the dumping of cooking oil in the soil. Cooking oil is detrimental to ground and surface water. It causes water to not oxygenate properly as the thin layer of oil on the surface creates a barrier.
2. Encourage land managers, landowners, all utility companies that disturb soil and local governments to seek technical assistance: (1) to mitigate surface disturbance and (2) to facilitate soil and water conservation. Reestablish native or other desired vegetation. Further the progress of the establishment of permanent vegetative cover on poor quality cropland from which water rights have been removed or deferred.
3. Accelerate projects such as brush control which supports the natural replenishment of our grass base.

4. **Impart vital and necessary** technical information to **renewable** energy companies, Roosevelt, and Curry Counties and district cooperators on layout, design, and maintenance to reduce erosion and how to implement drainage structures on county, private, and energy company's access roads.
5. Provide technical information on native grass reseeding of any disturbed soils including but not limited to access road construction, transmission lines, pipelines and wind energy pads.
6. Coordinate with all utility companies including renewable energy companies to make certain the companies understand they are responsible for natural resource best management practices within District boundaries that consist of; soils, erosion control, and stormwater management.

4.2-3 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).

Irrigated crops contribute to the economic base of Curry and Roosevelt Counties and are integral to the stability of livestock production, wildlife habitat, and farming while maintaining the local custom and culture.

As stated in the *Resilience in New Mexico Agriculture* report, Agriculture in New Mexico faces unprecedented challenges to the health of the industry. New Mexico has an aging population of farmers and ranchers, increasing pressure on water and other natural resources, rising costs for land, energy, equipment and other production needs, unsustainable farmer and rancher incomes, and complex regulations. Incremental approaches are not sufficient to address the systemic challenges facing agriculture in our state.

In order for New Mexico agriculture to remain resilient for years and generations to come, the state must:

- Create common ground regarding agriculture policies
- Advance economic growth and stability for communities
- Address fundamental water and land use challenges
- Support young people pursuing careers in agriculture
- Promote agriculture's contributions to health-related solutions for consumers and communities.

CCSWCD'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 CCSWCD so productive. All agriculture is dependent on proper soil erosion control, flood prevention, wildlife and species management, which are the responsibilities of this District.

- **Goal:** It is the intent of CCSWCD to take an assertive attitude to the perpetuation and enhancement of Agriculture as well as protect water rights as well as conserve water within the District. Also, to maintain the overarching belief this District has to recognize the value of rural communities beyond their economic contributions. District cooperators believe deeply in the cultural value of agriculture, and its contribution as a source of rural vitality and family unity.
- **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.

Essential activities to sustain New Mexico's agricultural future:

Conserve and enhance natural resources • Stabilize costs and revenue to sustain a viable living wage • Transition effectively to the new generation of farmers and ranchers • Expand market opportunities • Garner public and policymaker support.

• Objectives:

1. Take the lead in communicating and seeking government to government endeavors with other districts and agencies for the benefit of Agriculture.
2. Pursue policy standards that result in zero net loss attrition of the farmland base.
3. Advocate during periods of drought or other emergencies, local, state, and federal agencies shall work closely with the District, the NM State Engineer, and other local, state, and federal agencies to address availability of water for critical needs, specifically agriculture and municipal uses.

4.2-4 RANGE AND GRASSLAND

Stewardship of vegetation composition, cover, and production is the foundation of sustainable rangeland management. When applying principles and making changes, it is crucial that a cooperator determines what information is scientifically correct and what methods are feasible to implement on their lands.

Despite many alternative methods like “take half, leave half,” adaptive multi-paddock grazing (AMP) or management intensive grazing (MIG), rangeland management principles are limited, never changing and withstand the test of time. The District recommends a cooperator should rely on the 5 range management principles as a starting point for what management methods will be most effective on their lands:

- Adaptive management - always be ready to adjust to environmental and industry changes and monitor rangelands throughout the year.
- Implementing a grazing plan - A grazing system to follow throughout the grazing season to ensure rangeland is being properly grazed (at the right time, for the correct duration, with the proper number of animals) and receiving an adequate recovery period to promote the native plant community.
- Ecosystem biodiversity - Biodiversity is defined as the variability among living organisms.
- Residual forage - a critical part of the ecosystem, it protects the soil from water and wind erosion, promotes water infiltration, reduces water loss from evaporation, maintains soil temperature, increases soil nutrients and helps sequester carbon dioxide in the soil.
- Climate ready - have a plan in place for the “what if” scenarios.

Diversity of grasses, provide a wider range of nutrients for grazers, promotes a diversity of soil microorganisms, and are more resilient to the stress of drought. Carbon in the soil can be increased by at least 25 percent. For every one percent increase, the soil can hold an additional 60,000 gallons of water per acre. Some of this water re-enters the water table and about 70 percent goes into the aquifer. More water retention also means cooler soil—critical in a dry climate.

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.

- **Goal:** Support and facilitate the continued use of private, state, and federal lands for the production of livestock. Also, work to increase productivity of rangeland to increase and/or maintain Animal Unit Month ("AUMs") to maximum sustainable levels on rangeland within District boundaries as well as maintain and enhance desired plant communities for the benefit of watersheds, wildlife, water quality, recreation and livestock grazing.
- **Guidance:** Land management plans, programs, and initiatives should provide that the amount of domestic livestock forage, expressed in animal unit months (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. This is essential to the proper operation of the District.

Livestock producers do more than contribute to the economic stability of the community, which helps the District, but are also the primary entities that help to implement the Districts programs. Any reductions in domestic livestock AUMs must be scientifically based upon rangeland conditions.

- **Objective:**
 1. Work closely with local, state and federal agencies to identify areas for brush management and control, based on wildlife habitat needs, without compromising overall rangeland vegetation productivity. Promote and develop treatment projects for brush management on lands that have invasive species such as but not limited to; mesquite, salt cedar, and cholla.
 2. 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; brush control; reseeding, fencing, salting plants, herding plans and grazing systems).
 3. Support management of rangelands to maintain and enhance desired plant communities for the benefit of watersheds, wildlife, water quality, recreation and livestock grazing.
 4. Support and facilitate range improvement projects to benefit rangeland, soil and water resources.
 5. Coordinate with federal and state agencies on any planned or potential federal or state land acquisition within CCSWCD boundaries. Encourage federal and state land management agencies to focus on lands currently under their responsibility.

4.2-5 LIVESTOCK AND WILDLIFE:

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

Goal: CCSWCD will place an emphasis on 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 5) educate the general public of the benefits and the symbiotic relationships of livestock and wildlife in this desert environment 6) Encourage wildlife management practices that sustain wildlife resources and habitat without measurably degrading other multiple use activities or private property rights.

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

CCSWCD will work with the land management agencies to ensure forage reductions resulting from forage studies, fire, drought or other natural disasters will be implemented on an allotment basis and applied proportionately based on the respective allocation to livestock, wildlife. Reductions resulting from forage studies will be applied to the use responsible for the forage impact.

- **Guidance:** Agriculture in New Mexico has evolved into a multi-billion dollar industry, and it remains a significant economic driver in all parts of the state. The eastern regions of New Mexico collectively account for 83 percent of the total agricultural impact in the state.
- **Objectives:**
 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, quality hunts, depredation mitigation, and future management plans to unite private / agency endeavors.
 3. Promote and coordinate water and water distribution system installation and infrastructure improvements to benefit all wildlife and livestock health and welfare within the District.
 4. Recommend all governmental land management agencies cooperate with the District and the agriculture industry to define desired plant communities on all lands within the District boundaries.
 5. Work with all landowners and land managers to increase productivity of rangeland to increase and/or maintain AUMs that maximum sustainable levels on rangeland. Any grazing AUMs that are placed in a suspended use category should be returned to active use when range conditions improve.

4.2-6 ENERGY/RENEWABLE ENERGY

All energy sources have some effect on our environment. Energy resources occur without regard to whether the land is private, state, or federal ownership. These resources have, and continue to, provide economic benefits for the citizens within the jurisdictional boundaries of the District.

The District recognizes that effective development of its abundant energy resources is necessary to the economic well-being of the county, the state, and the nation. Energy resource extraction is also consistent with the local history, custom, and culture.

- **Goal:** Coordinate with and participate in planned, developed or updated energy / renewable energy projects within the District's jurisdictional boundaries. CCSWCD expectations are that energy projects do not cause direct or indirect adverse impacts to the natural resources and current land use within CSWCD boundaries.
- **Guidance: Sections 73-20-25 through 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:**
 1. Impart vital and necessary information to renewable energy companies to **avoid unnecessary new roads and minimize fragmentation.**
 2. Coordinate with renewable energy companies to make certain the companies understand they are responsible for natural resource best management practices within District boundaries and they are required to develop a plan that consists of but not limited to; soils, erosion control, water usage/conservation, range disturbance, invasive species and suppression of wildland fires caused by the company's equipment.
 3. Federal agencies will consult and coordinate with the District on all *Energy Policy Act of 2005 Section 368. Energy Right-of-Way Corridors on Federal Lands* designations within District boundaries.
 4. 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.
 5. Ensure the disturbed sites are immediately stabilized to conserve soil. Ensure that interim vegetation is planted to hold soils, including the use of sterile, nonnative seeds, and that the final reclamation is done on disturbed areas by using native species when seeding or planting.
 6. Abandoned energy sites or any construction conducted by the energy company - If a renewable energy company abandoned developed sites, the District will be notified a reasonable amount of time prior to the company leaving and a plan will be needed by the District to ensure best management practices occur.
 7. Energy companies **will not** introduce and spread non-native invasive species. To avoid this, the contractors will follow CCSWCD 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. Contractors should also use locally sourced topsoil when applicable and monitor for and rapidly remove non-native invasive/noxious weeds at a minimum least annually.

4.2-7 WILDFIRE/POST FIRE

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 CCSWCD boundaries.

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

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.

- **Goal:** CCSWCD will support the right of local citizens to protect their private property from wildfire. 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.
- **Guidance:** The District recognizes wildfire is a function of fuel loads and drought. Both issues are part of the resource management aims and obligations of the District's responsibilities.
- **Objectives:**
 1. Coordinate with land management agencies and landowners in developing policies for grazing 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.
 2. Assist in developing plans and projects that strike a balance of beneficial use of fire and the detrimental effects of intense wildfire.
 3. Post-fire grazing will not be limited when monitoring and evaluation produces relevant, accurate data that demonstrates grazing will not unduly harm the range.
 4. Encourage development of vegetation treatments and use of livestock grazing to keep fuel loads within appropriate limits.

4.2-11(a) POST WILDFIRE RESTORATION OBJECTIVES:

1. Coordinate existing programs in New Mexico that can help communities and landowners implement post-fire response e.g. fire rehabilitation and weed control, on private, municipal and other lands that do not qualify for a local, regional, or national Burn Area Emergency Response (BAER).

2. Coordinate with Farm Service Agency (FSA) to assist landowners with post natural disaster losses e.g. drought, flood, fire, freeze, tornadoes, pest infestation. For example, FSA provides various program assistance; Livestock Forage Program which compensates eligible livestock producers for grazing losses due to fire or the Emergency Conservation Program which provides emergency funding and technical assistance to rehabilitate farmland damaged by natural disasters.
3. Coordinate with NRCS with the Emergency Watershed Protection (EWP) program following natural disasters.
4. Coordinate with the NRCS NM Burned Area Initiative which is part of the NRCS' Environmental Quality Incentives Program (EQIP). The Burned Area Initiative is designed to help landowners restore conservation practices destroyed in fires or by off-site fire impacts.
5. Coordinate with New Mexico Environmental Department (NMED) with free testing of private domestic wells to check for contamination after a wildfire.

4.2-8 CUSTOM AND CULTURE

The people of Curry and Roosevelt Counties have traditionally earned their livelihood from activities associated with natural resources. The economy of both counties in the past and today depends on the availability and utilization of natural resources. Directly or indirectly, the majority of the people employed in Roosevelt County and a large percentage of the population in Curry County depend on farming / ranching, recreation, and other activities related to the availability of natural resources. Collectively, the past and future represent the customs and culture of the District.

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

- **Guidance:**

Due Process and Protection of Private Property

- A. The U.S. Constitution created a form of government characterized by:
 - Limited powers granted to the federal government, with all unenumerated power being reserved for 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.

CCSWCD intends to maintain balance within the actions of federal and state government in land use planning within the District.

- **Objective:**

1. Protect private property and interests in private property and promote the continuation of private economic pursuits.

2. Respect private property rights and consider the effects of policies, regulations, and federal and state decisions on these rights.
3. Recognize that the protection and preservation of privately owned land is desirable and necessary in Curry and Roosevelt County.

4.2-9 RIPARIAN

Simply stated, riparian areas are the transitional zones between aquatic and upland environments. However, this discussion becomes infinitely more complicated as specific details are examined and disciplines are considered. "Functionally, the riparian zone is the area of direct interactions between aquatic and terrestrial environments" (Swanson et al.; 1982).

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

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" are defined as an assemblage of plant, animal, and aquatic communities whose presence can be either directly or indirectly attributed to stream induced or related factors (Kauffman and Krueger 1984). 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).
- **Objectives**
 1. Promote the perpetuation and enhancement of riparian habitat. Encourage a coordinated approach when establishing riparian and upland management plans and encourage the use of Best Management Practices.
 2. Educate the value of balanced watershed management which includes riparian habitat.
 3. Encourage a coordinated approach when establishing riparian and upland management plans and encourage the use of Best Management Practices.

4.2-10 THREATENED, ENDANGERED/SENSITIVE SPECIES/SPECIES OF GREATEST CONSERVATION NEED

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

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

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

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

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

Critical habitat designations must take local socioeconomic 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 essential to the survival of the species.

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

The ESA is the basis for several planning mechanisms:

- Recovery plans for listed species that set population and viability goals and define when a species might be eligible for delisting;
- Reintroduction plans, which govern introductions of listed species as part of a recovery effort;
- Habitat conservation plans which allow land uses on private lands to go forward even when a ‘take’ of a listed species may occur; mitigation of adverse effects is usually part of the plan;

- Conservation plans or agreements, often between states and FWS, adopt management actions to avoid listing the species;
- Candidate conservation agreements, under which a landowner commits private land to management for the species, may also have 'safe harbor' provisions that assure that the landowner need not take any additional mitigation measures if the species is listed.

The above plans and agreements require some form of NEPA process, which provides an opportunity for local government and public involvement.

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



Lesser Prairie Chicken (LPC) - Curry and Roosevelt County -UPDATE - The effective date of the final rule that published on November 25, 2022, at 87 FR 72674, and corrected on December 2, 2022, at 87 FR 73971.

On November 17, 2022 the U.S. Fish and Wildlife Service (Service), announced they recommend the listing of two Distinct Population Segments (DPSs) under the Endangered Species Act of 1973 (Act), as amended, for the lesser prairie-chicken (*Tympanuchus pallidicinctus*), a grassland bird known from southeastern Colorado, western Kansas, eastern New Mexico, western Oklahoma, and the Texas Panhandle. They determine threatened status for the Northern DPS and **endangered**

status for the Southern DPS.

The effects of climate change were not included in the geospatial model, but the USFWS anticipates significant influences on future LEPC populations. Climate change in the Southern Great Plains is expected to result in generally warmer and drier weather with more frequent and more intense droughts. These changes are likely to directly impact LEPC reproduction and survival rates and possibly cause large scale shifts in the vegetation community. USFWS greatest concern is the increase in the effects of long-term droughts that place stress on LEPC populations and can put them at high risk of extirpation depending on the intensity and duration of the time period with below normal levels of precipitation accompanied by above normal temperatures.

Previously, February 2014 the U.S. Fish and Wildlife Service (FWS) and the Western Association of Fish and Wildlife Agencies (WAFWA) signed a range-wide Oil and Gas Industry Candidate Agreement with Assurances for the Lesser Prairie Chicken. The FWS also released an accompanying environmental assessment. The agreement was entered into with the understanding that cooperation between the five states of the lesser prairie chicken - New Mexico, Texas, Oklahoma, Kansas and Colorado - and FWS undertake conservation action for the species.

The LEPC working group in New Mexico, composed of local, State, and Federal officials, along with private and commercial stakeholders, published the Collaborative Conservation Strategies for the Lesser Prairie-Chicken and Sand Dune Lizard in New Mexico in August 2005.

Since the CCA and CCAA were finalized in 2008, 43 oil and gas companies have enrolled a total of 1,964,163 ac (794,868 ha) in the historical range of the LEPC. In addition, 72 ranchers in New Mexico and the New Mexico Department of Game and Fish have enrolled a total of 2,055,461 ac (831,815 ha). The New Mexico State Land Office has enrolled a total of 406,673 ac (164,575 ha) in the historical range of the LEPC. The CCA and CCAA have treated 79,297 ac (32,090 ha) of mesquite and reclaimed 154 abandoned well pads and associated roads. CEHMM has also removed 7,564 ac (3,061 ha) of dead, standing mesquite, and has another 12,000 ac (5,000 ha) scheduled in the upcoming two years.

Within the Southern DPS - **Renewable Energy** – Projects that would result in “take” of the lesser prairie-chicken can be enrolled in the recently approved Renewable Energy Habitat Conservation Plan (HCP) for the lesser prairie-chicken which covers the majority of the five-state range or project proponents can work with the Service to develop their own HCP. The Service has also been contacted by other interested parties who are considering developing additional programmatic HCPs which, if finalized, would provide additional options in the future. **Grazing** – Landowners or land managers operating within the lesser prairie-chicken range in the Southern DPS who are enrolled in their state specific CCAAs already have regulatory assurances for those covered activities as provided through those agreements. If a landowner is not enrolled in an existing CCAA but is interested in Endangered Species Act coverage, they can work with the Service to develop their own HCP.

Comment/Expectations: LEPC has been listed as an endangered species by the Service and a Species of Greatest Conservation Need by the NM Game and Fish. According to the Service’s 2023 Recovery Outline for the Northern and Southern DPS of the LEPC Action Plan the Service strives to “work with actions agencies to fully understand potential negative effects of their discretionary federal actions and working collaboratively to implement actions to minimize those effects and CCSWCD believes farming and ranching techniques will be drastically altered, reducing production and income for the families of crop and livestock producers and violates the CCSWCD Land Use Plan by causing an economic effect on rural communities of which they are a part.

CCSWCD must be notified and coordinated with on all decisions that effect private lands within the District boundaries to meet the District’s statutory responsibilities.



Dunes Sagebrush Lizard - Roosevelt County

The U.S. Fish and Wildlife Service (Service), proposed to list the dunes sagebrush lizard (*Sceloporus arenicolus*), a species found only in southeastern New Mexico and west Texas, as an endangered species under the Endangered Species Act of 1973, as amended (Act). This determination also serves as their 12-month finding on a petition to list the dunes sagebrush lizard. After a review of the best available scientific and commercial information, they find that listing the species is warranted. If they finalize

this rule as proposed, it will add this species to the List of Endangered and Threatened Wildlife and extend the Act's protections to the species.

Previously, The proposal to list the Dunes Sagebrush Lizard under the Endangered Species Act was withdrawn on June 19, 2012, based on efforts to develop conservation measures for the lizard since the time of the proposed listing. When considered together, the area that was removed from oil and gas leasing, enrolled in the New Mexico Conservation Agreements, or is covered by BLM’s RMPA amounts to 95 percent (523,129 ac)) of the dunes sagebrush lizard’s habitat in New Mexico. In 2020, the U.S. Fish and Wildlife Service issued a 90-day finding on a petition to list the Dunes Sagebrush Lizard as threatened or endangered under the Endangered Species Act. The U.S. Fish and Wildlife Service found that the petition presents substantial scientific or commercial information indicating that listing may be warranted. This finding initiated a review of the status of the lizard. As of the update of this document, a final determination has not happened. However, the Dunes Sagebrush Lizard is listed as Endangered by the State of New Mexico and is considered a Species of Greatest Conservation Need.

Comment/Expectations: If the status of the Dunes Sagebrush lizard changes, CCSWCD must be notified and coordinated with on all decisions.



Southwestern Willow Flycatcher [E] Curry and Roosevelt County

Small; usually a little less than 6 inches in length, including tail. The species historical range included Arizona, California, Colorado, New Mexico, Texas, Utah. In 2017 the Service announced a finding on a petition to delist (remove from the List of Threatened and Endangered Species) the southwestern willow flycatcher (*Empidonax traillii extimus*)

as an endangered species under the Endangered Species Act of 1973, as amended (Act). This finding also constitutes a 5-year review for the southwestern willow flycatcher. After reviewing the best available scientific and commercial information, the Service decided delisting the southwestern willow flycatcher is not warranted at that time. To conserve the flycatcher in areas of its breeding range, the subspecies and its habitat remain susceptible to various water and land management and other related threats.

Comment/Expectations: CCSWCD must be notified and coordinated with on all decisions that effect private lands within the District boundaries to meet the District's statutory responsibilities.



Tricolored bat (Perimyotis subflavus) [E] Curry and Roosevelt County: one of the smallest bats native to North America. The Tricolored bat is from Guatemala, Honduras, Belize, Nicaragua, Mexico, a small part of southeastern Canada, and all or portions of 39 States, which Eastern New Mexico is included, and the District of Columbia. During the spring, summer and fall - collectively referred to as the non-hibernating seasons, tricolored bats primarily roost among live and dead leaf clusters of live or recently dead deciduous hardwood trees. After a review of the best available scientific and commercial information, the Service finds that the species meets the definition of an endangered species under the Act, meaning that it is currently in danger of extinction. The primary threat to the species, white-nose syndrome, has led to dramatic declines in tricolored bat populations and is currently present across 59 percent of the species' range.

Comment/Expectations: CCSWCD must be notified and coordinated with on all decisions that effect private lands within the District boundaries to meet the District's statutory responsibilities.

Species of Greatest Conservation Need (SGCN) - SGCN has a total of 235 species. Species considered for inclusion as SGCN had to occur within the state and meet at least one of the following conditions:

- Declining: Species that have experienced substantial long-term declines in habitat or numbers.
- Vulnerable: Species in which some aspect of their life history and ecology makes them disproportionately susceptible to decline within the next 10 years. Factors include, but are not limited to, concentration to small areas during migration or hibernation; low reproductive rates; susceptibility to disease, inability to respond to changing climate conditions, habitat loss, wildfire, and overexploitation for anthropogenic purposes.
- Endemic: Species that are limited to New Mexico.
- Disjunct: Species that have populations geographically isolated from other populations of the same species and are thereby disproportionately susceptible to local decline or extirpation.
- Keystone: Species that are crucial to the integrity and the functioning of their ecosystems. These species may represent more value to conservation of biological diversity than the size of their population or their distribution would suggest.

The following Threatened/Species of Greatest Conservation Need are listed by the NM State Game Commission within CCSWCD boundaries:

Red Fox (*Vulpes vulpes*),
Swift Fox (*Vulpes velour*),
Ringtail (*Bassariscus astutus*),
Black-tailed Prairie Dog (*Cynomys ludovicianus ludovicianus*),
Lesser Prairie-Chicken (*Tympanuchus pallidicinctus*),

Bald Eagle (*Haliaeetus leucocephalus*),
 Peregrine Falcon (*Falco peregrinus*),
 Arctic Peregrine Falcon (*Falco peregrinus tundrius*),
 Baird's Sparrow (*Ammodramus barde*),
 Loggerhead Shrike (*Lanius ludovicianus*),
 Mountain Plover (*Charadrius montanus*),
 Least Tern (*Sternula antillarum*),
 Yellow-billed Cuckoo (western pop) (*Coccyzus americanus occidentalis*),
 Sprague's Pipit (*Anthus spargueii*) and
 Varied Bunting (*Passerina versicolor*).



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 arsenei*),
 Sivinskis Scorpionweed (*Phacelia sivinskii*),
 Brack Hardwall Cactus (*Sclerocactus cloverae* ssp. *brackii*), and
 Plank's catchfly (*Silene plankii*).

- **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.
- **Guidance:** The District will work to continuously coordinate with the FWS for the purposes of: (1) being aware of all matters of listing that affect its administrative boundaries and (2) allowing the District to evaluate the impact of all decisions on its water resources, economic impact and conservation measures.
- **Objectives:**
 1. Promote coordination between FWS and the District.
 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. 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.
 4. Address the impact of all actions with the statutory requirements of the ESA including the impact to the managed value of History.

5. Oppose the introduction or transplant of threatened and endangered species within the boundaries of CCSWCD, unless the District consents and it is done pursuant to specific terms and conditions that avoid disrupting existing land uses.
6. 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 re-introductions, habitat conservation plans, conservation agreements or plans, or candidate conservation agreements.
7. Call for proponents of protection, recovery activities, and other threatened and endangered and sensitive species programs finance the activities, including public involvement and compensation to the affected landowners.
8. Expect that federal agencies respect distinctions between special status species (state SGCN, etc.) and those listed under the ESA.
9. Support delisting of species once population goals set out in recovery plans are achieved.

4.2.11 PREDATOR CONTROL

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

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

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

PREDATOR POLICY

- CCSWCD shall, to the maximum extent possible, participate in all decision processes associated with management actions relating to all threatened and endangered species, including candidate species.

4.2-12 OUTREACH AND EDUCATION

- **Goal:** It is the goal of CCSWCD is to garner the support, understanding, and backing of our community and partner agencies and promote “Raise a generation of youth that understands the importance of agriculture.”
- **Guidance:** Participate, foster and have a more active role in local, state, and federal relationships and understanding.
- **Objectives:**
 1. Continue promoting CCSWCD programs through newsletters, newspaper ads and articles, and informational brochures.
 2. Disseminate and promote partner agencies programs through above listed avenues.
 3. Continue to support Agriculture programs that promote CCSWCD custom and culture.
 4. Support and promote CCSWCD programs at County Fairs and any other local, state or national activity pertinent to the CCSWCD

4.2-13 WATERSHED MANAGEMENT

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

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

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 an intact healthy watershed avoids costly restoration and provides long-term economic opportunities and jobs.

- **Goal:** Support the critical need for healthy 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.
- **Guidance:** Support (1) community-based collaboration with stake holders; (2) integration of Best Management Practices that incorporate peer-reviewed science; (3) expedited implementation of watershed and landscape restoration and enhancement projects at the site-specific and landscape levels; and (4) flexibility in authorities and programming. (5) Management should be directed towards achieving desired future conditions, e.g., promoting active range management on suitable lands across all jurisdictional lands.
- **Objective:**
 1. Promote and support increasing partnerships and exchanges between natural resource agencies, local government and private landowners on watershed restoration projects.
 2. 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.
 3. Develop collaborative strategies to promote a dynamic patchwork mosaic of riparian and wetland vegetation and habitat as water availability and community priorities allow.

4.2-14 NATURAL CLIMATE CYCLES/CLIMATE

Cyclical variations in the Earth's climate occur at multiple time scales, from years to decades, centuries, and millennia. Cycles at each scale are caused by a variety of physical mechanisms. Climate over any given period is an expression of all of these nested mechanisms and cycles operating together.

While paleo-ecological evidence clearly demonstrates major past shifts in climate-vegetation across New Mexico's landscapes, the large magnitude and rapidity of recent and projected change is thought to be unprecedented during the past years, and probably much longer. Recent chronic warming, along with increasingly unprecedented episodes of extreme hotter drought stress, have already driven substantial changes in New Mexico vegetation over the past twenty years, foreshadowing massive reorganization of vegetation distributions and cover if current warming trends continue as projected (e.g., Jennings and Haris; Triepke et al.,).

Since water-related environmental stresses occur in parallel with water supply shortages for people, such change could lead to increasing conflict between management of declining water availability for human use (e.g., irrigation) versus "wild" water retained for the maintenance of historical ecosystem values and services (e.g., Grant et al., 2013).

However, through collaborative translational approaches (Jackson 1627 2021) and thoughtful anticipatory planning (Bradford et al., 2018), there is also the potential for creative adaptive conservation strategies that increase resilience to water shortage for both humans and our linked environmental systems.

- **Goal:** CCSWCD strongly believes Climate must be considered when developing strategies to protect and enhance the value of resources. Determining whether a strategy should prioritize investments in high vulnerability areas or not depends on the expected success of the investment. For example, a water resource

investment in an area with high vulnerability may not persist as long as an investment in a low vulnerability area. On the other hand, an investment in an area with a high vulnerability rating may have much greater benefit to resources than if it were to occur in a low-hazard area.

- **Guidance:** In 2006, the New Mexico Office of the State Engineer convened a group of scientists who produced a report entitled *The Impact of Climate Change on New Mexico's Water Supply and Ability to Manage Water Resources* (Watkins et al., 2006). The report was generated in recognition that the most significant impact of climate on New Mexico was going to be the negative impact on the state's water resources. Watkins et al. (2006).
- **Objectives:**
 1. Continue to promote and implement the shade ball program in an effort to mitigate livestock water trough evaporation.
 2. Continue to promote and implement the windbreak drip irrigation program to minimize landowner water usage.
 3. Promote and implement the rainwater harvesting cost-sharing program
 4. Continue with the Playa Lakes Restoration cost-share program.
 5. The District will support its neighboring District's efforts to advance the proper use of weather modification technologies through research, reaching out to higher education institutions in New Mexico to partner with the District on cloud seeding.

4.2-15 PLAYA LAKES

Playa lakes are one of the most important types of ephemeral or temporary wetlands in the arid and semi-arid Southwest. Despite their ephemeral nature, these critical water resources recharge groundwater supplies for a growing population; provide habitat for migratory birds, waterfowl, and other wildlife; and support a growing wildlife-related recreational industry. In the Southern High Plains region, playas are the principal source of surface water and are important recharge zones for the freshwater Ogallala aquifer, to communities, ranchers, and rural agricultural economies.

Unfortunately, changes in land use, primarily as a result of agriculture and urbanization, have led to widespread losses and deterioration of playa wetlands. Common impairments to playas include sedimentation (considered to be the greatest threat), pits (deep holes excavated in the basin of the playa), and contamination from urban and agricultural runoff, all of which affect the integrity and function of playas.

Changes in land use, primarily as a result of agriculture and urbanization, have led to widespread losses and deterioration of playa wetlands (Haukos and Smith, 1994; Hall et al., 2004). Common impairments to playas include sedimentation (considered to be the greatest threat) and contamination from urban and agricultural runoff, both of which affect playas' integrity and function. Urban expansion has resulted in many playas being filled, leveled, and bisected with roads. Urban playas have often been used to store stormwater accumulation from urban runoff. Common contaminants in urban runoff include heavy metals, hydrocarbons, pesticides, fertilizers, and chemicals associated with automobiles. Because urban playas rarely have adequate vegetative buffers to intercept surface runoff, these pollutants become concentrated in playas, and can contaminate underlying aquifers.

Playa Lakes exist within their own individual watersheds with the playa situated in the lowest point. Because of their distinct setting and are lined with a layer of hydric clay soil, it is critical we consider the effects of land use and management practices within the entire playa watershed to avoid the reduction of hydrologic function.

- **Goal:** Active management of playas is needed to maintain and improve their functions, groundwater recharge, and the critical wetland habitat they provide. Coordinate with area natural resource managers and landowners on the prioritization of playa restoration and conservation activities.

- **Objectives:**

1. Continue and promote the District's **PLAYA RESTORATION COST SHARE PROGRAM**. The purpose is to restore playa wetlands within the borders of SQSWCD. The activities are expected to provide benefits to wildlife, including migratory waterfowl and provide additional water to the underlying aquifer.
2. Promote playa condition assessments and identification of threats through a selection criteria that include factors such as present condition, ecological importance, future threat outlook, cost of restoration, likelihood of successful restoration, educational potential and specific use requirements.
3. Promote and implement restoration practices e.g. establish native vegetation buffers, remove accumulated sediment, fill drainage features, and restore water flow.
4. Inform the landowners and county workers that water is the primary driver influencing most natural functions in playas, any future modifications within the catchment area e.g. road maintenance, terrace rebuilds, and ditch clean outs can impact playa health and have to be carefully planned.
5. Promote that playas can be part of a grazing system and that landowners should plan careful utilization rates and monitored so the vegetation height within the buffer can continue to effectively trap sediment. Also promote that playas within cropland can also be grazed as part of an effort to utilize crop residues for forage.
6. Promote interdisciplinary and collaborative scientific studies between geologists, hydrologists, ecologists, biologists, agronomists, and land-conservation scientists. This will likely result in knowledge that best fills the remaining gaps needed to predict recharge rates beneath playas.

4.2-16 STORMWATER MANAGEMENT

- **Goal:** Effective stormwater management often occurs by using a holistic system management approach. Managers should take into account the effectiveness of each stormwater practice, the costs of each practice, and resulting overall cost and effectiveness rather than looking at each best management practice in isolation. Stormwater runoff is generated from many different land surfaces and is impacted by the behaviors and activities of individuals, households, and the public. Developing best management practices for the following behaviors can reduce stormwater concerns.
- Storm water pollution -These common individual behaviors have the potential to generate stormwater pollution including but not limited to: littering, disposing of trash and recyclables, disposing of pet-waste, applying lawn-chemicals, washing cars, changing motor-oil, and disposing leftover paint and household chemicals.
- An effective illicit discharge program.

- Stormwater – Construction
-
- Reduce post construction runoff

• **Objectives:**

1. Coordinate with municipal or county governments to develop procedures and/or projects that reduce stormwater runoff by; creating infiltration basins, stormwater wetland, and dry detention ponds. All could enhance recharge to aquifers.
2. Promote permeable pavements that allow stormwater to infiltrate through the surface of the pavement to the ground below—a green infrastructure alternative to traditional impervious surfaces.
3. Coordinate with responsible agencies to assist with the capture and return of all flood waters within CCSWCD to beneficial use.
4. When reviewing proposed subdivisions, historical arroyos will be defined as open space; not allow plat lots in arroyos; and not allow arroyos to be redirected or sent over roads.
5. Promote responsible septic system management.
6. Coordinate with Curry County pertaining to the District’s statutory responsibility [46-6-11(F)(4) NMSA] on subdivision reviews.

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

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

REFERENCES:

1. Soil and Water Conservation District Act (2009)
2. Revised Statute 2477 of 1866
3. Desert Land Act of 1877
4. Carey Act of 1894
5. National Irrigation Act of 1902
6. The Reclamation Act of 1905
7. Antiquities Act of 1906
8. Stock-Raising Homestead Act of 1916
9. General Exchange Act of 1922
10. Recreation and Public Purposes Act of 1926
11. Fish and Wildlife Coordination Act of 1934
12. Taylor Grazing Act of 1934
13. Soil Conservation and Domestic Allotment Act of 1935
14. Bankhead-Jones Act of 1937
15. Mineral leasing Act for Acquired Lands of 1947
16. Watershed Protection and Flood Prevention Act of 1954
17. Townsite Act of 1958
18. Multiple-Use, Sustained Yield Act of 1960
19. Food and Agriculture Act of 1962
20. Wilderness Act of 1964
21. Land and Water Conservation Act of 1965
22. Water Resources Planning Act of 1965
23. Community Planning and Resource Development-Soil Surveys 1966
24. Noxious Plant Control Act of 1968
25. National Environmental Policy Act of 1969
26. Environmental Quality Improvement Act of 1970
27. Water Bank Act of 1970
28. Mining and Minerals Policy Act of 1970
29. Federal Insecticide, Fungicide, and Rodenticide Act of 1971
30. Rural Development Act of 1972
31. Agriculture and Consumer Protection Act of 1973
32. Endangered Species Act of 1973
33. Disaster Relief Act of 1973
34. Federal Land Policy and Management Act of 1976
35. Payment in Lieu of Taxes Act, 1976
36. Resource Conservation and Recovery Act of 1976
37. Energy Research and Development Administration Act of 1977
38. Food and Agriculture Act of 1977
39. Soil and Water Conservation Act of 1977
40. Clean Water Act of 1977

41. Renewable Resources Extension Act of 1978
42. Water Research and Development Act of 1978
43. Public Rangelands Improvement Act of 1978
44. Weather Control and Precipitation Enhancement rule, pursuant to the New Mexico Weather Control Act.
45. The Impact of Climate Change on New Mexico's Water Supply and Ability to Manage Water Resources (Watkins et al., 2006)



—Land Use Policy Plan—

UPDATED
May 14, 2024

CCSWCD Board of Supervisors

Original signed by:
Spencer Pipkin
Chair

Original signed by:
Erik Nelson
Vice-Chair

Original signed by:
Cory Allen
Secretary/Treasurer

Original signed by:
Rachel Armstrong
Board Member

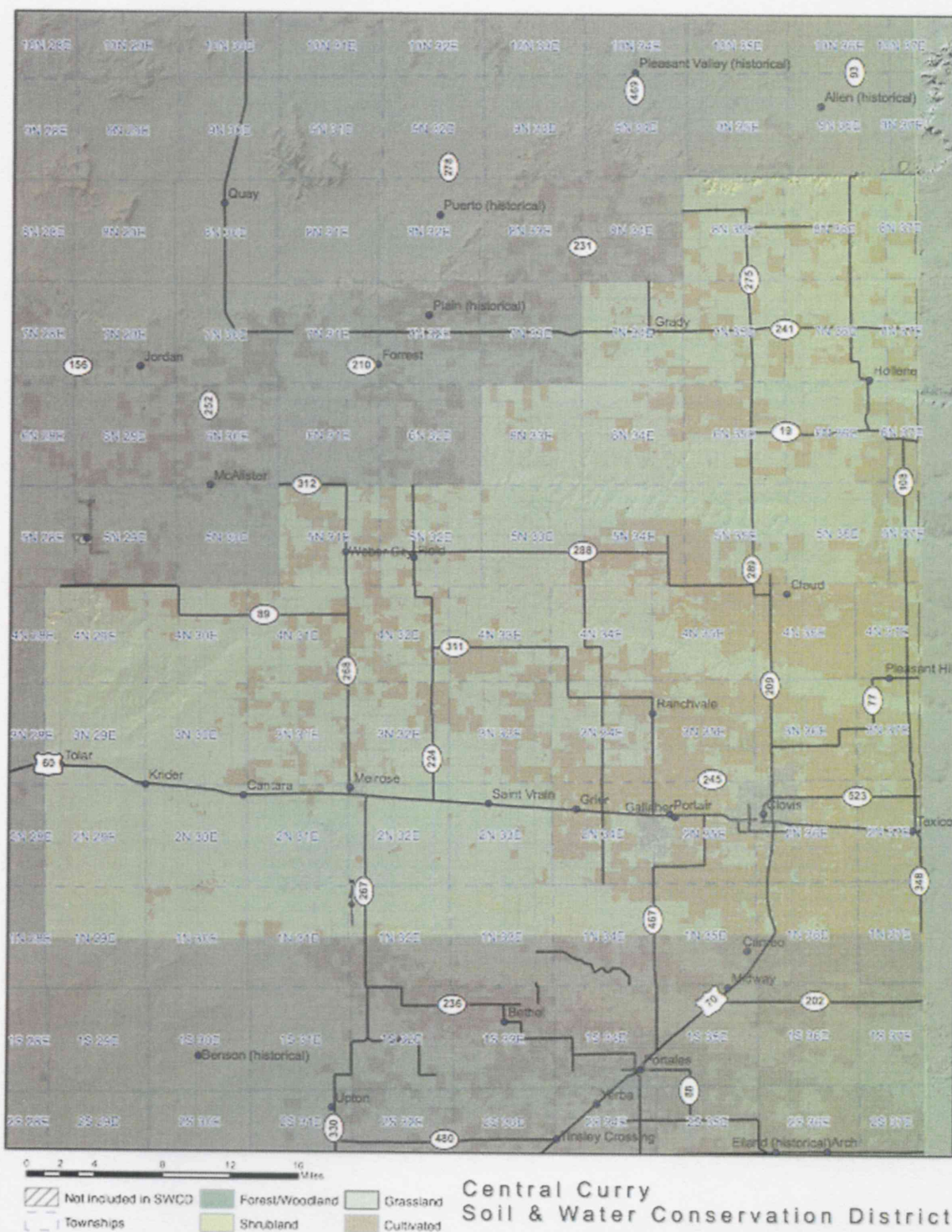
Original signed by:
Jason Mobley
Board Member

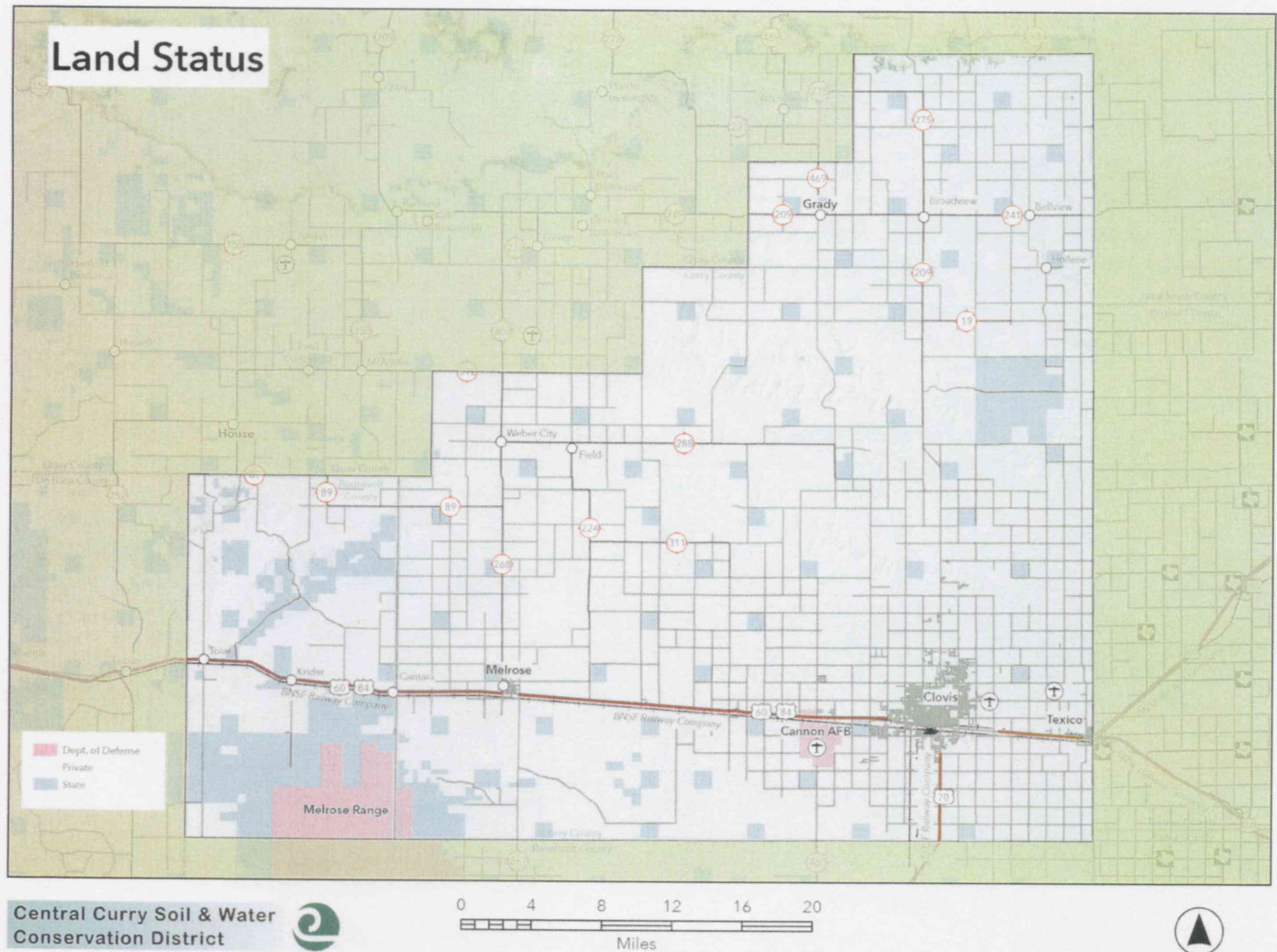
Original signed by:
KC Schooley
Board Member

Original signed by:
Zachary Cordel
Board Member

Appendix 1

CCSWCD Map





Management	Acres	Percent
Department of Defense	24,019.66	2%
Private	926,669.06	87%
State	109,701.14	10%
Total	1,060,389.86	

APPENDIX 2

RESOLUTION - 2014 NOTICE OF INTENT TO SUE REGARDING THE LESSER PRAIRIE-CHICKEN LISTING DECISION

WHEREAS, on March 27th, 2014, the United States Department of Interior, Fish and Wildlife Service (FWS), listed the lesser prairie-chicken (*Tympanuchus pallidicinctus*), a species in the grouse family, as threatened under the Endangered Species Act of 1973 (as amended) (ESA); and

WHEREAS, the listing of the lesser prairie-chicken as a threatened species will adversely affect communities, industries, and citizens who are located within, reside, ranch, farm, and use the millions of acres of mixed ownership lands identified as lesser prairie-chicken habitat in the states of Colorado, Kansas, New Mexico, Oklahoma and Texas; and

WHEREAS, tens of thousands of employees in the energy, utility, and agriculture industries depend on reasonable access to their job sites within the areas impacted by this adverse listing decision to financially support their families and the communities in which they reside; and

WHEREAS, the impacts of the listing decision to the robust energy, agriculture and utility employment sectors in the region, will also adversely impact thousands of support jobs necessary to sustain the economic health, vitality, and development within the region; and

WHEREAS, local industrial and employment sectors are actively engaged in actions to conserve and mitigate impacts to native wildlife species, including the lesser prairie-chicken; and

WHEREAS, the scope of protection offered by FWS in listing the Lesser Prairie Chicken as a threatened species under the ESA is unnecessary and excessive and will result in harm to working families, local industries and communities, and will adversely affect economic development progress as well as the continued economic growth of the State of New Mexico; and

WHEREAS, the five states of Colorado, Kansas, Oklahoma, Texas, and New Mexico (States), in unprecedented collaboration with cooperating stakeholders, developed and are actively implementing a historic range-wide conservation plan as formally endorsed in October 2013 by the FWS which addresses all known threats to the future existence of the lesser prairie-chicken; and

WHEREAS, the States are fully implementing the aforementioned range-wide plan in continued voluntary collaboration with industry and landowners and are poised to conserve and manage lesser prairie-chickens now and into the foreseeable future with no apparent conservation or regulatory need for federal ESA overreach; and