

COMMENT LETTER: 1



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
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BLM

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SEP 17 1999

ALBUQUERQUE, N.M.

Mr. Edwin J. Singleton  
Manager  
Albuquerque Field Office  
Bureau of Land Management  
435 Montano Road NE  
Albuquerque, NM 87107-4935

Dear Mr. Singleton:

In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) Regulations for Implementing NEPA, the U. S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Bureau of Land Management (BLM) Draft Environmental Impact Statement (DEIS) for the Rio Puerco Resource Management Plan Amendment for the El Malpais National Conservation Area (NCA), and Chain of Craters Wilderness Study Area, New Mexico.

The purpose of the El Malpais Plan and DEIS (formally the *Rio Puerco Resource Management Plan Amendment/Environmental Impact Statement for El Malpais National Conservation Area and Chain of Craters Wilderness Study Area*) is to satisfy requirements of the National Environmental Policy Act (NEPA) to evaluate the environmental effects associated with various land use management proposals for public lands of the El Malpais NCA and designated adjacent lands.

The DEIS evaluates alternatives to current management plans in place and considers changes to the size of the El Malpais NCA. Specifically, BLM proposes to adjust the boundaries of the El Malpais NCA to remove 960 acres of land belonging to the Acoma Tribe, add 41,300 acres of contiguous public lands for a total El Malpais NCA size of 302,440 acres in Cibola, Catron, and Socorro counties, New Mexico, and modify land use management practices.

Four potential land use management alternatives are considered in the DEIS: Existing Management (equivalent to the No Action Alternative), Resource Use (more intensive recreational development of the NCA), Natural Processes (less active management of the NCA, including removal of some recreational facilities), and Balanced Management (which adds some new recreational facilities, and is designated as the Preferred Alternative). Implementation of any of the action alternatives would comply with the congressional law that established the NCA in 1987. BLM is required to manage NCAs with a "higher order of protection" than for multiple use lands.

EPA rates this proposed action as "EC-2," i.e., EPA has "**Environmental Concerns and Requests Additional Information in the Final EIS.**" We have identified several environmental concerns that need to be included in the Final EIS (FEIS) to complement and to more fully insure compliance with the requirements of NEPA and the CEQ regulations. These areas include document clarity, mitigation, livestock grazing, water quality, recreation, transportation, cultural resources, wildlife habitat, environmental justice, permitting, and general editorial needs. Our classification will be published in the Federal Register according to our responsibility under Section 309 of the Clean Air Act, to inform the public of our views on proposed Federal actions.

Detailed comments are enclosed with this letter which more clearly identify our concerns and the informational needs requested for incorporation into the FEIS. If you have any questions, please contact Mike Jansky of my staff at (214) 665-7451 for assistance.

EPA appreciates the opportunity to review the DEIS. We request that you send our office five copies of the FEIS at the same time that it is sent to the Office of Federal Activities, EPA, 401 M Street S.W., Washington, D.C. 20460.

Sincerely yours,



Robert D. Lawrence, Chief  
Office of Planning and Coordination  
Compliance Assurance and Enforcement Division

Enclosures

**DETAILED COMMENTS**  
**DRAFT ENVIRONMENTAL IMPACT STATEMENT**  
**RIO PUERCO RESOURCE MANAGEMENT PLAN AMENDMENT, MANAGING**  
**LAND AND RESOURCE FOR EL MALPAIS NATIONAL CONSERVATION AREA**  
**AND CHAIN OF CRATERS WILDERNESS STUDY AREA, SOUTH OF THE CITY OF**  
**GRANTS, CIBOLA COUNTY, NEW MEXICO**

**Background**

The purpose of the El Malpais Plan and DEIS (formally the *Rio Puerco Resource Management Plan Amendment/Environmental Impact Statement for El Malpais National Conservation Area and Chain of Craters Wilderness Study Area*) is to satisfy requirements of the National Environmental Policy Act (NEPA) to evaluate the environmental effects associated with various land use management proposals for public lands of the El Malpais National Conservation Area (NCA), New Mexico and designated adjacent lands. The Department of Interior's Bureau of Land Management (BLM) is the proponent for this action. The BLM Albuquerque, NM Field Office is the designated lead office. In addition to evaluating alternative land use management proposals for El Malpais NCA, the DEIS also serves to amend the Rio Puerco Resource Management Plan, as required by law.

The DEIS evaluates alternatives to current management plans in place and considers changes to the size of the El Malpais NCA. Specially, BLM proposes to adjust the boundaries of the El Malpais NCA to remove 960 acres of land belonging to the Acoma Tribe, add 41,300 acres of contiguous public lands for a total El Malpais NCA size of 302,440 acres in Cibola, Catron, and Socorro counties, New Mexico, and modify land use management practices. Four potential land use management alternatives are considered in the DEIS: Existing Management (equivalent to the No Action Alternative), Resource Use (more intensive recreational development of the NCA), Natural Processes (less active management of the NCA, including removal of some recreational facilities), and Balanced Management (which adds some new recreational facilities, and is designated as the Preferred Alternative). Implementation of any of the action alternatives would comply with the congressional law that established the NCA in 1987. BLM is required to manage NCAs with a "higher order of protection" than for multiple use lands.

**SPECIFIC COMMENTS**

**Management Units**

Reference Chap. 1

1-A Due to the large number of administrative and management units discussed in the DEIS, the document should clearly indicate those units that are within the scope of the document, and those that are not. For example, it should be clearly stated early in Chapter 1 that El Malpais National Monument is entirely outside the scope of the document. Please clarify in the Final EIS.

1-A--On page 1-2 in the section, "Location of the Planning Area," the last sentence has been changed to read, "The northern section of the Planning Area nearly surrounds, but does not include, the El Malpais National Monument, administered by the National Park Service (NPS)."

**Document Clarity**

Reference Chap. 3 and 4

- 1-B The analysis of environmental effects is conducted according to the issues of concern outlined in Chapter 1. Focusing on the same 10 issues for each of the resource areas of concern is potentially limiting and in many cases, causes redundancies or inconsistencies in the analysis. For example, on p. 4-5, the analysis of transportation resources includes a discussion of cultural resources. The discussion of transportation issues should focus solely on transportation issues.
- 1-C In another example, the analysis of American Indian Use and Traditional Cultural Resources and the analysis of Cultural Resources demonstrate how the structure can create inconsistencies in the analysis. Under the American Indian Uses resource discussion, the impacts to Issue 7-Cultural Resources are discussed, however, in the discussion of Cultural Resources, a "no impact" determination is made with regard to Issue 6-American Indian Uses and Traditional Cultural Practices. It is not clear how impacts can occur in one instance but not in the other instance. These conclusions appear to be inconsistent. Please clarify in the Final EIS (FEIS).

**Continuing Management Guidance and Actions Common to All Alternatives**

Reference p. 2-2

- 1-D The DEIS dismissal of detailed analysis for existing actions, decisions, and guidelines which would be continued regardless of which alternative is selected, is not adequately justified. Ongoing management activities and developments should be evaluated for potential environmental effects. For example, the development of a Ranger Station nature trail is mentioned but not assessed in Chapter 4.

**Criteria for Selection of Alternatives**

Reference Chap. 1

- 1-E The DEIS should list and describe specific criteria used to determine how the alternatives were formulated and how they were selected for analysis. There are many combinations of management approaches that might offer varying degrees of resource use and natural process priorities. For example, why not consider establishing 5 or 15 new hiking trails instead of the proposed 20, 10, or none. In addition, there are many geographic units within the study area at which variable management principals could be applied. The EIS should provide information on how the alternatives were selected and what criteria were used in the selection process.

**No Action Alternative**

Reference p. S-2, Table A, p. 2-27, p. 4-2

- 1-F Table A indicates that the camping and picnic facilities under the No Action Alternative are all currently in existence. P. 2-27 states that "limited facility development beyond what already exists in the Planning Area would be undertaken." This statement is inconsistent with the Table A information. The EIS should list or describe any proposed facilities under the No Action

**1-B--**In Chapter 1, ten issues are identified as requiring management resolution. In Chapter 2, four potential courses of action (alternatives) are described to resolve the issues. Chapter 3 contains descriptions of numerous resources of the Planning Area, the opportunities and constraints on their use, and the support services required for effective resource conservation and use. Chapter 4 contains the analysis of the potential impacts under each alternative. We have found that this format allows the public to follow the impacts by alternative or by resource/support service. The format may cause some redundancy but not inconsistencies in analysis. We have reexamined page 4-5 of Chapter 4 and find no inconsistencies.

Planning for a multiple-use agency is complicated by the agency's need to provide support services. Access to cultural sites is accounted for in the access and transportation acreage and mileage. Access and transportation services development and needs can be required by or restricted by cultural resource availability. If the cultural resources can be visited and viewed by recreators, access is desirable. If on the other hand, cultural resources need protection, restriction of access is desirable. It is useful in our planning and National Environmental Policy Act (NEPA) analysis to examine each resource or service need in relation to the issues to determine what the impacts of implementing each alternative would be. (The document text has not been changed)

**1-C--**Discussion on page 4-9 (Issue 7--Cultural Resources) states that implementing the cultural resources management program outlined in the No Action Alternative could impact American Indian uses and traditional cultural practices. The discussion on page 4-10 considers how the management program for American Indian uses and traditional cultural practices could affect cultural resources. Because the No Action Alternative does not include management actions specifically related to these practices (refer to page 2-35), cultural resources would not be affected. In other words, under this alternative, management of cultural resources would affect American Indian uses and traditional cultural practices, but management actions related to these uses and practices would not affect cultural resources.

**1-D--**The Ranger Station Nature Trail was evaluated for potential environmental effects in an Environmental Assessment (NM-017-90-04), as stated on page 2-2 of the Draft Plan/EIS. Also, the impacts of the additional ½ mile of trail are considered in this Proposed Plan/Final EIS.

**1-E--**The purpose of this document is to provide land use planning for public lands and resources of the NCA, in accordance with Section 301 of Public Law 100-225 (refer to page 1-2 and Appendix A-2). It is a complex multiple-use plan addressing 10 major issues and 4 different alternatives.

After the initial scoping and consultation with the National Park Service, it became apparent that public interests ranged from the BLM making minimal changes in the NCA and letting it remain "natural," to making developments that would encourage higher levels of visitation and enjoyment of the natural values. The specifics for each alternative were based on assessment by an interdisciplinary team of BLM specialists, who considered other NEPA and planning documents to get a regional and national perspective. The team determined that a reasonable way to approach alternatives would be to select general themes or management philosophies to guide alternative development. These specialists discussed geographic units, regulatory and resource constraints, and resource potentials, making a range of recommendations suited to the areas and their capabilities. They then grouped these recommendations to form the alternatives. The criteria established with the issues in Chapter 1 were considered in this alternative development process.

Alternative, as well as provide support for the conclusion on p. 4-2, which states that 22 acres of land would be disturbed as a result of facility development. Table A also lists hiking trails under the No Action Alternative as “5 existing trails”. P. 2-27 states that “when built, the Nature Trail (approved in 1989) would extend from...” The FEIS should clarify whether new trails are expected to be built under the No Action Alternative, in addition to the current 5 existing trails.

### Mitigation Measures

1-G The DEIS lacks a discussion of specific mitigation measures that BLM proposes for instances where impacts have the potential to be adverse. The EIS should clearly describe mitigations that BLM proposes. It is expected that the Record of Decision for the EIS will detail those measures that BLM will take to reduce impacts.

### Baseline Environmental Data

Reference Chap. 3

1-H The DEIS lacks data sources and citations for most of the baseline environmental data presented in Chapter 3. The EIS should provide sources and citations, if available, for each of the primary resources described in Chapter 3.

### Age of Analysis

1-I There are a number of instances in the DEIS that indicate that some of the scoping and analysis for this DEIS was accomplished a number of years ago. For example, public scoping meetings were held in April of 1995 and some of the visitor data projections are from 1988. Given the length of time that has passed in some cases, and that the BLM intends that the “the life of this El Malpais Plan is 15 to 20 years,” we are concerned that the public involvement and analysis source data may require updating. The EIS should address to what extent the four year old scoping meetings are still considered to be adequate (that is, the content of the alternatives have not changed substantially and the public has been kept informed during this time). Also address the formal monitoring, review, and update procedures that BLM will use to ensure that the DEIS analysis remains valid during the 20 year life of this plan.

### LIVESTOCK GRAZING

#### Proposed Livestock Grazing Developments

Reference, p. S-2, Table A, pp. 2-39 to 2-40, Maps 33 and 34, Chap. 3, Chap. 4, p. 4-12

1-J Table A should list livestock grazing developments for any of the DEIS alternatives. The facilities described are all recreation related. However, p. 2-40 states that for Alternative B, “more developments related to...livestock...are proposed.” The FEIS should describe in detail the existing and proposed facilities for livestock grazing (for example, fences, dirt tanks, pipelines, troughs, windmills, corrals) under each of the alternatives.

**1-F--**The term, “limited facility development” was intended to express that facilities already approved through the NEPA process but not yet built would be developed as funding permitted. Further facility development could be needed for resource protection, interpretation and environmental education, and visitor safety and health, but its extent would not be known until the need for action was identified and evaluated. No additional recreational facilities such as campgrounds, trails, picnic sites or trailheads would be built. Changes have been made in Table A and within the text of the document to clarify the proposed level of development.

**1-G--**Little mitigation has been proposed in this plan because much of the Planning Area has been under special management for years [as several Wilderness Study Areas (WSAs), an outstanding natural area, and a natural environmental area], as identified in the *Rio Puerco Resource Management Plan (RMP)*. Because much of the acreage has been under interim wilderness management to maintain wilderness values, federal minerals are not available for development. (The BLM can also acquire private surface and mineral rights as they become available.)

Continuing management under the added requirements of the NCA legislation has removed other conflicting uses that would have required mitigation. For example, the legislation requires the withdrawal of lands from entry under the land laws (so they cannot be sold or exchanged), and prohibits commercial timber and woodland harvest. Motorcycle races or other off-road vehicle competitive events are excluded. The BLM must monitor recreational values, and has identified the limits of acceptable change to them. (However, American Indian access is allowed, and valid existing rights-of-way remain open.) Because of all these requirements and special management conditions, much of what might have been mitigation was used to create the alternatives.

The BLM develops more specific mitigation measures and Best Management Practices during planning for individual projects, including the management of livestock grazing allotments.

**1-H--**Much of the information in Chapter 3 is based on Field Office file data gathered and developed for this document. Formal references added for cultural resources are listed below; references for socioeconomic information are listed at the end of Tables 3-17, 3-18 and 3-19 in this final document. Information about traditional cultural properties and practices in the El Malpais NCA is drawn primarily from government-to-government contacts between the BLM and the American Indian tribes and pueblos who have interests in the area. These sources supplement the text references and reference list found in the draft document.

The cultural-historical framework for the El Malpais area was defined in the mid-20th century by two researchers:

Ditter, Alfred Jr. 1959. *Culture Change in the Cebolleta Mesa Region, Central Western New Mexico*. Unpublished doctoral dissertation. Tucson, AZ: University of Arizona.

Ruppe, Reynold Jr. 1953. *The Acoma Culture Province: An Archaeological Concept*. Unpublished doctoral dissertation. Cambridge, MA: Harvard University.

(Continued 1-H)

The other major source of information is a series of large-scale, Class II and Class III, cultural resource inventories funded by the BLM and completed through the University of New Mexico, Office of Contract Archaeology (Albuquerque, NM).

Doleman, William H. 1990. *El Malpais NCA, 1989 Archeological Survey, Final Summary Report.*

Elyea, Janette. 1990. *The NZ Project, Archeological Survey Report.*

Wozniak, Frank E. and Marshall, Michael P. 1991. *The Prehistoric Cebolla Canyon Community: An Archeological Class III Inventory of 320 Acres of BLM Land at the Mouth of Cebolla Canyon.*

Marshall, Michael P. 1993. *Archeological Investigations in the Cerritos de Jaspe Subunit of the El Malpais Conservation Area, The 1991 BLM Survey.*

Elyea, Janette; Hogan, Patrick and Wilson, C. Dean. 1994. *The Armijo Canyon Archeological Survey.*

**1-I--**The scoping and analysis data have been reviewed. The interest level on this EIS has been low from the beginning, in part because many people were reasonably well satisfied with decisions in the original Plan/Environmental Assessment (EA--1991). Therefore, the issues raised in the 1995 scoping were those not resolved in the original document, including wilderness, levels of recreational development (including vehicular access), American Indian concerns and Continental Divide Trail location. These concerns led to the earlier Plan/EA decisions being appealed on procedural technicalities. The issues continue to relate to the same resources.

Baseline information and public attitudes toward cultural resources and American Indian traditional cultural practices have not changed in any significant way since scoping for the DEIS. The BLM has maintained contact with local tribes regarding American Indian concerns, as outlined in Table R-A below. No comments from these groups were received on the draft document.

Visitor data projections were done based on the comparison of highway "capture rates" at other National Park Service facilities that are similar to the El Malpais Complex (the National Monument and National Conservation Area) in terms of park features, resources and/or physical situation. Capture rates represent the proportion of motor vehicles that enter an area as compared to the number of vehicles that are known to travel an adjacent or nearby roadway.

(Continued 1-1)

**TABLE R-A**

**BLM CONSULTATIONS WITH AMERICAN INDIAN GROUPS  
DURING PREPARATION OF THE EL MALPAIS DRAFT PLAN/EIS**

Week of April 3, 1995	BLM staff met w/Zuni Tribal Council, Ramah Navajo Chapter officials, & Acoma Tribal officials.
May 15, 1995	BLM staff received a resolution from Ramah Navajo Chapter regarding its participation as a cooperating agency.
July 1995	BLM staff responded to Ramah resolution.
April 1996	BLM staff invited Governors & Presidents of interested & affected Pueblos & Navajo Chapters to an update meeting on the plan. Invitation was in writing, w/follow-up telephone calls to Laguna, Zuni, Ramah & Cañoncito. Meeting was held on May 1, 1996, w/Acoma in attendance.
October 1996, January & March 1997	BLM staff made additional contacts w/Ramah Chapter about the Chain of Craters Wilderness Study Area.
April 15, 1997	BLM staff met w/Ramah Chapter officials for further plan discussion.
August 24, 1999	BLM staff delivered copies of Draft Plan/EIS to Zuni Governor & Tribal Council, encouraging review & comment.
September 13, 1999	BLM staff delivered copies of Draft Plan/EIS to Acoma Lt. Governor & Lands Administrator, encouraging review & comment.
September 14, 1999	BLM staff delivered copies of Draft Plan/EIS to Ramah Navajo Chapter President & officials, encouraging review & comment.

The BLM relies on the judgment of its interdisciplinary teams to assess data, trends and projections for the future. The El Malpais Team recognized the limits on the data, but considered it to be the best available, and adequate for completion of the Plan/EIS. The Congress specified that the plan for the NCA include four parts: (1) An implementation plan for interpretation and public education, (2) Public facility plans, (3) Natural and cultural resource management plans, and (4) A wildlife resource management plan. After scoping (both with the public and with resource specialists), six other issues were included in the Plan/EIS. The document is comprehensive and should remain a viable land use plan for the next 15 years.

1-K Maps 33 and 34 show livestock grazing improvements in the Cebolla Wilderness and the West Malpais Wilderness, respectively. The maps should indicate whether these are existing or proposed improvements, under what alternative(s) they are proposed, should provide text or table details on the developments, and must provide a full analysis of their potential impacts on, for example, wildlife habitat, threatened and endangered species, water resources, recreational opportunities, cultural resources, and visual resources.

1-L P. 4-12 states that “range improvements...proposed under the No Action Alternative would be subject to environmental analysis, and their potential adverse effects would be mitigated.” It is expected that such analysis would be accomplished in this DEIS and not be deferred. Additionally, this statement is not made in relation to the other alternatives.

**Water Quality Impacts of Livestock Grazing**

Reference p. 2-56

1-M The EIS must address in detail the impacts to water quality as a result of current and proposed activities. In particular, springs used by livestock should be assessed for existing and future water quality impacts. This concern should be addressed in the FEIS.

**Development of Springs**

Reference p. 2-56

1-N The EIS must detail both current practices and proposals to pipe water away from springs for livestock. Specifically, impacts of spring developments on water quality, wildlife and wildlife habitat, and ground water recharge are expected to be addressed. Please address in the Final EIS.

**Alternative C Grazing**

Reference p. 2-57

1-O The DEIS states that under Alternative C grazing [would be] reduced but provides no details for this statement. The FEIS should explain to what extent would grazing be reduced and identify which areas.

**Grazing Rest Periods**

Reference p. S-7, p. 4-19

1-P Alternative A (No Action) indicates that a longer minimum rest period from livestock grazing is proposed under the No Action Alternative, but does not indicate what the current, baseline conditions and practices are. P. 4-19 states that “planned rest from livestock grazing management would be increased” and also proposes but does not describe “improved patterns of livestock grazing use.” This implies some shortcomings or impacts due to current grazing practices. Current practices are neither described nor assessed in the DEIS, nor is the proposed increase in rest periods explained. The FEIS should provide a description of current livestock

(Continued 1-I)

1-J--You are correct, page 2-40 mentions that more livestock developments are proposed. However, no specific range improvements are proposed under Alternative B. The text has been revised to state that additional livestock facilities could be developed if monitoring indicated a need, and NEPA analysis was done (refer to page 2-64--“If monitoring studies indicated the need, existing plans would be revised, new plans developed , and/or livestock grazing use reduced”).

1-K--Maps 33 and 34 show existing improvements. Map 33 is referred to on page 3-10 of the Draft Plan/EIS, while Map 34 is referred to on page 3-13.

1-L--When this draft document was prepared, no specific range improvements were planned under the No Action Alternative, and no need for them had been identified under any alternative. The improvements were expected to be the same under all alternatives until monitoring provided data that suggested other improvements were needed for effective management. The statement on page 4-12 was intended to indicate the BLM’s commitment to NEPA compliance if monitoring indicated the need for other improvements.

Since the draft was prepared, litigation has been brought against the BLM that requires site-specific NEPA analysis for the renewal of most of the grazing permits in the Planning Area. As a result of the litigation, the BLM has delayed work on this Proposed Plan/Final EIS and completed some qualitative assessments (monitoring) and site-specific environmental assessments (EAs) on 13 of the 16 NCA allotments. This monitoring and assessment has shown a need for management improvements to upgrade ecological conditions on five of these allotments; some improvements are already being developed. The BLM has found no significant impacts resulting from grazing permit renewals nor these improvements. The allotments and improvements (including new ones) are shown in Table R-B below. They would be the same under any

**TABLE R-B**

**RANGE ALLOTMENTS BY STATUS AND IMPROVEMENTS, EL MALPAIS NCA**

Item	Before Recent Grazing EAs	After Recent Grazing EAs
<b>Principal Class of Livestock</b>		
Cow-Calf	12	11
Yearling	2	3
<b>Season of Use</b>		
Yearlong	13	12
Seasonal	3	4
<b>AUMs Permitted ( NCA total)</b>	35,942	35,942
<b>Grazing System</b>		
Year Round	8	8
Seasonal Use	3	4
Deferred Rotation	3	5
<b>Fence (miles--NCA total)</b>	494	503

**1-M--**The DEIS is quite specific in stating that the only perennial waters within the Planning Area are two springs for which no water quality data is available. One spring, Cebolla, was in private ownership until recently when it was purchased and fenced by the BLM. The associated wetlands also have been fenced to exclude livestock.

The other spring, Cebollita, is high on the side of a steep mesa slope and is only impacted by occasional trespass livestock. It was originally developed by a homesteader and diverted for irrigation on private lands below the mesa. The diversion is a long way downslope from the spring and has had no known impact on groundwater recharge, wildlife, wildlife habitat or water quality. The BLM has no basis for challenging the private landowner's right to the diversion.

The BLM's goal in piping some water away from springs is to remove livestock impacts from the spring and associated wetlands. This policy is part of the agency's ongoing program to reestablish riparian ecosystems and improve water quality.

The mitigation of past livestock impacts by eliminating sediment and fecal material in the water should improve water quality. None of the alternatives in the Plan/EIS proposes to reverse the fencing or livestock exclusion.

**1-N--**Refer to Response 1-M.

**1-O--**No specific reductions in livestock grazing are proposed under Alternative C, nor are specific range improvements. Refer to Responses 1-J and 1-L.

**1-P--**Page S-7 (Summary Table) of the Draft Plan/EIS refers to the rest period required in Allotment Management Plans (AMPs) or Coordinated Resource Management Plans (CRMPs) as they are developed. The need to develop AMPs or CRMPs is based on resource conditions or management issues. As livestock grazing is not an issue to be resolved in this EIS, no detailed alternative consideration and impact analysis were performed nor presented in the document. The statement on page 4-19 (revised) that "rest from livestock grazing use would be increased and rangeland improvements would be constructed to improve patterns of livestock grazing use" reflects management actions that would be addressed in an AMP. Where applied, these management actions would have a positive impact on vegetation.

grazing rest period policies, an assessment of their environmental impacts, and the purposes of the proposed increase in rest periods.

**Impacts of Livestock Grazing**  
Reference Chap. 4

1-Q The EIS does not quantify or assess the effects of both current and proposed livestock grazing practices. Although the granting of allotments can be considered to be outside the scope of this FEIS, the effects of these activities within the Planning Area must be described and quantified. Provide a full analysis of these activities and land uses, to include, at a minimum, the number of head of cattle (or animal unit months) that are authorized and exercised throughout the planning area, length of grazing time by allotment, analysis of impacts of grazing (such as on surface disturbance, erosion, soil compaction, water quality, water use, wildlife habitat, cultural resources disturbance). It is imperative that the FEIS provide a comprehensive analysis so that the public and interested groups and agencies can be properly informed of current and proposed activities and their impacts.

**Livestock Allotments Status**  
Reference p. 3-31, Table 3-13, p. 3-28

1-R Table 3-13 indicates that a number of livestock grazing allotments that overlap the planning area are Category I allotments, which are "managed to improve their ecological condition and resolve resource conflicts." This implies that some issues and concerns exist with these allotments. The EIS should provide details on these issues and their status in Chapter 3. These issues are relevant to providing the public with complete information on existing conditions, and to properly assessing proposed improvements within Category I allotments.

**RECREATION**

**Discouragement of Recreation**  
Reference p. 2-57

1-S The DEIS states that under Alternative C, "recreational use would be discouraged." The Final EIS should provide details for this statement. The discussion that follows does not indicate a discouraging of recreation, but an emphasis on dispersed opportunities versus facility-centered recreation.

**Recreation Visitation Projections**  
Reference, p. 3-1

1-T The DEIS states that recreation visitation is projected to grow to about 207,600 by year 2000. The citation given for this projection is 1988. Given that 10+ years have passed since that projection was made, the FEIS should provide much more recent figures and projections. P. 3-1

**1-Q--**BLM land use plans such as the one for this El Malpais NCA are issue driven. Only those resource uses at issue are subject to the NEPA requirements of alternative formulation and impact analysis. Threatened and endangered species assessments have been made, with no determination that livestock is an issue. Wilderness recommendations to the Congress through the BLM's *New Mexico Statewide Wilderness Study* (1988) concluded that livestock grazing does not affect these areas' suitability for designation as wilderness. During the development of the Plan/EIS, no BLM specialist identified the need to consider livestock grazing as an issue requiring resolution in the Planning Area.

The BLM evaluates range condition and adjusts livestock grazing numbers when needed as part of its ongoing range management program. As stated on page 2-15, the agency completed a livestock grazing EIS in 1982 and followed up with monitoring studies. Appendix L, Table L-1, displays the adjustments in livestock grazing use and management that were made in 1992 based on the monitoring studies. Site-specific NEPA EAs for grazing permit/lease renewals have been completed in 1999-2000 for 13 of the 16 grazing allotments overlapping the Planning Area. EAs for the other three Planning Area allotments are scheduled for completion in 2002. Based on these considerations, livestock grazing is not an issue for this Plan/EIS.

**1-R--**Of the 16 allotments listed in Table 3-13, page 3-31, 6 are in the "I" (Improve) category. Allotment management changes have been implemented to improve resource conditions and resolve resource conflicts. Appendix L, Tables L-1 and L-2, displays the management changes made before completion of the Draft Plan/EIS. These tables have been updated in the Final EIS to display changes made since publication of the draft document.

Once an allotment is placed in the "I" category, it is not easily changed to the "M" (Maintain) category. Improving resource conditions or resolving resource conflicts sufficiently to allow reclassification can take 10 or more years. Monitoring studies, data collection and evaluation must be performed in many cases for over 10 years before adequate information exists for such a reclassification. "I" category allotments are the highest priority for committing BLM resources. Keeping allotments in the "I" category maintains the agency's priority and focus for monitoring studies.

**1-S--**Clarification of "recreational use would be discouraged" in Alternative C has been provided in the Final EIS. The BLM's intent would not be to promote or market recreational opportunities within the Planning Area, but to direct visitors inquiring about such opportunities to other areas.

**1-T--**The visitor use figure of 65,000 applies to Fiscal Year 1995, as stated in Table 3-1. This table and the text of Chapter 3 have been revised to reflect more recent visitor use figures for the NCA and National Monument.

also states that “current” visitation is about 65,000/year, but does not provide either a year or citation for this figure.

## TRANSPORTATION

### Motor Vehicle Use Designations

Reference, p. S-2, Table A, p. 2-33, Table 2-10

1-U The DEIS is inconsistent in the use of nomenclature referring to motor vehicle use designations within the Planning Area. Table A figures are listed for Access by Non-motorized, Non-mechanized Means, Cross-Country Vehicle Travel, Off-Highway Vehicle Access, and Open Vehicle Routes. Table 2-10 provides data listed by area status as Open, Closed, Limited, or Un-designated. Please clarify in the FEIS.

### Paving Projects

Reference Chap. 4

1-V The DEIS should provide a listing, description, and analysis of effects of any proposed new paved or upgraded roads, by alternative. There are scattered references within the DEIS to such actions, but no clear proposed activities are described and assessed.

## CULTURAL RESOURCES

### National Register Eligible Sites

Reference p. S-6, Table A

1-W Table A indicates that there are 4-5 likely sites that are National Register eligible under Alternatives A and D (no figures provided for Alternative B), but none for Alternative C. The EIS should provide rationale for why sites eligible under Alternatives A and D would not be eligible under Alternative C. The assumption is that BLM would elect to not nominate these sites under Alternative C, although they would still be considered to be National Register eligible. Please address in the FEIS.

### Consultations with New Mexico SHPO and Native American Tribes and Pueblos

1-X The FEIS must provide details on consultations with the New Mexico State Historic and Preservation Officer (SHPO) and Native American Tribes and Pueblos with regards to each of the alternatives, including plans for on-going consultation for identified sites, management of scientific investigations and excavations, disposition of recovered cultural artifacts, status of the planning area’s historic and archaeological resources protection plan (HARRP), effects of current and proposed recreation and grazing developments on cultural resources, and a clear description of relevant management procedures intended to protect cultural and archaeological resources.

1-U--For consistency, the terms in Table A and Table 2-10 have been revised.

1-V--We did state that we would work with other road administrators if upgrades, realignments, rehabilitation or construction proposals involving their roads were needed (refer to page 2-4 of the Draft Plan/EIS). Upgrades of any BLM-administered road would be the result of the increased frequency of maintenance or reconstruction of an existing road. Reconstruction would generally occur when resource protection or user safety was needed as the result of a natural occurrence or management practice.

Analysis of the impacts from upgrading BLM roads does not appear to be essential to a reasoned choice among the alternatives. Improved accessibility as a result of road upgrades from reconstruction or maintenance may result in changes in visitation to areas accessed by the roads. Visitation may increase because of improved access for those who did not have the proper vehicle to negotiate the rough road before it was upgraded. However, present users could also have to go elsewhere because they could no longer enjoy the driving challenge of a rough road and the experience of isolation, with other visitors accessing the area. In Chapter 3 of the Draft Plan/EIS, recreational visitor use along BLM-administered roads is estimated to be low.

1-W--The “Special Designations” entries in Table A (page S-6) refer to nominations of archeological and historical sites to the National Register of Historic Places, which is not the same as eligibility of sites for the register. The criteria for National Register eligibility are very broad. Most of the hundreds of archeological sites found in the El Malpais NCA have the potential to yield information important in prehistory, and are therefore eligible for the National Register regardless of which plan alternative is selected. In practice, only the most deserving properties are actually nominated to the National Register. The table entries present varying degrees of emphasis placed on the actual nomination process under the four plan alternatives, not the numbers of properties that might be considered eligible for nomination.

1-X--The DEIS was sent to the New Mexico State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation. The SHPO’s comments are included in this document. Compliance with the National Historic Preservation Act is based on the “Protocol Agreement between New Mexico Bureau of Land Management and New Mexico State Historic Preservation Officer,” which was implemented under the BLM’s national cultural resources Programmatic Agreement.

Consultations for this plan with American Indian tribes and pueblos are listed in Response 1\_I. Alternatives for treatment of cultural resources were highlighted during each consultation. A complete listing of American Indian groups who received copies of the DEIS for review is provided on page 5-3 of the draft document.

We remind you that the Advisory Council on Historic Preservation has published its final rule, replacing the previous regulations in order to implement the 1992 amendments of the National Historic Preservation Act (NHPA). The final rule became effective June 17, 1999.

#### **Active Management of Archaeological Sites**

1-Y The DEIS states that actions undertaken under “active management” of archaeological sites “could constitute an adverse effect.” Please provide details on these potential adverse effects, including whether the effects would be on the resources themselves and/or on traditional cultural practices, the specific nature of the effects, the mitigations that are planned to lessen such effects, and consultations that BLM has had with the New Mexico SHPO and Native American Tribes and Pueblos in regards to these activities.

#### **WILDLIFE HABITAT**

##### **Fencing**

1-Z There are a number of places where the DEIS mentions current or proposed fencing. For example, p. 2-55 describes proposed riparian fencing under Alternative B, and fencing to support grazing allotments is mentioned in a number of places. The FEIS should provide a detailed analysis for each alternative of the current and potential effects of various fencing projects on wildlife habitat (including water access issues and habitat fragmentation), and on recreational and Indian access to the planning area.

#### **THREATENED AND ENDANGERED SPECIES**

##### **Consultation with USFWS and New Mexico Department of Game and Fish** Reference Chap. 4 general, p. 4-17, Chap. 5, Appendix Q

1-AA The DEIS states that “informal consultation” has occurred between BLM and US Fish and Wildlife Service (USFWS) regarding potential effects on threatened and endangered species, and states that such consultation is “anticipated to be completed by early 1999.” Given that the DEIS was released in June 1999, it is suggested that the Final EIS provide details on consultative activities. The FEIS should indicate the status of such consultation and should at a minimum contain copies of relevant correspondence between BLM and USFWS. No consultation is apparent with the New Mexico Department of Game and Fish. There is no Biological Assessment (BA) provided with the DEIS. This makes the document incomplete in terms of public information and review. At a minimum, the FEIS should contain a copy of the BA, and address the status of the USFWS Biological Opinion.

##### **Threatened, Endangered & Other Special-Status Species** Reference pp. 2-11 to 2-12

**1-Y--**The statements referred to in this comment are found on pages 4-9, 4-29, and 4-60. They are part of a discussion that points out that cultural resources in the El Malpais NCA are valued from several differing points of view, and these different viewpoints cannot always be reconciled. Actions intended to protect scientific and interpretive values, such as signing, stabilization, and erosion control, can also be seen as intrusions that detract from the spiritual qualities attributed to the sites by traditional American Indians. Allowing nature to take its course on the sites, as some American Indians advocate, would inevitably lead to the loss of scientific and interpretive values.

Many of the management prescriptions developed in this document (especially under Alternative D) are compromises intended to conserve scientific and interpretive values while still respecting traditional American Indian values. Examples include effective prohibition of scientific research that involves site disturbance, and establishment of procedures to allow collection of prehistoric sherds for use in pottery making.

The key to mitigating or resolving these issues is continual consultation with all of the publics who have a stake in managing these resources. Consultations with the New Mexico SHPO, American Indian tribes and pueblos regarding these activities are discussed above in response to comment 1-I.

**1-Z--**The fencing identified on page 2-55 (1½ miles to protect the riparian area along Cibola Creek) was built in February 2000 as part of the BLM’s grazing permit reauthorization process. The fence was constructed to agency standards to prevent any access problems for wildlife, so no habitat fragmentation is anticipated. No access problems for recreation users or American Indian people are anticipated.

**1-AA--**Refer to Appendix Q, which contains a copy of the Biological Assessment and the U.S. Fish and Wildlife Service’s Biological Opinion/Concurrence Letter.

1-AB The DEIS stated on p. 2-12 that “Under any alternative, actions will not be allowed to affect special-status species or their habitats. This commitment will be met by preparation of an EA before any action is permitted.” The use of multiple EAs for determining impacts on these species, would increase the probability that cumulative effects of the actions proposed under each alternative would not be assessed fully. Request that the FEIS address whether USFWS has endorsed this approach. In addition, the manner in which this approach is used in conjunction with the BA should be addressed.

## **SOCIAL AND ECONOMIC CONDITIONS**

### **Environmental Justice Analysis**

Reference pp. 3-38 to 3-40, pp. 4-20 to 4-21

1-AC Chapter 3 indicates that the planning includes substantial numbers of minority and low-income residents. Note that much of the data presented in this section is at least 5 years old. The DEIS states on pp. 4-20 to 4-21 that “impacts to minority and low-income populations and communities have been considered, with no significant impact anticipated.” No basis or support for this statement is provided within the DEIS.

On February 11, 1994, the President signed Executive Order #12898 which addresses environmental justice in minority and low income populations and places new responsibilities upon EPA and other Federal agencies in all activities requiring environmental assessment and review under the National Environmental Policy Act.

In accordance with Title VI of the Civil Rights Act of 1964, the Executive Order directs each Federal agency to ensure that all programs or activities receiving Federal financial assistance that affect human health or the environment do not directly, or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin.

The Executive Order further directs each Federal agency to analyze the environmental effects, including human health, economic and social effects, of Federal actions, including effects on minority communities and low-income communities, when such analysis is required by the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. section 4321 et seq. Mitigation measures outlined or analyzed in an environmental assessment, environmental impact statement, or record of decision, whenever feasible, should address significant and adverse environmental effects of proposed Federal actions on minority communities and low-income populations.

1-AD Each Federal agency is directed to provide opportunities for community input in the NEPA process, including identifying potential effects and mitigation measures in consultation with affected communities and improving the accessibility of meetings, crucial documents, and notices.

1-AB--All actions proposed in the Plan/EIS were evaluated in the Biological Assessment (refer to Appendix Q). Individual EAs for projects to protect T&E species would be completed if the projects were not already identified in the EIS.

1-AC--Several local American Indian tribes consider the NCA region to be part of their traditional tribal use area, including the Acomas, Lagunas, Zunis and Ramah Navajos. In particular, the Ramahs, who live west of the NCA, continue to use the region for gathering natural materials for traditional and subsistence purposes (including plants, piñon nuts and fuelwood), hunting and religious practices. Under the Preferred Alternative, 14 miles of local routes in the Chain of Craters Unit near the Ramah area would be closed to motorized vehicles. Tribal members who used portions of the unit near these routes would have to access them on foot or by horseback unless otherwise authorized. However, the Ramahs are not solely dependent on this 18,000-acre area for these uses.

1-AD--Consultations with American Indian tribes and pueblos are discussed above in Response 1-I.

Each Federal agency is required under the Executive Order to ensure that the public, including minority communities and low-income communities, has adequate access to public information relating to human health or environmental planning, regulations, and enforcement when required under the Freedom of Information Act, 5 U.S.C. section 552, the Sunshine Act, 5 U.S.C. Section 552b, and the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. section 11044.

1-AE Therefore, the EIS must address the applicability of the Executive Order to the Federal action being analyzed in the NEPA process and document measures taken by the agency to fully assess the effects on minority communities and low-income communities. Although social and economic impacts have always been a consideration in EPA's Section 309 reviews, the Presidential Memorandum highlights the necessity to better integrate the consideration of human health, social and economic effects into the Section 309 review process. The Executive Order calls for collection and analysis of information on race, national origin, income level and other appropriate information for areas surrounding projects that have expected environmental, health and economic effect on those populations. Environmental Justice impacts should be fully addressed in the Final EIS. We have enclosed a copy of the EPA guidance document entitled, "Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analyses," to assist you in preparing the Final EIS. Please provide the analysis that supports your conclusion.

## SOIL, WATER AND AIR

### Map of Water Resources

1-AF The FEIS should provide a complete map of water resources within the Planning Area, including springs and associated riparian areas, perennial streams, and ephemeral wetlands.

### Analysis of Effects on Water Resources

Reference p. 4-21, pp. 4-38 to 4-39, p. 4-52, pp. 4-68 to 4-69

1-AG The EIS should provide analysis of effects on water resources for any of the four alternatives. The referenced pages are largely limited to discussions of vegetation and fire management issues. We ask that the FEIS address and analyze the potential effects of current and proposed activities and developments on water resources throughout the planning area, including effects on all surface waters, water quality, groundwater use and quality, policies regarding wells, and proposed sources of water for current and proposed facilities.

### Clean Water Act 402(p) National Pollutant Discharge Elimination System (NPDES) Permits

Reference Chap. 4

1-AH The FEIS should address whether NPDES permits are expected to be required for any

**1-AE--**Cibola County is a minority county, as indicated by the figures shown in Table 3\_17. In 1990, the county's American Indian population was over 38 percent of the total. The Hispanic population was 34 percent, making the total minority population more than 72 percent. However, because analysis has determined that the Preferred Alternative would not cause significant impacts, a disproportionate distribution of impacts in Cibola County would not be a problem.

Other environmental justice considerations are stakeholder involvement, benefits and burdens. The BLM has maintained contacts with American Indian groups living and having cultural interests in Cibola County throughout the planning process. The plan includes measures to allow for some uninterrupted American Indian use within the NCA on specific occasions.

In Appendix R of the Draft Plan/EIS, Catron County population figures are provided, showing that minorities account for approximately 30 percent of the total population. If the Preferred Alternative created significant impacts and more than 30 percent of these impacts affected minorities, the BLM would consider this a disproportionate impact on low-income or minority groups. Based on the management actions being proposed for Catron County, the BLM believes no impacts to the human environment of Catron County would occur, and no disproportionate distribution of impacts would exist.

[Note: Catron County was not included in the draft document until it became evident that approximately 15,100 acres of federal land adjoining the Planning Area lie within the county (.3 percent of the total county acreage). These lands have high-value cultural resources similar to those in the NCA. The BLM has included the lands in this document to recommend their addition to the NCA for efficiency of management and resource protection. This recommended area would require plan amendment and NEPA analysis only if the Congress formally designated it as part of the NCA.]

**1-AF--**As discussed on pages 3-32 and 3-40 of the Draft Plan/EIS, water resources in the area consist of two springs with about 20 acres of wetlands, no perennial streams, a dozen ephemeral channels and several ephemeral playas, and stock tanks and shallow windmills for watering livestock. Showing these resources on a map would mean that they were critical to some proposed activity, the informational process, or the final decision. The only activity proposed for these waters is protecting the springs and wetlands, which is nearly completed.

**1-AG--**The DEIS documents the analysis of the impacts of all four alternatives. The effect of the total of all uses, both current and proposed, on surface and ground water would be very small. Well and spring water are used only when livestock are present in a pasture that has these features. Earthen stock tanks capture some surface runoff when it rains.

No designated stream segments or water quality standards exist in the area. Additional water quality and riparian protection for the two springs, the wetlands, and the two playas is being built. Little water quality data for analysis is available from the area.

**1-AH--**No activities proposed would require either Section 402(p) or 404 Clean Water Act permits.

current or proposed developments. For example, the construction of hiking trails could require storm water general permits for disturbed areas greater than five acres.

**Clean Water Act (CWA) Section 404 Permits**

Reference Chap. 4

1-AI | The FEIS should address whether CWA Section 404 consultation and permits are expected to be required for any current or proposed developments and land usages that may affect wetlands. Such determinations should be supported with evidence of consultations with the US Army Corps of Engineers.

**EDITORIAL COMMENTS**

**Presentation of Data on Alternatives**

References: p. 2-24, Tables 2-6 and 2-7, p. 2-26, Table 2-8, p. 2-28, Table 2-9, p. 2-33, Tables 2-10 and 2-11

1-AJ | The tables in the DEIS which provide specific details about the alternatives are presented in the discussion of Alternative A. The DEIS therefore presents the details of Alternatives B, C, and D before these alternatives have actually been introduced or described. We recommend moving these summary tables to the end of Chapter 2 or splitting up the information such that it is presented by alternative. Please address in the FEIS.

**Glossary**

Reference p. 3-4

1-AK | P. 3-4 of the DEIS uses the term “kipuka” and says “refer to the Glossary” but the term is not contained in the Glossary. Please correct this discrepancy in the FEIS.

**1-AI--**Refer to Response 1-AH.

**1-AJ--**We use this format because many readers find it easier to absorb information in pictorial (tabular) format rather than from narrative. They can generally get a comparative picture of the difference between alternatives when they read through the section describing the first alternative. These tables are then referred to in the later alternatives. We have used this format for some time and feel it effectively conveys our information.

**1-AK--**The term “kipuka” has been added to the glossary.

No. 2

El Malpais Plan  
Team Leader  
BLM  
435 Montano NE  
Albuquerque, NM

Thanks  
for your comment

September 22, 1999  
2724 Veranda Rd NW  
Albuquerque, NM 87107

Hello Team Leader of the El Malpais Plan:

I am writing to encourage the BLM to decide upon Alternative "C", Natural Processes.

It is a very good idea to officially let nature "take care" of the Cebolla Canyon and Sand Canyon roads. This would go a long way toward making the "Cebolla Wilderness" truly wilderness.\*

I ideally, I would like to see the entire 10,380 acres added to the "Cebolla Wilderness".

Thanks for your attention.

Sincerely,

Jan A. Cummins  
Jan A. Cummings

\* Cutting grazing back toward the vanishing point would also increase the naturalness of this land ~~also~~ immensely.

Comment acknowledged.

COMMENT LETTER: 3

No 3



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
P.O. Box 1306  
Albuquerque, New Mexico 87103



In Reply Refer To:  
R2/ES-HC/EC

SEP 22 1999

Memorandum

To: El Malpais Plan Team Leader, Bureau of Land Management, Albuquerque, New Mexico

From: Assistant Regional Director - Ecological Services

A handwritten signature in black ink, appearing to read "Dan Riddell".

Subject: El Malpais Plan and Draft Environmental Impact Statement (EC #99-0025)

This draft Environmental Impact Statement (EIS) has been prepared by the Bureau of Land Management (BLM) for the purpose of land use planning for public lands and resources of the El Malpais National Conservation Area (NCA) and certain adjacent lands. The Federal Land Policy and Management Act of 1976 (FLPMA) provides the basic authority for BLM activities relating to public lands management. Under FLPMA, such management directives include preservation and protection of certain lands in their natural condition as well as providing for other human land uses. Because the planning area was designated as an NCA, the BLM is required to manage the area's resources with a higher order of protection than that followed on other multiple use lands.

The El Malpais NCA and adjacent planning areas involves 248,000 acres of public lands and 36,500 acres of private lands located south of the City of Grants, Cibola County, New Mexico. The NCA is bordered on the east by the Acoma Reservation, on the south by Catron and Socorro Counties, on the west by Ramah Navajo land, and on the north by the Zuni Mountain portion of the Cibola National Forest. The planning area also includes four administrative features; the Cebolla Wilderness, the West Malpais Wilderness, the Chain of Craters Wilderness Study Area, and the El Malpais National Monument, which is administered by the National Park Service. Additionally, lands adjacent to the south side of the planning area which are being considered for inclusion within the El Malpais NCA, are identified as the Techado Mesa Unit and Tank Canyon Unit. These lands comprise an additional 15,000 acres.

Fish and Wildlife Service (Service) biologists have reviewed the subject document and provide the following comments:

GENERAL COMMENTS

3-A The draft EIS adequately addresses most of the important fish and wildlife resource concerns, with the exception of federally-listed species. The biological assessment (BA), which is currently being prepared for the NCA, was not included in the draft document for public review. The preferred alternative (Alternative D) proposes to create a management balance by combining selected actions from the remaining alternatives.

Many of the actions proposed within the preferred alternative do not appear to present significant potential for adverse impacts on important fish and wildlife resources. Nonetheless, consistent with management of an NCA at a "higher order of protection", the Service recommends Alternative C, since it appears to more fully promote the purposes of an NCA. For example, Alternative C proposes 23,700 more acres of "Wilderness Status" lands, 73.4 less miles of open vehicle routes, longer pasture rest periods for grazing uses, and no extractive activities, when compared to the preferred alternative.

3-B Ongoing and proposed activities within the planning area include recreation, facility development, road and trail use/development, vegetation removal, prescribed burning and wildland fire management, grazing management, and watershed management. The potential impacts of these activities on all wildlife resources, including threatened and endangered species, should be evaluated. The final EIS should identify and summarize the findings (effects determinations) for all species considered in the analysis. Habitats that support threatened, endangered, proposed or other special-status species should receive management priority.

3-C Throughout the document (pages 3-26, 4-17, 5-1), it is stated that BLM is conducting informal consultation with the Service under section 7 of the Endangered Species Act. To date, this "informal consultation " has consisted of requests for species lists and updates of those lists. The Service is concerned about potential impacts on threatened, endangered, and proposed species, but cannot provide more specific input until we have reviewed the BA. The BA should identify all existing and potential threatened and endangered species habitat within the planning area, and evaluate the impacts of ongoing activities and potential impacts of the preferred alternative. Although the document states that it is BLM's policy not to allow activities to adversely affect federally listed or other special status species, the Service should be contacted any time an activity "may affect" listed species, to ensure that proposed avoidance or mitigation measures adequately remove the potential for adverse effects.

3-A--The Biological Assessment and U.S. Fish and Wildlife concurrence are shown as Appendix Q in this Proposed Plan/Final EIS.

3-B and 3-C--Refer to Appendix Q in this Proposed Plan/Final EIS.

SPECIFIC COMMENTS

Page 2-10, Habitat Maintenance, Improvement, and Expansion

3-D This section indicates raptor protection will be improved by requiring powerlines to be built to "electrocution-proof" specifications identified in Olendorff, *et al.* 1981. Please note that the latest guidance to prevent raptor electrocutions is included in the publication Suggested Practices for Raptor Protection on Power Lines - The State of the Art in 1996 by the Avian Power Line Interaction Committee. This document may be requested from the Raptor Research Foundation at 12805 St. Croix Trail, Hastings, Minnesota 55033, phone 612-437-4359 or JMFITZPTRK@aol.com.

**3-D**--The publication, *Suggested Practices for Raptor Protection on Power Lines--The State of the Art in 1996* is now referenced as the most current information available.

Page 3-26, Threatened, Endangered, and Other Special-Status Species

3-E The document states that six federally listed species (bald eagle, black-footed ferret, southwestern willow flycatcher, Mexican spotted owl, Zuni fleabane, and puzzle sunflower) and one proposed species (mountain plover) are known to occur, or that potential habitat may exist, within the planning area. Please note that on August 25, 1999, the Service delisted the American peregrine falcon which was known to occur within the area; therefore, section 7 regulations no longer apply to this species. However, the Service recommends continued consideration of project effects on this species and protection of its habitat.

**3-E, 3-F and 3-G**--Refer to Appendix Q in this Proposed Plan/Final EIS.

3-F The Pecos sunflower (*Helianthus paradoxus*) is known to occur just outside the planning area near I-40 and Grants and could potentially occur within the planning area (Charlie McDonald, USFWS, pers. comm.). Potential habitat for this species, which include wetlands and other moist soil areas, should be identified and managed accordingly. The draft EIS states (for all alternatives) that if monitoring studies indicate the need, existing livestock grazing plans could be revised, new plans developed, and/or use could be reduced. The Service believes that potential Pecos sunflower habitat within the planning area could be improved through grazing management. Removal of cattle from wetlands and moist soil areas from the middle of July through November of each year would significantly improve habitat conditions for this species.

SUMMARY COMMENTS

3-G In the event that the preferred alternative is selected, the Service recommends the final EIS consider habitat requirements for all listed and proposed species within the planning area. Conservation measures to protect habitat for candidate species and species of concern may help prevent the need for future listings.

We appreciate the opportunity to provide comments on this environmental document. Please direct further questions to Carol Torrez, U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office at 505- 346-2525 extension 115.

No. 4

**Ref: Draft El Malpais Plan and EIS  
6/99 document 1610(010)**

Gregory S. Nelson  
738 Mainsail Place  
Naples, FL 34110

September 20, 1999

Bureau of Land Management  
c/o El Malpais Plan Team Leader  
Albuquerque Field Office  
435 Montano Road NE  
Albuquerque, NM 87107-4935

Dear Sir or Madam:

4-A I recently visited the El Malpais area during a vacation. While in the area, I learned of the El Malpais plan and EIS draft. I looked at the plan via the Internet once I returned to my home. Based on my experiences while in the area, I have some concerns over the plan as presented. It appears to me that the plan is an attempt to rid the area of cattle ranchers, rather than simply looking out for the best of the land. I am an avid hiker and nature lover and I fully support the preservation of nature for future generations. However, I see no need to change the status of this area of land from NCA to a Wilderness Area.

While in the area, I saw very few people at all. This is already very remote country. Changing the status of the land to wilderness area will have little effect on traffic in the area. Much of the land is being used by cattle ranchers. My understanding is that these ranchers lease most of the land and have permits from the BLM for raising cattle. The number of head permitted is controlled by the BLM and is based on the ability of the land to support the cattle, while protecting the land from abuse. Hence, the presence of cattle on the land should not pose a threat to the preservation of the land.

4-B With this assumption in place, it is necessary for these ranchers to have ample access to the land (via motorized and non-motorized means) to properly care for the cattle and maintain the fences. Reducing their ability to access the land is simply forcing them out of business. Additionally, proper watering of the cattle is necessary for the survival of the cattle. The deactivation of any existing water supplies (as described in Appendix I) will kill the cattle and again, force the ranchers out of business.

If the concern for the land is due to an anticipated increase in traffic by tourists, then might I suggest finding a way to reduce that traffic, rather than using a method that will put hard working ranchers out of business. While on my vacation, I found the land to be in very good shape. I found that the cattle have not run down the land's ability to produce vegetation. It seems that the BLM has done a very good job at setting the proper limits to prevent over grazing. In addition, I found the ranchers to be very in tune to the preservation of the land. After all, the well being of the land is in their best interests too.

I do not support the changing of the land status in the Chain of Craters area from NCA to Wilderness status. I also do not support the halting of grazing while an environmental impact study is performed in the area. If an impact study is to be done, then it should be done under the current conditions. It is not appropriate to change the environment in order to perform a study.

Sincerely,



Gregory S. Nelson

4-A--As explained on pages 1-1 and 1-14 of the Draft Plan/EIS, Section 501(b) of P.L. 100-225 directs the BLM to review and recommend to the Congress the suitability or nonsuitability of the area called the "Chain of Craters" for preservation as wilderness. (Two wildernesses are now part of the NCA.) In complying with Supplemental Program Guidance 1623.61, the agency also must identify public lands having wilderness characteristics. To meet this requirement, the BLM reviewed 10,380 acres of acquired and public lands contiguous to the Cebolla Wilderness (refer to page 3-16 and J\_1 of the Draft Plan/EIS for more details). If an area or part of an area is suitable, the BLM submits a recommendation through the Secretary of the Interior and the President to the Congress to include the area in the National Wilderness Preservation System. No proposal is made in the plan to "rid the area of cattle ranchers."

4-B--Development of this well and storage tanks was contrary to the provisions in Chapter III, Section 3(c)(Livestock Developments), Part D (Rangeland Management) of the Interim Management Policy and mandates of Section 603(c) of the Federal Land Policy and Management Act (FLPMA) of 1976. However, because of the expressed need for a reliable water source in this portion of the grazing allotment, use has been allowed to continue, pending future Congressional action on the Chain of Craters. If the Congress accepted the BLM's proposed recommendation for the Chain of Craters WSA, the well would not have to be deactivated. If the Congress determined that the area should be designated as wilderness, the well and storage tanks could be "cherry-stemmed" out during boundary delineation at the time of legislation.

8/23/99

COMMENT LETTER: 5

RESPONSE TO COMMENT LETTER: 5

8/23/99

John A Schneider  
W8466 Maple La.  
Park Falls, WI 54552

5--Comment acknowledged.

Bureau of Land Management  
Albuquerque Field Office  
435 Montano Rd. NE  
Albuquerque, NM 87107-4935

Dear Team Leader,

The EIS should be done no more than once every 10 years. More than that would only be a waste of tax dollars. I have never had a problem with cattle over grazing on my land or the BLM land.

Please respond with your thoughts on this subject.

Thank you

*John A. Schneider*  
John A Schneider

99 AUG 27 AM 11: 27  
BLM  
ALBUQUERQUE, N.M.

No. 6

COMMENT LETTER: 6, 11, 14, 16, 20, 21, 22, 25

RESPONSES TO COMMENT LETTER: 6, 11, 14, 16, 20, 21, 22, 25

8/18/99

Bureau Of Land Management  
c/o El Malpais Plan Team Leader  
Albuquerque Field Office  
435 Montano Road NE  
Albuquerque, New Mexico 87107-4935

(Note: Letters 11, 14, 16, 20, 21, 22 and 25 are identical to Letter 6, and thus are not reprinted nor responded to individually.)

Ref: Draft El Malpais Plan and EIS 6/99 document 1610(010)

After reviewing the proposed study plan, I have a few questions regarding the positions taken in some of the Alternatives. While I agree in principle with your preferred Alternative D, I feel some of the statements regarding impact are wrong or based on bad assumptions.

**Access and Transportation (p 4.55)**

6-A Issue #3 states that the BLM would increase the amount of public land closed to motorized vehicle use. This in turn would eliminate access and use by the majority of the American people since their ability to enjoy would be eliminated. The land would only be available to the physically fit which is a sever case of discrimination to say the least.

6-B In the Chain of Craters area, 13.9 miles of road would be closed (30% of available roads in the WSA). Also, on page 4.59, the plan calls for no off road vehicle use even in some areas of the Chain of Craters area. The statement also acknowledges that the use of off road motorized vehicular activity for the gathering cattle is common. Page 4-68 (Social and Economic Conditions) states that these changes would not create measurably different impacts i.e., no change vs elimination of cross country vehicle traffic. To eliminate that access for the gathering as well as for maintenance of the grazing operations, would severely impact the ability to effectively perform those functions, if not rendering them cost prohibitive. In most cases, it would require additional manpower to properly function and would already strain a economically depressed industry. Contrary to popular opinion, the cattle ranchers struggle to just make ends meet. It is not an industry that can easily adjust for changes in operating costs when markets are extremely tight with minimal margins. Bear in mind, that most of the Ranchers affected by this study are family owned with large debt loads.

I would propose that the area remain as is; NCA vs Wilderness, and that the access routes remain as is with better management of the traffic and adjust the use of the roads accordingly as is presently done. At present, road maintenance is controlled by the BLM through there normal management policies. If it's not the BLM's recommendation to make The Chain of Craters a wilderness then the management of the area should remain as is unless management date indicates otherwise. To start eliminating access to these areas, is the same as designating the area as wilderness.

6-A--While you may want unrestricted use, others demand absolute protection. The BLM's responsibility is to listen to the diverse voices of the public and provide the best possible balance in natural resource management while following all public land laws. Executive Orders (EOs) 11644 and 11989 and the BLM's regulations at Title 43 of the Code of Federal Regulations (CFR), Part 8340 include provisions for designating public land areas as open, limited or closed to the operation of off-highway vehicles. The Secretary and the BLM must also comply with the duties clearly enumerated in Section 603(c) of FLPMA, which states that the BLM must manage WSAs so as not to impair their suitability for preservation as wilderness.

EO 11644 provides procedures to ensure that the use of off-road vehicles on public lands is controlled and directed to protect the resources, promote the safety of all users, and minimize conflicts among the various uses. In complying with this order and FLPMA, the BLM is offering the Preferred Alternative as the best solution.

6-B--Within criteria specified in the BLM's Interim Management Policy and the Wilderness Act, the use of motorized vehicles and equipment for the support of livestock grazing operations is permissible, but not without some inconveniences. Such use would be based on a rule of practical necessity, reasonableness, the minimum tool, and the effects on wilderness values, not the sole convenience of the operator.

## Summary

- Do not reduce the accessibility to the Chain of Craters Area through road closures. Keep the area available to all Americans regardless of the physical capability.
- Recognize that the Ranching operations now using the areas in question will be severely impacted economically if the area is closed off to motorized vehicle use. The ranching operations in the areas in question are not limited to "Gathering". Access to the area is an ongoing requirement for water and fence maintenance as well as watching over the well being of the cattle and the range land.

6-C I am concerned that there are four alternatives presented that seriously conflict with one another especially regarding Wilderness designation and access. If the areas in question do not fit the Wilderness requirements as the BLM has stated in 1991 GMP as well as in this report, then why would the alternatives be included in the Wilderness designation?? I would suggest that a proper EIS study should include the one recommendation and the facts supporting that recommendation. The way it is now, it appears that the BLM is trying to satisfy all organizations desires regardless of what the facts say. Lets get back to one recommendation supported with the facts. No Wilderness designation for the Chain of Craters area, and, no reduction of access to the area, in fact, maybe improved access.

4 8-21-99

6-C--Requirements of the National Environmental Policy Act (NEPA) and regulations at 43 CFR 1600 require the BLM to explore and evaluate all reasonable alternatives. According to the "Policies, Criteria and Guidelines for Conducting Wilderness Studies on Public Lands" published in the *Federal Register* on February 3, 1982 (Vol. 47, No.23, pp. 5098-5122), any plan or EIS containing wilderness recommendations should identify a range of alternatives allocating all, part or none of the WSA to wilderness. The need for alternatives arises from the possibilities that the preliminary recommendations made by the agency may be altered during administrative review and reporting process, and ultimately may be changed by the Congress. Through using alternatives, the following can be identified: (1) the probable impacts on other resource values and uses in the area that could result from wilderness designation, or (2) the extent to which the wilderness values of the area would be foregone or adversely affected as the result of not being designated.

8/19/99

Bureau Of Land Management  
c/o El Malpais Plan Team Leader  
Albuquerque Field Office  
435 Montano Road NE  
Albuquerque, New Mexico 87107-4935

Subject: Draft El Malpais Plan and EIS 6/99 document 1610(010)

7-A The present EIS and Plan in my opinion does not take into consideration the BLM's responsibility or capability in managing that balance between Public use and protection of the natural state of the land as defined in the BLM mission statement. In several of the alternatives, The Chain of Craters was to be designated a Wilderness area without any clear reason as to why. Was this based upon the assumption that the BLM is unable to effectively manage the balance between public use and protection of the natural state because they don't have the expertise, or is it because they lack the financial support of the Government to do so.

In the prior GMP (1991), The BLM did not find cause to recommend any alternatives that called for a change to Wilderness status. What has changed? The land is the same, the criteria for Wilderness classification is the same, so why does the Plan now present alternatives that include Wilderness classification for the Chain of Craters area?

If the Chain of Craters area must be isolated from the public through designation as a Wilderness, then shouldn't all public land be so declared. Isn't the protection of all public lands equally important? Or, is this area being considered a isolated area (Wilderness) because we have not provided the BLM with the funds necessary to properly protect this area through effective management. Has the financial and political power of the special interest groups become stronger and more important than the charter of the BLM.

The EIS and use study for the El Malpais area must consider the best way to balance its use between Public use and natural state protection through utilization of the BLM agency direction and, be funded accordingly. It is too easy to shut the area down to the Public because of an unwillingness to properly fund the management.

7-B Another area of concern regarding the basis for the Chain of Craters Wilderness status decision that is lacking is the impact on existing users of the area in question. While I understand that individual economic impact is not a major factor in these actions, it should be considered or at least addressed. In the Chain of Craters area, the primary private use of the land is ranching; cattle grazing through allotment control by the BLM which was allowed by Congress as a condition when the area was designated a NCA.

7-A--The BLM's proposed recommendation to be sent forward through the Secretary and the President to the Congress would be that the Chain of Craters WSA is nonsuitable for wilderness preservation. However, our policies require that when a WSA is being recommended as nonsuitable, the probable effects of alternative uses on the WSA's wilderness values be identified. As stated above in Response 6-C, the BLM's preliminary recommendation may change, so a reasonable range of alternatives must be considered. Existing and potential uses within the Chain of Craters are identified in the Draft Plan/EIS (refer pages 3-14, 3-15 and Appendix I).

7-B--As described in the Introduction to Chapter 4, impacts are discussed by alternative for each specific resource or program. These impacts would occur from management actions developed as alternative ways of resolving the ten issues most pertinent to the Planning Area's management and allocation of public land resources, their use and protection.

In several areas of the Plan, reference to grazing impact were just generally addressed. i.e., on page I-10, the plan acknowledges the law (P.L. 100-225) that allows for continuation of grazing in the Chain of Craters area but, goes on to say that appropriate use of motorized and mechanized equipment would still be allowed. In reality, the present Wilderness regulations requires that the Ranchers would have to apply for special permits stipulating exactly what had to be done etc..... a bureaucratic nightmare to say the least. In most cases, it is safe to say that the only motorized activity that would be allowed is that of an emergency or major project and only if approved. This does not address the needs of the Ranchers for continuous access for fence, water maintenance, doctoring animals etc. which is a never ending job.

7-C Also, in Appendix I, page I-6, the plan will call for deactivating existing water supplies and related equipment from the Chain of Craters area. These wells were put in place because it was not possible to effectively water livestock ( or wildlife for that matter). The rancher prior to the insertion of the water system on the southern portion of the Los Cerros allotment, had gone into bankruptcy because of the lack of ability to economically provide water to his livestock.

7-C--Refer to Response 4-B regarding deactivation of the water system in the Los Cerros Allotment.

To consider that these operations can be now done only with non motorized equipment and no supplemental water capability without any negative impact on the Rancher is short sighted to say the least. The real bottom line is that the Wilderness designation will eliminate effective Ranching in those areas. One of the statements supporting the Wilderness designation on page I-17 that says the Indians and Ranchers objections can be accommodated. This statement is total without merit unless that accommodation is contrary to every Wilderness regulation presently in existence.

Therefore, if the Chain of Craters is designated a Wilderness area, then the existing ranching operations as we now know, will most likely cease to exist because of the increased manpower and costs associated with the new restrictions. This does not even address the enormous personal loss due to land and business values etc affected by a decision to designate the subject area a Wilderness. This will be a major impact on an already strained industry and would more than likely put the affected Ranchers out of business.

On the surface this may not seem to be a major concern and in fact may be desirable by some organizations. However, under the present circumstances, most if not all of the maintenance and improvements (i.e. water availability) is being done by the ranches with their own funding in a cooperative basis with and under the control of the BLM. The condition of the land is critical to the ranchers ability to continue to stay in business. They do more on a daily basis to protect the land than any other group or organization or agency. Putting these people out of business would leave a gaping hole in the protection and development of the existing public lands.

As with most industries, there are some who would exploit the land for short term gain. However, the protection against this solely rests on the management responsibility

of the BLM and can be effective if they are allowed to do this and are properly funded with existing laws and policies.

So again it comes down to the BLM having the capability to manage as long as they are effectively funded. At present, most field agents are tied up in offices away from the land buried under mounds of paperwork much of which is tied to many lawsuits and the associated politics. It would be interesting to see how much more effective our land management would be if the BLM were free to do what they do best - field management.

7-D | A last consideration is the accessibility of this area to the general public.. At present time and especially if the area in question is designated wilderness, accessibility to the area is most difficult and will be limited to those that are physically fit to hike into the area to appreciate it's beauty. The EIS study must consider making the area accessible to a majority of the public through improved roads and other services. To fail to do so, will make this area non existent to most Americans, again, because the Government failed to fund the BLM agency to do their job of effective management.

7-D--Refer to Response 6-A.

In summary, I would suggest that he BLM reconsider the alternatives designating the Chain of Craters as a Wilderness based on the following additional factors:

- o The BLM,s ability to effectively manage the balance between the public use and protection of the land to meet the goals of proper stewardship with the proper funding without closing the area to the general public through wilderness designation.

- o Consider the negative affect on the maintenance, improvement and protection of the Chain of Craters environment without the involvement of the ranching industry if the decision forced the ranching industry out of business.

- o Consider the sever limiting effect of the availability of the Chain of Craters area to the majority of the public that are not physically capable to access the area to enjoy its beauty if the area is declared a Wilderness area.

7-E | I would suggest that in addition, the El Malpais Plan and EIS should contain an expert BLM recommendation to the Congress on which alternative best satisfies the needs of the public in balance with the environment protection. To provide four (4) alternatives that cover the gambit of all interested parties defeats the reason for the study in the first place. Which one does the BLM in its expert opinion feel best satisfies the requirements of proper stewardship of the public land in question and why.

7-E--Refer to Response 6-C regarding the requirements for considering alternatives during wilderness study. The BLM analyzed impacts on specific resources and programs to assist in determining whether the areas under study were more suitable for wilderness designation or other uses. BLM decisions were based on this analysis.

One last comment for consideration in the program. This plan was intended to come up with an environmental Impact Study for the Area in question. Since the issue of this plan for public review, there has been pressure brought upon by some environmental groups to halt the grazing until these studies are complete. In the interest of trying to settle this suit, the BLM has suggested that they would agree to a "No Grazing

Alternative " analysis. I would suggest that the study (Plan) continue to support the decision made by the BLM and highlighted on page 2-75 of the plan. No grazing is inconsistent with P.L. 100-225 which established this area as a NCA in the first place.

Also, the BLM on that same page has stated that the Resource conditions in that area do not warrant area wide prohibition of livestock grazing. The existing RMP's contain the prescriptions needed to meet the resource objectives, including vegetative objectives.

LE 8-21-99

COMMENT LETTER: 12

*N.D. 12*

8/2/99

Bureau Of Land Management  
c/o El Malpais Plan Team Leader  
Albuquerque Field Office  
435 Montano Road NE  
Albuquerque, New Mexico 87107-4935

99 AUG 30 PM 1:16  
BLM  
ALBUQUERQUE, N.M.

RESPONSES TO COMMENT LETTER: 12

**Ref: Draft El Malpais Plan and EIS 6/99 document 1610(010)**

The plan in question seems to be biased towards shutting the land off from the general public through wilderness designations or closure of access to the area.

12-A These positions dont take into affect the majority of the people that should have access to the area. With no motorized access, the majority of senior citizens and the general public will not be able to enjoy the proported beauty of the area. This is contrary to the basis of an EIS study.

In addition, the study seems to be a vehicle as written to get the ranchers off of the land. While your study acknowledges the right by law for grazing under the management of the BLM, it presents options that will make the grazing economically impractical and will force the ranchers out of business. Even the statement in Appendix I on page I-6 whereby the existing water improvements would have to be removed because they were not grandfathered, is an admission of a way to shut out grazing. You can't graze if you do not have water. Also, is it good stewardship and environmentally correct to reduce the well being and health of the wildlife and the land by eliminating the source of water just because of when it was put in ????

12-B The biggest concern for Wilderness designation is the potential impact on the private land owners in the area. While the study does not specifically say that the land owner will be penalized if the wilderness designation is made, it does imply that the Government could impose "visual easements" which in turn could prevent the landowners to build. This in turn would and has in the past, rendered the private land values to drop to insignificant levels. Is this the American way?? Lets make the study clear on exactly what will take place if the Wilderness designation is put into effect. Lets not eliminate or screen vital information from the decision making process. Will there be "Visual Easements" if the Chain of Craters area is designated wilderness status ??



**12-A--**As presented in Tables 2-10 and 2-11 in the Draft Plan/EIS, 58 percent of the Planning Area remains available for vehicle use on 273.1 miles or 75 percent of the roads inventoried in 1996. Wilderness designation through P.L. 100-225 had already closed 41 percent of the Planning Area to motorized use by the general public. Under the Preferred Alternative, the BLM would close only an additional 1 percent of the Planning Area and 81.4 miles of inventoried roads.

**12-B--**Yes, the government could seek visual easements, but this would require a willing grantor. An easement is not a fee acquisition or purchase of the private property by the federal government. Easements may be purchased or donated. In a purchase, the landowner(s) would receive compensation for any rights acquired by the federal government.

COMMENT LETTER: 13

RESPONSE TO COMMENT LETTER: 13

No 13

Philip R. Kennicott  
P. O. Box 633  
Sandia Park, NM 87047

September 6, 1999

El Malpais Plan Team Leader  
Bureau of Land Management  
Albuquerque Field Office  
435 Montano Road NE  
Albuquerque, NM 87107-4935

Dear Sir:

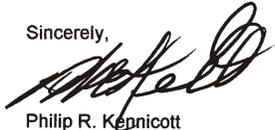
The following are my comments on the Draft El Malpais Plan and Environmental Impact Statement. I approach the problem from the standpoint of a retired individual who looks forward to recreation opportunities in the National Conservation Area, while bearing in mind the need for preserving existing resources and continued use of the grazing resource.

I am generally in agreement with Alternative D. It appears to be as reasonable a choice as possible between the various conflicting needs.

I would like you to bear in mind that not all users of the recreational resources of the Conservation Area are able to hike long distances. I would like to see as many opportunities for motorized access as possible, consistent with resource preservation. For example, I would like to see the access corridor to the Hole in the Wall changed to Motorized Semiprimitive. Limited use of motorized access does not harm the ground surface, and such a change would provide an important recreational resource to those unable to hike long distances.

When and if the level of use to such areas becomes a problem, I note that Guadeloupe National Park makes effective use of keyed access. A prospective visitor obtains a key from a ranger at the Visitor Center and leaves his name and address. Both the identity of users and the level of use can be controlled.

Sincerely,



Philip R. Kennicott

13-A--The BLM has tried to take into account the needs of the users and the resources, and balance the uses. Hole-in-the-Wall is located inside the West Malpais Wilderness. Section 4(c) of the Wilderness Act and 43 CFR 8560.1-2 prohibit the use of motorized equipment, motor vehicles and other forms of mechanical transport for (1) valid exiting rights, (2) emergencies involving personal health and safety, and (3--under certain conditions) in support of livestock grazing operations under which the use had occurred before designation. The type of access you desire is not one of these exceptions.



GARY E. JOHNSON  
Governor

State of New Mexico  
**ENVIRONMENT DEPARTMENT**  
Harold Runnels Building  
1190 St. Francis Drive, P.O. Box 26110  
Santa Fe, New Mexico 87502-6110  
Telephone (505) 827-2855  
Fax: (505) 827-2836



PETER MAGGIORE  
Secretary

September 7, 1999

El Malpais Plan Team Leader  
Bureau of Land Management  
Albuquerque Field Office  
435 Montano Road NE  
Albuquerque, N.M. 87107-4935

Dear Team Leader:

**RE: DRAFT EL MALPAIS PLAN AND ENVIRONMENTAL IMPACT STATEMENT; US DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, ALBUQUERQUE FIELD OFFICE; JUNE 1999**

This transmits New Mexico Environment Department (NMED) staff comments concerning the above-referenced Draft Environmental Impact Statement (DEIS).

The DEIS is a revision and update to the *Resource Management Plan* which focuses on expansion of the El Malpais National Conservation Area, located in Cibola County. The proposals presented will involve lands which surround the El Malpais National Monument, occupying the southern and western edges of the Rio San Jose, and the majority of the Malpais subbasins of the Rio Puerco Watershed.

This review focuses on issues involving water resources and quality, and riparian and wetlands environment and habitat. Any action that degrades the water quality, increases or causes impairments, or results in any violations of water quality standards would be unacceptable. It is recognized that the region does not host extensive live surface water streams. Limited zones of perennial flow occur at the outflow of a small number of springs, the most significant being the Cebolla and Cebolita Springs, in Cebolla Canyon. No direct conflicts with State Water Quality Standards are anticipated. The region is recognized as containing a largely internal drainage pattern, and it serves as an important regional recharge area for aquifer units. A small number of playa lakes may be seasonally present, and any surface activity that may dirty or contaminate their local drainage accumulation area should be curtailed. The surface drainage pattern that is present dominantly reflects ephemeral washes that respond during infrequent storm events and snowmelt. The protection of water quality can indirectly be accomplished via pro-active protection of the springs, playa lakes, and the scant riparian and wetland habitat areas present in the region, and by a commitment by the Bureau of Land Management (BLM) to respond to events or circumstances which arrest the development of erosive zones in the ephemeral drainage areas.

17-A Four management alternatives are presented. Water and riparian/wetland-related issues in the various alternatives do not vary substantially. In the opinion of Surface Water Quality Bureau

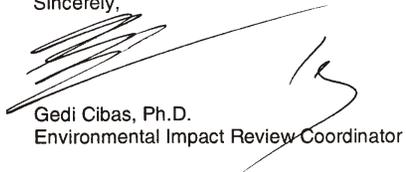
17-A--The BLM is protecting riparian and wetland areas and water quality in the Planning Area.

17-A (SWQB) staff, the BLM's stated commitment to fence and protect any springs and associated perennial reaches, and to take all appropriate actions to protect riparian and wetland habitats is the key to protecting surface water quality and maximizing the quality and quantity of groundwater in the region. Provided they accomplish this by specifically addressing spring development and protection, pasture enclosure and fencing, and grazing management issues, the critical concerns of SWQB staff will be met. The prevention of livestock feeding, salting, and confinement / holding facilities in the proximity of wet areas will afford maximum protection. The BLM commits to the closure of unutilized water wells and reclaiming areas of former watershed projects that are no longer functioning or serving their original purpose.

Alternatives A, B, and C do not include any plan for enhancement of riparian areas by planting of additional riparian species or removing exotic species. The Alternative D, therefore, is preferred since it does include possible planting of additional and complimentary riparian species, and / or removing exotic species such as salt cedar or Russian olive in riparian settings. This may lead to stabilized banks, reduced erosion, and translate to protected or improved water quality.

We appreciate the opportunity to comment on this document. Please let us know if you have any questions.

Sincerely,



Gedi Cibas, Ph.D.  
Environmental Impact Review Coordinator

NMED File No. 1293ER

1/0 18

September 6, 1999

El Malpais Plan Team Leader  
BLM, Albuquerque Field Office  
435 Montano Road NE  
Albuquerque, NM 87107-4935

Ref: Comments  
Draft El Malpais Plan and EIS

As a member of the Continental Divide Trail Alliance, I offer these comments on the Draft Plan. In doing so, new information not addressed in the Plan is presented and a substantive new recreation alternative develops.

The Alliance was not on the mailing list for the Plan and therefore did not have the opportunity to participate in *Issue Identification*. Please include the Alliance in mailings for future planning activities which may directly or indirectly affect or influence the Continental Divide National Scenic Trail (CDNST).

The acquisition of additional acreage in and around the southern portion of the Cebolla Wilderness, and the proposed expansion of the NCA and Cebolla Wilderness boundaries, has presented a significant opportunity for reconsideration of the Continental Divide Trail route in the southern portion of the NCA.

18-A

The current route of the CDNST in this area is unsatisfactory because it brings the Trail to a paved State Highway (117) which is then followed southwesterly for approximately 30 miles where it then accesses a well graded unpaved State Highway (163) southeasterly for 22 miles into Pie Town. This route was selected to avoid trespassing on private lands and was seen as "a *short term solution*....while allowing agencies involved to work on easements to get the Trail off existing roads *in the long term*". The Decision Notice for the Central New Mexico Section, Cibola Planning Segment, however, stated in a response to a public comment that "*agency expectations ..... are not high for getting the hiker off the road from Pie Town north to the southern boundary of the El Malpais NCA*".

**This letter, therefore, requests as consideration of new information, that the CDNST be routed into the southern portion of the newly acquired lands being considered for the NCA and the Cebolla Wilderness, as shown on the attached map.** From the southern boundary of the public lands in question, the CDNST would then utilize the public right of way of County Road 41 for the remaining 20 miles into Pie Town. This is a new alternative that was not considered during the planning for Central New Mexico Section of the CDNST route north of Pie Town. The CDTA is willing to go before the Catron County Commission to present this alternative since it will utilize a County road for the distance between the new NCA proposed southern boundary and Pie Town.

This alternative reduces the public road right of way that must be utilized from approximately 52 paved and unpaved State Highway miles to 20 occasionally graded County road miles. The subsequent long-term work of obtaining easements off of this 20-mile section of road is made much simpler by the 60% reduction in length.

**18-A--**The long-term goal for the Continental Divide National Scenic Trail (CDNST) is to get hikers and equestrian users off the roads. However, until an easement is acquired for the proposed CDNST, or the owner is willing to sell or exchange, users will not be able to cross private land along the La Rendija segment of the trail without permission. In the meantime, they will have to seek alternative routes around private lands, which could be as you have suggested. Since the agency has been studying route locations through this area, several have been proposed by users and the agency. This plan provides for side or connecting trails to the CDNST and the use of other spur routes or cross-country travel to link segments of the CDNST separated by non-Federal lands. Though the county road you recommend would receive less vehicle traffic, a safety problem would still exist, along with the problem of visitors having to breathe dust from passing vehicles on this type of road. As stated in response to comments on the *Continental Divide National Scenic Trail Environmental Assessment Draft Report--Central New Mexico Section, Cibola Planning Segment* (USDA, Forest Service 1992), the selected route for this trail is considered to be the best when considering all inputs from users, private landowners, tribal governments and other government agencies.

By incorporating the Trail through a portion of the Cebolla Wilderness, the primitive, back country, and non-motorized nature of the CDNST is enhanced. Indeed, wilderness and the CDNST are meant for each other! The cultural features that abound within the Cebolla Wilderness will also add much to the recreational and educational experience of Trail users.

**We encourage consideration of the full 9,180 acres (Alternative C) as an addition to the Cebolla Wilderness with the modification that certain access roads from County Road 41 be cherry stemmed to the Alternative D boundary.** We do not believe that bringing the wilderness boundary to the highway or County Road right of way fence results in a detraction to the overall wilderness qualities of the area. The highway right of way fence is already used as a wilderness boundary elsewhere in the Cebolla wilderness and makes an identifiable location for the wilderness boundary.

18-A Alternative D also calls for declaring the Chain of Craters WSA unsuitable for wilderness protection. We recognize the concerns of the neighboring Native American community for motorized access to certain areas, particularly for the elderly, but don't like to see a potential wilderness area lost to the CDNST. A modified route for the CDNST that incorporates a portion of the Cebolla Wilderness would help offset this loss and there appears to be an opportunity for including a portion of the West Malpais wilderness into a revised CDNST route as well.

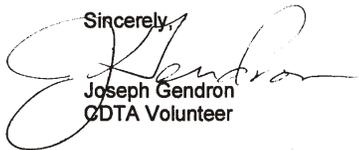
18-B The La Rendija easement or property acquisition should continue to be part of the overall recreation plan but as a spur trail to the CDNST rather than the main route.

Another CDNST issue affecting the El Malpais Planning Area is the determination of a route that removes the CDNST from the State Highway between Gallup and the southern end of the Zuni-Acoma Trail. This issue is not addressed as part of this comment on the El Malpais Plan, but a long term alternative to the use of the State Highway right of way in this area is needed.

18-C The Draft document incorrectly shows the CDNST following State Highway 53 west of the Zuni-Acoma Trail. It is my understanding that a off-highway CDNST route has been located in this area. Please reflect this change in the final document.

In summary, this letter presents new information and considerations, not contained in the El Malpais Draft EIS, regarding routing of the CDNST. This results in a substantive new recreation alternative that incorporates the route of the CDNST through the Alternative C proposed Cebolla Wilderness expansion area with the modification that certain access roads from County Road 41 be cherry stemmed to the Alternative D wilderness boundary.

Sincerely,



Joseph Gendron  
CDTA Volunteer

Copy: Kevin Carson, BLM Socorro

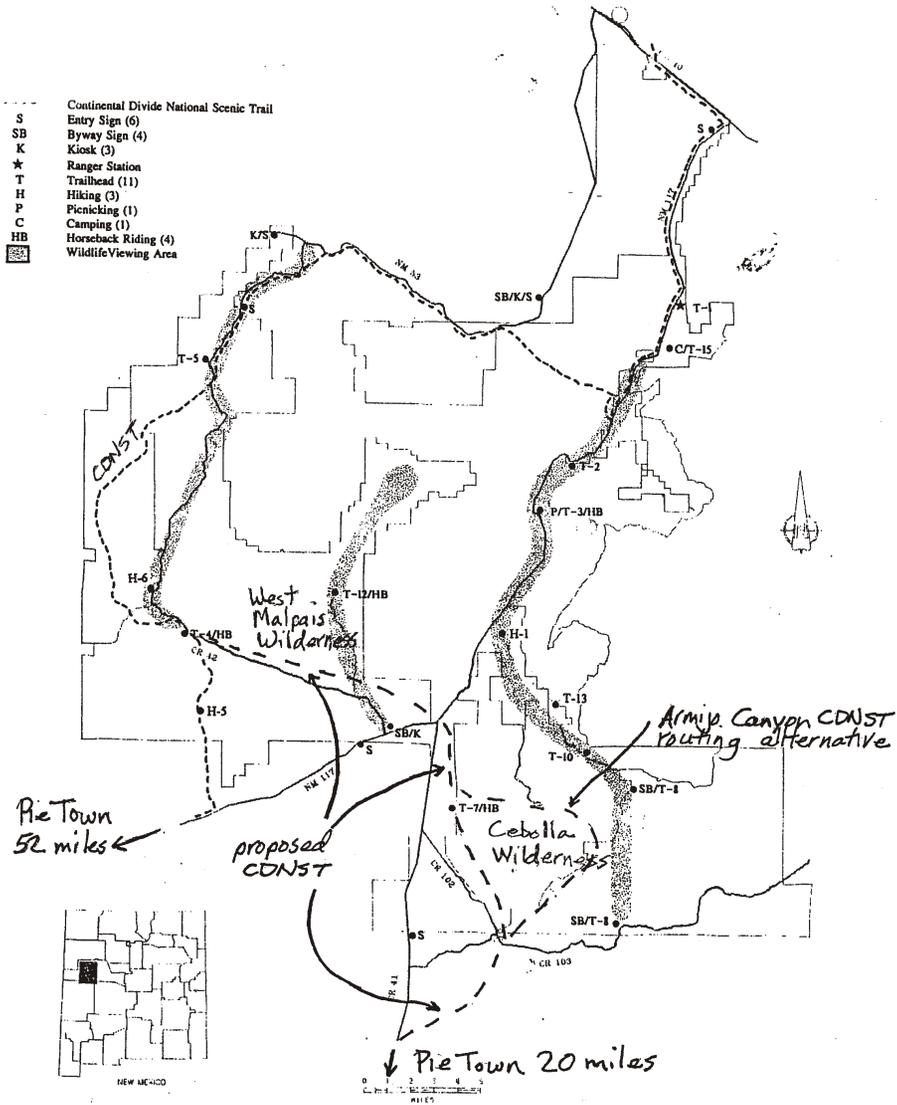
Continental Divide Trail Alliance

**18-B--**The BLM will continue to seek an easement for the CDNST through private lands in the Cerro Brillante-AFO Unit.

**18-C--**Since the Draft Plan/EIS was sent to the printer, the marked location of the trail treadway has been established through the use of satellite data and the Global Positioning System. A new map with an updated location of the CDNST has been added to the Proposed El Malpais Plan/Final EIS. Refer to Map 38 for updated location of the CDNST.

# El Malpais Planning Area

- Continental Divide National Scenic Trail
- S Entry Sign (6)
- SB Byway Sign (4)
- K Kiosk (3)
- ★ Ranger Station
- T Trailhead (11)
- H Hiking (3)
- P Picnicking (1)
- C Camping (1)
- HB Horseback Riding (4)
- Wildlife Viewing Area



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for



## Continental Divide Trail Society

3704 N. Charles St. (# 601) Baltimore MD 21218 410/235-9610

September 8, 1999

El Malpais Plan Team Leader  
Bureau of Land Management  
Albuquerque Field Office  
435 Montañito Road NE  
Albuquerque, New Mexico 87107-4935

Re: Draft Rio Puerco Resource Management Plan Amendment/EIS

Dear Sir:

We have reviewed the subject RMP/EIS for the El Malpais National Conservation Area (NCA), Chain of Craters Wilderness Study Area, and contiguous lands (your 1610(010)).

You have identified the purpose of the document to be "land use planning for the public lands and resources" of the NCA and certain adjacent lands. As we understand the proposal, it is anticipated that prior decisions with respect to the location of the Continental Divide National Scenic Trail (CDNST) will continue to be implemented. This is stated explicitly (p.2-23) with respect to Alternative A, but it seems to be implied for the other Alternatives as well.

We consider the Plan to be deficient because of its failure to consider reasonable alternatives with respect to land use planning for the CDNST. Such consideration is called for in the light of both the Bureau's past statements and the recent land-tenure changes that have taken place in the NCA. The reviews that are needed can be tiered to the EIS — i.e., they can be undertaken separately no matter whether Alternative B, C, or D is selected. In the case of each of these alternatives, however, the planned action should be modified to assure that the location of the CDNST would be reviewed in a timely manner.

The fundamental issue is one that is addressed in the 1992 Record of Decision. With respect to the comment (which CDTS had made) that "hiking on roads (especially paved) highly detracts from the hiking experience," the response was: "We highly agree! ... On Federal lands, all efforts will be made to get the trail off roads and out of site [sic] of roads." The subsequent acquisition of additional lands within the NCA now makes it possible to implement this goal far more satisfactorily than was heretofore the case.

You may recall that our Society, on April 8, 1993, protested the decision. In the response for the State Director (1617.2 (93513)) dated April 5, 1994, we were advised that the Bureau "would be willing to enter into an agreement with the Continental Divide Trail Society for you and your group to work on solving the challenges of this eastern route, thus providing the hiker a possible choice in routes at some future date." We responded, as we were invited to do, by letter dated April 21, 1994, to the attention of Mr. Overbaugh, in which we asked for the Bureau's "thoughts, particularly as to guidelines that might be used to define a relationship." Although we did not receive a response to this letter, we remain eager and willing to cooperate with you. The EIS should reflect the Bureau's continued willingness to honor its commitment.

19-A  
19-A--Reference to the CDNST corridor was made on page 2-3 in the "Continuing Management Guidance" section of the Draft Plan/EIS. It was implied that the corridor location that had already been evaluated through the NEPA process would stand. However, moving the treadway away from roads within this corridor is a long-term goal for the trail, as stated in the *Continental Divide National Scenic Trail Decision Notice and Finding of No Significant Impact for the Central New Mexico Section, Cibola Planning Segment* (USDA, Forest Service 1993).

El Malpais Plan Team Leader

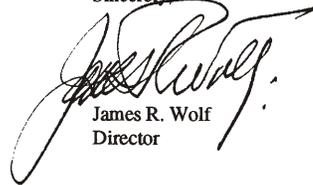
September 8, 1999

The existing route for the CDNST includes nearly 50 miles of walking along high-standard (largely paved) highways. Based on your letter of July 14, 1999, signed for Mr. Edwin J. Singleton (1610(010)), it appears that the CDNST could be located so as to traverse the NCA southeast along Cebolla Canyon and then southwest along BLM Road 2016 to the southern boundary of the NCA, with travel south to Pie Town, for slightly over 20 miles, mostly on county roads that we understand to be relatively lightly traveled. (Any remaining private sections along BLM 2016 could be detoured around, if necessary.) By relocating the trail in this manner, you would be enhancing the enjoyment of the Trail, reducing the serious safety risks associated with travel along high-speed roads, and implementing your previous undertakings.

In our view, the reconsideration of the CDNST location should also include an examination of routes that would avoid the highway walk south of Grants (via either the Neck of the eastern part of the Zuñi Mountains). Moreover, because the desired use of the CDNST is for hikers and horsemen, we would welcome a fresh look at the Recreation Opportunity Spectrum classifications along the route, notably along BLM Road 2016. If a portion of BLM Road 2003 is designated as a Back Country Byway, it should remain a low-standard way suited to high clearance vehicles only, as we understand from your letter of July 14, 1999 to be the case at present. These matters need not be addressed now, but can await the separate review of the CDNST that we are calling for.

I look forward to hearing from you with respect to the concerns that we have identified. You can reach us by phone as indicated above or by e-mail at [cdtsociety@aol.com](mailto:cdtsociety@aol.com).

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Wolf". The signature is stylized and fluid, with a long horizontal stroke extending to the right.

James R. Wolf  
Director

No 23  
8/2/99

Bureau Of Land Management  
c/o El Malpais Plan Team Leader  
Albuquerque Field Office  
435 Montano Road NE  
Albuquerque, New Mexico 87107-4935

**Ref: Draft El Malpais Plan and EIS 6/99 document 1610(010)**

While interested in protecting the environment, I am also interested in making sure the natural resources of this great nation are managed for the benefit of all Americans. With that in mind, A few questions come to mind regarding the direction the study plan appears to be taken.

23-A From what I read, it appears that this study plan has an undercurrent basis that is being pressured by the Environmental groups opposed to any private use of public land, be it commercial or recreational. In many instances, the Alternatives tend to put forth actions that eliminate the availability of the area in question to the majority of American people and, those that commercially use the land allowed by law (Ranching community.) On page 4-55 and 4-59 for example, the report calls for closing off roads (in one case 30%) that would prevent motorized access to the area. As big as the area is, this would only mean that those who wish to use the area would have to walk. Highly impractical since the area coves about 100 sq miles.

23-B In addition, the report indicates that motorized access is commonly used by the Rancher for conducting their daily business, i.e. gathering , repairs etc. To close this option off from the rancher would seem to put a major economic hardship on them possibly to the point of preventing them from staying in business. I know that that is exactly the objective of some groups in the Southwest and it would seem that this is their primary goal rather than "protecting" the environment. The EIS must consider the impact on the ranchers and whether their access will deteriorate the condition of the area. It seems to me that the rancher has been taking care of that land long before it became politically correct to "Manage" the land by eliminating the people from it.

23-C Another area of concern is the statement in the Appendix I, page I-6 concerning removal of certain improvements to bring the area back to Wilderness condition. Specifically, the removal of a well source for water. It seems that by removing this water source, the area would be pushed back to a difficult environment for wildlife and an impossible environment for cattle grazing. Since grazing is allowed by law, the statement saying that grazing would still be allowed in the Wilderness seems to be without merit. The cattle cannot be grazed for effective range management if there is only water from natural sources i.e. dirt tanks etc. Since we all know that the rainfall in the area is slight to say the least, removal of the well will force the cattle either off the land or to severely over graze the area around the water. It is my understanding that the prior rancher that

23-A--Refer to Response 6-C.

23-B--As the result of grazing allotment boundary adjustments, one less allottee is affected by the present BLM designated wilderness. Allotment 201 no longer overlaps the West Malpais Wilderness. Table 3-6 and the text have been revised to reflect this change. Refer also to Response 6-B.

23-C--Refer to Response 4-B.

had the area before the water improvements were put in went out of business because he could not effectively keep the stock properly watered or dispersed. So, from an environmental standpoint, it appears that to declare the Chain of Craters as a Wilderness and eliminate the existing water sources would be harming the environment , not helping.

Lets make the recommendation based upon the facts and eliminate all of the other options. Lets make the recommendations consistent with the social and economic impact of the existing legal users of the land and the right of all to have accessibility regardless of the physical well being.

-----  
*Steven H Quandt*

*N024*

8/18/99

Bureau Of Land Management  
c/o El Malpais Plan Team Leader  
Albuquerque Field Office  
435 Montano Road NE  
Albuquerque, New Mexico 87107-4935

Subject: Draft El Malpais Plan and EIS 6/99 document 1610(010)

I have a few comments and concerns with the basis for the conclusions drawn in the subject management and EIS plan.

**(Note: Letters 24 & 29 are identical, and thus are not reprinted nor responded to individually.)**

24-A First of all, I don't understand the reasoning behind four (4) alternatives being presented. It seems to me that one alternative should be presented that satisfies the requirements of the study and provide the facts supporting the recommendation. Should the Chain of Craters be designated wilderness or not. One alternatives says yes and three say no. Some alternatives say reduce road and motorized vehicular traffic and some say no change. It seems to me that there is one right recommendation.

**24-A--**Analysis of a range of alternatives, including the Preferred Alternative, is required by 40 CFR 1502.10(e). Before impacts can be analyzed in detail, reasonable alternatives must be developed to (1) satisfy the identified purpose and need for taking the proposed action, and (2) resolve the issues. The BLM manager evaluates the alternatives and the estimation of their effects and develops a Preferred Alternative.

24-B Secondly, while I agree with the BLM's "preferred" alternative which I suspect is their recommendation, I disagree with some of the issues regarding access. If the Chain of Craters is truly a national treasure then it should be made available to as many American citizens as possible without destroying it's value to the country. By closing off access to the area (ref p 4-59 Access and Transportation), the ability to enjoy this area will be limited to only the physically fit hikers which I believe are a minority. How would senior citizens get to appreciate this part of their country. I believe the study should include a recommendation and plan to **improve** the access especially county road 42 rather than eliminate motorized access to the interior of the area. I also believe that the BLM has the policy and authority at present to manage the area for proper protection.

**24-B--**Cibola County is responsible for maintaining County Road 42. As explained on page 2-4 of the Draft Plan/ EIS, the BLM will work with the county when a realignment, upgrade or rehabilitation proposal is presented.

24-C Another area of concern that I have is in reference to the ranching community's use of the study area. I believe the NCA law allowed for the Ranching community to continue grazing cattle under the management of the BLM policies. In several areas of the plan, there are conclusions made that eliminating motorized vehicle access to the area would not harm or hinder the cattle ranching operations in place. To the contrary. Access to the range land is a continuous requirement both for fence and water management as well as on going maintenance of the cattle (Health & well being). By eliminating motorized access, these Ranchers will be required to add considerable expense in both equipment and manpower to accomplish the same activity no being done with motorized vehicles. This will put a major financial strain on these people who can ill afford it. Alternate C on page 4-44 & 4-45 says this will be an inconvenience. Gross understatement!!

**24-C--**Refer to Response 4-B.

From what I can gather, there is not enough consideration given in this study to the social and economic requirements of a true EIS. We have the tools and policies in effect to properly protect and manage this area for the well being of all Americans without shutting it down and closing it off for no ones benefit. Lets not do what is politically correct to do based upon special interest money, but rather do what is best for the American people.

DANIEL PEARMAN



15 Sep 99

COMMENT LETTER: 28

RESPONSE TO COMMENT LETTER: 28



*No. 28*

United States Department of the Interior  
NATIONAL PARK SERVICE



INTERMOUNTAIN REGION  
Intermountain Support Office - Denver  
12795 West Alameda Parkway  
Post Office Box 25287  
Denver, Colorado 80225-0287

28--Comment acknowledged.

IN REPLY REFER TO: DES 99/016

September 13, 1999

Kent Hamilton  
Planning & Environmental Coordinator  
Bureau of Land Management  
435 Montano Road NE  
Albuquerque, NM 87107-4935

Subject: Draft Rio Puerco Resource Management Plan Amendment/EIS for the El Malpais National Conservation Area and Chain of Craters Wilderness Study Area

Dear Mr. Hamilton:

We reviewed the Draft Rio Puerco Resource Management Plan Amendment/EIS for the El Malpais National Conservation Area and Chain of Craters Wilderness Study Area and have no comments. This represents the consolidated comments of the National Park Service. If you should have any questions, please contact me at (303) 969-2377.

Sincerely,

A handwritten signature in cursive that reads "Greg Cody".

Greg Cody  
NEPA/Section 106 Specialist  
National Park Service  
Intermountain Region-Denver Support Office  
12795 W. Alameda Pky.  
Lakewood, CO 80225-0287

No. 30

September 23, 1999

1487 12<sup>th</sup> Avenue  
San Francisco, CA 94122

El Malpais Plan Team Leader  
BLM- Albuquerque Field Office  
435 Montano Rd. N.E.  
Albuquerque, N.M. 87107-4935

Ref: 1610 (010)

Thank you for supplying me with a copy of the Draft Resource Management Plan and EIS for the El Malpais National Conservation Area, Chain of Craters WSA and contiguous lands (BLM-NM-PL-99-003-1610) and for the opportunity to comment. I do have an abiding interest and concern for these lands, and your continuing efforts to keep me informed are appreciated. Please continue to do so.

My comments below are based on that concern and are sincerely meant constructively. The same applies to my previous actions on behalf of the New Mexico Wilderness Coalition in successfully pursuing an appeal of the original General Management Plan (GMP) and its associated Finding of No Significant Impact (FONSI) (Ref. IBLA 92-13). I recognize that the current document is the long-awaited result of the IBLA's finding regarding that appeal and that the issuance of the RMP is indeed a major Federal action requiring the associated EIS. I note that the IBLA's decision was rendered on April 20, 1994, and the current document not issued until five years later, in June, 1999. Public comment is then to be closed on September 24, an entirely inadequate time for sufficient public review and comment. In order to comment appropriately and adequately, I hereby request a further 30 to 60 days opportunity to submit further comments. Given the disproportionate time taken by BLM to issue this document relative to the short time allowed for public review, I believe this request is quite reasonable. Also see comments below regarding the lack of a Biological Assessment.

#### **OVERALL RECOMMENDATION**

I would urge the adoption in large part of the management approach described in this document as Alternative C. I will not refer to this Alternative by the subtitle given in the document as "Natural Processes" because I consider the various subtitles to be biased and potentially misleading. This is particularly true of the so-called "Balanced Management" alternative. I consider this subtitle to be self-serving and somewhat contrived to support the agency's preferred alternative. Many members of the public can and do equally view most of Alternative C as a more "balanced management" alternative; this simply depends on the weighting and emphasis of various values and aspects of the plan.

**SPECIFIC RECOMMENDATIONS**

**Adjacent lands to be included**

**General**

I do support BLM's proposal for the addition of the identified adjacent lands to the NCA, and I commend BLM for the acquisitions and proposal as a proactive approach to rational land management.

30-A Referring to page 2-6, BLM states that the lands contiguous to the Cebolla Wilderness will be managed under the Interim Management Policy, with an exception for mining. I would point out that the stated exception may well be in conflict with previous Congressionally mandated requirements for the BLM to carry out wilderness suitability assessment, recommendation and interim management on lands managed by BLM.

**Lands contiguous to the Cebolla Wilderness**

I strongly urge BLM to recommend for Wilderness designation the entire 10,380 acres studied. I find no cogent statement and no convincing reasons given for not doing so. On the contrary, all of this land is quite suitable for Wilderness designation by all criteria for naturalness, opportunities for solitude, size, proximity to existing wilderness, and contribution to diversity of the National Wilderness Preservation System. This should be done regardless of which overall plan alternative might be selected for implementation. Natural processes are already well along in the process of erasing previous vehicular use in all of these areas. Further, BLM cannot realistically expect to have the resources to manage any of this land as anything other than Wilderness.

30-B

**Biological Assessment**

This document contains apparently contradictory statements regarding a Biological Assessment. Page 2-11 states that BLM's informal consultation with USFWS is expected to be completed by early 1999. Appendix Q, titled Biological Assessment, states that at the end of informal consultation, the Biological Assessment and an associated Biological Opinion, if issued by USFWS, will be attached to this document. Since this document was issued in June 1999, well after "early 1999", the Biological Assessment should be available, but is neither included nor attached. The Biological Assessment would be invaluable in assessing the completeness and appropriateness of the Draft RMP and EIS.

30-C

Please inform me of the status of the Biological Assessment, USFWS Biological Opinion, and provide copies upon issuance.

**Chain of Craters WSA**

BLM does not have a clear statement of any rationale for not recommending the Chain of Craters WSA for Wilderness designation under any of the Alternatives A, B, or D. Pending such a statement it is impossible to support any plan not recommending this WSA for Wilderness designation.

30-D

Respectfully submitted,  
  
 John Somers

**30-A**--If lands are being studied for wilderness under Section 202 of FLPMA, existing and new mining operations under the 1872 Mining Law are regulated under 43 CFR 3802 only to prevent unnecessary or undue degradation of the lands, not to prevent impairment of wilderness suitability as would be required under Section 603 of FLPMA. Although FLPMA does not require Section 202 WSAs to be given interim management protection, the BLM has the authority under Section 302 of FLPMA to manage these lands similarly. The authority to regulate mining activities to the nonimpairment standard would only apply to the areas that meet the criteria of Section 603 of FLPMA. Section 302 provides the authority to regulate mining on all public lands to prevent unnecessary or undue degradation.

**30-B**--The primary goal of the BLM's wilderness study process is to determine an area's suitability or nonsuitability for preservation as wilderness. The BLM recommends for wilderness designation only those lands for which it has been determined, through the agency's multiple resource planning process and with public involvement, that wilderness is the most appropriate use of the land and its resources. Though you state that no clear reason exists for not recommending the 10,380 acres adjacent to the Cebolla Wilderness as suitable for designation, others oppose designating any more lands within the NCA as wilderness.

**30-C**--Refer to Appendix Q in this Proposed Plan/Final EIS

**30-D**--NEPA and regulations at 43 CFR 1600 require the BLM to explore and evaluate all reasonable alternatives. According to the "Wilderness Study Policy; Policies, Criteria and Guidelines for Conducting Wilderness Studies on Public Lands" published in the *Federal Register* on February 3, 1982 (Vol. 47, No.23, pp. 5098-5122), any plan or EIS containing wilderness recommendations should identify a range of alternatives allocating all or part or none of the WSA to wilderness. Though you state that no clear reason exists for not recommending the Chain of Craters as suitable for designation, others oppose designating this area as wilderness. Refer also to Responses 6-C and 30-B.

No. 31

September 23, 1999

Ei Malpais Team Leader  
Bureau of Land Management  
Albuquerque Field Office  
435 Montano Road  
Albuquerque, NM 87107

Re: Draft Ei Malpais Plan and Environmental Impact Statement

Dear Team Leader:

Thank you for the opportunity to provide written comment on the above document. The Draft plan appears to be very thorough and covers a broad range of alternatives. This letter is written to address specific comments on the "Access & Transportation" issues with some general comments toward "wilderness suitability".

I am a current member and Past President of the New Mexico 4 Wheelers. Our group consists of 40 family members who enjoy the opportunity to travel the New Mexico outback with four wheel drive vehicles. Several members and guests joined me in visiting the Ei Malpais area during the comment period to get a first hand look at the splendid beauty of this remote area. We specifically drove roads (trails, byways) in the south central area, the Chain-of-Craters WSA area, and Cebolla Canyon areas. I base the following comments on this research and my review of the Draft document.

The BLM has proposed some questions in their Plan that I will attempt to address. In particular, "What roads and trails should the BLM provide for access to or across the Planning area's public lands?" and "Which roads should be designated as open, limited, or closed to use?".

31-A My review of the 'Chain-of-Craters' area discovered much solitude from primitive motorized trails (byways). The single road (trail, byway) through Cebolla Canyon is the only access to this area providing scenic solitude for picnics and/or exploration via motorized travel to our handicapped population. The road (trail) is quite accessible in an SUV and should be kept open except when the weather is intolerant of safe or non-destructive travel.

31-B The 'Chain-of-Craters' area is full of routes for motorized use and I agree with the BLM Field Office's recommendation that this area be released from the WSA category. I don't believe this area could meet the original intent of the 'wilderness' criteria established by the Wilderness Act of 1964. All routes in this area should remain open, which is contrary to the Plan's recommendation for Alternatives B through D. The Plan's proposal to close "duplicate" routes is flawed in respect to the fact that some of these routes travel different canyons and provide exposure to different flora and fauna than can be accessed via open routes.

The Alternatives propose very few recreational facilities and this is consistent with maintaining the naturalness of the area. The proposed parking lots for equestrian access are a good idea, but improvements to existing trails or byways is discouraged. I believe access to the area is currently acceptable for the amount of traffic it receives.

I agree with the BLM's choice of Alternative 'D' with modifications. Road closure should be equal to Alternative 'B' with maintaining the Cebolla Canyon Community road open. I also believe the recommendation of 3,930 acres of additional wilderness should not be made. The areas described are not in eminent danger of being developed. Therefore, this would be a waste of taxpayers money.

31-A--As explained in the alternatives and shown on the access and transportation maps, the road through Cebolla Canyon would remain open to public use. The BLM also recognizes that this road requires maintenance and upgrades to provide for safe use.

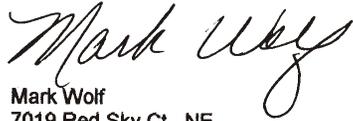
31-B--Refer to the second paragraph of Response 6-A.

Cross country travel should be discouraged and this is consistent with Alternatives B-D. Development of the campground as noted in Table 'A', page S-2 for Alternative D should be completed. The "Narrows" area also makes an excellent picnic ground and slight development of this area would be preferable.

The El Malpais Plan area has excellent opportunities for all types of users as it's currently managed and significant changes are not necessary. Most of the recommendations made by Alternative 'D' are improvements that will improve access and negatively impact the area due to increased traffic. That is why I recommend Alternative 'D' with modifications as I have listed.

I look forward to receiving a revised Environmental Impact Statement proposal. I feel my comments are reasonable and provide information necessary to make some minor adjustments to the preferred alternative.

Sincerely,

A handwritten signature in cursive script that reads "Mark Wolf". The signature is written in black ink and is positioned above the printed name and address.

Mark Wolf  
7019 Red Sky Ct., NE  
Albuquerque, NM 87111

11032



COMMERCIAL RESOURCES  
(505)-827-5724

SURFACE RESOURCES  
(505)-827-5793

MINERAL RESOURCES  
(505)-827-5744

ROYALTY  
(505)-827-5772

State of New Mexico  
Commissioner of Public Lands

Ray Powell, M.S., D.V.M.  
310 Old Santa Fe Trail, P. O. Box 1148  
Santa Fe, New Mexico 87504-1148  
Phone (505)-827-5760, Fax (505)-827-5766

PUBLIC AFFAIRS  
(505)-827-5765

ADMINISTRATIVE MGMT.  
(505)-827-5700

LEGAL  
(505)-827-5713

PLANNING  
(505)-827-5752

RECEIVED  
ALBUQUERQUE, NM  
SEP 22 1999

32--Comment acknowledged.

September 22, 1999

Mr. Edwin Singleton, Manager  
US Bureau of Land Management  
Albuquerque District Office  
435 Montano Rd., NE  
Albuquerque, NM 87107-4935

**RE: Draft Rio Puerco Resource Management Plan Amendment/EIS for El Malpais  
National Conservation Area**

Dear Mr. Singleton:

Thank you for the opportunity to review and comment on the above referenced Environmental Impact Statement.

From our review of the document, we have concluded that none of the proposed alternatives will have an effect on state trust lands. No state trust lands are proposed for inclusion in the management area and we foresee no impacts resulting from the proposed action. Accordingly, we have no comments to provide.

Sincerely,

RAY POWELL, M.S., D.V.M.  
COMMISSIONER OF PUBLIC LANDS

Jd/rp

NO 33  
 SHARON ARMijo  
 CLERK - P. O. BOX 197  
 (505) 533-6400  
 JANET PORTER  
 TREASURER - P. O. BOX 407  
 (505) 533-6384  
 SUSAN GRIFFIN  
 ADDRESSER - P. O. BOX 416  
 (505) 533-6577  
 JOHN D. SNYDER  
 SHERIFF - P. O. BOX 467  
 (505) 533-6222  
 LILLIE LANEY  
 PROBATE JUDGE

STATE OF NEW MEXICO  
**CATRON COUNTY**  
 RESERVE, NEW MEXICO 87830

JOHN HANCOCK  
 COMMISSIONER DISTRICT NO. 1  
 CARL B. LIVINGSTON  
 COMMISSIONER DISTRICT NO. 2  
 AUGUST D. SHELLHORN  
 COMMISSIONER DISTRICT NO. 3  
 COMMISSION OFFICE  
 P. O. BOX 507 - (505) 533-6423  
 FAX (505) 533-6433

Comments  
 for  
 Rio Puerco Resource Management Plan Amendment  
 Environmental Impact Statement  
 El Malpais National Conservation Area  
 and  
 Chain of Craters Wilderness Study Area

**FAXED**  
 9/24/99  
 4:18 pm AT

Dear Bureau of Land Management:

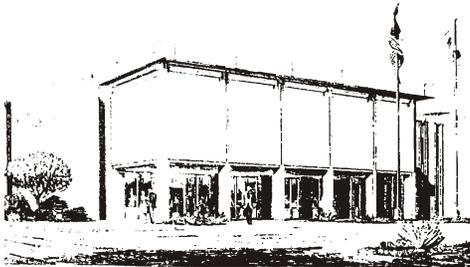
The following outlines the comments of Catron County on the proposal of the El Malpais National Conservation Area and Chain of Craters Wilderness Study Area.

- 33-A | 1. Please be informed that this proposal and the identified area in Catron County is next to a proposed subdivision of a large size. This impact of the subdivision will cause an urban impact spillover in the Study Area of which was not analyzed.
- 33-B | 2. Within the EIS no report was made on a required Environmental Justice analysis. Please provide this information to Catron County for review.
- 33-C | 3. Catron County also is concerned about continued possibility of changing designations for the Study Area that could preclude certain traditional activities such as livestock grazing in this area. Catron County has established that these activities are required for the continuation of small minority businesses.

Sincerely,



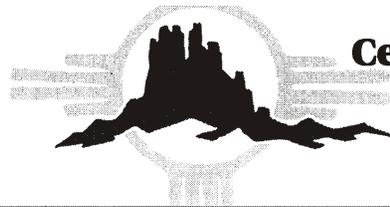
Adam Polley  
 Catron County Manager



**33-A--**We are aware of the Wild Horse subdivision, which is discussed on page R-6 of Appendix R in the Draft Plan/EIS. The urban spillover impacts of this development would not be the result of the BLM's recommendation to add areas in Catron County with valuable cultural resources to the NCA. These impacts are therefore not analyzed in this document, whose scope is the potential impacts of four BLM management alternatives on the resources and uses of the NCA. Refer also to Response 1-AE.

**33-B--**Refer to Response 1-AE.

**33-C--**Implementation of the Preferred Alternative (D) would not preclude livestock grazing. In its reasonable foreseeable development scenario, the BLM would not expect grazing to be excluded. However, the agency does not have the ultimate decisionmaking authority on public lands.



**the  
Central New Mexico Group  
of the  
Sierra Club**  
207 San Pedro NE  
Albuquerque, NM 87108

September 12, 1999

El Malpais Plan Team Leader  
US Department of the Interior  
US Bureau of Land Management  
Albuquerque Field Office  
435 Montañño Road NE  
Albuquerque, NM 87107-4935

**Team Leader:**

The several thousand members of the Central New Mexico Group, Rio Grande Chapter, of the Sierra Club have clear interests in the public lands and public resources under your agency's stewardship as a direct result of our roles as conservationists, recreationists, public lands stakeholders, and, perhaps most important, citizens and taxpayers. Thus, we have an equally clear civic obligation to respond, in reference to 1610 (010), to the *Draft Rio Puerco Resource Management Plan Amendment/Environmental Impact Statement (EIS) for the El Malpais National Conservation Area (NCA), Chain of Craters Wilderness Study Area, and Contiguous Lands*, hereinafter referred to as the *Draft EIS*. In submitting this response, the Central New Mexico Group of the Sierra Club believes that there is an obligation to remain, as well as intrinsic value in remaining, true to the original intent of the National Environmental Policy Act (NEPA) and to 40 CFR 1500 through 1508, the original and still applicable promulgating regulations. We believe that this approach helps to prevent the dilution of intent that can result from subsequent reinterpretation. In this context, our comments will be heavily based upon 40 CFR 1500 through 1508. We trust that your agency has, in accordance with 40 CFR 1500.2(a), "to the fullest extent possible" attempted to "interpret and administer the policies, regulations, and public laws of the United States in accordance with the policies set forth in the Act and in these regulations."

34-A

34-A--The BLM has "to the fullest extent possible" attempted to "interpret and administer the policies, regulations, and public laws of the United States in accordance with the policies set forth in the [National Environmental Policy] Act and these regulations."

First, allow us to very clearly state our preference for Alternative "C" (the so-called "Natural Processes" Alternative) for the immediate future management of these lands. We generally tend to prefer to have the highest priority placed on conservation, particularly in an area that has been specifically dedicated to conservation. In this context, we would prefer to see the least amount of motorized traffic permitted and the largest areas of wilderness preserved. At the same time, our very strong preference for Alternative "C" also reflects our concern about the influences currently driving your agency's operations and decisionmaking processes, here in New Mexico, in the presence of the current state government. To be more specific, our recent experience with the process leading to the *Draft Statewide Resource Management Plan/Environmental Impact Statement (EIS) for New Mexico Standards for Public Land Health and Guidelines For Livestock Grazing Management* has left us alarmed with, outraged by, and disappointed in the grotesque and improper level of political interference insinuating itself into your agency's operations in New Mexico. As a result of such recent experiences, we believe that there is significant risk that development activities and the funds allocated for them could be led astray from their originally stated resource protection and public use enhancement goals. Thus, it is our desire to see some of those operations and decisions deferred, pending improvements in the political and ethical climates.

Frankly, our review of the *Draft Rio Puerco Resource Management Plan Amendment/Environmental Impact Statement (EIS) for the El Malpais National Conservation Area (NCA), Chain of Craters Wilderness Study Area, and Contiguous Lands* also leaves us with some severe concerns, particularly in association with our recent review of the *Draft Environmental Assessment for the Cerro Brillante Coordinated Resource Management Plan of July 1999*, a copy of which is attached for the record. As we discussed on pages four through six of our review of the *Draft Environmental Assessment for the Cerro Brillante Coordinated Resource Management Plan of July 1999*, the Cerro Brillante Grazing Allotment lies entirely within and is a designated part of the El Malpais National Conservation Area. Thus, the management of grazing on, the coordinated resource management of, the Cerro Brillante Grazing Allotment is clearly connected to and has clear cumulative impacts on the El Malpais National Conservation Area and with actions taking place there, particularly with regard to potential wildlife impacts and disturbance. Yet, these obviously connected actions with obviously cumula-

**34-B--**The BLM does not believe it has used improper segmentation in preparing this document. The BLM planning system has multiple levels (refer to page 1-10 of the Draft Plan/EIS). Additionally, the agency has done NEPA compliance outside the planning system.

The allotments that overlap the NCA were included in the *Draft Environmental Impact Statement for the Proposed West Socorro Rangeland Management Program* (1982), undergoing NEPA analysis along with all other BLM allotments in the area. The BLM used allotment-specific data to analyze grazing impacts within the West Socorro area, which included the present El Malpais NCA.

Administration was moved from the Socorro Resource Area to the Rio Puerco Resource Area (now the Albuquerque Field Office), and the grazing decisions were brought forward into the *Rio Puerco Resource Management Plan* (1986). This RMP is the broadest level of BLM planning and is accompanied by a NEPA compliance EIS that includes analysis of potential impacts for all lands allocated for grazing in the RMP decisions.

In 1987, the Congress passed Public Law 100-225 which, among other things, designated the El Malpais area as an NCA and required the BLM to prepare a General Management Plan for it. The agency's plan, which included initiatives to establish desired plant communities, was completed in 1991 and appealed on procedural grounds. The BLM lost the appeal and was directed to redo the plan (*Interior Board of Land Appeals Decision 92-3*).

The current replacement document identifies the BLM's intent to pursue its goals for reaching desired plant communities through developing activity-level plans for allotment management. For some allotments including the Cerro Brillante, the agency is also developing Coordinated Resource Management Plans (CRMPs), which are similar to Allotment Management Plans but are more inclusive in that they analyze all uses and resources involved in the effort to achieve desired plant communities and other objectives. The CRMPs constitute some activity- and project-level planning in that some specific projects are discussed (e.g., vegetative treatments, water developments, fencing) and included in the environmental analysis.

The El Malpais Plan/EIS is not yet approved, so the Cerro Brillante CRMP is in conformance with the decisions of the Rio Puerco RMP. If the BLM selected the Preferred Alternative for implementation in the NCA, the Cerro Brillante decisions would be acceptable without modification. If modifications were required to the El Malpais Plan/EIS decisions, livestock management would be coordinated and designed to complement other programs (refer to page 2-15 of the Draft El Malpais Plan/EIS). RMP-level planning is the broad programmatic level under which the CRMP activity-level planning occurs. The intent is to meet the required levels of planning and NEPA compliance, not to segment NEPA analysis.

[Note: This process has been further complicated by litigation requiring the BLM to complete site- specific NEPA assessments on several Planning Area allotments for grazing permit renewals (refer to Response 1-L for more explanation). The Proposed Plan/Final EIS now includes a cumulative impact section to address grazing improvements.]

September 12, 1999

tive impacts are being addressed through two, at least two of which we are aware, separate NEPA processes and neither of these processes discloses the existence of the other. Your agency is engaging in improper segmentation under the NEPA for the purposes of evading public disclosure and scrutiny.

With the proper connection between these two separate NEPA processes established, all of the rest of our comments on the *Draft Environmental Assessment for the Cerro Brillante Coordinated Resource Management Plan of July 1999*, including our comments about the need to include information about the history of and the circumstances surrounding the relatively recent removal of a thriving herd of Bison from these public lands, need to be addressed in this *Draft EIS*. Again, this information needs to be provided to enable the public to properly scrutinize any potential conflicts of interest between the conservation mission of the National Conservation Area and commercial grazing activities that are being promoted, for the same lands, but through separate NEPA processes.

To be honest, we sincerely do not believe that your agency is pursuing a genuine NEPA process here, but rather checking a box through the use of an illusion of a process, and we resent it. Please keep us on any and all public notice lists; notify us of any further information or draft documents as they become available.

Respectfully,



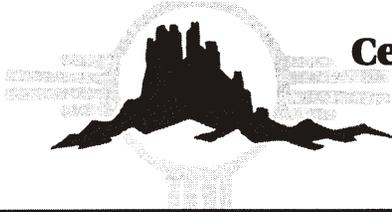
Michael Norte  
Chairman  
Conservation Committee

34-C--The bison were never in the Cerro Brillante Allotment. Therefore, livestock use of this allotment did not interfere with the bison relocation nor removal.

The BLM considered the Cerro Brillante Unit, which includes the Cerro Brillante Allotment, as an alternative site for the bison relocation in the *Environmental Assessment for the Bison Management Plan, El Malpais National Conservation Area* (1992). However, the Breaks Unit near the Cebolla Wilderness was determined to be a more suitable location for the bison herd release and establishment.

The bison were brought from the Fort Wingate Military Facility near Gallup, New Mexico in February of 1993 and were released in the Breaks Unit. They scattered through the wilderness and neighboring areas until they were removed in the spring of 1995. The reasons for their removal as stated in the *Environmental Assessment for the Bison Relocation, El Malpais National Conservation Area* (1994) were, "the presence of the herd in the NCA has caused more resource damage (including destruction of property and domestic animals) than originally anticipated. Adequate fencing to properly contain the bison would be very costly (between \$¼ and ½ million), and its construction within the Cebolla Wilderness would be incompatible with wilderness and recreation uses. Visitor safety continues to be a strong concern."

It is difficult to assign a significant value to the bison in terms of cumulative impacts, because the State of New Mexico transferred ownership of the bison and received a small economic return.



the  
**Central New Mexico Group**  
of the  
**Sierra Club**

207 San Pedro NE  
Albuquerque, NM 87108

August 23, 1999

Team Leader, Grazing Permit Renewals  
US Department of the Interior  
US Bureau of Land Management  
Albuquerque Field Office  
Albuquerque, NM 87107-4935

Team Leader:

The several thousand members of the Central New Mexico Group, Rio Grande Chapter, of the Sierra Club have clear interests in the public lands and public resources under your agency's stewardship as a direct result of our roles as conservationists, recreationists, public lands stakeholders, and, perhaps most important, citizens and taxpayers. Thus, we have an equally clear civic obligation to respond, in reference to 4160 (010), to the *Draft Environmental Assessment for the Cerro Brillante Coordinated Resource Management Plan of July 1999*, hereinafter referred to as the *Draft Plan/EA*. In submitting this response, the Central New Mexico Group of the Sierra Club believes that there is an obligation to remain, as well as intrinsic value in remaining, true to the original intent of the National Environmental Policy Act (NEPA) and to 40 CFR 1500 through 1508, the original and still applicable promulgating regulations. We believe that this approach helps to prevent the dilution of intent that can result from subsequent reinterpretation. In this context, our comments will be heavily based upon 40 CFR 1500 through 1508. We trust that your agency has, in accordance with 40 CFR 1500.2(a), "to the fullest extent possible" attempted to "interpret and administer the policies, regulations, and public laws of the United States in accordance with the policies set forth in the Act and in these regulations."

34-D--The following are responses to comments on the Cerro Brillante CRMP/EA, which were submitted by Michael Norte with his comments on the El Malpais Plan/EIS.

34-D

We have some severe concerns with this *Draft Plan/EA*. Allow us to communicate them as concisely as feasible, given the need to properly and completely document them.

First, allow us to review your agency's obligations under 40 CFR 1500.1(b).

*NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA.*

Allow us to also refer to a portion of 40 CFR 1500.2.

*Federal agencies shall to the fullest extent possible... facilitate public involvement in decisions...*

We very strongly believe that the *Draft Plan/EA* is deficient in meeting these statutory obligations, as well as many others. To begin with, while the *Draft Plan/EA* has been constructed to highlight coordinated resource management, material within the *Draft Plan/EA* itself seems to raise the question of whether the range improvements being proposed are actually intended as the basis to support a significant increase in livestock grazing levels. The *Draft Plan/EA* has also been improperly segmented away from other ongoing NEPA analyses that contain information about the proper role of these public lands as part of a National Conservation Area, information that the public needs in order to properly scrutinize the appropriateness of the proposed action. Finally, the *Draft Plan/EA* omits information about the circumstances surrounding the relatively recent removal of an established herd of Bison from these public lands, again all of which is information that the public needs in order to properly scrutinize the proposed action and any potential conflicts of interest between the conservation mission of the National Conservation Area and the commercial grazing activities that are at the heart of this proposed action.

For example, on page 14 of the *Draft Plan/EA*, buried deep within many pages of good words about wildlife and woodlands, under the heading of *Rangeland Management*, we are informed that the existing "10-year term permit would be reissued for the current numbers of livestock." We are led to believe, on the basis of much of the material in the *Draft Plan/EA*, that the reason for the elaborate fencing and additional water developments

34-D  
2-A34-D  
2-B34-D  
2-C

**34-D/2-A**--The current grazing use (200 animal units yearlong) is 26 percent less than the grazing preference (270 animal units yearlong) authorized under the expiring permit (70/270=25.9 percent). The permittee has voluntarily taken this reduction while he determines how best to make effective use of the allotment. The improvements (fencing and water system) are proposals agreed to by the permittee that would effectively use the full preference under a management system designed to maintain and improve the ecological health of the allotment. No authorized increase in livestock grazing preference would occur unless monitoring (as required in the grazing regulations) showed that additional capacity existed.

The permit was transferred to the current permittee with a preference for 270 animals yearlong. The permittee agreed to improvements for more effective use of the allotment's resources.

It would have clarified the stocking levels under the Proposed Action had we mentioned the preference numbers on page 14 of the Cerro Brillante CRMP/EA under the "Rangeland Actions" heading. However, it is stated on this page, "The 10-year term permit would be reissued for the current numbers of livestock" (270 animals yearlong). On page 29 of the Affected Environment section it is stated, "Cerro Brillante has a grazing preference of 266 cattle and 4 horses yearlong." The permittee could run this number now if he wished. Permitting 270 animals to graze yearlong does not constitute an increase from currently authorized use. It appears we have used different terminology. Our permit authorizations are usually referred to as "preferences."

**34-D/2-B**--Refer to Response 34-B above.

**34-D/2-C**--Refer to Response 34-C above.

that are being proposed is to enable the permittee to better rotate "the current numbers of livestock" for the benefit of the resource. Yet, on page 66, under *Appendix A* to the *Draft Plan/EA*, paragraph four indicates that the previous permittee was transferred a preference for about 270 animals yearlong, but "agreed to graze approximately 200 animal units yearlong pending range improvements." Do the elaborate fencing and additional water developments that are included in this proposed action constitute the "pending range improvements" that were to be implemented prior to the previous permittee being allowed to go from the current stocking level of 200 animals yearlong to the aforementioned 270 animals yearlong?

Paragraph five reinforces this concern when it asserts that the current use of 200 animal units yearlong is a "very conservative stocking level" that is "appropriate while the new permittee learns the area and transitions to the desired higher level of management proposed in this CRMP." We are left to presume that the inferred "desired higher level of management proposed in this CRMP" is the increased pasture rotation to be afforded by the elaborate fencing and additional water developments that are included in this proposed action and that, thus, this fencing and development may indeed constitute the "pending range improvements" that were to be implemented prior to the previous permittee being allowed to go from the current stocking level of 200 animals yearlong to the aforementioned 270 animals yearlong? Again, do the elaborate fencing and additional water developments that are included in this proposed action constitute the "pending range improvements" intended to enable the permittee to go from the current stocking level of 200 animals yearlong to the aforementioned 270 animals yearlong and, if so, why is it not made more clear to the public, within the body of the *Draft Plan/EA* and not in the fine print of some appendix, that the proposed action will result in the impacts associated with a thirty-five percent increase in stocking levels?

While the original enabling legislature may have permitted a continuation of livestock grazing within this National Conservation Area, we do not believe that an increase of this magnitude was either envisioned or intended, particularly without clear public disclosure and full public scrutiny beforehand. We believe that a thirty-five percent increase in stocking levels, particularly within a National Conservation Area, constitutes a significant impact requiring the preparation of a full environmental impact statement, regardless of whether the actual increase in stocking levels occurs during

Refer to 34-D/2-A above

Refer to 34-D/2-A above

34-D  
2-A

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2-A

the next 10-year permit reissue or is deferred to a subsequent reissue. At the least, we do not believe that a valid FONSI can be issued for this proposed action until such time that these questions are answered completely, clearly, and in a manner that correctly discloses the true scope of the proposed action and properly facilitates public scrutiny of potential impacts.

Allow us to now address the illicit practice known as "segmentation" of an action subject to assessment under the National Environmental Policy Act. To begin with, both the National Environmental Policy Act (NEPA) and its promulgating regulations, including the portions of 40 CFR 1508.25 quoted below, recognize that many connected or similar activities, as well as many activities that may seem unrelated to an untrained observer, have impacts and effects that are additive, multiplicative, or otherwise cumulative, often as a function of their extent, intensity, or duration. Such impacts or effects can be additive, multiplicative, or cumulative either temporally or geographically, directly or indirectly, acutely or chronically.

*...agencies shall consider...*

*(1) Connected actions, which means that they are closely related and therefore should be discussed in the same impact statement. Actions are connected if they:*

*(i) Automatically trigger other actions which may require environmental impact statements.*

*(ii) Cannot or will not proceed unless other actions are taken previously or simultaneously.*

*(iii) Are interdependent parts of a larger action and depend on the larger action for their justification.*

*(2) Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement.*

*(3) Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography...*

Allow us to continue with a reference to 40 CFR 1508.7.

*"Cumulative impact" is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency, whether federal or nonfederal, or person undertakes such other actions. Cumulative impacts can result from individually*

*minor but collectively significant actions that take place over a period of time.*

A further definition of "Effects" is provided by 40 CFR 1508.8.

*"Effects" include:*

*(a) Direct effects, which are caused by the action and occur at the same time and place.*

*(b) Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include... effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems. Effects and impacts as used in these regulations are synonymous. Effects includes ecological, such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems,... whether direct, indirect, or cumulative. Effects may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial.*

The practice of "segmentation" involves breaking a single action, with significant impacts, into many smaller incremental pieces, each separated by artificial agency, process, or temporal boundaries, effectively disguising such significant impacts by that separation. In this manner, both the public and the judicial system can be misled into seeing, not a single action with interrelated cumulative impacts, but a stream of seemingly discrete, individual adjustments, each with its own apparently smaller, apparently less significant, individual repercussions. Once segmented into pieces, many of the smaller "bits" of the broader action may be small enough to be "farmed out" for implementation by other agencies or parties or even to fall within the threshold for categorical exclusions, thus evading any public scrutiny at all. Whether by burying parts of the agenda beneath the threshold of public visibility or by revealing the parts in such deceptively small incremental doses that they raise minimal attention, "segmentation" is an illegitimate tactic for concealing the full intent or impact of a proposed action. The use of "segmentation" as a means of concealing, misrepresenting, and disguising the true scope and magnitude of cumulative impacts from public scrutiny is thus intended to deceive the public into accepting an integrated set of mutually related, interdependent, connected, cumulative, or similar actions that might never be as easily accepted, if the broader context of which they

are a part were ever revealed and documented in proper accordance with the National Environmental Policy Act.

The practice of "segmentation" is quite clearly proscribed by federal regulation, including proscriptions against it in 40 CFR 1508.25 and 1508.27(b)(7). There is established case law against the practice. In this context, why is the action proposed in this *Draft Plan/EA* not fully disclosed for public scrutiny in the currently ongoing *Draft Rio Puerco Resource Management Plan Amendment/Environmental Impact Statement (EIS) for the El Malpais National Conservation Area (NCA), Chain of Craters Wilderness Study Area, and Contiguous Lands*? Why is the existence of the currently ongoing *Draft Rio Puerco Resource Management Plan Amendment/Environmental Impact Statement (EIS) for the El Malpais National Conservation Area (NCA), Chain of Craters Wilderness Study Area, and Contiguous Lands* not more clearly disclosed in this *Draft Plan/EA*? Why are the relationships between these two parallel NEPA processes not more clearly disclosed and discussed in either document? Why are we to believe that the actions proposed in this *Draft Plan/EA* will not have impacts that are connected, cumulative, or similar to those proposed under the *Draft Rio Puerco Resource Management Plan Amendment/Environmental Impact Statement (EIS) for the El Malpais National Conservation Area (NCA), Chain of Craters Wilderness Study Area, and Contiguous Lands*? Why is there not a single document addressing the full range of these actions? Many, if not all, of the actions proposed in each of these two parallel NEPA processes will clearly have impacts that are connected, cumulative, or similar to those proposed under the other, particularly where potential wildlife disturbance is concerned. Your agency is engaging in improper segmentation of an action subject to the NEPA.

There are, in fact, a number of activities that are connected to, dependent upon, or similar to livestock grazing in their impacts and effects or have cumulative impacts that can magnify or be magnified by the immediate or cumulative impacts of livestock grazing, particularly with regard to impacts on wildlife and its habitat on the lands under your agency's stewardship. Your agency has a statutory obligation to comprehensively assess and analyze each and every one of these connected, cumulative, or similar actions or impacts as they are associated with the public resources addressed in this *Draft Plan/EA*, including actions of other agencies that have cumulative impacts and actions that would not proceed without the presence of the subsidized grazing activities that are involved here. Unfortunately, this

Refer to Response 34-D/2-B above

*Draft Plan/EA* fails to provide any such properly complete and comprehensive analysis.

As 40 CFR 1508.8 clearly indicates, cumulative and connected impacts are not restricted to direct effects. For example, various agencies frequently underwrite "animal damage control" activities, frequently allowing similar private actions, in areas associated with grazing allotments. Predation on livestock is invariably the focus of these actions, since there is rarely, if ever, a sufficient history of any other kind of predation to warrant these operations. In accordance with 40 CFR 1508.25(a)(1)(ii), these "animal damage control" activities would not proceed on the lands under your agency's stewardship without your agency acting, either previously or simultaneously, to subsidize livestock grazing on these lands. In accordance with 40 CFR 1508.25(a)(1)(iii), these "animal damage control" activities are, regardless of the agencies or individuals that actually undertake them, interdependent parts of the larger action represented by subsidized livestock operations and depend on this larger action for their justification. Stated in other ways, your agency's actions, with regard to subsidizing livestock grazing, have both "induced changes in the pattern of land use" and stimulated other actions and effects that have impacted, even eliminated, populations of grizzly bears, black bears, wolves, mountain lions, eagles, hawks, raccoons, foxes, coyotes, jaguars, and other species. Even those species that have survived have suffered distortions of their natural population dynamics, often triggering endangered species restoration costs in the process. Thus, these "animal damage control" activities, their impacts, and the associated subsidized livestock operations are "connected actions" that should have been discussed in this *Draft Plan/EA* in order to properly document cumulative impacts resulting from any proposed level of subsidized grazing.

Many other actions fall into these categories. Roads and fences fragment habitat. Water developments impact the natural watertable, surface flows, the water available to downstream plant and animal life, and on movement patterns and concentrations of livestock, which then compact the soil, promote erosion, and harass wildlife. In truth, livestock operations on public lands are highly subsidized activities that are necessarily supported by elaborate and costly range management, legal, public relations, and contracting structures within your own agency. These requirements clearly have a significant impact on the funds available to support your fundamental resource protection responsibilities. Thus, the development and maintenance

**34-D/2-D**--In an EA prepared by the U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Services (APHIS), Animal Damage Control (ADC), the impacts of the predator control program for Northern New Mexico (16 northern counties) were addressed (*EA and Decision for Predator Damage Management in the Albuquerque ADC District in Northern New Mexico*, 1997). The resulting decision was reviewed in 1998 by the USDA, APHIS, Wildlife Services (WS) and updated. Under this updated decision, wildlife damage control activities by the WS are permitted in response to predator-caused losses of livestock, property, or wildlife, or threats to human safety.

The following issues are analyzed in detail in the ADC EA.

1. The impact of WS predator damage management (PDM) on:
  - a. Target species populations (e.g., coyote, mountain lion, black bear);
  - b. Nontarget species populations, including threatened and sensitive species;
  - c. Private recreational and commercial fur harvest; and
  - d. The agricultural community and other agencies, socially and economically.
2. The impact to WS PDM from the public's use of public lands.
3. The coyote population at which the WS's take would result in increases in rodent, rabbit, and other prey species populations that would, in turn, cause detrimental effects on vegetative resources.
4. The cost of providing PDM services for livestock protection, compared to the value of livestock losses avoided.
5. The humaneness and selectivity of WS PDM methods.

Program activities, methods and their potential impacts on Issues 1c, 1d, 2, 3, 4 and 5 were the same during the 1998 review as those analyzed in the ADC EA and thus did not require any additional review. To determine if impacts with regard to Issues 1a and 1b have remained within parameters described in the EA, the WS compiled and reviewed the following information on PDM activities during the past year. Table A shows the number of animals killed by the WS during PDM activities in the district during 1997. The New Mexico Department of Game & Fish provided estimates of sport and other harvest. (Sport harvest data are for season 1996-97, the most current available.)

ADC activities in the past decade have been conducted on approximately 1.6 percent of the public land in northern New Mexico, resulting in the killing of 48 coyotes (on public land) but no other target or nontarget species. These facts tend to indicate no current threat exists to wildlife populations as the result of ADC activities in northern New Mexico. (BLM staff have been told by Wildlife Services personnel that no predator control activity has been conducted on BLM public lands in the NCA area in recent years.) Additionally, it is the policy of APHIS when conducting ADC actions to ensure species diversity and viability (p. 2-14 of the ADC EA).

BLM staff did not identify any direct impacts of grazing to wildlife in the Cerro Brillante Allotment. The cumulative impacts of grazing to wildlife are those shown in Table 1 from the ADC EA (reproduced below), which were found not to be significant.

34-D  
2-D34-D  
2-E

Table 1. WS Take (animals killed) and Cumulative Take (sport harvest) of Target and Nontarget Species during PDM Activities of the Albuquerque District of the New Mexico Wildlife Services Program in 1997.

Species	WS Take	Other Harvest (Sport and other Depredation Take)	Total Take	Estimated Population	Cumulative Take as % of Population	Sustainable Harvest Level	Statewide Population Trend (from NMGF <sup>2</sup> )
<b>Target Species:</b>							
Coyote	1,774	577	2,351	53,000	4.4%	70%	stable
Mountain Lion	0	79	79	750 - 1,300 <sup>3</sup>	6.1 - 10.5%	28% <sup>4</sup>	stable
Black Bear	1	239	240	2,000 <sup>5</sup>	12.0%	20%	stable
<b>Nontarget Species<sup>6</sup>:</b>							
Gray Fox	5	244	249	28,000	0.9%	NA	stable
Kit Fox	5	1	6	3,500	0.2%	NA	stable
Red Fox	4	16	20	NA	NA	NA	stable
Swift Fox	17 <sup>7</sup>	0	17	NA	NA	NA	NA
Bobcat	4	131	135	NA	NA	20%	stable
Badger	5	37	42	NA	NA	NA	NA
Striped Skunk	20	79	99	NA	NA	NA	stable
Fer/ER Dog	16	NA	16	NA	NA	NA	NA
Porcupine	4	NA	4	NA	NA	NA	NA
Raccoon	1	160	161	NA	NA	NA	stable

<sup>2</sup> K. Mower, NMGF, pers. comm.

<sup>3</sup> The NMGF only provides an estimate of the statewide mountain lion population. The estimate for 1997 was 1500-2600. For purposes of this analysis, the population in the Albuquerque District is assumed to be approximately 1/4 of the statewide estimate.

<sup>4</sup> Based on Logan et al. (1996) which provided information and conclusions suggesting annual kill rates for adult mountain lions would likely need to exceed 28% to maintain a population at low levels.

<sup>5</sup> The NMGF only provides an estimate of the statewide black bear population. The estimate for 1997 was 4000. For purposes of this analysis, the population in the Albuquerque District is assumed to be approximately 1/4 of the statewide estimate.

<sup>6</sup> Some of the animals taken in this category were actually target animals but are included here to assure cumulative impacts are considered.

<sup>7</sup> Only 5 of these swift fox were taken as nontarget animals. The rest were collected at the request of the NMGF for a study.

Team Leader

8

August 23, 1999

nance of these costly "livestock support" functions within your own agency are "interdependent parts of a larger action and depend on the larger action for their justification" and cumulative actions, "which when viewed with other proposed actions have cumulatively significant impacts." In this context, a complete and thorough analysis of these functions, a statement of their costs, and a full disclosure of their organizational and budgetary impacts on your overall resource protection responsibilities need to be included within this *Draft Plan/EA*.

Again, the *Draft Plan/EA* omits information about the history of and the circumstances surrounding the relatively recent removal of an established herd of Bison from these public lands. This information needs to be provided since there is clear potential for similar and cumulative impacts from these two species and especially since, as recent events near Yellowstone National Park clearly indicate, there is a tremendous history of controversy and potential for conflict of interest surrounding the relationship between Bison, cattle, Euroamerican ranching interests, and Native American cultural interests. The public needs an adequate baseline of information on all of these aspects of the situation in order to properly scrutinize the proposed action, its potential impacts, and any potential conflicts of interest between the conservation mission of the National Conservation Area and the commercial grazing activities that are at the heart of this proposed action.

Please keep us on any and all public notice lists; notify us of any further information or draft documents as they become available.

Respectfully,

Michael Norte  
Chairman  
Conservation Committee

**34-D/2-E**--The scope of the CRMP/EA is to discuss impacts rather than subsidies. However, subsidies, whether for the development of recreation, the conservation of natural resources or the continuation of grazing, frequently are designed to improve the social or economic aspects of the human environment.

Section 4 of the Taylor Grazing Act specifies that improvements needed for the care and management of livestock may be built on public land under permit or other cooperative arrangement.

The cooperative arrangement for the Cerro Brillante Allotment requires monetary contribution from the permittee. All water wells developed on this allotment have been paid for with private funds obligated by the permittee, including installation costs (which often exceed the cost of materials), and maintenance costs for the life of each well. Materials supplied through the BLM are purchased with range improvement funds, which are derived from a portion of the grazing fees that is identified by law to be returned for improvement of the land. BLM contracts to accomplish other project work would be paid for in the same manner.

The BLM's contribution of appropriated funds is only for the design and permitting of planned projects. This is to ensure that any project constructed on public land is compatible with multiple use mandates.

FLPMA provides for this action in Section 401(b)(1), resulting in beneficial cooperative public land projects since 1976. FLPMA also states in Section 401, "The annual distribution and use of range betterment funds authorized by this paragraph shall not be considered a major Federal action requiring a detailed statement pursuant to section 4332(c) of title 42 of the United States Code."

34-D  
2-C

COMMENT LETTER: 35

**THG Corporation**

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RESPONSES TO COMMENT LETTER: 35

8/2/99

Bureau Of Land Management  
 c/o El Malpais Plan Team Leader  
 Albuquerque Field Office  
 435 Montano Road NE  
 Albuquerque, New Mexico 87107-4935

**Ref: Draft El Malpais Plan and EIS 6/99 document 1610(010)**

Before commenting on the El Malpais plan and EIS draft, I'd like to repeat a statement that was included on the inside cover of the Plan. This statement defines the basic objectives and goals of the BLM for the management and environmental control of public lands that has been put into effect by the Congress:

**“The Bureau Of Land Management is responsible for the balanced management of the public lands and resources and their various values so that they are considered in a combination that will best serve the need of the American people. Management is based upon the principles of multiple use and sustained yield, a combination of uses that takes into account the long term needs of future generations for renewable and non-renewable resources. These resources include recreation, range, timber, minerals, watershed, fish and wildlife, wilderness, and natural, scenic scientific, and cultural values”.**

35-A The present EIS and Plan in my opinion does not take into consideration this agencies responsibility or capability in managing that balance between Public use and protection of the natural state of the land as defined in the above statement. In several of the alternatives, The Chain of Craters was to be designated a Wilderness area without any clear reason as to why.

In the prior GMP (1991), The BLM did not find cause to recommend any alternatives that called for a change to Wilderness status. What has changed? The land is the same, the criteria for Wilderness classification is the same, so why does the Plan now present alternatives that include Wilderness classification for the Chain of Craters area? Has the financial and political power of the special interest groups become stronger and more important than the charter of the BLM ?

35-A--Refer to Response 7-A.

The EIS and use study for the El Malpais area must consider the best way to **balance** its use between Public use and natural state protection through utilization of the BLM agency direction and, be funded accordingly

Another area of concern regarding the basis for the Chain of Craters Wilderness status decision that is lacking is the impact on existing users of the area in question. While I understand that individual economic impact is not a major factor in these actions, it should be considered or at least addressed. In the Chain of Craters area, the primary private use of the land is ranching; cattle grazing through allotment control by the BLM which was allowed by Congress as a condition when the area was designated a NCA (P.L.100-225).

35-B--Refer to Response 6-B.

35-B In several areas of the Plan, reference to grazing impact were just generally addressed. i.e., on page I-10 in Appendix I, the plan acknowledges the law (P.L. 100-225) that allows for continuation of grazing in the Chain of Craters area but, goes on to say that appropriate use of motorized and mechanized equipment would still be allowed. In reality, the present Wilderness regulations requires that the Ranchers would have to apply for special permits stipulating exactly what had to be done etc..... a bureaucratic nightmare to say the least. In most cases, it is safe to say that the only motorized activity that would be allowed is that of an emergency or major project and only if approved. This does not address the needs of the Ranchers for continuous access for fence & water maintenance, doctoring animals etc. which is a never ending job. Performing these functions with alternate means(Foot or horseback) just isn't practical.

Also, in Appendix I, page I-6, the plan will call for deactivating existing water supplies and related equipment from the Chain of Craters area. These wells were put in place because it was not possible to effectively water livestock ( or wildlife for that matter) manually. The Ranch owner prior to the insertion of the water system on the southern portion of the Los Cerros allotment, had gone into bankruptcy because of the lack of ability to economically provide water to his livestock.

To consider that these operations can be now done only with non motorized equipment and no supplemental water capability without any negative impact on the Rancher is short sighted to say the least. The real bottom line is that the Wilderness designation will eliminate effective Ranching in those areas. One of the statements supporting the Wilderness designation on page I-17 in Appendix I says the Indians and Ranchers objections can be accommodated. This statement is total without merit unless that accommodation is contrary to every Wilderness regulation presently in existence.

Therefore, if the Chain of Craters is designated a Wilderness area, then the existing ranching operations as we now know, will most likely cease to exist because of the increased manpower and costs associated with the new restrictions. This does not even address the enormous personal loss due to land and business values etc affected by a decision to designate the subject area a Wilderness. This will be a major impact on an

already strained industry and would more than likely put the affected Ranchers out of business.

On the surface this may not seem to be a major concern and in fact may be desirable by some organizations. However, under the present circumstances, most if not all of the maintenance and improvements (i.e. water availability) is being done by the ranches with their own funding in a cooperative basis with and under the control of the BLM. The condition of the land is critical to the ranchers ability to continue to stay in business. They do more on a daily basis to protect the land than any other group or organization or agency. Putting these people out of business would leave a gaping hole in the protection and development of the existing public lands.

35-C As with most industries, there are some who would exploit the land for short term gain. However, the protection against this solely rests on the management responsibility of the BLM and can be effective if they are allowed to do this and are properly funded with existing laws and policies.

So it appears that the designation of the Chain of craters as a wilderness area does not effectively balance the land use for the benefit of the American people. Instead, it would appear that the livelihood of the present stewards of the land would be sacrificed for others to have a place of "Solitude". The area in question is already remote and provides a significant amount of "solitude" without the wilderness designation and, the BLM has the authority and capability to manage it properly as long as they have the necessary resources and manpower. At present, most field agents are tied up in offices away from the land buried under mounds of paperwork much of which is tied to many lawsuits and the associated politics. It would be interesting to see how much more effective our land management would be if the BLM were free to do what they do best - field management.

35-D A last consideration is the accessibility of this area to the general public.. At present time and especially if the area in question is designated wilderness, accessibility to the area is most difficult and will be limited to those that are physically fit to hike into the area to appreciate it's beauty. The EIS study must consider making the area accessible to a majority of the public through improved roads and other services. To fail to do so, will make this area non existent to most Americans

In summary, I would suggest that he BLM reconsider the alternatives designating the Chain of Craters as a Wilderness based on the following additional factors:

- o The BLM,s ability to effectively manage the balance between the public use and protection of the land to meet the goals of proper stewardship with the proper funding without closing the area to the general public through wilderness designation especially since this area does not meet the criteria based upon the BLM's original analysis.

**35-C--**The primary goal of the BLM wilderness study process is to determine an area's suitability or nonsuitability for preservation as wilderness. The BLM recommends for wilderness designation only those areas for which it has been determined, through the agency's multiple resource planning process and with public involvement, that wilderness is the most appropriate use of the land and its resources. Though you have expressed opposition to designating the Chain of Craters as wilderness, others have expressed that the area should be recommended as suitable for designation to protect the wilderness values they feel are present in the area, such as the opportunity for solitude.

**35-D--**The BLM tries to accommodate public land recreational users by providing areas for those who are physically fit to hike and enjoy solitude, as well as areas for those who may not be physically mobile and depend on motorized equipment for access. Our recommendation is that the Chain of Craters is not suitable for preservation as wilderness. However, the Congress makes the final decision. Recreation, natural and cultural resources have been considered when proposing designated routes for vehicle travel.

o Consider the negative affect on the maintenance, improvement and protection of the Chain of Craters environment without the involvement of the ranching industry if the decision forced the ranching industry out of business.

o Consider the sever limiting effect of the availability of the Chain of Craters area to the majority of the public that are not physically capable to access the area to enjoy its beauty if the area is declared a Wilderness area.

35-E I would suggest that in addition, the El Malpais Plan and EIS should contain an expert BLM recommendation to the Congress on which alternative best satisfies the needs of the public in balance with the environment protection. To provide four (4) alternatives that cover the gambit of all interested parties defeats the reason for the study in the first place. Which one does the BLM in its expert opinion feel best satisfies the requirements of proper stewardship of the public land in question and why.

One last comment for consideration in the program. This plan was intended to come up with an environmental Impact Study for the Area in question. Since the issue of this plan for public review, there has been pressure brought upon by some environmental groups to halt the grazing until these studies are complete. In the interest of trying to settle this suit, the BLM has suggested that they would agree to a "No Grazing Alternative" analysis. I would suggest that the study (Plan) continue to support the decision made by the BLM and highlighted on page 2-75 of the plan. No grazing is inconsistent with P.L. 100-225 which established this area as a NCA in the first place.

Also, the BLM on that same page has stated that the Resource conditions in that area do not warrant area wide prohibition of livestock grazing. The existing RMP's contain the prescriptions needed to meet the resource objectives, including vegetative objectives.



Thomas H. Gabel

cc Mr Steve Fisher  
Mr Gary Wood

35-E--Alternatives have been considered as required by NEPA. Alternative D is the BLM's Preferred Alternative, which the agency feels would provide the best balance of environmentally sound uses. Under this alternative, the BLM would recommend to the Congress that the Chain of Craters Wilderness Study Area was unsuitable for inclusion in the wilderness preservation system.



No. 36

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BI  
*Central New Mexico Audubon Society*

POST OFFICE BOX 30002 — ALBUQUERQUE, NEW MEXICO 871390

99 JUN 30  
031 ALBUQUERQUE, N.M.

June 29, 1999

36--Comment acknowledged.

Edwin J. Singleton, Manager  
United States Department of the Interior  
Bureau of Land Management  
Albuquerque Field Office  
435 Montano Road N.E.  
Albuquerque, New Mexico 87107-4935

**Re: 1610 (010);  
Comment on Draft El Malpais Plan and Environmental Impact  
Statement**

Dear Mr. Singleton:

Thank you for providing the above draft to us for comment.

We strongly recommend the adoption of Alternative C as presented in the Draft. This would maximize the extent of the wilderness area designated, and in our opinion provide the best protection for the significant wildlife and cultural resources of the area. The preferred alternative would have far greater impacts on the areas that are ripe for wilderness designation and, therefore, we believe the preferred alternative should not be adopted.

Thank you for your work in protecting this valuable national resource.

Very truly yours,

A handwritten signature in black ink, appearing to read "JDM", written over a horizontal line.

Jeffrey D. Myers, Conservation Chair

JDM:pn

cc: Beth Hurst, President, Central New Mexico Audubon Society  
David Henderson, State Director, National Audubon Society



GARY E. JOHNSON  
Governor

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ALBUQUERQUE, N.M.

February 23, 2000

Mr. Kent Hamilton  
El Malpais Plan Team Leader  
Bureau of Land Management  
Albuquerque Field Office  
435 Montañño Road NE  
Albuquerque, NM 87107-4935

Re: Draft El Malpais Plan and Environmental Impact Statement

Dear Mr. Hamilton:

We have reviewed the Draft El Malpais Plan and Environmental Impact Statement (DEMPEIS). We offer the following comments. The affected environment section of the document does a creditable job of summarizing the nature and distribution of cultural resources in the El Malpais National Conservation Area (NCA) and associated land planning units. You identify four alternatives for management and describe the potential environmental consequences of each one by resource class. We will only comment on the cultural resources sections.

Future individual undertakings under all alternatives would continue to be the subject of consultations with our office as per the protocols of the Programmatic Agreement we have. Alternative A (no action) represents no change from current management strategies. However, you discuss scientific investigations and increased visitor use of cultural resources. We wish to reiterate the Advisory Council's position that research excavation is an adverse effect on cultural resources. Any interpretation of cultural sites is also an adverse effect. We recommend that site condition be assessed when a site is recorded. We would prefer preservation treatments as an alternative to stabilization and development in most cases. Signed sites and those near trails or developed areas should be studied before the surface artifacts disappear. These areas should be survey priorities under your plan. We support your prohibition on collecting artifacts for use in contemporary pottery. We know of no exemptions from ARPA and NHPA requirements for this activity. Perhaps the Pueblo ceramicists could be offered sherd already collected and analyzed that are just sitting in storage as an alternative to collecting sherds from unrecorded and unexcavated sites. We support your policy on brief land-closures for Native American ceremonies.

Alternative B (Resource Use) identifies a number of activities that could affect cultural resources. Most of these activities have the potential to adversely affect cultural resources. We are concerned about the earmarking of 14 sites for public use and scientific excavations. This will be a significant adverse effect. We would prefer preservation treatments and surface

37--Comment acknowledged.

investigations to excavations. As mentioned above, we support alternatives to surface collections of pottery for use in modern pottery.

Alternative C (Natural Processes) would reduce or eliminate active management of cultural resources. We would consider such a decision to be an adverse effect. Historic properties should be monitored and maintained to prevent loss of important information. As mentioned above, we support alternatives to surface collections of pottery for use in modern pottery.

The preferred Alternative D (Balanced Management) will result in adverse effects to sites developed for public use and scientific investigations. Other proposed activities will result in adverse effects such as roads, trails, and visitor and equine facilities. As mentioned above, we support alternatives to surface collections of pottery for use in modern pottery.

Viewed strictly from a preservation perspective, Alternative C, with certain modifications, represents the best alternative. However, your agency is charged with managing all resources. We believe that your preferred alternative does provide something of a balance between the sometimes conflicting resources needs. We are confident that whatever the decision is, you will continue to manage the cultural resources of the El Malpais National Conservation Area (NCA) and associated land planning units in a responsible manner.

Thank you for seeking our opinion of the DEMPEIS and for considering our comments. Please contact me at (505)827-4064 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Michael L. Elliott". The signature is written in a cursive, flowing style.

Michael L. Elliott, RPA  
Staff Archaeologist

Xc: John Roney, Archeologist, BLM, Albuquerque Field Office