

C h a p t e r 5

CHAPTER 5

CONSULTATION AND COORDINATION

In September 1995, the Statewide Resource Advisory Council (RAC) was formed to begin work with BLM and the State of New Mexico in the development of Standards for Public Land Health and Guidelines for Livestock Grazing Management in New Mexico. The RAC met numerous times, with all meetings open to the public to develop draft standard and guidelines. Following public comments on the draft standards and guidelines mailed out to over 3,000 people in May 1996, the RAC revised the standards and guidelines. This revision became the proposed action in the Draft RMPA/EIS. Input from a broad spectrum of the public including academicians, ranchers, environmentalists, elected officials, and private citizens made comments during the comment period. This was important in the development of the proposal. Members of the RAC who developed the Proposed Action (RAC Alternative) described and analyzed in the Draft RMPA/EIS document are listed in Table 5-1.

The Resource Advisory Council consists of 15 members whose representation is balanced equally among the following three general interests:

- C 1) grazing, mining, timber, off-highway vehicle and developed recreation interests
- C 2) environmental organizations, archaeological and historic, and wild horse and burro interests
- C 3) state and local government, Indian tribes, natural science, academicians and the public at large

On January 31, 1996 the NEPA/RMP process was initiated with a Notice of Intent published in the *Federal Register*. This notice requested public comments on the proposal to prepare an environmental document and to modify decisions in all New Mexico BLM RMPs. On May 27, 1996, a second Notice of Intent announced a total of 16 public meetings across the State to receive comments on the draft standards and guidelines that had been mailed out to over 3,000 people. The Notice of Intent also stated that written comments would be taken and announced that the

comment period would close on June 30, 1996.

Nearly 300 people signed in as attending the public comment meetings. Public meetings were held in Deming, Lordsburg, Silver City, Las Cruces, Alamogordo, Roswell, Glencoe, Carlsbad, Socorro, Truth or Consequences, Albuquerque, Grants, Gallup, Santa Fe, and Taos, New Mexico; and Antonito, Colorado. Both BLM and RAC members attended the comment meetings to receive comments on the draft standards and guidelines. A total of 276 written comments were received during the comment period.

The RAC had several meetings following the close of the comment period and they revised the draft standards and guidelines into the Proposed Action presented in Chapter 2 of the Draft RMPA/EIS document.

In September 1996, a BLM Team (list of preparers) was selected, as listed in Table 5-2. Each Field Office provided a contact for data and other information. Those contacts are shown in Table 5-3.

The State of New Mexico requested to be a joint lead for this project, resulting in a Memorandum of Understanding between BLM and the State. The State team is listed in Table 5-4.

In 1997, ten RAC members' terms expired. Of the ten, two members were reappointed and eight new members were appointed. Table 5-5 identifies is the New Mexico RAC which was announced on August 20, 1997.

Table 5-6 identifies the New Mexico RAC which was announced on April 1, 1999. These RAC members made changes to the Proposed Action (RAC Alternative) based on public comments received by BLM during the 90-day comment period on the Draft RMPA/EIS document. The modified RAC Alternative is analyzed in this Proposed RMPA/Final EIS.

Table 5-7 identifies the present New Mexico RAC members.

Table 5-1		
NEW MEXICO RESOURCE ADVISORY COUNCIL 9-95 THROUGH 8-97		
NAME	LOCATION	INTEREST
Nancy Brantley	Carlsbad	3
Celestino Gachupin	Zia Pueblo	3
Sid Goodloe	Capitan	1
Fred Gross Jr.	White Rock	2
Shannon Horst	Albuquerque	2
Pete Aguilar*	Santa Fe	3
Kenneth Heil	Farmington	3
David Kincaid	Pinon	1
Ruth Musgrave	Albuquerque	3
Frank Nordstrom	Aztec	2
Joseph Quintina	Taos	1
Sanford Schemnitz	Las Cruces	2
Buddy Shaw	Farmington	1
Alexander Thal	Silver City	3
Marvin Lee Watts	Carlsbad	1
Steve West	Carlsbad	2

Source: BLM Resource Advisory Council records.

Notes: *Pete Aguilar of Santa Fe was a member of the RAC from September 1995 until August 1996 when his term expired. He was replaced by Kenneth Heil.

**Table 5-2
BLM PLANNING AND NEPA TEAM MEMBERS**

NAME	TEAM TITLE	OFFICE
J.W. Whitney	Project Manager	New Mexico State Office
Mark Blakeslee	Asst. Project Manager	New Mexico State Office
Robert Alexander	Technical Coordinator	New Mexico State Office
Roger Cumpian	Writer - Livestock	Socorro Field Office
Mike Howard	Writer - Vegetation, T&E Species	Las Cruces Field Office
Jerry Wall	Writer - Soil, Water, Air	Albuquerque Field Office
Rand French	Writer - Wildlife	Roswell Field Office
Kathy Walter	Writer - Recreation, Special Areas	Rio Puerco Field Office
Jackie Neckels	Writer - Realty, Land Use	Farmington Field Office
Brenda Wilkinson	Writer - Cultural, Historic	Socorro Field Office
Gary Stephens	Writer - Minerals, Geology	New Mexico State Office
Don Boyer	Writer - Editor	Roswell Field Office
Jeanette Pranzo	Reviewer - Economic	Colorado State Office
Roberto Costales	Reviewer - Social	Colorado State Office
Veronica Maldonado	Staff Assistant	New Mexico State Office
Rena Gutierrez (Final Only)	Writer-Editor (Responses to Comments)	Las Cruces Field Office

**Table 5-3
BLM CONTACTS FOR DATA AND OTHER INFORMATION**

NAME	OFFICE
Sam DesGeorges	Taos Field Office
Steve Fischer	Albuquerque Field Office
Lisa Phillips	Las Cruces Field Office
Steve Daly	Carlsbad Field Office
Mark Matthews	Socorro Field Office
Tom Phillips	Las Cruces Field Office
Ray Sanchez	Farmington Field Office
John Spain	Roswell Field Office

Table 5-4
STATE PLANNING AND NEPA TEAM MEMBERS

NAME	AREA OF CONTRIBUTION
Cecilia Abeyta	Project Manager for State.
John Fowler	Social, Economics, Livestock
G.B. Oliver	Social, Economics
Pat Quintana	Social, Economics, Custom, Culture, Historic
Alex Thal	Social, Economics, Custom, Culture, Historic
David Sanchez	Livestock
Jay Groseclose	Soil, Water, Air
Greg Fitch	Soil, Water, Air, Land Use, Minerals, Geology, Vegetation
John Bokich	Land Use, Wildlife, Minerals, Geology
Chuck Moran	Land Use, Minerals, Geology
Ron White	Wildlife, Recreation

In addition to the BLM and State Planning Team
Allan Vesely from the Bureau of Indian Affairs
Eastern Navajo Agency was also a team member.
Allan's Area of Contribution was Native American
Interest.

**Table 5-5
NEW MEXICO RESOURCE ADVISORY COUNCIL 8-97 THROUGH 12-98**

NAME	LOCATION	INTEREST
Danny Charlie*	Kirtland	3
Nancy Clopton*	Hachita	1
Celestino Gachupin	Zia Pueblo	3
Gregory Green*	Santa Fe	2
Kenneth Heil**	Farmington	3
Phyllenore Howard*	Santa Fe	2
Dan Lopez*	Albuquerque	3
Bob Nordstrum*	Albuquerque	2
Joseph Quintina	Taos	1
Ronnie Rardin*	Alamogordo	3
Joe Romero*	Velarde	1
Sanford Schemnitz	Las Cruces	2
Buddy Shaw	Farmington	1
Marvin Lee Watts**	Carlsbad	1
Steve West	Carlsbad	2

Notes: *New Appointments, ** Reappointments

From January 1, 1999 until April 1, 1999 no new RAC members had been appointed.

**Table 5-6
NEW MEXICO RESOURCE ADVISORY COUNCIL 4-99 THROUGH 8-99**

NAME	LOCATION	INTEREST
Randolph Barnhouse*	Gallup	3
Anthony Benson*	Taos	1
Bennett Brown*	Animas	2
Danny Charlie	Kirtland	3
Nancy Clopton	Hachita	1
Gregory Green	Santa Fe	2
Kenneth Heil	Farmington	3
Phyllenore Howard	Santa Fe	2
Barbara Johnson*	Santa Fe	2
Philip Kennicott*	Sandia Park	1
Dan Lopez	Albuquerque	3
Bob Nordstrum	Albuquerque	2
Roger Pattison	Clovis	1
Joe Romero	Velarde	1
Richard Zierlien*	Alamogordo	3

Notes: *New Appointments, appointed 4-1-99

**Table 5-7
NEW MEXICO RESOURCE ADVISORY COUNCIL 9-99**

NAME	LOCATION	INTEREST
Randolph Barnhouse	Gallup	3
Anthony Benson	Taos	1
Bennett Brown	Animas	2
Danny Charlie	Kirtland	3
Gregory Green	Santa Fe	2
Kenneth Heil	Farmington	3
Michael Koranda*	Hurley	1
Phyllenore Howard	Santa Fe	2
Barbara Johnson	Santa Fe	2
Philip Kennicott**	Sandia Park	1
Bob Nordstrum	Albuquerque	2
Roger Pattison	Clovis	1
Charles Pergler*	Los Alamos	3
Patrick Torres*	Santa Fe	1
Richard Zierlien**	Alamogordo	3

Notes: *New Appointments, appointed ** Reappointments

COOPERATORS

Nine New Mexico Counties requested to be cooperators for this project resulting in a Memorandum Of Understanding with the counties. The cooperating counties are Catron, Chaves, Eddy, Grant, Hidalgo, Lincoln, Luna, Otero, and Sierra. In addition, the Navajo Nation requested to be a cooperator for this project. A Memorandum Of Understanding for cooperator status with the Navajo Nation has been prepared but has not been signed to date.

CONSULTATION

Consultation with the United States Fish and Wildlife Service (USFWS) is required prior to initiation of any project by BLM that may affect any Federally-listed

species or its habitat. Conferencing with USFWS will occur on potential effects to species proposed for Federal listing. Consultation is required by Section 7 of the Endangered Species Act of 1973. Informal consultation with USFWS began on October 23, 1996 (see Appendix C-1). The consultation process will be completed prior to finishing the Record of Decision for the RMPA.

CONSISTENCY WITH OTHER PLANS

At this time there are no known inconsistencies between any of the alternatives and any officially approved and adopted resource-related plans of other Federal agencies, state and local governments or Indian tribes. Coordination and consultation will continue throughout the planning process.

DISTRIBUTION OF THE DRAFT RMPA/DRAFT EIS

The Draft RMPA/EIS was available on the New Mexico BLM web page at the following web address:
www.nm.blm.gov

Below is a partial listing of various Federal, State and local agencies organizations, Indian tribes and individuals to which both the Draft RMPA/EIS and Proposed RMPA/Final EIS were sent:

Federal Agencies

Department of Agriculture
 U.S. Forest Service
 Natural Resources Conservation Service
Department of Energy
 Office of NEPA Oversight
Department of the Interior
 Bureau of Indian Affairs
 Chinle Agency
 Southern Pueblos Agency
 Eastern Navajo Agency
 Bureau of Mines
 Bureau of Reclamation
 Office of the Secretary
 National Park Service
 Fish and Wildlife Service
Environmental Protection Agency

State Agencies

Department of Agriculture
Department of Economic Development
Department of Game & Fish
Department of Tourism
Environmental Department
Energy, Minerals & Natural Resources Department
Governor's Office
Interstate Stream Commission
Office of Cultural Affairs
State Land Office

County Offices

County Commissions
Bernalillo
Catron
Chaves
Cibola
Colfax
Curry
DeBaca

Dona Ana
Eddy
Grant
Guadalupe
Harding
Hidalgo
Lea
Lincoln
Los Alamos
Luna
McKinley
Mora
Otero
Quay
Rio Arriba
Roosevelt
Sandoval
San Juan
San Miguel
Santa Fe
Sierra
Socorro
Taos
Torrance
Union
Valencia

City Offices

Alamogordo
Anthony
Artesia
Bayard
Carlsbad
Carrizozo
Central
Clovis
Deming
Eunice
Farmington
Fort Sumner
Gallup
Grants
Hurley
Jal
Lordsburg
Lovington
Magdalena
Mesilla
Reserve
Roswell
Santa Rosa

Silver City
Socorro
Tatum
Tucumcari
Tularosa

Tribal/Pueblo Groups

Acoma Pueblo
Isleta Pueblo
Jicarilla Apache Tribe
Laguna Pueblo
Mescalero Apache Tribe
Navajo Nation
Navajo Tribal Council
Pojoaque Pueblo
San Juan Pueblo
San Felipe Pueblo
San Ildefonso Pueblo
Santa Clara Pueblo
Santa Ana Pueblo
Taos Pueblo
Zia Pueblo
Zuni Pueblo

Other Groups

Albuquerque Production Credit Association
Albuquerque Wildlife Federation
Black Range Resource Conservation & Development, Inc.
Center for Wildlife Law
Coalition of Arizona/New Mexico Counties
Committee of Wilderness Supporters, Inc.
Concerned Citizens del Norte
Continental Divide Trail Society
Deming-Luna County Chamber of Commerce
Dona Ana County Associated Sportsmen, Inc.
El Paso Group of Sierra Club
Forest Guardians
Lighthawk
National Audubon Society
National Wildlife Federation
National Wildlife Federation
Natural Resources Defense Council
New Mexico State University
New Mexico Cattle Growers' Association
New Mexico Farm and Livestock Bureau
New Mexico Public Lands Council, Inc.
New Mexico Natural History Institute
New Mexico Land Use Alliance
New Mexico Wilderness Study Committee
New Mexico Woolgrowers Association

New Mexico Oil and Gas Association
Northern Wilderness Watch
Northern New Mexico Stockman Association
People for the West
Public Lands Action Network
Randal Davey Audubon Center
San Juan Basin Livestock Association
Sangre de Cristo Audubon Society
Santa Fe Group Sierra Club
Sierra Club -Rio Grande Chapter
Southeastern New Mexico Grazing Association
Southern New Mexico Group Sierra Club
Southwest Environmental Center
Southwest Consolidated Sportsmen
Sunland Brittany Club
Sunwest Bank
Texaco Exploration
Tri-State Navajo Extension Service
University of New Mexico Mountaineering Club
Washington Public Land Coordinator
Wilderness Society
Wildlife Management Institute
Wildlife Legislative Council
Yates Petroleum Corp.

Soil and Water Conservation Districts (S&WCD)

Border S&WCD
Caballo S&WCD
Canadian River S&WCD
Carlsbad S&WCD
Carrizozo S&WCD
Central Curry S&WCD
Central Valley S&WCD
Chaves S&WCD
Ciudad S&WCD
Claunch-Pinto S&WCD
Colfax S&WCD
Coronado S&WCD
Cuba S&WCD
DeBaca S&WCD
Deming S&WCD
East Rio Arriba S&WCD
East Torrance S&WCD
Edgewood S&WCD
Grant S&WCD
Guadalupe S&WCD
Hidalgo S&WCD
Hagerman-Dexter S&WCD
La Union S&WCD
Lava S&WCD
Lea S&WCD

McKinley S&WCD
Mesa S&WCD
Mora-Wagon Mound S&WCD
Northeastern S&WCD
Otero S&WCD
Penasco S&WCD
Quemado S&WCD
Roosevelt S&WCD
Salado S&WCD
San Juan S&WCD
San Francisco S&WCD
Santa Fe-Pojoaque S&WCD
Sierra S&WCD
Socorro S&WCD
Southwest Quay S&WCD
Taos S&WCD
Tierra y Montes S&WCD
Upper Chama S&WCD
Upper Hondo S&WCD
Ute Creek S&WCD
Valencia S&WCD
Western Mora S&WCD

Ranch Operators

Those permittees/lessees who signed in at a scoping meeting, sent written comments during the scoping period, or requested to be on the RMPA/EIS mailing list.

COMMENTS AND RESPONSES

A comment period on the Draft RMPA/Draft EIS was originally scheduled to cover a 90-day period from February 12, 1999 to May 17, 1999. The printer finished printing the document and mailed all copies on January 20, 1999. Because of this, the comment period was 15 days longer than originally planned. During the comment period, 108 comment letters were received on the Draft RMPA/EIS document. In addition, four comments were late but were accepted as late comments. Public hearings were held in 12 locations around the State (each with an afternoon and evening hearing) to provide for individual testimony. During the public hearings, 38 individuals provided testimony. Three people showed up after the hearing was over and wished to make comments on the Draft RMPA/EIS, and their comments were taken on tape and later typed for the record.

All letters and testimony were reviewed and considered in preparation of the Proposed RMPA/Final EIS.

Comments which addressed the adequacy of the Draft RMPA/EIS received a response. Each commentor was assigned a number according to the order of receipt. Commentors are listed on Table 5-8.

The comment letters and verbatim transcripts of testimony taken at the public hearings are not all printed in this document. However, comment letters received from local, State and other Federal agencies are printed in this document. The letters are displayed in Appendix G. Copies of all comment letters, hearing transcripts, and typed comments from taped comments are available for viewing at the BLM New Mexico State Office, 1474 Rodeo Road, Santa Fe, New Mexico.

Every comment which addressed either the adequacy of the Draft RMPA/EIS or the merits of the alternative contained in letters, verbal testimony, and taped comments was assigned a number. The appropriate team member was then assigned the comments relating to his/her speciality in order to develop a response. Once the responses were complete, an effort was made to combine comments that contained the same or similar subject matter. Comments were also grouped by Chapter and Appendix. Comments are shown by environmental component in the same order as the Table of Contents.

Commentors should be able to track their comments from Table 5-8 by finding their name and noting the comment number assigned to their comment. The comment and response can then be found by looking up the comment number in the section following Table 5-8.

**Table 5-8
LIST OF COMMENTORS**

	SOURCE (REPRESENTING)	TYPE OF COMMENT <u>a/</u>	COMMENT NUMBER(S)
1	Frank Nordstrom (Self and the environment)	LC-1 & OH-1	67, 163
2	Legislature of the State of New Mexico (Senate)	LC-2	68
3	Brice Lee (Permittee, Private land owner & environmentalist)	OH-2	8, 9, 11, 18
4	Paul Brandy (Permittee & Vice President of San Juan Livestock Association)	OH-3	68, 69
5	Ted Graham (Owner of San Juan Livestock Sales Barn & President of San Juan Basin Livestock Association)	OH-4	68, 111
6	Stella Montoya (Self)	OH-5 & LC-73	12, 18, 50, 60, 159, 250, 251, 284, 285, 295
7	Barbara Truby (Lives and works on a Ranch)	OH-6 & LC-96	144, 155, 178, 179, 190, 191, 200, 208, 322
8	Grace Mason (Native Plant Society)	OH-7	37
9	David Sanchez (Self, Lt Governor's Office, & NM Cattle Growers)	OH-8	209, 210, 267
10	Charlie Chacon (Self)	OH-9 & LC-20	3, 42, 112, 209
11	Virginia Black (Self)	OH-10	23
12	Casey Sanchez (Self)	OH-11	5, 70, 196
13	Julia Mullen (Northern NM Legal Services & Farmers and Ranchers of area)	OH-12	68, 71, 112

Table 5-7 continued

	SOURCE (REPRESENTING)	TYPE OF COMMENT <u>a/</u>	COMMENT NUMBER(S)
14	Roger Peterson (Santa Fe Group of Sierra Club)	OH-13 & LC-18	47, 51, 67, 93, 94, 95
15	Jim Bates (Southwest Consolidated Sportsmen)	OH-14	72
16	Alice Anderson (Native Plant Society)	OH-15 & LC-9	51, 218
17	Marianne Thaeler (Self)	OH-16	51
18	Ross May (Cattle Rancher)	OH-17	62, 134, 211
19	Jack Carter (Native Plant Society)	OH-18	51, 67, 73
20	Tommy Perez (Self & Chairman of Public Land Advisory Committee to the Luna County Commission)	OH-19	6, 13, 24, 180, 212, 213, 291
21	Leedrue Hyatt (Self)	OH-20	38, 268, 333
22	David Bouquin (Self)	OT-1	51, 67
23	Kevin Bixby (Southwest Environmental Center)	OT-2	72
24	Cheryll Blevins (Chair of the Southern NM Group of the Sierra Club Executive Committee)	OT-3	51
25	S.D. Schemnitz (Self)	LC-3	113, 181
26	Susie Rossmann (Native Plant Society)	LC-4	51
27	Tiana Scott (Native Plant Society)	OH-21	51
28	Gary Simpson (Rangeland Issue Chair for Rio Grande Chapter of Sierra Club)	OH-22	51, 67
29	Priscilla Tracy (Self)	OH-23	47, 135, 157, 201, 292
30	John Stockert (Self)	OH-24	51

Table 5-7 continued

	SOURCE (REPRESENTING)	TYPE OF COMMENT <u>a/</u>	COMMENT NUMBER(S)
31	Charles Walker (Self and Lincoln Forest Permittees Association)	OH-25 & LC-107	44, 70, 133, 192
32	Joe Duft (Self, Member of Native Plant Society)	OH-26	51
33	Hildy Reiser (Native Plant Society)	OH-27 & LC-88	2, 35, 36, 43, 51, 74, 108, 139, 148, 154, 164, 174, 175, 176, 184, 185, 186, 187, 188, 189, 193, 195, 199, 205, 206, 255, 256, 257, 279, 293
34	Curtis Doyal (Self, BCI Incorporated)	OH-28	214, 337
35	Clarissa Hughlett (Self)	OH-29	114
36	Cassandra Witherspoon (Self)	OH-30	115
37	Lewis Derrick (Chairman of Eddy County Land Use Committee)	OH-31	39, 40, 114, 115, 165, 338
38	William Briney (Self)	OH-32	286
39	Hollis Fuchs (Lincoln County Public Land Use Advisory Council)	OH-33	149, 166, 344
40	Margaret Stevens (Self)	OH-34	167
41	Dan Girand (Regulatory and Affairs Director for Mack Energy and Chase Farms)	OH-35	25, 26, 39, 63
42	Joel Carson (Permittee, Self)	OH-36	10
43	Bud Eppers (New Mexico Public Land Council and Southern New Mexico Grazing Association)	OH-37 & LC-100	1, 7, 19, 20, 21, 22, 25, 27, 28, 29 30, 31, 68, 261, 266, 281, 306, 308, 309, 310, 320

Table 5-7 continued			
	SOURCE (REPRESENTING)	TYPE OF COMMENT <u>a/</u>	COMMENT NUMBER(S)
44	Don Brewer (Rancher)	OH-38	168
45	Jeff Burgess (Self)	LC-5	75, 76, 77, 78, 79, 80, 81
46	George Wuerthner (Self)	LC-6	140, 202, 215
47	Julie Kutz (Self)	LC-7	82, 83, 84, 85, 86, 87, 169, 170, 269, 270, 271, 272, 273, 274
48	Eddy County (Board of Commissioners for Eddy County)	LC-8	14, 39, 212, 216, 217, 275, 282, 294, 295, 339
	Alice Anderson	LC-9	See Commentor Number 16
49	Wildlife Management Institute (WMI)	LC-10	41, 47, 52, 64, 116, 141, 171, 172, 203
50	New Mexico Environment Dept. (NMED)	LC-11	158
51	Thomas Lee Boles (Self)	LC-12	67
52	USDA Natural Resources Conservation Service (NRCS)	LC-13	32, 65, 88, 89, 90, 91, 145, 156, 276
53	Noel Marsh (Self and Otero County Cattlemen's Association)	LC-14	4, 33, 34, 53, 146, 173, 219, 334
54	County of Lincoln (Board of Commissioners of Lincoln County)	LC-15	54, 220, 283, 345
55	Imogen Stein (Self)	LC-16	92
56	T. A. Tanner (Self)	LC-17	221
	Roger Peterson	LC-18	See Commentor No.14
57	Rex Johnson Jr. (Self)	LC-19	96
	Charlie Chacon	LC-20	See Commentor No. 10

Table 5-7 continued

	SOURCE (REPRESENTING)	TYPE OF COMMENT <u>a/</u>	COMMENT NUMBER(S)
58	Robert Stevens (Self)	LC-21	222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232
59	Gustauo Martinez (Self)	LC-22	42, 112
60	Rosendo Serrano (Self)	LC-23	42, 112
61	Kathleen Stachowski (Self)	LC-24	286
62	Jane Schafer (Self)	LC-25 & LC-102	14, 15, 221, 233, 234, 295
63	Agnes Jaramillo (Self)	LC-26	42, 112
64	Phyllenore D. Howard (Self)	LC-27	97, 98, 99, 117
65	R. Matthew Bristol (Self)	LC-28	55
66	James & Jeanette Coupland (Self)	LC-29	112, 115, 221
67	Virginia W. Cates (Self)	LC-30	42, 112
68	Patricia A. Stineburg (Self)	LC-31	286
69	Thomas C Evans (Self)	LC-32	286
70	Connie Shupla (Rep. of Estate of Elias A. Garcia)	LC-33	42, 112
71	Murray & Judy Keeler (Selves)	LC-34	62, 235, 236
72	Blaine N. Bagwell (Self)	LC-35	42, 112
73	Grace M. Bagwell (Self)	LC-36	42, 112
74	Martha Coody (Self)	LC-37	340, 341, 343
75	Jake Vigil (Self)	LC-38	42, 112
76	John B. Shawcroft Ranches (Self)	LC-39	42, 112
77	Jim Coody (Self)	LC-40	296, 340, 341, 343
78	Dennis and Ernest Moeller (Selves)	LC-41	42, 112

Table 5-7 continued

	SOURCE (REPRESENTING)	TYPE OF COMMENT <u>a/</u>	COMMENT NUMBER(S)
79	Michael Berman (Self)	LC-42	100, 101, 102, 237, 313
80	Jennifer L. Six (Self)	LC-43	238
81	Public Lands Foundation (PLF)	LC-44	103, 118, 122, 182, 287, 297, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332
82	Hidalgo County (Board of Commissioners for Hidalgo County)	LC-45	239, 240, 277
83	Central NM Group of the Sierra Club (Central NM Group Sierra Club)	LC-46	19, 56, 57, 104, 105, 106, 107, 119, 120, 121, 122, 136, 137, 142, 147, 298, 299, 335
84	Rio Grande Chapter of the Sierra Club (RG Chapter Sierra Club)	LC-47	104, 105, 106, 107, 119, 120, 121, 122, 137, 142
85	Jimmy Goss (Self)	LC-48	221, 294
86	Sandi Chatfield (Sierra County Treasurer)	LC-49	235, 241, 242, 300
87	Harvey Chatfield (Self)	LC-50	235, 243, 301, 314
88	Bobby Jones (Self)	LC-51	14, 40, 212, 245, 253, 295, 340
89	Frances Goss (Self)	LC-52	221, 294
90	Carire B. Green (Self)	LC-53	221, 294
91	National Park Service (NPS)	LC-54	No comments
92	Harold Monsimer (Self)	LC-55	42, 112

Table 5-7 continued

	SOURCE (REPRESENTING)	TYPE OF COMMENT <u>a/</u>	COMMENT NUMBER(S)
93	Otero County (Board of Commissioners for Otero County)	LC-56	25, 138, 150, 162, 217, 244, 267, 295, 300, 302, 303, 315, 316
94	Juan Garcia (Self)	LC-57	42, 112
95	Ronnie Garcia (Self)	LC-58	42, 112
96	Kendra Goss (Self)	LC-59	221, 294
97	Lee and Karen Ankrom (Selves)	LC-60	221, 294
98	Michael J. Hudak (Self)	LC-61	75, 76, 77, 78, 79, 80, 81
99	Marguerite Benedict (Self)	LC-62	342
100	Scott Maxwell (Self)	LC-63	151
101	J Wade Bennett (Self)	LC-64	14, 39, 212, 245, 294, 295
102	Elizabeth Shelford (Self)	LC-65	72
103	Emily Uptegrove (Self)	LC-66	72
104	James E Scoggin (Self)	LC-67	42, 112
105	Danial S. Howell (Self)	LC-68	58, 246
106	People for the USA (Luna Chapter)	LC-69	Resolution
107	Environmental Protection Agency (EPA)	LC-70	Rating
108	NM Department of Game and Fish (NMDG&F)	LC-71	59, 152, 153, 183, 247, 248, 249, 288, 289, 304

Table 5-7 continued

	SOURCE (REPRESENTING)	TYPE OF COMMENT <u>a/</u>	COMMENT NUMBER(S)
109	National Audubon - NM, New Mexico Audubon Council, Pajarito Group of the Sierra Club, New Mexico Natural History Institute and the Forest Guardians (The five groups listed above)	LC-72	104, 105, 106, 107, 119, 120, 121, 122, 137, 142
	Stella Montoya	LC-73	See Commentor No. 6
110	Robert E. Cowan (Self)	LC-74	60, 159, 250, 251, 284, 285, 295
111	New Mexico Coalition of Sportmen (NM Coalition of Sportmen)	LC-75	49, 106, 107, 116, 137
112	Palemon A. Martinez (Cerro Azul Grazing Association)	LC-76	42, 112
113	Paul Gutierrez (Self)	LC-77	60, 159, 250, 251, 284, 285, 295
114	Ronald L. Merritt, Sr. (Self)	LC-78	239, 240, 282, 294
115	Larry Caudill (Self)	LC-79	123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 197, 198, 204
116	Caren Cowan (New Mexico Cattle Growers' Association)	LC-80	159, 240, 251, 284, 295, 341
117	Francisco E Vigil (Northern New Mexico Stockman's Association)	LC-81	42, 112
118	Frank F. Gallegos (Self)	LC-82	42, 112
119	Dawn M. Robbins (Self)	LC-83	60, 250, 285, 295
120	Randall J. Summers (Self)	LC-84	60, 159, 250, 251, 284, 285, 295

Table 5-7 continued

	SOURCE (REPRESENTING)	TYPE OF COMMENT <u>a/</u>	COMMENT NUMBER(S)
121	Mary Ell Christian (Self)	LC-85	60, 159, 250, 251, 284, 285, 295
122	Caren Cowan (Self)	LC-86	60, 159, 250, 251, 284, 285, 295
123	Catron County (Board of Commissioners for Catron County)	LC-87	1, 252, 253, 254, 264, 278, 295, 305, 306, 316, 317, 318, 319, 342
	Hildy Reiser	LC-88	See Commentor No. 33
124	Chaves County Public Land Advisory Committee (Bud Eppers Chairman)	LC-89	1, 252, 253, 254, 264, 278, 295, 305, 306, 316, 317, 318, 319, 342
125	Mr. and Mrs Bobby Melton (Selves)	LC-90	14, 66, 221, 295, 339
126	Mitch and Kelly Hibbard (Selves)	LC-91	14, 66, 221, 295, 339
127	Broadfoot Taylor (Self)	LC-92	109, 143
128	Coalition of AZ/NM Counties (NM County Members)	LC-93	1, 46, 48, 160, 161, 252, 253, 254, 258, 259, 260, 264, 278, 305, 306, 307, 316, 317, 318, 319, 342
129	Martin and Beckie Mosiman (Selves)	LC-94	42, 112
130	Brenna Goss (Self)	LC-95	221, 294
	Barbara Truby	LC-96	See Commentor No. 7
131	Jennifer Truby (Self)	LC-97	194, 207, 265
132	Bill Taylor (Self)	LC-98	221, 294

Table 5-7 continued			
	SOURCE (REPRESENTING)	TYPE OF COMMENT ^{a/}	COMMENT NUMBER(S)
133	Justin or Brenna Goss (Self)	LC-99	221, 294
	Bud Eppers	LC-100	See Commentor No. 43
134	Innis Lewis (Self)	LC-101	295
	Jane Schafer	LC-102	See Commentor No. 62
135	Arden Lewis (Self)	LC-103	294, 295, 340
136	Jonna L Schafer (Self)	LC-104	14, 294, 295
137	Dale Lieth (Self)	LC-105	221, 234, 295
138	Robert Lorentzen (Self)	LC-106	61, 177, 280
	Charles R. Walker	LC-107	See Commentor No. 31
139	Joe Bill Nunn (Self)	LC-108	221, 262, 336
The following comments were late, but were accepted and answered with a response			
140	Joe T. Maestas (Santa Cruz Irrigation District)	LC-109	42, 112
141	Debbie Hughes (New Mexico Association of Conservation Districts)	LC-110	16, 311, 321
142	Robert S. Jenks (Commissioner of Public Lands)	LC-111	45, 110
143	U.S. Fish and Wildlife Service (USF&WS)	LC-112	263, 290, 312

^{a/} Notes: Oral Hearing Testimony [OH], Oral Taped Testimony [OT] or Letter Comments [LC]

COMMENTS ON DRAFT RMPA/EIS AND RESPONSES

GENERAL

1. Comment: The DEIS is difficult to follow in part due to their convoluted formatting and manipulation of both State analyses as well as Cooperating County inputs. CEQ requires that an EIS document be clear and understandable to the general public. This is definitely not the case as supported by testimony from the public hearings. There is a definite intermingling of State and County laws and regulations within the DEIS which adds considerable confusion to the general public. The DEIS is not in compliance with the NEPA Handbook under Chapter 44.19 which states:

If the EIS is combined with another decisionmaking document [e.g., Cooperating County [EIRs] [the EIS] will be clearly and separately identified and not interwoven into other portions of or spread throughout the [EIS] document.

As it now stands the DEIS does not meet this requirement. It is impossible to understand what the real impacts are, much less sort out these distinctions cited above.

Response: Chapter 4-Section 4.19 of 516 Departmental Manual of the Department of the Interior refers the reader to 516 DM 4.6D. It states:

If CEQ's standard format is not used or if the EIS is combined with another planning or decision making document, the section which analyzes the environmental consequences of the proposal and its alternatives will be clearly and separately identified and not interwoven into other portions of or spread throughout the document.

The BLM interprets the manual section to require a clear and concise analysis section in the EIS. The analysis of impacts should not be spread throughout the document. Consistent with the direction in the Manual, Chapter 4 of the DEIS is the analysis of the proposal and alternatives.

2. Comment: You should have each line numbered for ease of reference for those submitting comments.

Response: The numbering of lines is difficult when using a dual column format. The BLM chose not to follow the comment because the document is in a dual column format.

3. Comment: The comment period is very short and the public should be given enough ample time to request, or do whatever they want to do, as far as comments.

Response: The comment period on a Draft RMPA/EIS is normally 90 days. On this document the comment period was 107 days. The BLM believes that amount of time was adequate.

4. Comment: It is impossible to properly review and comment on a document, with this amount of technical material, within the allowed comment period. Request a six month extension for comments.

Response: The comment period on a Draft RMPA/EIS is normally 90 days. On this document the comment period was 107 days. The BLM believes that amount of time was adequate.

5. Comment: Rio Arriba County for some reason is not listed as a cooperator for the project.

Response: On October 11, 1996 BLM sent a letter to the New Mexico Counties that had not requested cooperator status for this project, formally inviting them to be a cooperator. Rio Arriba County did not request to be a cooperating county; however, they did provide BLM a copy of their custom and culture. The custom and culture of Rio Arriba County is in Appendix E on pages E-45 through E-48 of the Draft RMPA/EIS. Appendix E is also printed in this Proposed RMPA/Final EIS document.

6. Comment: We understand that as cooperating agencies we will be able to address along with the BLM the comments made during this comment period.

Response: The BLM and State Team will prepare responses to public comments in the areas of expertise they provided in the Draft RMPA/EIS. The counties can then review the responses. The BLM, as the lead Federal agency, has the final responsibility for the responses.

7. Comment: We firmly believe that the issues identified in these comments require a rewrite of the DEIS. This should be undertaken so the State, Counties and general public completely understand what precipitated this process and how their livelihoods, customs and cultures, communities, schools, and business communities will be affected. If it is not rewritten we are fearful that protest, appeals and litigation will prevent responsible management of our renewable resources. No one wins if this happens.

Response: It is not possible to identify site-specific impacts in the programmatic analysis level of the EIS. This is due to the fact that BLM has not determined which lands are meeting the standards. Because of this, BLM does not know who is affected. After the plan is in place and the site-specific targets identified, the public land will be assessed for compliance with the standards. Where the standards are not being met, a determination of the current practices contributing to the standard not being met will be made. Only then would BLM know who is affected by the guideline. An action specific Environmental Assessment (EA) will be completed prior to site-specific decisions.

8. Comment: What are the regulatory consequences of this EIS?

Response: The direction of establishing statewide standards and livestock grazing guidelines is consistent with the 43 Code of Federal Regulations §4180. The RMP Amendment/EIS, would not have an impact on the regulations. The alternatives are options on how the regulations will be implemented.

9. Comment: What is the appeal process?

Response: For the decision made as to the State Director's decision on which alternative is selected for the Proposed Plan Amendment/Final EIS there is a 30-day protest period. The specifics of how to protest is

provided in the Dear Reader letter located at the front of this document.

Appeals and protests of individual decisions that implement the standards or guidelines are governed by standard procedures for the activities that would be affected. For livestock grazing decisions, the procedures are outlined in 43 CFR §4160 and §4. These regulations are available at BLM offices. For other activities, the appeal procedures are found in 43 CFR §4.

10. Comment: Supports the continuation of the public land for grazing and letting the supervision be at the lowest possible level because it has a big affect on our local government and our local economy.

Response: The BLM is charged with managing the public land and reporting to Congress on the conditions of the land. The various Field Offices are responsible for the administration of the public land which includes grazing supervision and others uses.

The RMP Amendments would establish the standards for the public land. As the Field Offices determine which areas do not meet the standards, they will determine if current uses are keeping the standards from being achieved. Where current livestock grazing practices are determined to be a reason the standards are not being achieved, the guidelines will be applied. How the guidelines will be implemented will be developed by the local Field Office personnel in careful and considered consultation, cooperation, and coordination with affected permittees/lessees, landowners involved, the Resource Advisory Council, State of New Mexico agencies having lands or responsible for managing resources within the allotment, counties and the interested public.

11. Comment: Am I going to have these regulations enforced on my private land which are intermingled with the public lands?

Response: The regulations governing the management of public land do not apply to private land regardless of their location. However, where the same livestock graze on adjoining private land and the public land in common, the requirements of the guidelines may affect

use on the private land if the private landowner elects to not fence the private land from the public land and manage them separately.

12. Comment: Need to have representatives from each district that would come in and be able to talk about what the problems were instead of trying to decide that everything has to be done in a certain way and get it from Washington or wherever they do it.

Response: The RMP Amendments would establish the standards for the public land. As the Field Offices determine which areas do not meet the standards, they will determine if current uses are keeping the standards from being achieved. Where current livestock grazing practices are determined to be a reason the standards are not being achieved, the guidelines will be applied. How the guidelines will be implemented will be developed by the local Field Office personnel in careful and considered consultation, cooperation, and coordination with affected permittees/lessees, landowners involved, the Resource Advisory Council, State of New Mexico agencies having lands or responsible for managing resources within the allotment, counties and the interested public.

13. Comment: How can we do a complete and accurate site specific assessment on each allotment if the EIS is not even completed? It seems that we need to finish the EIS, like it or not, whatever comes out and then do our environmental assessments.

Response: EAs and EISs are completed with the best existing available information. Unfortunately, the EIS is not finished, but BLM has permits and leases that need to be reviewed for renewal and must move forward. Thus, the permits/leases are being reviewed against the fundamentals of rangeland health as described in 43 CFR §4180.1.

14. Comment: The BLM has written a finding of no significant impact (FONSI). This may not have a national base impact but we feel it will have impact at the County basis.

Response: A Finding of No Significant Impacts (FONSI) is a determination by the Federal agency that environmental impacts are not significant, and an EIS does not need to be prepared. Following scoping, BLM determined that the establishment of the

standards and guidelines in New Mexico was controversial enough to merit preparation of an EIS. Thus, a FONSI was not prepared.

15. Comment: The Rhetoric is: “protect the family farmer” but everything that government does seems to have the opposite effect and winds up putting them out of business. The land is then gobbled up by subdivisions, big corporations or by the Federal Government, as appears to be the aim of the Secretary of the Interior with the Standards and Guidelines that will satisfy him.

Response: The Department of the Interior has indicated our intent is to improve the health of the land. It is not our intent to stop livestock grazing on the public land or put anyone out of business.

16. Comment: Individual Soil and Water Conservation Districts have Memorandums of Understanding (MOU’s) signed with BLM: these are not being utilized.

Response: We will review the existing Memorandums of Understanding (MOUs) and where they will facilitate implementation of the standards and guidelines, BLM will contract the appropriate Soil and Water Conservation Districts.

COVER LETTER

17. Comment: We question why, in a document that is supposed to address standards and guidelines for lands under the stewardship of the US Department of Interior's Bureau of Land Management, the cover letter is most prominently signed and sealed by some Lieutenant Governor.

Response: The State of New Mexico is a joint lead for this project. As joint lead, the State was asked if it wanted to sign the document and it did. The signature is not making any decisions, but releases the Draft RMPA/EIS document for public review and comment.

SUMMARY

18. Comment: This is not a user friendly document. It is very, very hard to figure out what is affecting San Juan County, San Juan watershed, what it’s described here, and the specifics of this area are not summarized

in any one point in this document. You have to read through the complete document before you find out what's going to affect me.

Response: The BLM recognizes that it does not have data on which specific areas meet the standards and which areas have conditions that do not meet the standards. Therefore, only gross estimates were provided, and they were not tied to specific locations or maps. Determinations of impacts to specific individuals or allotments have not been made and therefore, cannot be identified by reading the document.

19. Comment: The range reform regulations should have been included in the document (up front in the summary) to determine the relationship and application of all of the regulations not just the standards and guidelines. The entire grazing regulations, have never gone through the NEPA process and so the public has not had the opportunity to analyze or even understand what is contained within those regulations. These regulations if published in this document would have helped people maybe to get a little better understanding of how the BLM is going to approach addressing the properly functioning condition of our rangelands under the standards and guidelines set up by the RAC.

Response: The Rangeland Reform '94 Draft EIS and Advance Notices of Proposed Rulemaking were made available for public comment. Final Rulemaking was published in February 1995. Since that time, the final rules have been published by the US Government Printing Office (GPO) in the 43 Code of Federal Regulations. Copies are available from the GPO. Thus they are readily available to the public. To reduce printing costs, they were not printed in this EIS.

20. Comment: Under the summary pages of the document in the second paragraph in the last sentence I would recommend that you delete the word "most" and insert "only" in reference to livestock grazing.

Response: Livestock grazing is not the only activity affected by the Standards. Standards will apply to the land, and all activities will be affected. Therefore, the use of the term "most" is appropriate.

21. Comment: Under the summary pages of the document in the fourth paragraph I would recommend that you delete "a relative small percentage." When you're talking about a relatively small percentage of allotments that you envision that may be affected, it amounts to 13 to 22 percent of the allotments. If these are the larger allotments, it could affect a large number of livestock and livestock producers.

Response: The phrase "a relative small percentage" has been deleted.

22. Comment: On page IX of the Summary, the last paragraph is an inaccurate statement. The fallback standards and guides should never have been included in this draft. If they have been subjected to the National Environmental Policy Act (NEPA) process as claimed by this administration why are they awaiting analysis under this draft EIS? If they developed as a part of the grazing regulations back in 1995 why has there not been a Record of Decision issued before now? It is readily apparent from my reading and interpretation that neither the grazing regulation nor the fallback standards and guidelines have been through a thorough NEPA analysis. Therefore they should not be considered in this Draft.

Response: In 1993, the Department of the Interior initiated a program to evaluate and perhaps modify BLM's livestock grazing administration on public land. After scoping meetings held throughout the West, the Department published the Range Reform '94 Program. The program included proposed regulation changes and was the proposed action for an EIS. A Record of Decision was signed by Secretary Bruce Babbitt on February 17, 1995. The final regulations reflected in the Record of Decision included requirements for Fallback Standards and Guidelines for Livestock Grazing should a State Director fail to implement locally developed standards and guidelines for livestock grazing. Although the Fallbacks are in place by regulations the Resource Management Plans have not been modified to be in concert with the regulations. Therefore, the BLM found it to be prudent to include the Fallback Alternative in this EIS, so when completed the Resource Management Plans would be consistent with whichever alternative was selected.

CHAPTER 1 - PURPOSE & NEED

Introduction

23. Comment: I support grazing in this part of the woods, and the woods can handle it, for the most part. I think people have been very conscientious, the agencies have been very conscientious about designing grazing programs that won't degrade the area.

Response: No response required.

24. Comment: It appears that even the ranching industry has been discriminated against because none of the other areas or industries or people who use public rangeland have been taken to task like we have, none of the others. Why are we the only ones?

Response: The standards are for the public land, regardless of the use being made of the land, be it grazing, recreation, or mining. The ranching industry is not being discriminated against as all public land will have to meet the standard set for the land. If the standard is not being met, the next step is to determine why. If an action needs to be taken to change management of the use of the land, then it will be determined what action to take. If it is determined, for example, that current grazing practices are the reason for the public land not meeting the standard, then a change in management of livestock would be required. If it is determined that the public land is not meeting the standard due to another use, then a change in management of that use would be required so the land would achieve the standard.

25. Comment: Where is the need? I don't see an objective scientific background or evidence in the book to indicate a need. The book says there is a need, but we're expected to accept that without any real scientific evidence. There are some studies in the appendix but there is nothing in the book that justifies or sets out and describes objectively a problem. There ought to be some scientific justification for everything that we do additionally because we're pretty sensitive when somebody wants us to spend money and we can establish a reason or a need for it.

Response: The regulations mandate the Fallback standards at this time. The amendment to the land use

plan would adjust the land use plans to be consistent with the Fallback Alternative. The Resource Advisory Council (RAC) recommended the land use plans be amended for the RAC Alternative as opposed to the Fallback Alternative. The Counties recommended the County Alternative, and there was a need to analyze changes that would amend the land use plan for that Alternative.

26. Comment: What are the Standards, we need a more specific definition. They're so broad that they can be anything. We can be wanting to put a well in over in an area and the parameters aren't there to tell us whether we're going to be able to go there and build a road on a location or drill a well because these definitions are so broad they can be anything, depending on who is reviewing the application and what he thinks about the public. There's not objective standards to measure against, what is the desired plant community?

Response: The BLM agrees with the commentor that the standards are broad in nature and by reading the standards one cannot tell what activities can take place on the public land. Specific uses allowed for activities can be found in the land use plans at the various Field Offices.

27. Comment: In general the public has inadequate information to make an informed decision regarding this document. We have scoping meetings and we go to the meetings and nothing is disclosed. It's just a question and answer process of anybody who might have a question or answer or identify an issues that they think ought to be considered. Then we get the draft document, and there really has been no disclosure of the contents to the general public and how the BLM wants to proceed in the management, under this new management procedure.

Response: In May 1996, a scoping document was put together to inform the public of the standards and guidelines developed at the National level that would take effect unless local standard and guidelines were adopted. The scoping document informed the public of the work the Resource Advisory Council (RAC) had done at that time in the development of local standards and guidelines. Previous to that time, the RAC had received ideas from the public through public comment

at their meetings. Once the 16 scoping meetings were held around the State and the RAC and BLM received the comments from the public, the RAC made changes to the standards and guidelines, which were in the scoping document. The RAC then revised the standards and guidelines based on scoping and other comments and came up with the standards and guidelines documented and analyzed in the Draft RMPA/EIS. The Draft RMPA/EIS document is a disclosure of the Proposed Action and alternatives as well as the impacts of the Proposed Action and alternatives. The guidelines are the management that would be followed if the public land does not meet the standard, provided that the cause of the land not meeting the standard is in part attributed to livestock grazing. If the cause is other than livestock grazing, then changes to the management of that use would be made. The BLM did identify the RAC's Proposed Action as being the agency preferred alternative in the Draft RMPA/EIS document in the Abstract and on page 1-5 of the Draft RMPA/EIS. In the scoping document, BLM described the implementation procedure, in general. Beginning on page 1-2 under the heading of "Planning Amendment Process" of the Draft RMPA/EIS, is information on implementation.

28. Comment: A concern that we all might share is wildlife habitat; and although it's being alluded to within this document, there are really no definite needs or requirements of wildlife, of any species, that are addressed in this document. They are also grazing animals. This is just for livestock. Clarification is needed whether this is a livestock grazing EIS or what. Apparently the public does not understand it.

Response: In the design of the EIS, in Chapter 2, each of the alternatives including the Proposed Action is a package of actions that BLM could take to achieve the objectives of the regulations. Chapter 3 is a description of the elements of the environment as they exist today and includes discussion on such topics as vegetation, wildlife, recreation, water and economics to name a few. Chapter 4 then looks at how the various elements of the existing environment would change due to the package of actions contained in each alternative. This analysis is called the "cause-effect" or "from-to" relationship. Where an action causes an change, the effects are traced to other environmental components.

As mentioned in the Draft RMPA/EIS on page 1-1 under the "Introduction", this EIS analyzes the effects of adopting standards for public land health and guidelines for livestock grazing management. Standards will establish conditions for the land that BLM will maintain for the land to be considered healthy. All activities will then be adjusted to ensure the standards are achieved and maintained. Thus, livestock grazing is not the only activity affected by the Standards, as all activities may be affected. In this case, the alternatives include livestock grazing guidelines, thus, the effects discussed in Chapter 4 include not only the effects from implementing the standards, but livestock grazing guidelines as well. Because of this, the EIS has a more detailed analysis of the ranching environment and activities when compared to others.

The Affected Environment generally describes those species that may occur or be affected by the various alternatives. Habitat requirements for wildlife species cannot be fully identified. In Chapter 4, under the Environmental Consequences, the effects to wildlife habitat and certain wildlife species can be found (i.e., number of acres improved, or remain the same for a specific area).

29. Comment: On page 1-1 in the fourth paragraph, I recommend deleting "most effective if it can be." The standards will be tailored to site specific types of land, and think that would be more appropriate to delete that language and declare that the standards will apply to site-specific types.

Response: The change has been made.

30. Comment: On page 1-1 in the sixth paragraph would recommend deletion of the word "believed" and add "documented by monitoring." This is because we need documentable evidence based on monitoring to identify if there is a problem or not.

Response: In the Proposed Plan Amendment/Final EIS, BLM has deleted the word "believed" and replaced it with the word "determined." "Determined" means: To decide by an authoritative decision after reasoning, observation, etc.

The 43 CFR 4180.1(c) states:

The authorized officer shall take appropriate action as soon as practicable but not later than the start of the next grazing year upon determining that existing grazing management practices or levels of grazing use on public land are significant factors in failing to achieve the standard and conform with the guidelines that are made effective under this section.

31. Comment: We have had a situation here in Roswell where BLM has gone out and looked at the riparian areas along the Pecos River and they found all of these riparian areas in properly functioning condition. Yet, they are drafting allotment management plans that are going to result in more restrictive management of the livestock grazing operation. Assuming BLM is trying to bring the range conditions up to a properly functioning condition (the goals and objectives of this plan), I think that the livestock operators ought to be allowed to continue using practices where their rangelands are in properly functioning condition.

Response: A riparian condition of properly functioning indicates the riparian area is providing the watershed function unique to riparian areas. A rating of properly functioning, does not indicate that the BLM is satisfied with the present condition. For example, along the Pecos River, as mentioned in the comment, the riparian area is rated as properly functioning but the present vegetation is dominated by non-native plants such as salt cedar and Russian olive. Although these plants provide for watershed protection and function, they are not the desired vegetation species. As the BLM, permittee, and other landowners work to remove the undesired vegetation and plant or reseed more desirable species, some adjustments in grazing may be necessary to protect the young plants.

32. Comment: On page 1-1, the definition of an Ecological Site is as follows. An ecological site, as defined for Rangeland, is a distinctive kind of land with specific physical characteristics that differs from other kinds of land in its ability to produce a distinctive kind and amount of vegetation. (NRCS - National Range & Pasture Handbook, 1997)

Response: BLM has changed the definition to reflect the Natural Resources Conservation Service (NRCS) definition.

33. Comment: Livestock grazing is the standard, normal social and cultural occurrence on rangelands of the west, including “Public land,” and not a major action. Livestock grazing occurred before Public Land Designation, before the Taylor Grazing Act, and before Statehood.

Response: The comment appears to be making the point that livestock grazing on rangelands in the west is normal and typical, and it should not be considered a major Federal action. Chapter 3 clearly states the level of livestock use on public land and does not appear to be in conflict with the comment concerning the typical situation on public land. The Draft RMPA/EIS document analyzes the impacts of setting standards for public land health and guidelines for livestock grazing management and does not identify livestock grazing as a “major action”. The BLM does not see a need to modify the EIS based on this comment.

34. Comment: What actually does the term “Guidelines” for ‘Livestock Grazing Management’ mean? It is my impression that the final decision document on this subject will be used as a ‘model’ for other western states. Will “guidelines” in the final document mean rigid rules?, or enforceable laws? It is my opinion that the BLM does not have the legal authority, budget, or staffing to actually manage livestock grazing on public land. It is in fact the livestock producer (permittee) who manages the livestock grazing. Will the BLM be held legally responsible for the “Public Land Health” (the results), and the rancher be held legally responsible for the “livestock grazing management” (the means of achievement)? When you think about it, the two subject terms can at best only very vaguely and intangibly defined, and this only according to some prevailing persons’ opinion. To me “standards” are standards, indicating rigidity. Guidelines indicate optimistic flexible, suggestions for success and therefore cannot be rigid. It does not seem proper to me to create in the same decision document part of that which is rigid and part of which is flexible. This would later become a confusion trap if enforcement of

either is ever attempted, because of the need to separate that which is applicable to standards and that which is attributable to guidelines. Confusion will exist in terms of intent, practice and responsibility for result. Please clarify or reconsider the titling or structure of this document.

Response: The commentor seems to be confusing the definitions of the terms “standards and guidelines” used by the US Forest Service with the terms used by BLM. For BLM, in this document, the term “standard” is a condition of the land that BLM would like to achieve. Livestock grazing guidelines provide broad direction on how livestock grazing activities will be managed to achieve the standards.

35. Comment: p. 1-1, Intro: EIS states - "Public land health exists when ecological processes are functioning properly to maintain the structure..." As this is the document's basic premise, the basis for your assessment then everything should reflect this goal!!!

Ecological processes encompass the soil (i.e., how will we minimize soil erosion)? The spacing between grass and shrub cover is related to ability of soils to erode, how does this spacing get reduced? On the broader scale, dense grass cover is important to high populations of grassland bird species like meadowlarks (which in turn are the primary prey of northern aplomado falcons)? Poor condition desert grasslands, low prey populations and no falcons.

Response: This comment relates to public land health and establishing this as a goal. The purpose of the BLM program is to focus on the health of the land: however, there are other goals that BLM should strive for. For example the National Environmental Policy Act (NEPA) says the following: in Section 101. (a)

The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the crucial importance of restoring and maintain in environmental quality to the overall welfare

and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

Therefore BLM, where possible, is expected to find productive harmony between productive natural rangelands and communities dependent upon those rangelands.

36. Comment: p. 1-2. Since 1 March 1998, BLM has been supposedly implementing fallback S&G where "standards were not being met & livestock grazing was a contributing factor". Thus, at a minimum, there should be a map that depicts the number of allotments by habitat classification and field offices that are being managed under the fallback S&G management scenario. Please provide a map or give us, the public, these allotment numbers, the proportion of total allotments in the state, etc.

Response: Yes, the Fallback standards are in place. The stream channel morphology and riparian standards are analyzed through the interagency properly functioning process in Technical Reference 1737-15, 1998. The BLM public land has been inventoried under these procedures and the results of these inventories are found starting on page 3-13 of the Draft RMPA/EIS. The scale of the information would be hard to map for the RMPA/EIS, however the information is available at the various Field Offices.

The upland and biotic standards are broad in nature and specific criteria for interpretation of the standards has not yet been agreed to on an interagency basis. The BLM has not inventoried the public land to determine if the upland or biotic standards are being met. Therefore, BLM cannot provide a map for the upland and biotic standard.

Planning Amendment Process

37. Comment: The BLM seems to be creating a team of interagency specialists whose major function is to develop site indicators for range health. The RAC alternative seems to have specific guidelines for treating watersheds down to specific pastures. This seems to be moving in the direction of more cooperation among people who really know what to do out there on the land.

Response: The BLM recognizes that the land BLM is responsible to manage is often connected to adjoining lands through functions and/or processes. Management programs worked out with the adjoining landowners are generally more effective and efficient than programs designed to look only at public land management. Policies of BLM strive for science based programs developed through partnering and coordinated planning. The application of the guidelines to help restore the health of the land would be done in careful and considered consultation, cooperation and coordination with lessees, permittees, and others involved in concert with Section 8 of the Public Rangeland Improvement Act.

38. Comment: On page 1-4 it refers to “interested public” and states “When applying the grazing guidelines, the BLM manager will consult with the grazing permittee/lessee and other interested public to develop corrective actions.” I would like to request that be changed to “affected public” rather than “interested public” for the reason that anytime you include interested public it means anyone can come on the spur of the moment and make comments and drag the thing out. I think people should be required to show how they’ll be affected in advance so they don’t come into a meeting on the spur of the moment and throw monkey wrenches in the proceedings.

Response: The BLM is guided by the regulations on this issue. The 43 CFR §4100.05 states:

interested public means an individual, or group or organization that has submitted a written request to the authorized officer to be provided an opportunity to be involved in the decision making process for the management of livestock grazing on specific grazing allotments or has submitted written comments

to the authorized officer regarding the management of livestock grazing on a specific allotment.

The Grazing Regulations in 43 CFR §4120.2 require BLM to develop Allotment Management Plans (AMPs) or the equivalent of AMPs in consultation with the interested public and other specific parties.

39. Comment: Thinks peer science review should be inserted into the document on page 1-4. The best science database is what the Government’s using now and it should be done under peer science review because when they use the database they now have it goes and makes a full force and effect decision to remove livestock off federal land and that the peer science review should be implemented through academia. Affects not only agriculture but mining and oil and gas too.

Response: Peer science review has been added in Chapter 1 as requested.

40. Comment: Section 8 hearings should be included in the peer review with affected interests and the permittees. Peer review would slow down lawsuits because the federal agencies are running from the lawsuits such as those the environmentalist bring. A peer science review will give the data and cattle will not be removed before the fact.

Response: Section 8 would apply when developing the site-specific standard targets for the County Alternative. For the Resource Advisory Council (RAC) and Fallback Alternatives, peer review would apply for developing the thresholds for the standards, while Section 8 applies when implementing the guidelines.

41. Comment: On page 1-4, it is disclosed that after the Final EIS is prepared it will be submitted to the Governor for his recommendations to the State Director of BLM. I fully understand importance of involvement in this process by the State of New Mexico, but this document deals with the management of public land, clearly a Federal jurisdiction. We strongly urge the BLM to carefully consider the validity of this and implications of how final decisions are made in this process.

Response: The wording in the Draft RMPA/EIS states: “At this time BLM will submit to the Governor the Proposed RMPA/Final EIS and identify any known inconsistencies with state and local plans, policies, and programs. The Governor will then have 60 days in which to identify inconsistencies and provide recommendations in writing to the State Director.” This wording is consistent with 43 CFR 1610.3-2(e) which requires BLM send it to the Governor for the consistency review.

42. Comment: The BLM must coordinate, rather than merely consult, with local entities and affected individuals to ensure a truly collaborative process. Ecological sites must be protected, but only through integrating dissimilar interest. Public land ranchers support and practice good stewardship out of concern for the long-term health and economic value of natural resources. We love the land, just as we love our way of life and we support efforts that truly benefit the environment. We believe that lasting solutions to public land issues can only be achieved through management that serves all stakeholders.

Response: The 43 CFR §4120.2(a) relates to this comment and stakeholders participation in livestock grazing programs. It states the following:

An allotment management plan or other activity plans intended to serve as the functional equivalent of allotment management plans shall be prepared in careful and considered consultation, cooperation, and coordination with affected permittees or lessees, landowners involved, the resource advisory council, and State having lands or responsible for managing resources within the area to be covered by such a plan, and the interested public...

43. Comment: p. 1-4, 2nd column, 2nd and 3rd complete paragraphs: BLM is putting the cart before the horse; you are trying to adapt state-wide S&G, but then having local interests develop their expectations of what needs to be done. So what you actually are trying to develop are bare minimum S&G. This seems

like all alternatives are bogus, and what you should show are minimum acceptable standards regardless of situations. Then based on site conditions, management actions may be more restrictive.

Response: These are the standards that were developed to ensure that the public land is healthy and properly functioning. This would not necessarily ensure that all the competing multiple uses are compatible. Additional management objectives and restrictions are expected to be developed in the Resource Management Plans or other activity plans.

44. Comment: On page 3-21 it shows that 1,891,665 AUMs are attached to “Base Property” which is private and Page 1-4 says the authorized officer has dictatorial authority to destroy a ranching unit if it happen not to meet his (her) expectations. This is not right.

Response: The Draft RMPA/EIS and regulations indicate where the standards are not being met due to current livestock grazing practices, the authorized officer shall take appropriate action as soon as practicable but not later than the start of the next grazing year. The application of the guidelines to help restore the health of the land would be implemented in careful and considered consultation, cooperation and coordination with lessees, permittees, and others involved in concert with Section 8 of Public Rangeland Improvement Act. The normal decision and appeal processes found in 43 CFR §4160 for BLM grazing decisions would apply for any lease or permit modified as a result of the standards and guidelines.

45. Comment: The BLM proposal to create an interagency team of rangeland specialists responsible for developing site indicators is of interest to the State Land Office, since we hold lands in BLM grazing allotments. Consequently, we would like to contribute a member to that interagency team and ask that we be notified of its formation.

Response: The BLM is pleased the New Mexico State Land Office wants to participate and welcomes the New Mexico State Land Office participation.

Relationship to Existing Plans

46. Comment: 1-5 As stated in the summary, the Coalition believes that there was no consistency employed in determining the amendments to the RMPs on a statewide basis. The required amendments form the basis of impacts. Therefore, the disclosure of impacts throughout the Draft EIS is flawed. The Coalition suggests a re-examination of the changes to RMPs required by each alternative occur and analysis of impacts be calculated on the new assumptions.

Response: There does not need to be consistency Statewide. Each BLM Field Office knows what is in their Resource Management Plan as they developed the RMPs in question. The Field Offices know what decisions are affected, and how they are affected, thus, they are in the best position to determine which decisions, if any, need to be modified through the RMP amendment process. If Field Offices have overlooked a decision that should have been amended, but was not, it will be their responsibility to amend their plan.

Preferred Alternative Selection

47. Comment: Surprised and disappointed that the State supports the Coalition of Counties alternative instead of one that people from all over the state got together on based on. If you are going to listen to coalitions then they might also have consulted the Quivira Coalition which is a group of ranchers and environmentalist who work together to try to find good ways to protect the land and ways to use the land for cattle. They did not do that, but went with that organization which is almost always way far on one side of the issue. The State did ignore the citizens' input that they worked on for about one year.

Response: The State of New Mexico welcomed public input at all Resource Advisory Council (RAC) meetings. There was a public comment period at all RAC meetings during the development of the standards for public land health and guidelines for livestock grazing management. All coalitions have been welcomed at RAC meetings and invited to present input during the public comment period. To this day, the State is not aware of any input from the Quivira Coalition.

The National Environmental Policy Act (NEPA) process has been followed explicitly to maximize and ensure public participation. NEPA allows local governments to request Cooperating Agency Status. Some counties requested this status and were accepted by BLM.

48. Comment: P. 1-5 The Coalition concurs with and adopts the Lieutenant Governor's position that strong consideration be given to selection of the County alternative as the preferred alternative.

Response: No response required.

49. Comment: The BLM choosing the RAC alternative as "its" preferred alternative is not acceptable to us and demonstrates the extent to which the ranching dominates the BLM and how the BLM turns it back on the public it purports to serve.

Response: This comment reflects an opinion, no response is required.

CHAPTER 2 - PROPOSED PLAN AND ALTERNATIVES

General/Introduction

50. Comment: You are punishing the cattle industry by fencing off riparian and not letting cattle use them, while wildlife get on them. We should be a little more equal because we're furnishing the feed for the cattle whether it's private or federal land.

Response: The standards focus on productive and proper functioning riparian areas. Where current uses are not interfering with achieving the riparian standards or objectives they may continue. Where current uses are interfering with achieving the riparian standards or objectives, the uses will be modified to achieve the standards. The intent is not to punish the users, but rather ensure proper management of the public land.

51. Comment: None of the alternatives offered are reasonable, not even the Fallback position. Not that the latter is unreasonable; it just doesn't amount to much. Its standards are so vague as to be unenforceable. To be useful standards must say what

the land should look like and what water and wildlife it should produce. We realize a lot of work and a lot of negotiation, a lot of compromise, went into the preferred (RAC) alternative to reach compromise and please all the interested parties. The RAC alternative is heavily biased toward the ranchers, while paying no attention to the other users of the land, including the public. This alternative does not address watershed function, nutrient cycle or energy flow as required in CFR 4180. The proposed guidelines for this alternative are mere recommendations thus unenforceable. They are also illegal in that they fail to address eight of the twelve topics that are required to be addressed in the CFR 4180. The County alternative is even worse, being tilted toward control issues and economics rather than natural resources. The Fallback alternative standards and guidelines, now in force, lack the specificity required for enforcement, but they do cover nearly all the required topics except water quality. We think that with additions, the Fallback alternative provides a basis for meaningful standards and guidelines. The BLM interpretations in the Fallback alternative use words such as “could” and “should” and “would” and “may.” These words should be changed where appropriate to “shall”, “will”, and “must” in the final EIS for this alternative to have meaning and to be enforceable. Thus science-based decisions must be standard practice by BLM and must be reflected in the interpretations of the Fallback Alternative. We and our sister conservation organizations are working on a draft of what we hope will be meaningful standards and guidelines. We hope the BLM will take the comments submitted on this draft EIS and produce a real set of standards and guidelines that will lead to solid improvement in New Mexico’s rangelands.

Response: The BLM recognizes that the Statewide standards are broad in nature and must have site-specific interpretation. This would be required for all alternatives. The guidelines would be applied where current grazing practices are prohibiting the standards from being achieved. The BLM believes the guidelines are enforceable as they would guide BLM in developing grazing management practices to be prescribed. The Resource Advisory Council (RAC) Alternative was modified by the RAC to incorporate the requirements of the regulations.

52. Comment: Conclusions on page 2-13 dealing with the decision to ignore an alternative dealing with land

suitability for grazing needs further attention in the FEIS. The reasons provided for this decision in the DEIS are weak and misleading at the best. I am very familiar with range monitoring techniques and do not agree that the so called "new methodology" addresses this issue at all. The fact is that there are some areas that are clearly unsuitable for livestock grazing. When unsuitable lands are included in grazing allotments, range condition deteriorates. There needs to be a process to deal with these situations. The FEIS should better address the important issue of land suitability.

Response: The BLM rangeland monitoring program identifies change in rangeland conditions. As the commentor asserts “when unsuitable lands are included in grazing allotments, range condition deteriorates.” Accordingly, the BLM monitoring program identifies the areas where problems occur and adjustments are made. As pointed out in the Draft RMPA/EIS, this approach is preferable to projecting possible effects and is consistent with the grazing regulations.

43 CFR §4110.3-2(b) States the following:

When monitoring or field observations show grazing use or patterns of use are not consistent with the provisions of subpart 4180, or grazing use is otherwise causing an unacceptable level or pattern of utilization, or when use exceeds the livestock carrying capacity as determined through monitoring, ecological site inventory or other acceptable methods, the authorized officer shall reduce permitted grazing use or otherwise modify management practices.

53. Comment: All alternatives must use the same definition for “Public Land Health” and “Guidelines for Livestock Grazing Management”. These terms are actually goals or objectives. If all alternative approaches to attainment cannot agree on the goal, there is in fact no basis for comparison or analysis of alternatives.

Response: The comment appears to be making the point that for a valid comparison, the alternatives should use the same definitions. While BLM agrees with the commentor that consistency of definitions is important and the definitions between alternatives is

not always consistent, BLM believes it is important for the EIS to analyze the County Alternative. The State Director committed to include their alternative. All alternatives were compared to the baseline, which is the No Action Alternative (current management), not with one another.

54. Comment: Recommend that the Standards and Guidelines recognize historical custom and culture including all historical agrarian pursuits and would further ask for a policy of No Net loss of Private Properties, including water rights within the borders of Lincoln County, New Mexico.

Response: The Standards and Guidelines RMPA/EIS does not consider BLM acquiring private property, so there would be no direct net gain or loss of private properties, including water rights based on the alternatives in this RMPA/EIS.

55. Comment: I respectfully object to the Standards and Guides. The proposed standards and guides have no objective criteria for measurement. I object to accepting proposed Standards and Guides without knowing what they are in the first place. This is putting the cart before the horse and asking for trouble. The BLM is asking the public to agree to the consequences of non-compliance to the standards and guides without first establishing those standards and guides.

In Chapter 2, Introduction, it states, " ... therefore, continuing with the present management is not an option." without stating why. This is not a acceptable conclusion without proof. Basically, this seems to be a document intended to halt the current grazing practices without documentation that the practices adversely affect the environment.

The document goes on the state, "Although BLM does not have an established standard identified ...", the ecological and late seral conditions might generally be used. I object to the BLM setting standards when, "The BLM does not have an established standard identified".

Response: The 43 CFR §4180 regulations mandate that the Fallback standards be implemented unless State Director standards are developed and implemented.

Therefore, the State Director has no choice, but to select the Fallbacks or another set of standards and guidelines. The commentor has a point that developing the general standards before the site-specific targets for measurement makes it difficult to analyze the impacts. However, developing site-specific targets prior to agreement on the general standard would not be prudent or timely.

56. Comment: Draft Plan/EIS is improperly and unacceptably skewed toward the commercial interests of a politically entrenched minority. This faction, backed by subsidized economic power and political influence, has staged a tawdry bit of "good cop" versus "bad cop" theatrics and used the smoke screen generated by an outrageous and completely insupportable "County" Alternative to provide cover for the manipulation of the New Mexico Statewide Resource Advisory Council (RAC) and the creation of an equally inappropriate, but more subtly disguised, "RAC" Alternative.

Response: Since the comment is nonspecific, no response is possible.

57. Comment: Even the selection and structuring of the alternatives considered in this Draft Plan/EIS seem to have been manipulated to prevent a full and clear disclosure of cumulative and connected impacts. For example, the development and assessment of a specific "No Grazing" Alternative for the public land under your agency's stewardship in New Mexico should have been the proper venue for clearly and fully exploring and documenting the cumulative impacts of subsidized livestock operations and the resulting divergence from natural conditions. For this reason, such an alternative should have been included in the Draft Plan/EIS. Instead, a stalking horse has been crafted around the past lack of formal standards and guidelines, artificially dignified with the misleading title of "present management," deceptively labeled as a "No Action" Alternative, and sent forth to usurp the proper role of the "No Grazing" Alternative and to thereby prevent the public disclosure and discussion that would have resulted from such a more meaningful "No Grazing" Alternative.

To refuse to pursue the analysis of a "No Grazing" Alternative also tends to taint, bias, and

prejudice the process by establishing an assumed "precedent for future actions with significant effects" or even "a decision in principle about a future consideration" as prohibited in 40 CFR 1508.271b)(6).

The Draft Plan/EIS indicates that "grazing is authorized by law and regulation;" however, no laws or regulations dictate a continuation of grazing when it conflicts with fundamental resource protection responsibilities. The stated rationale behind the elimination of the "No Grazing" Alternative from further study was that "grazing is authorized by law and regulation," thus allegedly removing the "No Grazing" Alternative as a viable option.

Response: The BLM has considered the comment and determined, as identified on page 2-13, in the Draft RMPA/EIS, a no grazing alternative is not needed.

58. Comment: I've seen first hand the results of mis-management as a former Range Technician for USDA. Do not turn decision making over to the cattle growers. I favor strengthening the regulations to protect our public land resources.

Response: The BLM has not proposed to delegate the responsibility to manage the public land. However, the BLM does favor management options and approaches that encourage participation in public land management by parties interested in public land management.

59. Comment: In the 1990 Memorandum of Understanding between the NM Department of Game and Fish and the BLM, the BLM has agreed to "Appropriately recognize and give full consideration to wildlife as a desirable and co-equal resource on public land under the multiple resource management concept." The Department is concerned that none of the standards and guidelines in the proposed alternatives sufficiently recognize the importance of standing residual vegetation and litter as cover for wildlife. Grassland bird species require residual vegetation for nesting cover, and many of these species are declining. Breeding Bird Survey data indicate that grassland bird populations are experiencing the greatest population declines of any other avian group in North America (Robbins et al. 1993, Knopf 1994), probably attributable to habitat modifications from

grazing and other human activities (Martin and Finch 1995). The lesser prairie chicken (*Tympanuchus pallidicinctus*) usually nests within sand sage-grassland or shinnery oak, and appears to require residual clumps of tall grasses for successful nesting (Davis 1979, Riley et al. 1992). The lesser prairie chicken has recently been determined by the U.S. Fish and Wildlife Service to be Warranted But Precluded for federal listing under the Endangered Species Act. Mule deer (*Odocoileus hemionus*), a priority management species for the Department, needs adequate residual vegetative cover for fawn survival. High predation rates and low fawn survival may be attributable in some areas to loss of cover from grazing (Green Hammond 1996). When selecting a final alternative to implement, the BLM should consider its commitment to recognize wildlife as a coequal resource, and the importance of residual vegetative biomass as wildlife cover and forage.

Response: The Proposed Plan provides for a biotic standard that recognizes native wildlife and wildlife habitat as an integral part of public land health.

60. Comment: Each area interpreted the language of the guidelines differently thereby eliminating consistency.

Response: The BLM agrees there may be different interpretations of the guidelines among the various Field Offices. The differences expressed in the analysis approach are expected to be similar to actual implementation. The local Field Office personnel in careful and considered consultation, cooperation, and coordination with affected permittees/lessees, landowners involved, the Resource Advisory Council, State of New Mexico agencies having lands or responsible for managing resources within the allotment, counties and the interested public will develop how the guidelines will be implemented.

61. Comment: A new alternative is needed to focus on improving the range that does meet the standard while retiring the range that is unsatisfactory. This nation has plenty of green pastures in hilly country unsuited for farming where beef is produced on private land. By subsidizing the public land rancher in the arid Southwest we are hurting these farmers. I would

rather see our public land managed for wildlife than for subsidized ranching. Livestock grazing should be permitted only on public land in satisfactory condition.

Response: The commentor is proposing a new alternative. This appears to be a personal preference. The BLM is responsible for sound resource management. The Federal Lands Policy and Management Act (FLPMA) directs BLM to manage resources for multiple use, and livestock grazing is one of the multiple uses. The new alternative would require additional time and funding to develop and analyze and does not appear to be consistent with the mandates of FLPMA nor with historical land management practices of BLM. Normally BLM does not stop the activities, but BLM makes adjustments to the activities so the management objectives can be achieved.

No Action Alternative

62. Comment: It seems rather strange to me that present management (used as a guideline or comparison for the other alternatives) is not an option that can be selected, because with the present management you find that in 1995 there were only 4 percent of the public land in a downward trend, whereas 41 percent were in an upward trend and 55 percent were static (staying about the same). Good or late seral went from 24 percent in 1986 up to 35 percent in 1996, which is an 11 point gain. Fair which is mid-seral, went down. The poor lands went down 9 percent during the ten year period. My point here is that present management pretty well was doing a good job with the help of Mother Nature. Present management has not been failing, so why not stick with it?

Response: The 43 CFR §4180 mandates that the Fallback Standards and Guidelines apply if the State Director does not establish State-specific standards and guidelines. Therefore, the regulations prohibit the current management alternative.

63. Comment: There's no baseline. If you think it doesn't look good now, you should have lived here in the forties and fifties. This county looks pretty good in comparison. You could be setting a standard that's never been and maybe never will be and that needs to be nailed down. Would like the least restrictive alternative, because don't see that there is a problem.

Response: There is a baseline and that baseline is the No Action Alternative (current management). Even though no management is analyzed, it is not an alternative that can be selected because it is not consistent with the requirements of the 43 CFR §4180 regulations.

64. Comment: The four alternatives presented do not provide much decision space. The no-action alternative is essentially not viable given existing federal law, policy, and regulations. I would argue that the no-action alternative means that management decisions would revert to the Fallback Alternative. The document argues that the no-action alternative is viable and would basically be management before the Fallback standards were effective. Given Federal regulations, how could the New Mexico BLM implement the no-action Alternative and ignore the Fallback Alternative? This confusion needs to be clarified in the FEIS.

Response: The commentor is on track that the regulations prevent BLM from returning to the "No Action Alternative." As explained on page 2-1 of the Draft RMPA/EIS, the No Action Alternative serves as a benchmark; however, the Fallback Alternative is presently in place.

65. Comment: On page 2-1 - last paragraph - When NRCS is the lead agency in the CRMP process, NRCS will assure that the NEPA process is followed on the planning area. NRCS does not routinely do environmental assessments (EA) on federal lands. EA development on public land is the responsibility of the land-administering agency. NRCS would not have authority to implement NEPA on BLM lands. NRCS would however assure that the land administering agency approved of the CRMP and it would be the responsibility of the land-administering agency to assure NEPA compliance on lands under their jurisdiction.

Response: BLM Instruction Memorandum NM-97-039 dated September 9, 1997 outlines, in an attachment, the BLM/NRCS procedures regarding Coordinated Resource Management Plans. The procedures were worked out by BLM and NRCS.

The procedures convey that the agency determined to be the lead agency will be responsible for complying with the National Environmental Policy Act (NEPA). A meeting of the lead agency and the non-lead agency (or agencies) during the project planning stage will be scheduled to discuss how to insure NEPA documentation requirements are met. The non-lead agency, however may need additional documentation peculiar to the agency role, and it would be that agency's responsibility to produce the documentation to go into the NEPA document.

66. Comment: All EIS's should contain a "No Action or Change Alternative" as it was prior to the Rangeland Reform 94 EIS.

Response: The No Action Alternative is current management as it was at the beginning of the writing of this RMPA/EIS (a picture in time).

Resource Advisory Council (RAC) Alternative

67. Comment: The Human Dimension (rancher-welfare) Standard is on equal footing with the three physical and biological standards. Does this mean that the environment is to be sacrificed to satisfy current social problems? Do short term human issues have equal footing with long term environmental consequences? Can erosion of a priceless resource, our land, be accorded equal footing with the human dimension? Long after these current human problems are history the land will still be there. A better way to alleviate human problems is to enhance the health of the land so it remains a producing, sustaining resource. It is self evident that healthy land will make the human dimension prosper over the long period of time. It is short sighted to mortgage the prosperity of tomorrow's humans for short term considerations. While the human dimension is important, the long term ecological health of the grazing is far more significant and always should be. BLM should not be saddled with regulations that impose socially based restrictions on the manner in which they form grazing decisions. When you stick human dimension in there, right away it establishes ranchers through their economy as a protected class. We've all got a stake in this that's every bit as important as the stake that a rancher has. Ranchers are not part of rangeland health, which is a matter of soils, water, vegetation, and wildlife. Ranchers are important, but no more so than other users and owners of the public land, who are

scarcely recognized by proposed "custom and culture" standards. Setting livestock grazing as the priority activity (which both RAC and County alternatives do) is contrary to law and, because (at least as managed by BLM) livestock grazing is the most destructive activity on most BLM acres, is contrary to the goal of rangeland health.

Response: This standard is in conformance with the National Environmental Policy Act (NEPA) which states in Section 101. (a):

The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the crucial importance of restoring and maintain in environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in protective harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

In addition, the Federal Lands Policy and Management Act (FLPMA) and the planning regulations direct BLM to work with other Federal agencies, State and local governments and Indian Tribes in the development of planning documents. Although the standard directs and mentions permittees and lessees, it also identifies that other interested public be given consideration. The BLM does not view the Sustainable Communities and Human Dimension Standard as placing one interest over another as suggested by the comment, but merely recognizes that the economic, social and cultural elements are integral components of public land management. The standard reflects the intent of the governing laws to promote productive harmony between people who comprise the

multiple users dependent upon the BLM land and the natural resources. While NEPA provides for promoting many of the elements in the Sustainable Communities and Human Dimension Standard and FLPMA provides for use of the public land, laws such as the Endangered Species Act and Clean Water Act require BLM to take certain actions to protect the environment. These laws are not overridden by FLPMA or NEPA.

68. Comment: Supports and endorses the human dimension standard as important as endangered species and water quality for public land management decision-making.

Response: The Endangered Species Act - (ESA) Section 2 (c) Policy states:

(1) It is further declared to be the policy of Congress that all Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this Act.

Additionally, the Clean Water Act of 1977 §313 (a) states:

(a) Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result, in the discharge or runoff of pollutants, and each officer, agent, or employee thereof in the performance of his official duties, shall be subject to, and comply with, all Federal, State, interstate, and local requirements, administrative authority, and process and sanctions respecting the control and abatement of water pollution in the same manner, and to the same extent as any nongovernmental entity including the payment of reasonable service charges. The preceding sentence shall apply (A) to any requirement whether substantive or procedural (including any record keeping or reporting requirement, any requirement respecting permits and any other requirement, whatsoever), (B) to the exercise of any Federal, State, or local administrative authority, and (C) to any process and sanction, whether enforced in

Federal, State, or local courts or in any other manner. This subsection shall apply notwithstanding any immunity of such agencies, officers, agents, or employees under any law or rule of law. Nothing in this section shall be construed to prevent, any department, agency, or instrumentality of the Federal Government, or any officer, agent, or employee thereof in the performance of his official duties, from reporting to the appropriate Federal district court any proceeding to which the department, agency, or instrumentality or officer, agent, or employee thereof is subject pursuant to this section, and any such proceeding may be removed in accordance with 28 U.S.C. 1441 et seq. No officer, agent, or employee of the United States shall be personally liable for any civil penalty arising from the performance of his official duties, for which he is not otherwise liable, and the United States shall be liable only for those civil penalties arising under Federal law or imposed by a State or local court to enforce an order or the process of such court. The President may exempt any effluent source of any department, agency, or instrumentality in the executive branch from compliance with any such a requirement if he determines it to be in the paramount interest of the United States to do so; except that no exemption may be granted from the requirements of section 306 or 307 of this Act. No such exemptions shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not in excess of one year, but additional exemptions may be granted for periods of not to exceed one year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting such exemption. In addition to any such exemption of a particular effluent source, the President may, if he determines it to be in the paramount interest of the United States to do so, issue

regulations exempting from compliance with the requirements of this section any weaponry, equipment, aircraft, vessels, or vehicles, or other classes or categories of property, and access to such property, which are owned or operated by the Armed Forces of the United States (including the Coast Guard) or by the National Guard of any State and which are uniquely military in nature. The President shall reconsider the need for such regulations at three-year intervals.

The Sustainable Communities and Human Dimension Standard does not override the mandates of the law. However, the standard would continue to emphasize the policy identified in FLPMA and NEPA to seek productive harmony in the management and use of the public land.

69. Comment: I support the use of the human standard which it seems like to me, and to many of my friends, that the government has kind of gone off the deep end with managing the country for just one species, and if you are going to manage for one species that species should be humans rather than a bird or reptile. The country is better served by looking at it holistically and looking at the whole picture and being the most productive as a whole rather than just for one species.

Response: The BLM agrees that it is better to look at the whole (holistically) picture than to look at one species. The standards focus on communities rather than specific individuals. However, it must be recognized that when it comes to species protected by the Endangered Species Act, focus on a single species may be required.

70. Comment: The main concern is seeing the things about endangered species. I see that we are not listed and think the rancher should. I think we need to go to putting people first, before animals, plants and things.

Response: The BLM agrees that it is better to look at the whole (holistically) picture than to look at one species. The standards focus on communities rather than specific individuals. However, it must be recognized that when it comes to species protected by the Endangered Species Act, focus on a single species may be required.

71. Comment: RAC Alternative is weak because it uses non-binding words like “consult”, “consider”, and “efforts”. A consultation can be one phone call, and none of those words legally requires the agency to ultimately factor in the concerns of local communities when making decisions. The County alternative, on the other hand, states that multiple use and other statutory requirements shall be balanced with economic, social, and cultural considerations to promote and even sustain and enhance local communities. This balance is required at all times rather than being limited to certain specific actions as with the RAC alternative. The agency is required to coordinate rather than just consult with entities and individuals, which means that those entities and individuals can actually participate in the process. Ultimately protection of ecological sites is also mandatory with that standard, but it must be achieved through integrating dissimilar interests rather than riding roughshod over local communities and ignoring hundreds of years of tradition, and environmental custodianship, historical usage rights, cultural heritage and economic needs and benefits. Implementation of the County human dimension standard no doubt would prove logistically cumbersome, but is well worth the trouble. It allows for management of BLM lands which will ultimately benefit all concerned, and for that reason offers the only chance for long-term resolution of the tremendously important and very thorny public land issues that we face today.

Response: This comment infers that under the Fallback and Resource Advisory Council (RAC) Alternatives the BLM would develop programs without consideration of local communities, and ignoring hundreds of years of tradition, and environmental custodianship, historical usage rights, cultural heritage, and economic needs and benefits. This appears to be an overstatement as current laws and regulations would not be overridden by the standards. For example, the National Environmental Policy Act (NEPA) states in Section 101. (a):

The Congress, recognizing the profound impact of man’s activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion,

resource exploitation, and new and expanding technological advances and recognizing further the crucial importance of restoring and maintain in environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in protective harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

In addition, 43 CFR §4120 requires that grazing programs be developed in careful and considered consultation, cooperation, and coordination with affected permittees/lessees, landowners involved, the Resource Advisory Council, State of New Mexico agencies having lands or responsible for managing resources within the allotment, and the interested public.

72. Comment: I support the RAC alternative. Implementation of this alternative would improve the forage base and water quality for both domestic animals and wildlife resulting in increased economic benefits to the public land grazing operators as well as aesthetic benefits of importance to wildlife enthusiasts and other public land users. The RAC proposal appears to weigh the interests of all parties more equitably as well as focusing on the long-term range improvement goals.

Response: No response required.

73. Comment: I'm afraid the RAC alternative freezes the status quo in place. It does not allow for future priorities. I'm afraid it rests on a very short-term economy. The ranchers that are doing the best job are long-term people. They're out there for a hundred years and they want it in a hundred years from now and that means the soil, the water, the plants, the animals, including all those big mammals, the cattle, and the deer and the elk. We've got to deal with all those, and

that requires a long-term economic picture.

Response: No response required.

74. Comment: I would recommend that your personnel talk to folks at Texas A&M's Department of Range Science (Dr. Wayne Hamilton, Dr. J.W. Stuth, among others). They have made some excellent information available on their website regarding such important topics as: 1) Contingency (drought) planning, 2) Building a range forage base, 3) Effects of vegetation on runoff and erosion, 4) influence of vegetation type on sediment loss, surface water infiltration rates, and 5) provided numerous recommendations. Recommendations such as, the amount of ungrazed forage in desert rangeland should be greater than 250 lb/acre, in shortgrass rangeland around 500 lb/acre, etc., along with the rationale. Where do NM allotments fit into this scenario?

Another sound recommendation : "Deferment ... is critical to range management, but even more so to drought preparation. Remember that moderate or even light grazing is no substitute for deferment because animals will eat all they can find of the most preferred species and reduce range improvement and production. Grazing management and grazing systems that incorporate effective deferments help build the range forage base. There are many, effective grazing systems to use".

Yet the BLM has the audacity to state that year-round grazing can continue unabated. In the Alternatives listed, there are no discussions of drought preparation or contingency plans.

Response: The comment was provided to the Resource Advisory Council (RAC), and the RAC made changes to the RAC Alternative.

The RMPA/EIS does not choose one grazing system over another, but presents information from various sources. There are a number of grazing systems available. Periods of rest are important to plant health. The grazing system must be developed to meet the needs of the resource, but also tailored to fit the livestock operation. Where there is a short growing season and yearlong use, there is a built in deferment

for a majority of the plants in the allotment. Providing there is a variety of plants, a minimum of steep terrain, numerous water points, and proper stocking, yearlong grazing can provide a suitable grazing program.

75. Comment: The guidelines for livestock grazing included in your proposed action, called the Resource Advisory Council alternative, include a requirement that they be "based on science." This is good, as public land management should be science-based as much as possible. However, the specific Livestock Grazing Management Practices (LGMPs) included in the guidelines contradict this statement because they contain some management prescriptions that are based on the junk science embraced by the proponents of Holistic Resource Management (HRM). For example, LGMP 1, Section C, lists four practices that have been discredited by scientific research. The first one calls for using livestock to, "Integrate organic matter into the soil." The idea is that cattle can significantly improve soil fertility by trampling plant litter and their own manure into the ground. But research has shown that lack of moisture in the arid Southwest severely limits microbial decomposition of organic matter lying on the ground. Subsequently, most decomposition is the result of detritus-feeding arthropods, especially subterranean termites, taking the litter underground, below the topsoil, and eating it there (Hadley 1981; Whitford 1982.) Besides that, significant amounts of organic matter are removed from the ecosystem every year when the cattle are rounded up and shipped to market. Scarce precipitation, not poor soil fertility, is the primary limiting factor on plant vigor in the arid Southwest. And the rain doesn't follow the hoof.

Response: In development of the standards and guidelines, the Resource Advisory Council (RAC) consulted with a number of land management agency personnel and rangeland scientists at universities and research stations. The RAC considered the comment and did not make adjustments.

76. Comment: The second practice in the Resource Advisory Council alternative, Section C calls for using livestock to, "Distribute seeds and establish seedlings." The idea is that cattle hoof action can grind seeds into the ground and break up the soil surface to create a better seedbed. But studies of the

effects of cattle hoof action upon seedling success have found the quantity and timing of precipitation is the most important factor affecting seedling survival (Bryant 1989; Winkel 1991).

Response: While timing of precipitation is important, many other factors are also important and have effects on seedling survival. Seedling survival may be poor, or not occur every year if conditions are such that the factors for seedling survival are not present. Hoof action, however, is one of the factors that does help create a better seedbed so that if conditions are right, seedling survival will succeed. This was discussed with the Resource Advisory Council members at a recent meeting. No change was made as a result of this comment.

77. Comment: The third practice listed in the Resource Advisory Council alternative, Section C calls for using livestock to, "Prune vegetation to stimulate growth." Scientists acknowledge that many plants will compensate for injuries, like those caused by grazing, by producing new growth. While the new shoots may be better forage for cattle, research has shown that plant biomass production cannot be increased by grazing, except under growth-chamber or cultivated conditions (Belsky 1986; Bartolome 1993; Briske 1993; Cox 1985; Painter 1993; Fatten 1993). Stimulating plants by grazing them doesn't necessarily make them healthier, and can kill them if the utilization level is too high or if use occurs too often (Fleischner 1994.) Desert grasses, for instance, store energy in their root systems so that they can survive the frequent dry spells. If they are grazed too much or too often, their efforts to produce compensatory growth may appear, in the short term, to be an improvement in vegetative vigor. But in the long run their reserves will be exhausted and they will be dying out. Grasslands can be degraded so severely by overgrazing that they pass over an ecological threshold on to a different vegetative continuum (Anderson 1981; Westoby 1989; Laycock 1991). Subsequently, most Southwestern range scientists believe that establishing a conservative cattle stocking rate, whereby annual forage utilization on the uplands is limited to 50% or less, is the most important factor in crafting a successful livestock management plan (Holechek 1988;

Holechek 1997). Implicit in the idea of using cattle to simulate plant growth is the belief that green, succulent vegetation is good and standing dead plant matter is bad. But standing plant litter deflects and absorbs rain, thereby reducing erosion (Forsling 1931; Lodwermilk 1930). And it provides habitat, food and cover for a variety of living things. Some plants, in fact, find life-giving shade beneath their own old growth. Standing plant litter is also necessary to fuel the natural fire regime.

Response: In development of the standards and guidelines, the Resource Advisory Council (RAC) consulted with a number of land management agency personnel and rangeland scientists at universities and research stations. The RAC considered the comment and did not make adjustments.

78. Comment: The last practice listed in the Resource Advisory Council alternative, Section C calls for using livestock to, "Enhance infiltration." The idea is that trampling of the ground by cattle hooves breaks up the soil surface so that runoff is slowed and the rain is better able to soak into the ground. But research has shown that cattle hoof action actually impairs soil health in two ways. First, it compacts the soils upper layers which reduces the ground's ability to soak up water and increases runoff (Lull 1959). At the same time, the destruction of the soil's crust further accelerates erosion by making the surface soil more easily washed away (Weltz 1986; Taylor 1989; Johansen 1993; Trimble 1995). Some soil crusts, called cryptogamic, are alive and contribute to nutrient fixation in addition to slowing erosion. They also provide habitat for some plants. Destroying them doesn't allow "useful" plants to grow, but produces bare soil (Anderson 1982; Harper 1985; Ladyman 1996).

Response: In development of the standards and guidelines, the Resource Advisory Council (RAC) consulted with a number of land management agency personnel and rangeland scientists at universities and research stations. The RAC considered the comment and did not make adjustments.

79. Comment: The concept that cattle can be used as a "tool" to improve the condition of the arid lands of the Southwest is not scientifically valid. Cattle are actually an exotic animal that must be intensively

managed to mitigate the environmental degradation they can inflict. Cattle do not mimic the native grazing wildlife, but cause disturbances that lead to the proliferation of exotic and invasive annuals (Mack 1982). Considering the abundant scientific research questioning the benefits of the practices listed in Section C of the LGMPs, why have you proposed to include them? I am not aware of any existing research supporting their use. I strongly request that you remove them from the LGMPs.

Response: In development of the standards and guidelines, the Resource Advisory Council (RAC) consulted with a number of land management agency personnel and rangeland scientists at universities and research stations. The RAC considered the comment and did not make adjustments.

80. Comment: I suggest that the Resource Advisory Council alternative, Section B of the LGMPs be enhanced to include the statement that annual forage utilization should be limited on the uplands to 50%, or less.

Response: In development of the standards and guidelines, the Resource Advisory Council (RAC) consulted with a number of land management agency personnel and rangeland scientists at universities and research stations. The RAC considered the comment and did not make adjustments.

81. Comment: The LGMPs in the Resource Advisory Council alternative, should include a riparian specific management prescription. Why was none included? Livestock grazing is the number one cause of degradation to the riparian areas remaining on the West's public land (Chaney 1990). I suggest you should add a provision to the LGMPs that prohibits livestock grazing in riparian areas during the growing season, at least.

Response: The Resource Advisory Council (RAC) considered the comment and adjusted the guideline for facilities in riparian/wetland areas.

82. Comment: I am opposed to the County alternative. Federally owned lands should not be regulated and controlled by counties. People around the U.S. pay taxes to maintain and purchase federal public land and everyone in the country should have a say as to how

they are managed, what access they can have, and what kinds of land use should be allowed. Overall, I believe the proposed action (RAC alternative) is a good start for a grazing management plan for BLM. This plan should, however have more elements of the Fallback alternative incorporated into it. I have done a lot of hiking on BLM lands in NM and have seen evidence of destructive land use practices, most of which is attributable to overgrazing by livestock. There are many fragile ecosystems in our state where grazing by livestock should be discontinued or severely curtailed. Evidence of irreversible destruction can be found in areas such as the Jornada del Muerto (area MLRA 42). Areas such as the J.d.M. are not adapted to the amount of continuous forage removal required by domestic livestock. Because of millions of years of evolution and adaptation to harsh environments, these fragile systems may only be capable of sustaining certain types of grazing attributed to native ungulates and other wildlife, and not domestic livestock. The desert plateau in the area around San Ysidro and in the Rio Puerco valley has suffered from overgrazing as evidenced by lack of native vegetation in some areas. The BLM needs to manage the areas under its control in these areas to insure overgrazing is stopped. Like riparian habitats these other fragile habitats must be managed intensely by BLM in order to try and restore native plant and wildlife communities.

Response: The Resource Advisory Council (RAC) modified the RAC Alternative guidelines to insure range improvements in riparian areas will not prevent proper functioning of the riparian area.

83. Comment: The proposed alternative needs to expand on its management plan for protecting cultural resources. It is not enough to say that with this plan any future livestock facilities will be located away from cultural sites to prevent damage. Protection needs to occur around these sites now, even if it means fencing around a site to keep livestock from trampling the area or causing erosion.

Response: All comments were provided to the Resource Advisory Council (RAC) for consideration.

The BLM is currently in the process of identifying archaeological sites at risk from the direct impacts of livestock grazing, and prioritizing them for protective

fencing. Sites with vertical features such as standing walls or rock art panels tend to be most at risk from the direct effects of cattle. Depending on the type of site and its condition, fencing can sometimes do more harm than good by attracting the attention of looters and pothunters. These and other factors will be taken into account in the prioritization of sites for fencing.

Site-specific measures to address damage from erosion are being considered, however the problem is usually more effectively addressed from a larger scale watershed based approach. Efforts are ongoing to address problems of erosion in terms of entire watersheds.

84. Comment: On page 2-2 in the 2nd column and continuing on 2-3 in the 1st column under the Biotic Communities, Including Native Threatened, Endangered, and Special Status Species Standard it is suggested that the following words be inserted (words to be inserted are all caps).

Ecological process support HEALTHY, productive and diverse NATIVE biotic communities, including special status, threatened, and endangered species appropriate to site and species.

Desired plant community goals are met to maintain and conserve productive and diverse populations of NATIVE plants and animals which sustain ecological functions and processes.

Indicators for this standard may include but are not limited to the following:

C Commensurate with the capability of the ecological site, NATIVE plant and animal populations are:

Productive

Resilient

Diverse

Sustainable

C Landscapes are composed of communities in a variety of successional stages and patterns.

C Diversity and composition of communities are indicated by the kinds and amount of NATIVE species. Endangered and special status species are secure and recovering. With the goal of delisting and ensuring that additional species need not be listed within New Mexico.

Response: The Resource Advisory Council (RAC) discussed the proposed changes. Where there was consensus, the RAC made adjustments.

85. Comment: On page 2-3 in the 1st column, under the Riparian Sites Standard it is suggested that the following words be inserted (words to be inserted are all caps).

Riparian areas are in a productive PROPERLY FUNCTIONING and sustainable condition, within the capability of that site.

Meaning That:

Adequate vegetation of diverse age and composition is present that will withstand high streamflow, capture sediment, provide for groundwater recharge, provide habitat and assist in meeting water quality standards.

As Indicated By:

Indicators for this standard may include but are not limited to:

C Stream channel MORPHOLOGY AND stability as determined by:

- Gradient
- Width/depth ratio
- Channel roughness
- Sinuosity.

C Streambank stability as determined by:

- Shearing and sloughing
- Vegetative cover on the bank.

C Appropriate riparian vegetation includes a mix of communities comprised of NATIVE species with a range of:

Age

Density

Growth form.

Response: The Resource Advisory Council (RAC) discussed the proposed changes. Where there was consensus, the RAC made adjustments.

86. Comment: On page 2-3 in the 2ND column, under the Human Dimension Standard it is suggested that the following words be inserted (words to be inserted are all caps, while words to be removed are also in caps but inside ()).

Human Dimension Standard

Economic, social and cultural (Human Dimension) elements are integral components of public land management.

Meaning That:

When engaged in NEPA and RMP planning and decision-making for public land management, the New Mexico BLM in consultation with state, tribal, local governments, individuals, and other concerned public and private organizations will use available means and measures to create and maintain conditions under which people and nature co-exist in productive harmony. Consideration of the WILDLIFE AND THE HISTORICAL ECOSYSTEMS THEY ARE INDIGENOUS TO, economic, historical, cultural, and social welfare of the permittees, lessees, other (AFFECTED INTERESTS) INTERESTED PUBLIC, and local communities, to maintain productive and sustainable ecological sites for present and future generations of Americans.

As Indicated By:

Indicators for this standard may include but are not limited to:

Efforts at conflict resolution, negotiation and communication. Formal and informal agreements

and partnerships with private landowners and others.

Consider the following factors:

HEALTH OF ECOSYSTEM

Economic (income, tax base, related services, and risk assessment);

Social (community stability, aesthetics, values and population change);

Cultural (customs or traditions, values and sense of community).

Response: The Resource Advisory Council (RAC) considered the proposed changes, however decided not to make your proposed changes to the Sustained Communities and Human Dimension Standard.

87. Comment: On page 2-3 in the 2ND column and on page 2-4 in the 1st and 2nd columns under the Guidelines for Livestock Grazing it is suggested that the following words be inserted (words to be inserted are all caps, while words to be removed are also in caps but inside ()).

Guidelines for Livestock Grazing

Guidelines are any reasonable and practical management options which, when applied, move rangelands toward statewide standards. Guidelines reflect potential for the watershed. Guidelines also balance resource goals contained in RMPs with social, cultural/historic, and economic opportunities to sustain viable local communities, and to consider recreation and aesthetic values. Guidelines are based on science, past and present management experience, and public input.

These guidelines are for public land livestock grazing. They do not apply where public land are deemed unsuitable or not used for livestock grazing. These guidelines will be used to develop grazing management practices that will be developed and implemented at the watershed, allotment, or pasture level.

Specific application of these guidelines (Livestock Grazing Management Practices--LGMPs) will occur at

the local level in careful and considered consultation, cooperation and coordination with lessees, permittees, and land owners involved.

New Mexico's intermingled land ownership pattern creates a patchwork of resource management objectives. The resource should be viewed as a whole with full appreciation for this integrated relationship and recognition of the rights of private landowners to enjoy the benefits of that ownership.

Guidelines should encourage innovation and experimentation in the development of alternative livestock grazing management practices to improve rangeland health **AS LONG AS IT DOESN'T IMPACT THE NATURAL STATE OF LANDSCAPE OR IMPEDE NATURAL MIGRATION PATTERNS OF IMPACTED WILDLIFE.**

1. LGMPs should promote plant health, and soil stability, water quality, and habitat for wildlife and threatened and endangered species, by providing the following basic requirements of rangeland ecological sites:

(a) Allow for plant recovery and growth time;

(b) Allows residual vegetation on both upland and riparian sites to protect the soil from wind and water erosion, support infiltration, and prevent excessive evaporation;

KEEP POLLUTION FROM INFILTRATING

(c) LGMPs include the use of livestock to:

- (1) Integrate organic matter into the soil,
- (2) Distribute seeds and establish seedings,

**(3) Prune vegetation to stimulate growth,
(4) Enhance infiltration.**

limited to, consideration of impacts to employment, earnings, per capita income, investment income, federal government payments to the state, tribal and local governments, and tax base.

(d) Season, duration, frequency and intensity of use should be flexible and consider climate, topography and kind, class and health/condition of livestock AND WILDLIFE.

Response: This comment was provided to the Resource Advisory Council (RAC). Following intense discussion the RAC modified it's guidelines in several locations.

2. Future livestock management facilities should be located away from natural riparian-wetland areas wherever they conflict with achieving or maintaining the desired future condition.

88. Comment: On page 2 - 2 - RAC Alternative - Standard for Public Land Health - Upland Sites Standard: There is a typing error on Column 1 last paragraph first sentence. Should read "Upland ecological sites are in a productive and sustainable condition..."

Response: The typing error has been corrected.

3. Give priority to rangeland improvements and land treatments that offer the best opportunity for achieving FLPMA standards.

89. Comment: On page 2 - 3, Riparian Sites Standard - Indicator for this standard - Streambank Stability - Add "Minimal" shearing & sloughing. Shearing & sloughing indicates a degraded condition, and unstable streambank.

Response: Following careful consideration, the Resource Advisory Council (RAC) added "the degree of" to the indicator sentence just above where you requested that "minimal" be added.

4. Where LGMPs alone are not likely to achieve the desired plant community (including control of noxious weeds), land management practices including, but not limited to, GRAZING ABSTENTION, prescribed fire, biological, mechanical, and chemical land management treatments should be utilized.

90. Comment: On page 2 - 3, Coordinated Resource Management & Planning (CRMP) should be included as an indicator for the Human Dimension Standard.

Response: Following careful consideration, it was decided not to include Coordinated Resource Management Plan as an indicator. Coordinated Resource Management Plans would be recognized as an indicator under "Efforts at conflict resolution, negotiations and communication. Formal and informal agreements, and partnerships with private landowners and others."

5. Native plant species are recommended for rehabilitating disturbed rangeland. (SEEDING OF NON-NATIVE SPECIES WILL BE CONSIDERED BASED ON LOCAL GOALS, NATIVE SEED AVAILABILITY, AND COST.)

6. The public land grazing resources of New Mexico are managed on the basis of multiple use and sustained yield. Livestock grazing WHERE APPROPRIATE AND SUSTAINABLE produces food and fiber, and contributes to a diverse, balanced, competitive, and resilient economy. Management should provide opportunities for a variety of individual choice and risk taking ventures in a responsible manner. This guideline may include, but is not

91. Comment: On page 2 - 4, Section 1. (d) Season, duration, frequency and intensity of use should be flexible and consider climate, topography, kind, class and health/condition of livestock. Add the following.

"and should also consider the needs of the plant community". Season, duration, frequency and intensity of use should always consider the needs of the plants as well as the needs of animals.

Response: The comment was provide to the Resource Advisory Council (RAC) and the RAC made numerous changes to the sentence.

92. Comment: The RAC preferred alternative is unacceptable since it seeks to protect primarily the more narrow interests of the local cattle ranchers. We need large-scale protection of streams, lands and wildlife for all to enjoy, now as well as in the future of our grandchildren. Request you favor the Fallback Alternative.

Response: No response required.

93. Comment: The most general and most important guideline should state that sites that are far from meeting the standards for rangeland health or where health is judged to be unattainable or unsustainable with livestock grazing will not be regularly grazed by livestock. Sites with highly erodible soils that cannot be protected by vegetative cover will not be grazed. Sites that produce water that does not meet water-quality standards will not be grazed.

Response: In development of the standards and guidelines, the Resource Advisory Council (RAC) consulted with a number of land management agency personnel and rangeland scientists at universities and research stations. The RAC considered the comment and did not make adjustments.

94. Comment: For uplands the most important set of standards are definite average vegetation heights, say 4 inches for shortgrasses, 6-8 inches for midgrasses and most forbs, and 24 inches for tailgrasses, that should exist at the beginning of the growing season. Requirements for percentage of forage consumed are not a useful substitute for stubble-heights; see recent literature such as Burkhardt 1997, "Grazing utilization limits: an ineffective management tool, Rangelands 19: 8-9; or, for a poor article but better literature citations, see Scarnecchia 1999, Journal of Range Management 52: 157-160. It's actual, visible

vegetation that protects soils, provides wildlife habitat, and is easy to measure; utilization percentages do none of these.

Response: The comment is not in conflict with the Resource Advisory Council (RAC) standard. In Chapter 1 it states that targets will be developed for each ecological site. Literature and research will be considered in determining levels of standing live vegetation, protective litter, and/or rock cover needed to stabilize the soils.

95. Comment: For riparian sites the most important standards are water quality (especially lack of sediment) and condition of streambanks, say, 90% covered by vegetation or rock and less than 5% showing accelerated erosion or trampling.

Response: The BLM uses the interagency Riparian Area Management guide to assess properly functioning condition. It is Technical Reference 1737-15, 1998.

96. Comment: The "county and preferred alternative" are two of the worst proposals for the management of public land I have yet seen. They ask the public to subsidize public land ranching practices that degrade the land.

Response: Because the comment is nonspecific, no response is possible.

97. Comment: To quote from the DEIS, "Public land health is defined as the degree to which the integrity of the soil and the ecological processes of public land are sustained." Also, "Standards describe conditions needed for healthy sustainable public range lands and relate to all uses of the public land. They provide the measure of resource quality and functioning condition upon which the public land health will be assessed" Guidelines, on the other hand, are "management tools, methods, strategies, and techniques desired to maintain or achieve standards".

The RAC Alternative Human Dimension Standard is a management strategy, not a descriptive standard of public land health. Its indicators (efforts at conflict resolution, consideration of economic factors) are

processes by which public land might be managed to achieve resource health.

If these concepts are to be included anywhere they should be in the Guidelines, not in the Standards.

Response: The Resource Advisory Council (RAC) discussed the comment extensively, and although the RAC recognized it as a legitimate point, it chose not to make a change.

98. Comment: Although I understand that the intent of the original Resource Advisory Council was to make the Guidelines more New Mexico-specific, the RAC Alternative does not accomplish this. - Furthermore, I am astonished at how inadequately the RAC Alternative covers the areas required, at a minimum, by Regulation 43 CFR 3180 (e). For instance:

1 - There is no guideline in the RAC Alternative comparable to (e)(2). Associating infiltration only with residual vegetation as in I(b) of the RAC Alternative is inadequate. Regulation(e)(2) addresses soil conditions which support appropriate permeability rates - which are affected, for example, by compaction.

2 - Regulation (e)(3) addresses residual vegetation to improve riparian-wetland functions of sediment capture, groundwater recharge, and stream bank stability. RAC Alternative Guideline I(b) addresses these issues obliquely but says nothing directly about sediment capture or stream bank stability. There must be a specific guideline.

3 - Regulation (e)(5) addresses appropriate kinds and amounts of soil organisms, plants, and animals to support the hydrologic cycle, the nutrient cycle, and energy flow. One could probably argue that the RAC Alternative addresses this issue in some vague, oblique way. It should be addressed specifically.

4 - The focus of Regulation (e)(f), (g), (h), and (i) on native species - both plant and animal - is

lost in the RAC Alternative. Specifically, Section (i) states that "Native species are emphasized in the support of ecological function". Important phrases required by the regulations such as "sustain native population and communities", "conservation of species", "restoration of habitat" are missing in the RAC Alternative.

5 - Section 2 of the RAC Alternative states that only future livestock management facilities should be located away from natural riparian-wetland areas. This is inconsistent with Section 3(m) of the Regulations which requires that facilities are located away from riparian-wetland areas wherever they conflict with achieving or maintaining wetland function.

Section 6 of the RAC Alternative is so ambiguous that it would generate endless arguments about its meaning. Clearly, this is where the RAC attempted to write a guideline addressing the "Human Dimension Standard". It illustrates the fundamental problem with a human dimension standard in a document which is supposed to address the ecological health of the public land.

The first sentence of Section 6 is a fact so I don't take issue with it. The second sentence is a matter of opinion, varies from one area to another, is irrelevant, is not a "guideline" for management, and should not be included. The third sentence is consistent with the way the Bureau of Land Management functions. The fourth sentence is too non-specific to be used as a management guideline. What does "consideration" mean in this sentence? Some assume that it means that when a change of management would negatively impact any of the parameters listed (employment, earnings, etc.) the change would not take place. Who is to say what "consideration" means?

Page 2-3, first paragraph of Guidelines of the RAC Alternative, the sentence "Guidelines reflect potential for the watershed", is a false statement. Standards

reflect the potential condition of the land. Guidelines are management tools, methods, strategies, and techniques.

At the time I am writing these comments I have only seen a draft of guidelines being submitted as an alternative by a coalition of environmental groups (the Environmentalists' Proposal). Their guidelines are consistent with the Regulations and are more specific than the Fallback Guidelines. They would provide true guidance to land managers. I suggest that these be merged, as appropriate, with the Fallback Alternative Guidelines. So doing will produce an even better final product.

Response: The Resource Advisory Council Alternative was adjusted, based on public comment, to fully cover the elements of the grazing guidelines as outlined in 43 CFR §4180.2.

99. Comment: The Standards of the RAC Alternative, excluding the so-called Human Dimension Standard, and the Guidelines of the Fallback Alternative, expanded and modified as suggested by the Environmentalists' proposals, would provide the best set of Standards for Public Land Health and Guidelines for Livestock Grazing Management.

Response: No response required.

100. Comment: I feel the process that selected the RAC Alternative was coopted by those who have an economic interest in its implementation and stand to benefit from it. It forces the taxpayer to subsidize public land ranching, and represents a government welfare system of the worst sort. It lacks a sound basis in science and economics.

Response: No response required

101. Comment: The Preferred alternative is a recipe for the status quo.... it will only encourage a continuum of overgrazing and damage to public land.

Response: Because the comment is nonspecific, no response is possible.

102. Comment: The RAC failed to consider an alternative which focused on the actual conditions of the land. The RAC failed to look at the economic

resources of the people who hold the permits, and assumes a poor rural status. It fails to look at the costs of grazing to both the local and national public is forced to pay.

Response: This comment was provided to the Resource Advisory Council (RAC) for consideration. The RAC has a diversity of interests, from throughout the State in rural and urban areas. The BLM is not aware of the considerations the individual RAC members took into account when it made recommendations.

103. Comment: In practice the Human Dimension factor would either limit the options for remedial actions in preparation of allotment management plans to attain acceptable public land health, or require adjustments to, and thereby downgrade allotment management plans to service the human dimension factor. In either case, it would cause the allotment management plan to be less than desirable. If the HD factor is applied prior to development of the AMP, the first consideration would be to determine the number of livestock required for an economical ranch operation. The number of livestock needed would then determine the forage required by the animals and hence, the degree of forage utilization on the public land. BLM routinely uses forage utilization in its monitoring program to establish the proper livestock numbers to affect positive changes in public land health. If the AMP is developed on the basis of existing livestock numbers and annual measurements of forage utilization over a period of years, any adjustment to increase the livestock numbers, based on the Human Dimension Factor would defeat the objective of the AMP.

Response: The BLM views the Sustainable Communities and Human Dimension Standard as providing visibility to the requirements of National Environmental Protection Act, Federal Land Policy and Management Act and the Planning regulations to work with the public, other Federal agencies, State and local governments and Indian Tribes in the development of planning documents and the management of programs. Although the Standard directs and mentions permittees and lessees, it also identifies that other interested public be given consideration. The BLM does not view this standard as placing one interest over another as suggested by the comment, but merely

recognizes that the economic, social, and cultural elements are integral components of public land management. The standard reflects the intent of the governing laws and regulations to promote productive harmony between people who comprise the multiple users and depend on the BLM land and the natural resources. The standard would not override the laws that protect the resources.

104. Comment: The first three of the four RAC Standards include nothing measurable; there is no way to judge whether they are being met. As a result these vague Standards are unenforceable. Some of the proposed guidelines for grazing management are vague and ALL are stated merely as advice, with words and phrases like "recommended" and "should be". They are therefore completely unenforceable.

Response: The BLM recognizes that the upland and biotic standards are broad in nature, as written. The standards, as written, provide indicators but not targets. In Chapter 1, it states that these targets will be developed as part of the implementation process. For the Riparian standard, procedures found in Technical Reference 1737-15, 1998 will be used.

The BLM believes the guidelines are enforceable as they would guide BLM in developing grazing management practices to be prescribed. The Resource Advisory Council (RAC) Alternative was modified by the RAC to incorporate the requirements of the regulations.

105. Comment: The "Human Dimension" Standard sacrifices resource protection and sustainable natural resources for short-term rancher economics and the preservation of the current rancher "culture". This Standard promotes the direct subsidization of the rancher "culture" at the expense of the public's capital, its land base. Strong emphasis is given to permittees, lessees and local communities. The Standard does not address, however, the interests of the owners of the land (i.e. the public), other land users such as hunters, wildlife watchers, archaeologists, recreationists, or downstream water users whose water is directly impacted, in terms of both water quality and water quantity, by the management practices of public land upstream. The preservation of the ranchers' "custom and culture" is favored in this Standard over

any other custom or culture, such as that of the Native Americans. This raises the obvious question of fairness and the question of whose customs and cultures are worthy of special protection. In our opinion, all of the aforementioned interests are at least equal to those of local ranchers, who should not be singled out for special protection. We do not suggest enlarging the standard to include all owners and users. No doubt the BLM has responsibilities to all these groups, these standards however, are supposed to be concerned with rangeland health, not with rancher's welfare or hunter success or access to minerals, etc. The BLM should not be in the business of deciding valid "customs and cultures". The goal of rangeland health is seriously; if not completely compromised by the inclusion of rancher welfare and rancher preservation as a component of the standard. We strenuously object to the "Human Dimension" Standard.

Response: The Resource Advisory Council (RAC) discussed this point and decided not to make a change, nor to delete the Sustainable Communities and Human Dimension Standard from it's alternative. The BLM does not interpret the standard as protecting any specific class or group of Americans. The Sustainable Communities and Human Dimension Standard would apply to all uses of the public land not just livestock grazing. When using the term permittees and lessees in the standard, it is referring to all permittees and lessees. Oil and gas lessees would be considered as well as grazing lessees. Recreation permittees would be considered as well as grazing permittees.

106. Comment: The Code of Federal Regulations (43 CFR 4180.2) specifies five topics that must be included in State standards. Of these the RAC alternative omits "watershed function" and "nutrient cycling and energy flow". Therefore, the RAC Standards cannot legally be adopted.

Response: The Resource Advisory Council (RAC) adjusted it's alternative to fully cover the elements of rangeland health standards as outlined in 43 CFR §4180.2.

107. Comment: The Code of Federal Regulations (43 CFR 4180.2) specifies twelve topics that must be included in State grazing guidelines. Of these,

the RAC alternative omits numbers 3, 4, 5, 7, 8, 9, 10 and 12, as numbered in the Code, which is ironically quoted on page A-2 of this Draft EIS. Therefore, the RAC grazing guidelines cannot legally be adopted.

Response: The Resource Advisory Council (RAC) Alternative was adjusted, based on public comment, to fully cover the elements of the grazing guidelines as outlined in 43 CFR §4180.2.

108. Comment: P. 2-2, column 2. you state, "Consistent with the .., soils are stabilized by appropriate amounts of...". This is followed by we only want "to prevent accelerated erosion". This seems to indicate that "unaccelerated" erosion is okay.

Response: Accelerated erosion is that caused by man's activities and designated as accelerated because it is in addition to natural or geologic erosion. The term "unaccelerated" erosion would refer to natural erosion and usually that is acceptable. It becomes unacceptable when it impacts life and property such as in landslides or mudflows on homes and highways.

109. Comment: The biological health of the land is the foundation that all human activity is built upon. When human goals and values take precedence, and they are at cross-purposes with the biological needs of the land, then we have a recipe for disaster for all. Human goals and values are just pie in the sky if they are not built around the basic needs of the healthy earth. If we are truly interested in protecting the land so it can be bountiful and beautiful, we have to recognize the harm that certain human activities have done and are doing, and be willing to change our ways. Both the County and the Resource Advisory Council Alternative fail to come to grips with that central reality. Both alternatives bent on preserving historical livestock grazing practices avoid as best they can the tough medicine needed to heal and protect our public land. They amount to human folly in their attempt to have their cake and eat it to.

Response: This general statement was provided to the Resource Advisory Council (RAC). The RAC made adjustments to the RAC Alternative.

110. Comment: Of the alternatives presented, we recommend the RAC alternative. This alternative provides a framework for focusing on rangeland health with a strong component for input from rangeland experts and the public. While such a degree of public involvement could influence or divert attention from needed management actions, this alternative also focuses on the human dimension of rangeland management. This alternative also contains more specific guidelines and has a strong emphasis on riparian/watershed management.

Response: No response required.

County Alternative

111. Comment: Need to have County control, not the federal government in control.

Response: The Taylor Grazing Act and the Federal Land Policy and Management Act (FLPMA) establish the Department of the Interior, Bureau of Land Management as having responsibility to manage the public land.

112. Comment: I strongly urge you to adopt the human dimension standard as described in the alternative presented by the New Mexico Coalition of Counties, all state primacy considerations aside. I am delighted to see economic, social, and cultural factors receive the consideration they deserve. Only the County Alternative human dimension standard ensures that economic, social, and cultural considerations will carry the weight they must carry under Federal law. The other alternatives allow for either no consideration of these factors or only pro forma consideration without substantive effect, and thus create the risk that the BLM will be violating its own enabling and governing laws.

Response: After review of the governing laws for BLM and the various alternatives proposed in the RMPA/EIS, the BLM finds that the Resource Advisory Council (RAC) Alternative is in concert with the laws governing human dimension issues.

113. Comment: On page 2-7 “collection native plants” should be “collection of native plants”, then on page 2-8 “Federal agencies” should be “Federal agencies”.

Response: The Coalition of Counties agreed to the two changes to the County Alternative you suggested; they have been made in the Proposed RMPA/Final EIS document.

114. Comment: I favor the County alternative, because input from the local community is necessary to maintain balance concerning the human dimension and natural resources.

Response: No response required.

115. Comment: I favor the County alternative, because it recognizes and places focus on state’s rights as well as individual rights therefor placing the rancher on a more equal footing regarding policy making.

Response: No response required.

116. Comment: The County Alternative is a non viable alternative in that implementation would violate a number of existing Federal Laws and policies. The County Alternative fails to acknowledge Federal responsibilities and jurisdictions. It also maintains that the grazing privilege is a "right." This contention has recently been rejected in New Mexico by the Tenth Circuit Court of Appeals. For these reasons and others this alternative is inappropriate and should be left out of the FEIS.

Response: The County Alternative was printed just as it was given to the BLM by the Coalition of Counties. The National Environmental Policy Act (NEPA) process encourages a wide range of alternatives. Not every part of each alternative analyzed in an EIS is required to be within the law. The County Alternative did not meet the Secretary of the Interior’s requirements without major modifications, and it was not the BLM’s preferred alternative.

117. Comment: I do not support the County Alternative Standards because every Standard is explicitly defined as being a "balance" with the conservation "of individual, social and cultural/historic economic

opportunities to promote, sustain and enhance local communities". This is inconsistent with the minimums required by Regulation. A Standard of ecological health of the land should not be expressed as a "balance" of anything.

I do not support the County Alternative Guidelines because they overemphasize the protection of existing or established land use and stocking levels and focus on short-term economic impacts, to the detriment of both short-term and long-term health of the land.

Response: No response required.

118. Comment: The County Alternative would recognize the New Mexico State authority as exceeding that of the Bureau of Land Management set forth in the Taylor Grazing Act, FLPMA, and other Acts of the United States Congress.

Response: The County Alternative could be interpreted that way. However, when in conflict, State law cannot override Federal law.

119. Comment: The standards for the County Alternative are as vague and incomplete as those found in the RAC alternative. The County Alternative improperly places individual economic profit on a competing level with the laws and sovereignty of the United States of America. In practical terms, this provision would establish a functional impasse between your agency's resource stewardship responsibilities and the profits of the individual commodity operators. Furthermore, they call for balancing individual economic opportunities against statutory requirements, that is, they call for breaking laws. They erroneously and repeatedly claim that semi-private conservation districts are responsible for soil and water on public land. They wrongly claim that federal statutes point to livestock production as the primary use of BLM lands.

Response: The County Alternative was printed just as it was given to the BLM by the Coalition of Counties. The National Environmental Policy Act (NEPA) process encourages a wide range of alternatives. Not every part of each alternative analyzed in an EIS is required to be within the law. The County Alternative

did not meet the Secretary of the Interior's requirements without major modifications, and it was not the BLM's preferred alternative.

120. Comment: The grazing guidelines proposed in the County alternative have the same debilities as the grazing guidelines proposed in the RAC alternative. They call for the use of "historic production patterns" as the basis for future production, that is, they call for local economics rather than rangeland health to govern rangeland management decisions, but these BLM standards and guidelines are meant to lead to rangeland health.

Response: The County Alternative does discuss "historic production patterns", however, it does not apply to the Resource Advisory Council (RAC) Alternative.

121. Comment: The County alternative fails to meet the requirements of 43 CFR §4180.2 (b), (d) and (e).

Response: The County Alternative was printed just as it was given to the BLM by the Coalition of Counties. The National Environmental Policy Act (NEPA) process encourages a wide range of alternatives. Not every part of each alternative analyzed in an EIS is required to be within the law. The County Alternative did not meet the Secretary of the Interior's requirements without major modifications, and it was not the BLM's preferred alternative.

122. Comment: Perhaps the most controversial aspects of the "County" Alternative are the priority that it gives to what has been described as the "human dimension" and its apparent focus on a particular "custom and culture" that "the Coalition of Arizona/New Mexico Counties" and a social and political philosophy known as the "county rights" movement seeks to preserve and protect. To be able to provide the public scrutiny required by NEPA, the public needs to know the full social, political, and ideological background of the "County" Alternative in order to understand its potential social and land use impacts. Furthermore, anytime an alternative that very specifically represents the doctrines of a particular political faction is selected as a basis for policy by an agency of the government of the United States, there is

automatically a question of whether a wider precedent, with an associated wider range of impacts, is potentially being established. Such a precedent could easily be construed as constituting an endorsement. Thus, there is a legitimate need for more information, about the general nature of the "county rights" movement, than is provided in the Draft Plan/EIS. The County option is an attempt to gain control of federal lands by local governments, the premise of which is so absurd as to not warrant intelligent comment. Inclusion of the often ludicrous supporting arguments in the official record is an affront to the public, who are after all, the owners of public land.

Response: The BLM in discussion with the Counties and in the interest of having a range of alternatives, agreed to analyze the County Alternative. It should not be considered as an endorsement of any alternative prior to the Record of Decision. The County Alternative was printed just as it was given to the BLM by the Coalition of Counties. The National Environmental Policy Act (NEPA) process encourages a wide range of alternatives. Not every part of each alternative analyzed in an EIS is required to be within the law. The County Alternative did not meet the Secretary of the Interior's requirements without major modifications, and it was not the BLM's preferred alternative.

123. Comment: The County Alternative - Alternative #3 should be rejected. It does not serve the public interest, nor does it protect or enhance either the rangeland resource or environmental values. I find it to be deficient.

Response: This comment expresses an opinion and no response is required. The County Alternative did not meet the Secretary of the Interior's requirements without major modifications, and it was not the BLM's preferred alternative.

124. Comment: P.2-6 Grazing Guideline; (d) and (e). Both the items again make inappropriate and incorrect reference to "allotment grazing right owner." What has always been a privilege cannot be designated a "right" simply because the coalition of Arizona & New Mexico Counties, wishes it to be such; nor can it be so decreed by the Lt. Governor.

Response: The County Alternative was printed just as it was given to the BLM by the Coalition of Counties. The National Environmental Policy Act (NEPA) process encourages a wide range of alternatives. Not every part of each alternative analyzed in an EIS is required to be within the law. The County Alternative did not meet the Secretary of the Interior's requirements without major modifications, and it was not the BLM's preferred alternative.

125. Comment: P.2-6 Statutory or Regulatory Reasoning: Item #2. The "intended primary use of BLM lands is not to sustain livestock production! FLPMA directs the BLM to operate under sustained and multiple use. The public dictates the intended primary use of public land; not the Coalition of Counties!

Response: The County Alternative was printed just as it was given to the BLM by the Coalition of Counties. The National Environmental Policy Act (NEPA) process encourages a wide range of alternatives. Not every part of each alternative analyzed in an EIS is required to be within the law. The County Alternative did not meet the Secretary of the Interior's requirements without major modifications, and it was not the BLM's preferred alternative.

126. Comment: P.2-6 Item #3: This document is an example of other "parties" participating in the decision-making process and the consideration of cultural economic, and social impacts in that process. Nowhere is it stated that BLM abdicate decisions to the Counties.

Response: The BLM has not abdicated the decision making responsibility.

127. Comment: P.2-6 Item #5: The County Alternative is taking liberties with the facts. The Taylor Grazing Act did not establish BLM lands for grazing. Instead the TGA sought "to stop injury to the public grazing lands by preventing overgrazing and soil deterioration; to provide for their orderly use, improvements and development; and to stabilize the livestock industry dependent upon the public range." The TGA did not intend to designate or establish public land for private benefit - grazing - only.

Response: The County Alternative was printed just as it was given to the BLM by the Coalition of Counties. The National Environmental Policy Act (NEPA) process encourages a wide range of alternatives. Not every part of each alternative analyzed in an EIS is required to be within the law. The County Alternative did not meet the Secretary of the Interior's requirements without major modifications, and it was not the BLM's preferred alternative.

128. Comment: P.2-6 The County Alternative makes improper reference to the user of the grazing privilege permittee as the "grazing right owner."

Response: The County Alternative was printed just as it was given to the BLM by the Coalition of Counties. The National Environmental Policy Act (NEPA) process encourages a wide range of alternatives. Not every part of each alternative is required to be within the law. The County Alternative did not meet the Secretary of the Interior's requirements without major modifications, and it was not the BLM's preferred alternative.

129. Comment: P.2-6 Biotic community cannot reasonably be defined by non-ecological parameters.

Response: The County Alternative was printed just as it was given to the BLM by the Coalition of Counties. The County Alternative did not meet the Secretary of the Interior's requirements without major modifications, and it was not the BLM's preferred alternative.

130. Comment: P.2-7 Item (b): Who is to be responsible for conducting "wildlife surveys" and the determination of population parameter of key species (whatever they are)? Not all sensitive or special status species are under State jurisdiction. What about federally listed species?

Item (d): Grazing animals may be properly considered a part of the biotic community but not humans. How does the promotion of life liberty and the pursuit of happiness become part of grazing guidelines which are supposed to focus on rangeland health? How would this be measured? Where is the standard to meet this "pie in the sky guideline?"

Response: The BLM recognizes that not all aspects of the County Alternative were clear as provided in the Draft RMPA/EIS, however, the alternative was printed just as it was given to the BLM by the Coalition of Counties. The National Environmental Policy Act (NEPA) process encourages a wide range of alternatives. Not every part of each alternative is required to be within the law. The County Alternative did not meet the Secretary of the Interior's requirements without major modifications, and it was not the BLM's preferred alternative.

131. Comment: P.2-7 Item 2. Minimum standards are exactly that - nowhere is it stated that minimums may not be strengthened or exceeded.

Response: No response is required, however, the County Alternative did not meet the Secretary of the Interior's requirements without major modifications, and it was not the BLM's preferred alternative.

132. Comment: P. 2-7 Item 2. It appears that this refers to State-listed species only. USFWS has jurisdiction over federally listed species. Is the County Alternative trying to usurp management authority and place it in the hands of the state or ultimately the counties.

Response: The County Alternative was printed just as it was given to the BLM by the Coalition of Counties. The National Environmental Policy Act (NEPA) process encourages a wide range of alternatives. Not every part of each alternative analyzed in an EIS is required to be within the law. The County Alternative did not meet the Secretary of the Interior's requirements without major modifications, and it was not the BLM's preferred alternative.

133. Comment: On page 2-8 - This is taking private water rights for riparian management. This is not fair and unlawful. I respectfully request that a DEIS be prepared endorsing the multiple use of the public land with special emphasis for us all to be partners to educate everyone and especially the younger generation that our resources are our livelihood.

Response: The proposed standards and livestock grazing guidelines do not propose to take any private water rights. Should a BLM proposal to implement the

standards or guidelines affect private water rights, actions consistent with State water law will be taken.

Fallback Alternative

134. Comment: While I don't find a whole lot wrong with the RAC proposal, I have several criticisms of the Fallback, because it does not mention the National Environmental Policy Act (NEPA), the Public Rangeland Improvement Act (PRIA), or the Federal Land Policy and Management Act (FLPMA). Additional criticism I have of the Fallback is that it does not give the permittee adequate time to correct a deficient standard and that it obviously isn't going to adequately fund the needed changes. Thus, it becomes an unfunded mandate. If the government is going to mandate cuts, then the government should be ready to put forth the money to help us correct this problem. With the new Range Reform, where the permittee is not allowed to show ownership on public land it almost does away with the incentive for a permittee, rancher to want to build a fence or put in a pipeline or want to cooperate on brush control. Another criticism of the Fallback alternative is that it doesn't mention the human dimension.

Response: Whether the alternatives mention NEPA, PRIA, and FLPMA or not, the laws continue to apply because the standards cannot override law. All alternatives would require range improvements to implement the prescribed grazing practices. Current laws provide for 50 percent of the funds collected for grazing livestock on the public land go to the Range Betterment Fund. Range Betterment Funds are available to assist in construction of range improvements needed for implementation of prescribed grazing practices.

135. Comment: Noticed we're way late on this thing (setting state standards and guidelines) If the state had not implemented its own standards by sometime in '97 then the Fallback standards were to have taken effect. Then they got a six month extension if I remember right which ran out in August '97, so it's now March '99. We're way far late for doing anything like this. We should have done it a lot sooner. Surprised if the Federal Government and the head office at BLM would except something at this point since we are so far in arrears.

Response: The Fallback standards and guidelines are in place and will remain until a Record of Decision is issued by the BLM State Director. The regulations did not provide a drop dead date for development of the State Director approved standards and guidelines.

136. Comment: We request that you communicate, through the proper channels of the US Department of the Interior, our interest in seeing the Office of the Secretary of the Interior conduct a full review of this Draft Plan/EIS, the process that created it, the alternatives that are presented, the concerns raised in our response, and the situation surrounding these public resources in New Mexico. Second, we ask, in recognition of the grotesque manipulation of the process leading to this absolutely indefensible Draft Plan/EIS, that this decision be removed from New Mexico and remanded back to the headquarters of the Bureau of Land Management. Third, in the clear absence of any reasonable option, we are left to strongly support what is identified in the Draft Plan/EIS as the "Fallback" Alternative, which represents the implementation of the basic standards and guidelines that have been delineated in 43 CFR 4180.

Response: In concert with the regulations in 43 CFR §4180, the Secretary of the Interior is required to approve BLM State Director developed Standards for Public Land Health and Guidelines for Livestock Grazing Management prior to implementation.

137. Comment: The Fallback Standards and Guidelines were written for nationwide use, so are necessarily less specific and less useful than provisions for a single state. They do, however, more fully cover the elements of rangeland health than do the other alternatives, and the Fallback alternative omits the extraneous and counter-productive "custom and culture" standard of the other alternatives. We generally support the Fallback alternative, but only when "modified by the Bureau of Land Management State Director...to address local ecosystems and management practices" (43 CFR 4180.2 (b)).

Response: The Resource Advisory Council (RAC) Alternative was adjusted, based on public comment, to fully cover the elements of rangeland health as outlined in 43 CFR §4180.2.

138. Comment: The no action alternative/fallbacks should not be the baseline. The state wide E.I.S. is being done because the fallback received vigorous criticism. This makes the baseline a document that is considered unacceptable to both the state and counties.

Response: The baseline is not the Fallback Alternative. The baseline is the No Action Alternative which is "current management".

139. Comment: In general, all the alternatives read the same. You don't even bother to change the verbiage between alternatives. This is business as usual, with lip service to striving for fully-functioning ecosystems. It is how many cows can we graze before we get sued again. We don't drive model T's anymore, we don't even 286 computers anymore. Grazing on marginal public land, especially using unsustainable methods will become a thing of the past. There are ranchers that know how to do it right (i.e. the Jim Widners of the world), and I'm sure some of the BLM know what is right. It requires hard choices to make politically unpopular decisions. These alternatives are not true alternatives. None of them have convinced me that they will lead to properly functioning ecosystems. But if I have to choose one, I support the lesser of the evils, and would support the Fallback Alternative.

Response: The regulations for the development of State Director standards and guidelines came with criteria that must be met. Thus, only minimal opportunity exists to develop alternatives which result in a great difference in impacts to the physical and biological environments.

No Grazing Alternative

140. Comment: The BLM is ignoring the public's interest to put the interests of the livestock industry ahead of its responsibility to manage public lands for the public interest. This was displayed throughout the document, too many places to list individually. I get the impression the BLM is not really interested in managing lands for the public benefit unless it can do so without impairing the livestock industry's ability to earn private profit at public expense. In other words, the dominant theme is how can we graze these lands without totally trashing them, and if we can improve

them a little, so much the better. But maximizing improvement is secondary to maintaining the existing livestock industry. BLM starts with the assumption that livestock grazing will continue.

As long as this is the starting point, the BLM is not really considering a full range of possibilities. Let's say a management prescription brings about improvement in riparian areas in 50 years, but if you removed cows you might get to the same point in ten years. Why should the public have to wait fifty years to get something they could get in ten years if we removed cows? The public doesn't need cows on its lands. The entire document ignores that the quickest and easiest way to improve the land is to remove cows and sheep. Over and over again the scientific literature supports the notion that removing cattle will bring about the most rapid improvement in more areas--soils, water quality, wildlife, etc., but the BLM refuses to even acknowledge this as an option. It's a given that cows will remain. If you start with this assumption, you get certain answers.

I only know of one good evaluation of no grazing. It was done on Montana's Beaverhead NF, an area of considerably higher productivity than nearly all BLM lands in New Mexico. The conclusion was that eliminating grazing would have the greatest positive impacts on public land in terms of wildlife, plant communities, ecological processes, water quality, soils, recreation, and taxpayers.

Response: The BLM is responsible for sound resource management. The Federal Land Policy & Management Act (FLPMA) directs BLM to manage resources for multiple use, and livestock grazing is one of the multiple uses. The No Grazing Alternative would not be consistent with the mandates of FLPMA nor with historical land management practices of BLM. Normally BLM does not stop the activities, but BLM makes adjustments to the activities, so the management objectives can be achieved.

New Alternative

141. Comment: Because the County alternative fails to acknowledge federal responsibilities and jurisdictions it is inappropriate. This leaves only the RAC Alternative or the Fallback Alternative to choose from. For a variety of reasons I suspect the Fallback

Alternative is not viable to decision makers in New Mexico. Given this, we urge development of at least one more alternative that provides a wider range of choice. An alternative that provides for more rapid recovery of range condition on the public land is justified.

Response: The commentor appears to be suggesting that BLM develop an alternative that is more restrictive than the Fallback Alternative. Including this alternative would have required the BLM to go outside the range of alternatives analyzed and BLM making significant changes to it to fit the definitions of standards versus guidelines.

All the public comments were provided to the Resource Advisory Council (RAC). The RAC members represent the wide range of public land interest throughout New Mexico. The RAC met and discussed the option of going outside the range of alternatives included in the Draft RMPA/EIS. Rather than going outside the range of alternatives, the RAC made adjustments to the RAC Alternative, based on public comment and included many of the terms and concepts included in this and other comments. Thus, the RAC Alternative represents a consensus of the various interests for acceptable standards and guidelines in New Mexico. The BLM decided not to go outside the range of alternatives and make the necessary changes needed to include it because: The County and Fallback Alternatives are less and more restrictive, respectively and offer a range of alternatives on either side of the RAC Alternative. Including a fifth alternative, outside the range of the original alternatives, would delay the process and not provide the decision maker an acceptable option.

142. Comment: Our proposed modified standards and guidelines are attached. We have tried, where possible, to include measurable goals and practices. We regard the guidelines as requirements, not as recommendations, just as are the Fallback guidelines. But if the word "guideline" in New Mexico implies less than a requirement, then we would convert "guideline" to "standard".

RIPARIAN STANDARDS AND GUIDELINES

- I. Give preferential consideration to fish, wildlife and plant resources dependent on**

riparian areas over other resources. Other resources and activities may occur to the extent that they support or do not adversely affect riparian-dependent resources.

- II. Manage riparian areas to protect the productivity and diversity of riparian-dependent resources by requiring actions within or affecting riparian areas to protect and, where applicable, improve dependent resources. Ensure soil, water, vegetation, fish and wildlife resources will be protected and enhanced prior to implementation of any project.
- III. No livestock grazing shall occur in riparian/wetland communities during the summer growing season.
- IV. Management practices maintain or promote sufficient residual vegetation to maintain, improve or restore riparian-wetland functions of energy dissipation, sediment capture, groundwater recharge and stream bank stability.
- V. Management practices maintain or promote stream channel morphology (e.g. gradient, width/depth ratio, channel roughness and sinuosity) and functions that are appropriate to climate and landform.
- VI. Facilities are located away from riparian-wetland areas wherever they conflict with achieving or maintaining riparian-wetland function.
- VII. The development of springs and seeps or other projects affecting water and associated resources shall be designed to protect the ecological functions and processes of those sites.

ECOLOGICAL STANDARD

I. Aquatic Communities

- A. Maintain at least 80% of natural shade over water. The shade can be in the form of vegetation and/or undercut banks.

B. Greater than 90% of the streambanks are stable and protected.

C. Deep dense root masses or a combination of deep dense rootmasses and rock material stabilize streambanks.

D. Less than 5% of streambanks exhibit accelerated erosion, chiseling or pocking and/or trampling.

E. Maintain the composition of sand, silt and clay within 20% of natural levels.

F. Water quality is meeting standards to protect designated uses.

G. Fish and macroinvertebrate species richness is 75% of potential.

II. Vegetative Community

A. Maintain at least 80% of the woody plant composition in three or more riparian species.

B. Maintain at least three age classes of riparian woody plants, with at least 10% of the woody plant cover in sprouts, seedlings and saplings of riparian species.

III. Wildlife Community

A. Maintain at least 90% of natural shrub and tree crown cover.

B. When and where vegetative conditions allow, work with New Mexico Game & Fish Department to reintroduce beaver if they can not naturally recolonize an area.

UPLAND STANDARDS AND GUIDELINES

I. Grazing permits will include site-specific, measurable terms and conditions.

II. Livestock and prescribed fire are managed to achieve desired vegetation as determined in allotment management plans; the goal will be to achieve Potential Natural Communities

modified (where desirable to promote diversity and wildlife habitat) to provide a mosaic of seral stages.

- III. Livestock are managed to maintain a percentage ground cover vegetation, litter and rock) established for each ecological site. Until that minimal percentage is achieved, pastures must be rested or stocking rates must be decreased or season of use changed or ways (such as relocation of water and salt) must be found to redistribute livestock.
- IV. Livestock are managed to produce adequate residues, including average stubble heights of 4 to 6 inches.
- V. Livestock are managed to provide adequate rest (including growing-season-long rest) for vigorous plant growth as determined by the authorized officer, who will allow continuous grazing only in exceptional circumstances where it is shown to be compatible with maintenance of plant diversity.
- VI. Appropriate rest from livestock grazing is provided during and after stress periods such as fire, flood and drought; specific plans for meeting drought conditions will be included in allotment management plans.
- VII. Grazing systems will avoid impact on the same plants at the same time in successive years.
- VIII. Livestock are managed to allow seed dissemination of desired plant species at least 1 year in 3.
- IX. Only native plant species are used for seeding or planting.
- X. Aggressive action will be taken to reduce invasion by exotic plants, through grazing management, fire management and by other means.

WILDLIFE STANDARDS AND GUIDELINES

- I. Except in small areas near drinking sources, livestock are managed to avoid trampling that would harm soil permeability, soil organisms, cryptogamic crust and wildlife nests and habitat.
- II. Livestock are managed to protect and restore the habitat of sensitive species (including those listed or proposed for listing as threatened or endangered by federal and New Mexico governments).
- III. Livestock are managed in a manner compatible with other authorized uses of the public land, such as hunting, wildlife-viewing, mineral extraction and preservation of cultural sites.

Response: The comment appears to have confused the use of terms. The commentor used guideline and standard as the US Forest Service defines them rather than as the BLM defines them. For this document, and for the BLM, standards are targets in resource condition. Guidelines for grazing management are methods and practices to ensure that standards can be met or that progress can be made toward meeting that end.

Including this alternative would have required the BLM to go outside the range of alternatives analyzed and BLM making significant changes to it to fit the definitions of standards versus guidelines. All the public comments were provided to the Resource Advisory Council (RAC). The RAC members represent the wide range of public land interest throughout New Mexico. The RAC met and discussed the option of going outside the range of alternatives included in the Draft RMPA/EIS. Rather than going outside the range of alternatives, the RAC made adjustments to the RAC Alternative, based on public comment and included many of the terms and concepts included in this and other comments. Thus, the RAC Alternative represents a consensus of the various interests for acceptable standards and guidelines in New Mexico. The BLM decided not to

go outside the range of alternatives and make the necessary changes needed to include it because: The County and Fallback Alternatives are less and more restrictive, respectively and offer a range of alternatives on either side of the RAC Alternative. Including a fifth alternative, outside the range of the original alternatives, would delay the process and not provide the decision maker an acceptable option.

143. Comment: The Fallback Alternative is the best of the four options offered, but I think it does not go far enough. I myself, am for removing most, if not all, cattle and sheep from the public land of New Mexico, if for no other reason than because most of New Mexico is inappropriate habitat for the locust-like appetites of these animals. But I do recognize the political realities the decision-makers are under, and that livestock are not going to soon disappear. In that light, and in the hope of keeping the damage down, I offer some suggestions to the Resource Management Plan.

Reward livestock permittees who are willing to go beyond legally mandated changes to their livestock operations. For instance, permittees who promote habitat for and encourage threatened and endangered species to use their allotments should be rewarded with reduced or waived fees. In many cases it could be more efficient, politically and economically, to pay permittees to reduce their livestock herd size below allowable numbers, or even forgo altogether putting livestock on their allotments for short or extended periods of time. If we pay farmers to limit their planting, why can't we pay ranchers to limit their grazing? (I think wolf reintroduction would go a lot better if you had some program that recognized and rewarded the ranchers for their cooperation and support).

Allow for other-than-livestock owners to bid on allotment permits. The present system doesn't even allow open bidding among livestock owners. The most important criterion that should qualify any bidder to use public land is that the planned use will not harm the land. The more the planned use will benefit the land, the more preference that bidder should have. And when planned users are equal in benefit, preference should go to the highest bidder. It is bad enough when public land get degraded, but it is insult added to injury when it's at the taxpayers expense.

Public land that is now being leased out for livestock grazing, and land that cannot handle grazing, could be leased out to cultivators of native vegetation that could be sustainably harvested, such as cactus or medicinal plants. The provision would be that this couldn't turn into a farm. The land would have to be left, visually and ecologically, in its essential natural state.

Allow for the public or private commercial harvest of elk and deer, within sustainable limits, to be sold to the public as ecologically and nutritionally superior alternative to beef and mutton. The livestock industry won't like that but some livestock permittees might see more value in managing their allotments for harvesting game animals rather than cows. I know there would be problems in identifying whose animals are whose when they range thru multiple allotments, but it seems to me the permittees could solve that thru the formation of rancher co-operatives, or thru some formula that takes into account each permittee's contribution to the overall production of harvested animals. Other native wild animals might also be added to this harvesting strategy as their numbers warranted it, including antelope, bighorn sheep, ducks and geese. The central tenet that must not be forgotten in managing these animals or anything else we harvest, including today's livestock is that it can not be done at the expense of the non-harvested biological world.

With the keeping of cows out of riparian areas, you have the chance to return them to their previous functions. As their ability to slow down and hold water increases, their flood control and watershed functions will be very beneficial to humans as well as the local ecology. In time, and with our help, many extirpated species can return. Branches to major waterfowl flyways could be reestablished as streams become perennial again and wetlands increase. BLM should manage it riparian areas not only for biological health, but with an eye toward the human benefit of sustainably harvesting the fish and ducks and geese that will hopefully flourish with the increase in quality habitat.

Response: The commentor appears to be suggesting that BLM develop an alternative that is more

restrictive than the Fallback Alternative and also outside the authorities of BLM. Including this alternative would have required the BLM to go outside the range of alternatives analyzed and BLM making significant changes to it to fit the definitions of standards versus guidelines.

All the public comments were provided to the Resource Advisory Council (RAC). The RAC members represent the wide range of public land interest throughout New Mexico. The RAC met and discussed the option of going outside the range of alternatives included in the Draft RMPA/EIS. Rather than going outside the range of alternatives, the RAC made adjustments to the RAC Alternative, based on public comment and included many of the terms and concepts included in this and other comments. Thus, the RAC Alternative represents a consensus of the various interests for acceptable standards and guidelines in New Mexico. The BLM decided not to go outside the range of alternatives and make the necessary changes needed to include it because: The County and Fallback Alternatives are less and more restrictive, respectively and offer a range of alternatives on either side of the RAC Alternative. Including a fifth alternative, outside the range of the original alternatives, would delay the process and not provide the decision maker an acceptable option.

CHAPTER 3 - EXISTING ENVIRONMENT

Major Land Resource Areas

144. Comment: The MLRA Map on page 3-4 is small and not detailed enough to tell which area I am in.

Response: The map on page 3-4 of the Draft RMPA/EIS was not meant to be highly detailed. More detailed maps are available from the BLM Field Offices or from the Natural Resources Conservation Service.

145. Comment: On page 3-1, Biome types: Not all piñon-juniper (PJ) types are considered woodlands. Many PJ sites are grassland sites that have been invaded with PJ.

Response: The BLM agrees that piñon-juniper (PJ) has invaded some grassland areas. However, the purpose of this statement is to merely describe the existing vegetative communities for purposes of analysis.

146. Comment: The Map and description of the MLRA's are excellent. It would seem to me that land in fair or better ecological condition for its ecological site with stable or upward trend would in itself represent a standard for Public Land Health.

Response: This comment was provided to the Resource Advisory Council and Counties. They chose not to consider it as a separate standard.

147. Comment: The Draft Plan/EIS is deficient in defining such environmental baseline conditions, particularly in the all important areas of habitat required for and impacts on threatened, endangered, and sensitive species. For example, for each of the Major Land Resource Areas addressed in the Draft Plan/EIS, Chapter 3, Affected Environment, grudgingly contains no more than a single terse paragraph on "potential natural vegetation." For an environmental analysis that is supposed to focus on standards and guidelines for proposed grazing activities, information on native vegetation is clearly central to both the assessment of cumulative impacts and the proper development of those standards and guidelines. Especially in this context, the depth of coverage included in the Draft Plan/EIS is simply inadequate. We must also note that, for absolutely every one of the nine Major Land Resource Areas, even this insufficient level of discussion is followed by a subsequent statement admitting the disruption and degradation of natural vegetation communities "due to past land use practices." Yet, the Draft Plan/EIS appears to be devoid of any further substantive discussion of these "past land use practices;" what they were; how recently they were discontinued, if they actually have been discontinued; how they substantively differ from current or proposed practices, if they differ; what their specific impact mechanisms were; or what measures have been implemented to ensure that these impact mechanisms have been conclusively mitigated.

Response: Due to the Statewide scope of this document, it precludes in depth descriptions of vegetation and related management issues. The BLM has not put together information on what various practices have impacted the land. Such an inventory of practices would be subject to conjecture, time consuming and may be of little value in developing

future management practices. After standards are determined, BLM will evaluate what current practices are adversely impacting land conditions.

148. Comment: p. 3-8. Just make note that you state for MLRA unit 42 (southern desertic basins, plains, etc) that "scarce surface water and low precipitation are severe limitations to the use of the area for range", and 50% of the area is desert. I work with a BLM range con from eastern Oregon, and he can not believe the level of stocking he sees on BLM rangelands in this area. This is the Chihuahuan Desert that has been significantly converted from grasslands to scrublands. What ecologist would support year-round grazing where precipitation is frequently < 8 a year?

Response: The sentence on page 3-8 of the Draft RMPA/EIS for MLRA 42, referred to in the comment, has been removed from the document in this Proposed RMPA/Final EIS document. The use and definition of the word "range" is not clear. Range is a type of land. Range or rangelands are lands on which the native vegetation (climax or natural potential) is predominately grasses, grass-like plants, forbs or shrubs suitable for grazing or browse use. Rangelands may consist of natural grassland, savannas, shrublands, moist deserts, alpine communities, coastal marshes and wet meadows. The lack of surface water and low precipitation do not limit an area from being considered a rangeland.

One of the characteristics of the Chihuahuan Desert is a short growing season. Where there is a short growing season and yearlong livestock use, there is a built in growing season deferment for a majority of the plants in the allotment. Providing there is a variety of plants, a minimum of steep terrain, numerous water points, and proper stocking, yearlong grazing can provide a suitable grazing program.

Grazing on public land will be subject to monitoring to determine whether the standards are maintained. Where grazing is contributing to resource degradation in excess to the thresholds prescribed by the standards, the authorized officer will take appropriate action as soon as practicable but not later than the start of the next grazing year.

Vegetation

149. Comment: Concerned about a very little or lack of good research information about riparian areas. There

is very little research available about those areas. There is a need. We have a good riparian area that the BLM manages in Lincoln County that represents an excellent opportunity for such research.

Response: The literature has abundant information regarding many aspects of riparian areas. However, additional information regarding site-specific problems and questions is always desirable. Monitoring studies to document success stories are one way to accomplish the collection of information.

150. Comment: Statements that the cattle are causing the problem in riparian areas are not backed up by science and this should be deleted or science provided.

Response: The commentor did not cite the specific statement(s) in question, upon which to base a specific response. There is a body of scientific literature, which is available through bibliographic reference services, which document affects of livestock grazing to riparian areas. The BLM, by experience, has found that livestock grazing can affect riparian areas. The RMPA/EIS mentions other factors beyond livestock grazing which may contribute to riparian degradation.

151. Comment: There is substantial evidence that large areas of the Chihuahuan desert currently managed by the BLM have experienced a change in dominant vegetation type over the past 100 years. Vegetation has shifted from a largely open grassland to a largely shrub dominated system. While both systems may be comprised largely of native species they are very different systems. The exact causes of this shift are not known, but it is clear that human activities and the management practiced over the last 100 years is at least partially responsible, as Holechek, Pieper, and Herbel state in Range Management: Principles and Practices (1995): "Overgrazing, cessation of fire, climatic change, and seed dissemination by domestic animals [are] all ... possible causes. Probably a combination of these factors explains the [change]. Regardless of the cause, brush covers a large area that was originally grassland." This change in vegetation is also mentioned briefly in several places in the draft EIS statement (i.e., page 3-9 and 3-19). It should be noted that along with the shift in vegetation, these areas have generally suffered severe soil degradation. My

concern is that the draft EIS does not clearly address the issue of whether these areas should be managed to restore them to their original grassland condition or to maximize the range conditions of the present vegetation type.

All of the alternatives include "vegetation enhancement" of these areas by fire-based, chemical, and/or mechanical brush removal as a way to improve range conditions. Is the restoration of grasslands in currently shrub-dominated portions of the Chihuahuan desert a primary management goal? Is it realistic to expect that grassland systems dominated by native species can be restored to large areas with degraded soils just by killing the shrubs? Page 3-13 suggests that the BLM seeds only about 100 acres annually in the entire state. Does the New Mexico BLM office have the financial resources to undertake a restoration project of this size and scope? Are there other management techniques that could achieve this goal? Or, is it more realistic to generally manage these areas as shrub-dominated systems, and maximize their quality as such? It was not clear from reading the draft EIS what the BLM position on these issues was for any of the alternatives, or just how the alternatives differed regarding these issues.

Many of these same questions arise about other, non-Chihuahuan, land areas in the state managed by the BLM. Clarification about whether or not restoration of "original" vegetation type is a management goal, and if so, what sort of priority this goal has, might help to keep management strategies more focused.

Response: The BLM recognizes that historical records indicate that much of the public land in southern New Mexico has changed from a grassland to a shrubland. Accordingly, accelerated erosion may have modified the soils. In some cases, the site has passed a threshold and the potential has been modified. Where brush has encroached it must be controlled prior to the original vegetation returning.

The BLM is presently discussing the development of Ecological Site Descriptions in partnership with the Natural Resources Conservation Services and other rangeland institutions in New Mexico. The site descriptions are expected to include elements that BLM will use for interpretations of the standards so the sites will provide for ecological processes to function,

protection of the site from accelerated erosion, and thriving native plant and animal populations. Through this approach, the BLM can assure its foundation for land management is based on sound science and includes peer review.

The Resource Management Plans will establish the desired plant community (DPC). The DPC must be in concert with the standard, but the standard does not mandate a specific plant community.

152. Comment: Page 3-13 states: "Based on existing inventory data, lotic [running water] riparian areas on public land in New Mexico total 427 miles, containing 13,285 acres of riparian habitat located in 244 stream segments." Page 3-17 states: "Comparatively, the number of miles of perennial streams on public land is small, only 433 (USDI, BLM 1997 Public Land Statistics). There are no estimates of the miles of ephemeral channels on public land." Based on these statements, the riparian segments are apparently only perennial stream segments.

The DEIS should provide a discussion of stream types that were analyzed and omitted from analysis (i.e., intermittent), discuss the rationale for this decision, and provide a comparison of the biological and functional nature of the different stream types, to give the reader some idea of the nature and extent of riparian resources that may have been excluded from analysis.

Response: The statement on page 3-17 of the Draft RMPA/EIS "Comparatively, the number of miles of perennial streams on public land is small, only 433 (USDI, BLM 1997 Public Land Statistics)" is a misstatement. The term "perennial streams" should read "riparian areas" instead. A perennial stream is normally associated with a riparian area, but the reverse is not always true. For example, riparian area may be associated with an intermittent stream. Where ephemeral streams have associated riparian areas, data is provided. The BLM does not collect data on ephemeral streams without riparian areas. Therefore, data is not available for non-riparian streams upon which to base an additional analysis.

The difference in the stream miles 427 on page 3-13 and 433 miles on page 3-17 of the Draft RMPA/EIS is because of the difference in the years and method of data collection. This is often due to BLM land

exchanges that occur over time or updated information over time.

153. Comment: The Department is concerned about riparian, aquatic and wetland habitats because they are essential for the survival of a majority of the species of wildlife found in the state. The quality (NMWQCC 1992) and quantity (Dahl 1990; Hink and Ohmart 1984) of these habitats have been significantly diminished or degraded. Of the 867 species of vertebrates known to occur in New Mexico, 479 (55%) rely wholly or in part on aquatic, wetland or riparian habitat for their survival. Fifty-one of the 96 species that are listed by the state as threatened or endangered are associated with these habitats (NMGF 1997).

Response: The figures are Statewide and not limited to public land. They may, however, increase the readers awareness of the importance of riparian habitat on a Statewide basis.

154. Comment: p. 3-15. Provide maps for tables 3-4, 3-5. Which MLRA, which field office, something?

Response: Maps of riparian zones on a Statewide scale would not be readable. The information is available at the BLM Field Offices.

Soils

155. Comment: The terminology on 3-16, I can't even pronounce it, like a-r-i-d-i-s-o-l-s, can't make heads or tails out of it. It's too scientific. Using meters instead of feet. Should talk about inches of rainfall. So I was really kind of unhappy about how it was put together, like it was trying to go over our heads and not be able to understand what was going on.

Response: There was no attempt to go over anyone's head with scientific terms in the document. Soils classification names have been evolving for several decades. Each part of a name has a precise meaning about a particular soil property such as depth of soil, amount of clay, moisture availability during the year, or the amount of gravel and larger rock fragments.

English measurement units, feet and inches, are used by most of us in our daily lives and will continue to be used for a long time. Because of their mathematical

ease of use, metric units are often the official units used to store, manipulate, and exchange data on both National and international levels. The Major Land Resource Area (MLRA) program is National and international in scope, and the use of metric units of measurement is appropriate.

156. Comment: On page 3 -17, Soil Erosion second paragraph "Natural litter...): Please note that Alfisols, Aridisols, Entisols almost always have less than 1% organic matter in the top 10 inches of the soil surface.

Response: Your comment is well taken. No response is required.

Water

157. Comment: There's a lot of talk about water rights. Wondering if those had gone through the state engineer. A lot of time people think they know about water rights when they don't. Hope that all of the issues that pertain to water rights are checked over by a water rights expert. I have always thought that there were actually federal water rights that belonged to the federal land and were reserved for that but then I don't know the extent of it. We have more rights than we have water. Just make sure that water right thing is square.

Response: In the Final Regulations published on February 22, 1995, 43 CFR §4320.3-9 states the following regarding water rights for the purpose of livestock grazing on public land:

Any right acquired on or after August 21, 1995 to use water on public land for the purpose of livestock watering on public land shall be acquired, perfected, maintained and administered under the substantive and procedural laws of the State within which such land is located. To the extent allowed by the law of the State within which the land is located, any such water right shall be acquired, perfected, maintained, and administered in the name of the United States.

Although the water rights language is a part of the regulations that established the standards and

guidelines effort, water rights section and the standards and guidelines sections are independent of each other. The implementation of these standards and guidelines will not affect water rights. There are water rights tied to public land and except for a few limited instances of Federal Reserved Water Rights claims, the Office of the State Engineer administers all water rights in the State. However, even the Federal Reserve Water Right claims are subject to verification through State Court conducted water right adjudications. This is now occurring in many water basins within the State.

158. Comment: As a result of a lawsuit filed by two environmental groups against the U.S. Environmental Protection agency, the NM Environment Department's Surface Water Quality Bureau (SWQB) has developed a schedule of monitoring all streams and rivers in New Mexico and developing Total Maximum Daily Loads (TMDLs) as appropriate. As part of this process, the State performs water quality monitoring, outlines current water quality conditions, determines load reductions needed, outlines sources of pollutants, and submits implementation plans to bring affected streams into compliance. The SWQB is monitoring New Mexico's streams on a five-year rotating schedule; the Bureau encourages and welcomes any applicable input from BLM to this process.

Because water quality is directly related to the conditions of watersheds and riparian areas, the NMED supports best management practices that will improve and protect these resources.

Response: Thank you for the invitation to participate. No response required.

159. Comment: On Water issues, reference is made to the New Mexico Water Quality Control Commission 1998 305 B report. It appears that the draft to the 305 B report was used to make those references because there were several amendments made to the final 305 report that invalidate the references made in the DEIS.

Response: The 1998 NMWQCC 305(b) Report had not been published when the RMPA/EIS was drafted. The water section of the Proposed RMPA/Final EIS has now been updated based on the new Report.

160. Comment: Chapter 3 - Affected Environment P. 3-1 WATER Page 3-17 While selected statements from various New Mexico's WQCC reports indicate livestock grazing as a major source of NPS pollution. These statements fail to disclose some major findings of the WQCC, The Coalition suggests incorporating the following from the 1998 305(b)report:

"Chapter 6, page 109:Nonpoint Source Management Program Activities: Rangeland Agriculture"

"In New Mexico rangeland NPS pollution in the form of turbidity and siltation is often the product of natural conditions associated with arid land climates. Most of New Mexico receives 15 inches or less of annual precipitation on highly erodible soils. This precipitation typically arrives in July and August in the form of torrential downpours following two to three months of little to no rainfall. Scarce vegetation in the form of grasses and forbs allows overland flows to strip soils from the surface. It has now been recognized that management of watersheds for control of rangeland NPS pollutants begins with the natural generation as a baseline for evaluation of anthropogenic contributions.

"Efforts to reduce rangeland NPS pollution have focused on grazing practices instead of vegetation management. Years of livestock numbers reductions and implementation of grazing BMPs have had little to no effect on grazing lands NPS pollution. The recognition that a 90% reduction in livestock numbers has brought little to no improvement has prompted a reevaluation of the source of NPS pollution on grazing lands.

"Fire suppression allowing woody plant species invasion is the primary cause of surface erosion in the woodland and lower elevation grasslands. In the ponderosa pine forests, fire suppression has fostered an increase in tree densities from 19 to 50 trees per acre to highs of 3000 trees per acre resulting in an average of 30% reduction of

surface flows and restriction of infiltration to ground waters.

“In the early 1980's, the Soil and Water Conservation Division promulgated BMPs designed to address the issues of woody invasion, diminishing grasses and forbs, reduction of surface flows and groundwater recharge. Federal and State land management agencies have not successfully implemented many of these BMPs.”

Response: The proposed addition is actually found starting on page 100 of the 1998 305(b) Report. The comment is not a complete quote, but used portions and left out portions of what was stated in the Report. The Water section has been modified to include the complete quote and additional information that helps put water quality and implementation of BMPs into an acceptable prospective.

161. Comment: Due to the impacts to riparian areas on BLM lands that result from conditions of the watershed under Forest Service administered lands, include the following:

"Chapter 6, page 110: Nonpoint Source Management Program Activities: Silviculture"

"Areas on Forest Service Lands identified by the USFS as suitable for timber harvesting occupy roughly 10 per cent of the forested lands. Pre-1990 harvesting activities were disturbing about one half of one percent of those lands. BMPs were modified at that time to reduce impacts to water quality. Fire suppression on all Forest Service lands over the last 100 years has created conditions that favor large scale catastrophic wildfires and an average 30 per cent reduction of high quality water delivery.

“These reductions of water delivery from the watersheds has also contributed to exceedence of water quality standards in the lower reaches of New Mexico's rivers. As the flows of higher quality water is reduced, numeric concentrations of point and non point source

pollutants increase.”

Response: This comment is directed to riparian areas and is one part of the variety of upstream impacts which may affect BLM riparian areas, as already discussed in the last paragraph of the riparian section on page 3-16 of the Draft RMPA/EIS. Since the quote itself deals with water quality and not riparian zone health, it was inserted into the water section of the Proposed RMPA/Final EIS.

162. Comment: The memorandum of understanding between the BLM and New Mexico Environment Department, to oversee water issues in the state, is legally questionable.

Response: The Memorandum of Understanding is created under the authority of the Clean Water Act (208(a)(2), 319(K), 304(k)(1) and 502(4)), several Executive Orders and NMED's authority. Precise definitions are listed in 40 CFR 130.2. The MOU has nothing to do with the BLM overseeing water issues in the State. The MOU primarily states that BLM is responsible for managing activities on public land in a manner that meets water quality standards.

Grazing Administration

163. Comment: It is stated that between 287 and 480 of the 2193 allotments in New Mexico would not meet standards (a relatively small percentage according to the writer). The upper percentage figure for not meeting standards would be 22% which is not “minor”. The statistic on page 3-20 that 23% of public land are considered in poor condition bare this out. When nearly a quarter of public land are in poor condition I would find it difficult to call this matter “insignificant”.

Response: The BLM is concerned about the health of the rangelands and has implemented over the past decades programs to improve the public land. The statistic on page 3-20 of the Draft RMPA/EIS (23 percent of the public land in poor condition) is part of the historical record showing the change over time in the public land in New Mexico as result of management. The 23 percent is taken from the 1986 report of Public Land Statistics Report. The

improvement is seen in the 1996 Public Land Statistics report on page 3-21 of the Draft RMPA/EIS, where poor condition range (now called early seral stage) decreased to 14 percent. The range condition classes used by BLM are at times misunderstood. The Society for Range Management (1989) defined range condition as “the present state of vegetation of a range site in relation to the climax (natural potential) plant community for that site. It is an expression of the relative degree to which the kinds, proportions, and amounts of plants in a plant community resemble that of the climax plant community for that site.” The Summary has been modified by removing the phrase “(a relatively small percent)”.

164. Comment: Throughout the document there are references to data in terms of the numbers of allotments that would be affected and those allotments that don't meet the standards and guidelines. There are references to two different reports on the breakout of current and past range condition classifications. However, there are no maps, and not a good description of where these areas are. When the various field offices are queried of where are the allotments are located, where is the real data the answer unbelievably are: 1. these numbers are made up or 2. these are just professional guesses. I don't see how as assessment can be made in an EIS based on very little or no data, especially when you try to have extensive economic analysis. To quote a past presidential candidate, that's “voodoo economics.”

Response: The reference to range condition reports and acres in various conditions were provided as background for the existing environment. Maps were not provided because BLM did not historically develop Statewide maps on range condition. Additionally, it is doubtful that the detail would be meaningful at the scale that would be in the document.

The BLM recognizes that it does not have an inventory specific to the various standards proposed in the various alternatives. Range condition reports cannot be cross walked into an assessment of meeting the different standards without a great deal of judgment. Therefore, the BLM requested that the Field Offices use their best judgment as to the number of acres meeting the standards and the number of allotments that would be impacted by the guidelines. Because the assessments are not directly backed by a field inventory, BLM did not map the areas.

The economics section recognizes that the number of allotments that would be affected was estimated and implementation of the guidelines and resulting impacts cannot be accurately determined at this time.

Therefore, the analysis includes economic impacts from a number of different scenarios that might occur on a given allotment.

165. Comment: Seasonal grazing may not work on some ranches. In Eddy County the best economic way to go is with a cow and calf operation.

Response: The BLM recognizes that not one grazing system is suitable for all areas. This RMPA/EIS is a Statewide document and specifics by County were not developed.

166. Comment: Lincoln County is a member of the New Mexico/Arizona Coalition of counties and as such has supported the County Alternative, however in reviewing carefully the document that has been presented, the public land council does find the RAC alternative to be acceptable. The Lincoln County Public Land Use Advisory Council supports livestock grazing and industry and individuals that are involved in that industry, but also strongly supports the multiple use concept in the use of our public land. There are areas in Lincoln County that have basically never been grazed by livestock, and some of those areas are in very deplorable ecological condition. So for many reasons support grazing, managed grazing, as a viable tool in managing the public land.

Response: No response required.

167. Comment: How many corporate ranches are there in New Mexico, or do you have a percentage of them versus the percentage of family-owned ranches? Maybe it's in there, but I couldn't find it in the book.

Response: The RMPA/EIS does not display the percentage of family owned ranches vs the number of corporate owned ranches. The grazing regulations and laws authorize both to graze on the public land. The existing BLM data system does not distinguish between the two. The numbers were not relevant to the preparation of the RMPA/EIS.

168. Comment: In Lincoln County 18 percent is managed by the BLM. The use of public land to graze is very important for the citizens of Lincoln

County to keep the rural aesthetics alive and well. BLM lands must be maintained at or above the current levels to protect Lincoln County's economic base. Increased restrictions and encumbrances upon current uses of the land and property rights will hurt the economic base resulting in a loss of community stability and slow or no economic growth in that area. As for the options on the EIS, I don't prefer one over the other. The County one sounds good, the one that BLM prescribes sounds fine. I think we could have more cooperation among one another and help one another in the things that we do. As for the options on the EIS, I don't prefer one over the other. The County one sounds good, the one that BLM prescribes sounds fine. I think we could have more cooperation among one another and help one another in the things that we do.

Response: No response required.

169. Comment: On page 3-23 in the 2ND column in the next to last sentence it is suggested that the following words be inserted (words to be inserted are all caps.

When designing a grazing system, many factors must be considered, including the needs of the allotment, fencing, cost, stocking rate, IMPACT ON WILDLIFE, RECREATION USE, water, salt, utilization level desired, and management objectives, among other considerations.

Response: Although not specifically stated in this sentence, other resource programs such as wildlife are considered when developing grazing systems. The preceding paragraph mentions identifying goals and objectives from other activity plans (e.g., Habitat Management Plans) when developing grazing activity plans.

170. Comment: On page 3-23 in the 2ND column in the last sentence it states: "Continuous grazing should not be discounted as long as objectives can be met. (Bedell, 1992)" Maybe continuous grazing works in Missouri, but where in New Mexico is it feasible?

Response: The RMPA/EIS does not choose one grazing system over another, but presents information from various sources. There are a number of grazing systems available. Periods of deferment are important to plant health. The grazing system must be developed

to meet the needs of the resource, but also tailored to fit the livestock operation. Where there is a short growing season and yearlong use, there is a built in deferment for a majority of the plants in the allotment. Providing there is a variety of plants, a minimum of steep terrain, numerous water points, and proper stocking, yearlong grazing can provide a suitable grazing program.

171. Comment: A further concern comes from the disclosure on pages 3-22 and 3-23 that nearly 53% of the total acres of public land in New Mexico, are in allotments classified as "Improve or I Category." This means that more than 50% of the acres in grazing allotments in New Mexico have range conditions that are unsatisfactory! I would translate this to mean that existing management would not meet standards and guidelines designed to improve range condition. This concern is further substantiated with the data on page 3-20 that explain that in 1986, 71% of the rangelands in New Mexico were either fair or poor. The discussion on page 3-20 and 3-21 concerning changing the reporting categories for range condition to terms such as PNC, late seral, mid seral, and early seral does not rectify or alter the conclusion that much of New Mexico's public rangelands are in less than good condition. In the FEIS the Institute urges the BLM to better address the magnitude of poor range conditions and detail how the preferred Alternative will alleviate those conditions.

Response: The selective management approach (M, I, and C) is described in part on pages 3-22 and 3-23 of the Draft RMPA/EIS. It was designed to aid BLM's overall responsibility to manage public land under the principles of multiple use and sustained yield. The grazing program is one of many resources or uses involved. The criteria was to assist in identifying allotments with the highest priority for public investment. The fact that allotments are in the "I" category does not necessarily mean that lands are not meeting the standard or that the lands are in serious peril. The term "range condition" or ecological condition is an ecological rating and means the present state of vegetation of a range site in relation to the climax (natural potential) plant community for that site. It is an expression of the relative degree to which the kinds, proportions, and amounts of plants in a plant community resemble that of the climax plant

community for that site. A proposal was made by the Range Inventory Standardization Committee (1980) to drop the excellent, good, fair, and poor and replace them with ecological terms, (i.e., mid seral, late seral and so on). The change in terminology, from “poor condition” to “early seral stage”, etc., was made to show that it is an ecological rating and not a grazing value. The BLM uses the range site guides developed by the Natural Resources Conservation Service (formerly the Soil Conservation Service) to map range sites and determine the range or ecological condition on each range site on public land.

As shown on page 3-21 of the Draft RMPA/EIS, the range condition of public land has improved. These conditions have benefited all resources. As a multiple use agency, the BLM has worked at providing for the varying needs of other resources such as wildlife. This was pointed out on that same page of the Draft RMPA/EIS regarding range condition, in that the “PNC (or excellent condition) is not always the desired condition for the public land, since it may not always provide the best mix of vegetation for desired biological and social values...Maximum vegetation diversity, often the most desirable objective for livestock and some species of wildlife, occurs frequently not at climax but in the mid-to late seral (fair to good condition) stages.” A report from Texas A&M University, by Allan McGinty and Larry D. White made a similar observation, stating “the optimum range condition for profitable and sustainable livestock or wildlife grazing may differ significantly from the ecological definition of excellent condition rangeland...For example, sustained cattle productivity is generally best achieved with good to excellent condition range...White-tailed deer production is generally best on range in fair to good condition...bobwhite quail will vary from poor to good condition, depending on location in the state (Texas).” The needs of each resource vary. Goals and objectives of the different resources are identified in the Resource Management Plans (RMPs) of each Field Office.

172. Comment: The discussion on page 3-20 concerning the evidence that rangelands in New Mexico are improving is misleading. The discussion is oriented to changing the rangeland condition to better support grazing livestock. The discussion on brush

control, sagebrush thinning, and general conversion to grasses is irrelevant to the topic of range condition in the broad sense. For instance, wildlife need a wide diversity of plants and plant structure. A healthy and productive rangeland is one that has a broad diversity of vegetative components (see paragraph 1 on page 3-21). The goal of good range management should be to recognize this and manage for it. It is recommended that the discussion on range condition in the FEIS be altered to recognize values of the public rangelands to uses other than livestock grazing.

Response: The commentor is apparently confusing a livestock forage rating system with a land condition rating system. Range condition is defined as the present state of vegetation of a range site in relation to the climax (natural potential) plant community for that site. It is an expression of the relative degree to which the kinds, proportions, and amounts of plants in a plant community resemble that of the climax for the site. Range condition is an ecological rating and is not a forage condition rating. “Range” is a type of land and is not the same as “livestock grazing”. Livestock grazing is a common use of rangelands.

173. Comment: Table 3-6 on page 3-22 should include the available AUM’s of forage for the McGregor Range portion of applicable field office administered areas. This is controversial and critical to the “Human Dimension” and survival of several 3th and 4th generation ranching families in this area.

Response: McGregor Range land is withdrawn and used for military purposes. It is administered cooperatively by the Military and BLM through a Memorandum of Understanding and handled in a different manner than other public land. Grazing is authorized annually on an open bid basis. Standards and Guidelines will apply and will be implemented to the extent possible in line with the manner in which the land is managed by BLM and the Military.

174. Comment: P. 3-20: You reference 1986 and 1995/1996 reports on grazing conditions. Give us maps of where the Excellent, good, fair, etc allotments are located.

Response: BLM has not compiled such a map, therefore, no map is provided in the RMPA/EIS.

175. Comment: P. 3-22. why is McGregor Range excluded? From my extensive travels up there, it too has some very poor range conditions (extensive invasion of snakeweed, low grass cover, wide distances between grass/herbaceous cover, evidence of soil erosion). These are public land. Are you saying management of these lands are exempt from any S&G?

Response: McGregor Range land is withdrawn and used for military purposes. They are administered cooperatively by the Military and BLM through a Memorandum of Understanding and handled in a different manner than the other public land. Grazing is authorized annually on an open bid basis. S&Gs will apply and will be implemented to the extent possible in line with the manner in which the land is managed by BLM and the Military.

176. Comment: P. 3-23. You list 2193 allotments in the state, but only AMPs for 13% (290 allotments). I would have thought the development of AMPs is an important aspect of management. How do you explain this? On a former forest I worked on, every single allotment had an AMP and that permittee had to come in ever year for an evaluation, etc.

Response: Allotment Management Plans (AMPs) are discretionary. The basic authority for AMPs is found in the Federal Land Policy and Management Act of 1976 (FLPMA) and the Public Rangelands Improvement Act of 1978 (PRIA). Section 402 (d) of FLPMA as amended by Section 8 of PRIA, provides that where AMPs are not completed or where AMPs are not necessary, the terms and conditions shall be incorporated into permits/leases. Additionally the present regulations recognize AMP's "or other activity plans intended to serve as the functional equivalent of allotment management plans may be developed...."

177. Comment: If BLM would stock the range below the carrying capacity of a drought year then this would allow excess forage to improve itself during normal years. Page 3-23 tallies lands classified (I) where the present range condition is unsatisfactory at 6 3/4

million acres. Therefore, I reject the present management.

Response: As shown in the Environmental Consequences for each alternative under the Grazing Administration section, grazing use on public land fluctuates due to factors such as the price of livestock and weather conditions. The active grazing preference attached to the public land in New Mexico is 1,891,665 AUMs. Yet, in 1996, which was a low rainfall year, only 1,502,516 AUMs were authorized for grazing. The No Action (Current Management) Alternative was provided as a baseline, but can not be selected by the decision maker because it does not meet the requirements of 43 CFR §4180.

Wildlife

178. Comment: It is not clear if Largo Canyon is willow flycatcher habitat or not, and if we will have to get out of the Largo because of the willow flycatcher.

Response: This document was not designed to provide site-specific management information. Specific locations of endangered species habitat and management of those habitats will be developed through site-specific assessments.

179. Comment: Elk are not native to the New Mexico ground. There is literally elk at our back doors now and increasing in numbers, and I feel they have done more damage to the land than cows or deer. Somebody has got to take responsibility for the elk. The two agencies (NM Department of Game & Fish and BLM) need to work together and more needs to be discussed about managing the wildlife because they can do as much damage as cattle.

Response: BLM is responsible for habitat management for a multiple of uses. Game population management is the responsibility of the New Mexico Department of Game and Fish (NMDGF). When habitat degradation occurs from wildlife, the BLM makes management recommendations addressing the problems to the NMDGF. This concern is addressed on page 3-25 of the Draft RMPA/EIS document under Wildlife.

180. Comment: I believe the Endangered Species Act was over done in this document. It has already been addressed in other EIS documents. All that needed to be done was cite it in this document. It gets a lot of play in this document when I believe it doesn't need to be there.

Response: The BLM is required by the National Environmental Policy Act (NEPA) to assess the impacts of the alternatives to endangered species.

181. Comment: On page 3-25 Antelope are not cyclic, then on page 3-26 there are less hunters in 1998 than 1988 and 1978. You should add competition with elk. On page 3-27 "Stellar's jay" should be "Steller's jay" and "Coronado National Forest" should be "Coronado National Forest".

Response: The commentor is correct that antelope are not cyclic, but population estimates appear to fluctuate, perhaps due to predation, habitat conditions such as drought, and hunter harvest. The other suggested changes were made to the document.

182. Comment: Reconsider the stated goal in Special Status Species Habitat Management; "Provide protection and recovery for all federal and state listed species. Manage occupied and potential habitat for federal and state-listed species on public land to maintain or enhance populations. Manage habitat for federal candidate species to avoid degrading habitat and further listing by either state or federal governments while allowing for mineral production and development, livestock grazing and other uses.

We believe the goal needs parameters to prevent recurrence of questionable actions similar to the New Mexico history of the Black (or Mexican) Duck, Ibex, and Mouflon.

Response: The referenced statement is the policy of the BLM nationwide and applies to all BLM activities regardless of the outcome of the Standards and Guidelines RMPA/EIS. The BLM understands and shares the concern regarding directing management attention toward species that do not warrant additional consideration such as the Mexican duck. Due to the complex nature of biological resources, information is

often difficult and expensive to acquire. However, information regarding species is often lacking and leads BLM to direct management activities toward these species. The BLM finds that this attention often leads to a better understanding of their status and possibly a reduction in management attention. Conversely, it is much safer for BLM and the public to provide early attention to these species in an effort to retain greater flexibility for public land uses rather than to wait until the species becomes Federally- listed.

183. Comment: The Department recognizes that grazing can have numerous and complex effects on soil, water, vegetation and wildlife resources. The DEIS refers to conducting future extensive and widespread brush control and herbicide projects in shinnery oak, mesquite, juniper and big sage communities. Between 1989 and 1992, BLM conducted an average of over 20,000 acres of brush control a year. These activities can have profound effects on wildlife populations with specialized habitat requirements. To assist the BLM in addressing these concerns, we have included several lists of Threatened, Endangered and Sensitive species potentially adversely impacted by grazing and range improvement practices such as brush control on juniper, big sage, mesquite and shinnery oak. The Department would like to continue to work closely with the BLM on AMP's that could impact wildlife resources.

Response: The BLM intends to continue working closely with the New Mexico Department of Game and Fish in the development of activity plans for public land. These activity plans will help insure the standards are met and consideration given to special status species. Thank you for the lists of special species included in your comment.

184. Comment: P. 3-25, WILDLIFE: What do you mean by public land (all federal lands)? Be specific, and try to partition the population for BLM lands. Distributions would probably be quite different, esp for elf, bear, BH sheep.

Response: The Federal Land Policy and Management Act (FLPMA) defines land managed by BLM as "public land". Therefore, in BLM documents such as

this RMPA/EIS, the term “public land” refers to BLM land. Animal populations are estimates of those on BLM land.

185. Comment: P. 3-26. You might consider adding oryx. This species has become a major issue. Under Wildlife Habitat by MLRA, 36- give some detail on the data that shows elk are competing with livestock for forage, or is this just opinion?

Response: Data are available along with professional opinion in areas where elk numbers have increased. The Forest Service and BLM have areas where livestock have been removed and the elk are overutilizing the vegetation to where riparian and upland watersheds are degrading. Report 47 “Forage Utilization by Elk and Livestock in Selected Riparian Areas in the Gila National Forest” by Michael Treadaway, V. W. Howard, Jr. Chris Allison, M. Karl Wood, and Jon Boren is one source of such data.

186. Comment: P. 3-27, MLRA 39. Change western goshawk to northern goshawk. No such thing as western goshawk. Give fuller description of conifer forests. Most of species mentioned are associated with ponderosa pine. Mexican spotted owls infrequently associated with Pipo forests.

Response: Western goshawk has been changed to northern goshawk. This is a general list to give the reader an idea of what may potentially occur within a certain area. Overall, the BLM has very little acreage in this Major Land Resource Area.

187. Comment: P. 3-28. For mammals associated with MLRA 42, add spotted ground squirrel and black-tailed prairie dog.

Response: The spotted ground squirrel and black-tailed prairie dog have been added.

188. Comment: P. 3-29. Change common raven to Chihuahuan raven, thrasher should either be long-billed or Crissal thrasher. And warblers not especially associated with this MLRA, delete.

Response: The change from common raven to Chihuahuan raven has been made. Also, the insert of

Crissal thrasher and the deletion of warblers has been made.

189. Comment: P. 3-30. MLRA 77. Delete black-footed ferret, I seriously doubt they are here. The bird species listed under riparian habitat areas are more associated with lentic systems (wetlands). You will not find rails and gulls and grebes in riparian areas.

Response: The black-footed ferret has been deleted from the paragraph.

190. Comment: On page 3-16 I feel elk should be added and not just heavy concentrations of livestock. As you can tell by the numbers on page 3-25 elk are on the increase and it has been proven that they too can also damage riparian areas.

Response: Wildlife has been added.

191. Comment: On page 3-27 in reference to antelope in the Farmington area. The fact is antelope were never present in large numbers or any at all on Ensenada Mesa, now just because a few BLM personal think this area is suitable habitat does not mean it is. Mother Nature apparently does not. This is a very good example of the problems with the guidelines. Sometimes the BLM' s ideas of what a functioning habitat is will just not be possible regardless of what alternative is taken mother nature has her own ideas and will prevail. There needs to be something stated that if no improvement is shown within the first year that gazing plans and AUM's could be changed back to what they were hopefully before a permittee has gone broke. I would also like to point out that on page 3-12 you state only 4% of BLM lands are declining this is a very small percent and shows that the permittees have been doing a good job.

Response: The antelope herd on Ensenada Mesa was stocked in 1989 and has apparently stabilized at approximately 60 - 70 head. A combination of factors may be why antelope are not present in large numbers on Ensenada Mesa. These factors include: climatic fluctuations, the quality of habitat, predation, and dry water sources. The document has been updated with this additional information.

192. Comment: I was told this week by Nancy Koffman of the USFWS that there are about fourteen hundred T&E species in NM and AZ. As these numbers increase in the future as they have in the past we can see the larger part of the so called “eco-system” managed in a manner to not include the rural and local element which include the private property rights that are well established. We have preserved and protected many T&E species along with the countless number of other species, both plants and animals. They all depend on the same environment. Someone’s idea is that it requires six hundred acres for a nesting pair of Mexican Spotted Owls. This idea is unfounded and not scientifically proven yet taken for fact. Because of this and other subspecies of spotted Owls the timber industry in the western states has been destroyed with its custom and culture and economical aspects of rural communities.

Response: No response required.

Recreation

193. Comment: P. 3-44. You talk about conflicts between grazing & recreational activities. Which activities are more economically viable for the local communities? Does eco-tourism and vacationers bring in more money than the permittee? You have complaints from recreationist at the Wild Rivers RA, and you don't know what to do, duh?????. How about eliminating grazing?

Response: The BLM manages on the basis of multiple use and sustained yield; both recreation and grazing are principal uses of public land. Revenue generation should be analyzed on a site-specific basis through time. There exist many situations where grazing and recreation are supplementary and even complimentary in nature and are not mutually exclusive activities.

In the specific case of the Wild Rivers Recreation Area, historically livestock grazed the uplands and trailed down to the river for water. The BLM built a campground in the livestock use area, where the campers could use the same livestock trails to hike down to the river. This set up a conflict that needed to be resolved. An agreement was signed by BLM and the livestock permittee for removal of livestock from the Wild Rivers campground. In the agreement, BLM agrees to reduce sagebrush from an adjoining pasture.

Once the land is treated, (30 to 40 percent has been treated now) and has improved forage conditions, livestock will use the treated area and be removed from the campground area.

194. Comment: In the section on Recreation beginning on 3-43 of the draft, the importance of recreation to the general public is emphasized. However, recent legislative activity in New Mexico has shown that the recreating public do not feel their land use fees should be increased to help cover management and maintenance costs.

Response: The standards proposed in the various alternatives will not increase fees for recreational use of public land. Except for developed sites, hunting, and commercial recreation use on public land is free.

Wilderness

195. Comment: P. 3-44. Because of limited access into wilderness areas, how do you propose to properly monitor and manage these lands that are grazed? Can the BLM provide a breakdown of the rangeland condition in wilderness areas? Please provide some data here.

Response: Although vehicle use in wilderness is normally not allowed, access is allowed by foot or horseback. Where existing improvements require maintenance, a Rangeland Improvement Management (RIM) Plan is developed. The BLM works closely with the allottee in developing the RIM Plan. The RIM Plans permit the use of the “minimum tool” in times of an emergency, to minimize the impacts on the wilderness resources. The “minimum tool” may include motorized vehicles on established routes to repair fenceline, water troughs, and care for livestock, etc. The Plan requests that the allottee notify BLM prior to the activity. A breakdown of the rangeland conditions in wilderness areas has not been compiled as a data base.

Lands/Realty

196. Comment: Land ownership adjustments should be made before any kind of situation against the grazing propositions that are being called for in this book.

Response: Each Field Office identified acreage for disposal and retention in their land use plans (See Lands and Realty section of Chapter 3 for additional detail). In accordance with these plans, each Field Office established a priority for working on land ownership adjustments. Processing land ownership adjustments, in particular exchanges or sales, is expensive and time consuming. All exchange or sale proposals must be conducted in conformance with the Federal Land Policy and Management Act and the National Environmental Policy Act (NEPA) and will require extensive public review (minimum of 120 days per exchange). It is unrealistic to anticipate that land ownership adjustments for New Mexico public land would be completed prior to the implementation of the New Mexico Standards and Guidelines.

197. Comment: P. 3-47 Treatment given this issue is inadequate. The public should be able to legally access public land. The document should address this matter in a substantive way. BLM area offices should identify access/easement issues and establish priorities for the acquisition of access, whether by easement or other means.

Response: The focus of this RMPA/EIS is to document the effects of adopting Statewide standards for public land health and guidelines for livestock grazing management on BLM public land in New Mexico. The topic of access was mentioned briefly in the affected environment chapter as one element of the lands and realty program. The implementation of standards and guidelines for grazing should have minimal, or no effect, on access to public land, therefore the issue was not dealt with in-depth in this document.

If there is a problem with access to a particular block of public land, the issue should be brought to the attention of the BLM Field Office that has jurisdiction over the area of concern.

Economic Conditions

198. Comment: P. 3-50 No reference is made in this section to Payments in Lieu of Taxes to counties. In 1997 and 1998 over \$11 million was distributed to New Mexico counties. The document should include a table showing these payments, county by county. Any

discussion of economics associated with grazing is deficient/inadequate without consideration of P.I.L.T. payments to counties.

Response: This project has no effect on the Payments in Lieu of Taxes (PILT) to the counties, however, a table showing the latest payments has been included in the Proposed RMPA/Final EIS. PILT payments are determined on a formula basis, with the number of Federal acres constituting the principal determining variable. The logic behind PILT payments is that Federal land within County boundaries are not part of the County's tax base. Therefore, the County should be compensated for lost revenue opportunities. This RMPA/EIS is not considering changes of ownership of land within the County. Therefore, there is no difference between the current situation and the alternatives. The livestock tax base will change with the alternatives, which are incorporated in the State/Local government sector of the Input-Output model used for this analysis.

199. Comment: P. 3-52. This whole economic conditions section is convoluted and difficult to digest. The author of this section seems to be different. Anyway where are the results the data from this analysis referred on this page. Not clear at all.

Response: Chapter 3 is a description of the current conditions; results of the analysis are included in Chapter 4.

Human Dimension

200. Comment: There was one part I really did like. It was talking about the culture of it, and I have to admit that was one part of the book, whoever wrote that, I was really happy with that. It kind of explained how I really feel about the land. For ranchers, it's part of our lives.

Response: No response required.

201. Comment: Particularly insulting was the difference between the rural and the city people. I wish it would be fixed and not be like that because it tends to pit people against each other when there is no reason for it, because we have a lot in common,

meaning a love of the land and wanting to keep it for our children and to have a nice lifestyle.

Response: No response required.

202. Comment: Then there is the junk about culture with the same value-laden words. You describe ranchers as "independent" "self-reliant" etc. I would say they are dependent (on federal and state handouts) and not able to make an honest living in the world and very reliant. That's another perspective that one could argue is easily as valid. No matter, when did it ever say that the BLM's job was to protect a welfare society dependent on federal handouts at the expense of the land and its wildlife? That's not your job. I greatly resent that part of the document.

Response: No response required.

203. Comment: The FEIS should also acknowledge that public rangelands are much more than livestock forage. A multitude of native wildlife species must be able to find their habitat and forage needs on these lands. That is why establishment of appropriate standards and guidelines is so critical at this time. Federal law and policy charge the BLM with significant stewardship responsibilities. These responsibilities must be taken seriously. The bottom line is that the overall objective for permitted livestock grazing on New Mexico's public land should be to improve overall range condition both in the short and long-term. That is what this entire process is all about. As indicated in the document improved rangelands benefit all users of the public land. It is important that BLM makes the appropriate decisions to achieve this outcome.

Response: The BLM agrees with your comment. The BLM as a multiple use agency is charged with stewardship responsibility in accordance with the Federal Land Policy and Management Act (FLPMA). The Healthy Rangeland initiative in 1994, the change in grazing regulations with the addition of the Fundamentals of Rangeland Health (43 CFR 4180) are indicative that the BLM takes its responsibility seriously.

204. Comment: P. 3-59 Does this statement infer that public land should be viewed as private because the

counties, rural residents or permittees have the concept, however illusionary, that this is so? Does this somehow infer private right on public land?

Response: No, it does not infer a private right on public land. It only reflects importance of the use of public land to the lifestyle and customs of many rural residents.

205. Comment: P. 3-56. The sizes given, are these mean size of herds?

Response: They are typical herds based on Animal Unit Years (AUY's).

206. Comment: P. 3-57. Delete the last line, 2"d column, repeated on next page.

Response: The correction has been made.

207. Comment: Under the Financial section (3-55), the draft points out the rancher's need for the public land to ensure a return on investment. Why would a permittee intentionally damage land that is so valuable to operations? And, if the recreationists aren't responsible for maintenance on the public land they use, why should ranchers be held responsible? The management plan calls for lessees to pay for improvements they will not own, in order to keep the lease. What incentive is there in this arrangement?

Response: The Management Plan has not been described. As the problems surface, management plans will be developed by local Field Office personnel in careful and considered consultation, cooperation, and coordination with affected permittees/lessees, landowners involved, the Resource Advisory Council, State of New Mexico agencies having lands or responsible for managing resources within the allotment, counties and the interested public.

CHAPTER 4 ENVIRONMENTAL CONSEQUENCES

Analysis Approach

208. Comment: By reading the document, I can not tell if I'm going to be one of the ones put out of business or not.

Response: After the plan is in place and the site-specific targets identified, public land will be assessed for compliance with the standards. Where the standards are not being met, BLM will determine what current practices are contributing to the standard not being met. Only then would BLM know who is affected by the guidelines.

209. Comment: Northern New Mexico producers, mainly Hispanic families, are concerned whether their unique custom and culture and economics have been addressed at length or in depth to the unique operations and scenario in Northern New Mexico. So we hope the unique custom and culture in Northern New Mexico has been taken into consideration in this EIS document, or that it will be taken into consideration when the standards and guidelines are implemented. In Northern New Mexico, to the very small permittees who runs 30 or 40 head of cattle on BLM land it is absolutely critical to be able to retain the ability to graze those cattle. The ability to graze that 30 or 40 head has allowed families in northern New Mexico to better themselves by sending their kids to college.

Response: The RMP Amendments would establish the standards for public land. As the Field Offices determine which areas do not meet the standards, they will determine if current uses are keeping the standards from being achieved. Where current livestock grazing practices are determined to be a reason for the standards are not being achieved, the guidelines will be applied. How the guidelines will be implemented will be developed by the local Field Office personnel in careful and considered consultation, cooperation, and coordination with affected permittees/lessees, landowners involved, the Resource Advisory Council, State of New Mexico agencies having lands or responsible for managing resources within the allotment, counties and the interested public. This process will provide the opportunity for Northern New Mexico ranchers to identify unique custom and culture issues that need to be considered in developing livestock grazing programs.

210. Comment: Hispanic families in Northern New Mexico have a concern whether wildlife issues have been addressed and whether the agency is looking at basically carrying capacities for wildlife in the manner

where they don't affect the present producers and established livestock carrying capacities. Elk are of particular concern, and I would feel that this document would be quite incomplete if carrying capacities for wildlife hasn't been addressed.

Response: BLM does not have information on wildlife carrying capacities for inclusion in the RMPA/EIS document. Carrying capacities for grazing animals (livestock and wildlife) using public land are now based on monitoring. Management objectives are established for the land with a recognition that wildlife and livestock use the land. Carrying capacities for livestock are set through monitoring taking into account that both livestock and wildlife use the forage.

The BLM agrees that elk have increased and may be reducing the livestock grazing capacity on some private land and on some public land within the State. This issue was addressed under the Wildlife sections in Chapter 3 in the Proposed RMPA/Final EIS.

Wildlife population management is the responsibility of the New Mexico Department of Game and Fish (NMDGF). The NMDGF has developed a strategic plan for elk management which identifies the establishment of Game Management Unit (Unit) population goals as one of its objectives. Through aerial surveys, the NMDGF has estimated elk populations for each Unit. In addition, the NMDGF has developed preliminary population goals for each Unit. These were recently developed (spring 1999) to assist the NMDGF in its efforts to address private land depredation issues. After careful review and consideration, population goals will be finalized for each Unit and incorporated in the NMDGF operational plan document. This plan is scheduled to be completed this fiscal year with a draft expected this fall.

The alternatives provide guidelines for livestock grazing. Consequently, the RMPA/EIS covers livestock grazing to a greater depth than other activities. The RMPA/EIS displays impacts from the actions to many elements of man's environment including wildlife habitat, recreation, soils, water, oil and gas. This analysis is called the "cause-effect" or "from-to" relationship where an action causes an

impact and that impact effect is traced to other environmental components.

211. Comment: Luna County has about 31,000 head of cattle. When looking at the Fallback guidelines it looks like there could be about a 22 percent reduction in cattle grazing (maybe a lot less, but maybe more). To the county that 22 percent would simply mean about \$2½ million that wouldn't be generated within the county. The RAC alternative is not much better, at about 19½ percent, or in the neighborhood of a \$2 million yearly decrease in revenues that would be available. This is gross revenue. The County alternative drops it down to 13 percent, a large figure even at that. It is estimate that it will take from 12 to 20 years for the land to return to standard. Well if you multiply those cuts over 12 to 30 years then the dollar amount is substantial. Tax revenues are also lost from the cattle that are not there. I would prefer present management first, then the County alternative, the RAC alternative, then the Fallback alternative the least.

Response: The Draft RMPA/EIS did not determine that there would be a 22 percent reduction in livestock grazing in Luna County. Because the actual amount of reductions that would be proposed cannot be determined at this time, various scenarios were evaluated for economic impact to the State economy. It was assumed that some of the ranches not meeting the standard could not achieve the standard without a reduction in animal unit months (AUMs); therefore, each alternative had an option of either no BLM AUM reductions or a 20 percent reduction in BLM AUMs.

212. Comment: Was the Central Mountain Region the only region analyzed for the State of New Mexico? We feel the other regions in New Mexico need to be included for a sound analysis of the regions and the State. The financial assessments completed by Rita Blow of the Southwest Center for Resource Development at Western New Mexico University should be included in the final document. They will show the impacts to the ranching community of all sizes of ranches, extra small, small, medium, large, and extra large. Now, Dr Fowler's assessment and numbers came on the assumption that we were working on the adjudicated numbers given by the Taylor Grazing Act of 1934. This document, of course has in the alternatives a scenario to reduce the carrying capacity

of those ranches that do not meet the standards and guidelines by 20 percent, et cetera, et cetera. I'm not sure all that's all final. But without these adjudicated numbers being in the assessment, Dr. Fowler's work and Rita Blow's work, we feel that the financial portion of this document is inadequate and not clearly addressed. It's to the advantage of the BLM and the ranchers to make sure that the financial assessments are made. A true financial assessment, by the way, is made to this document.

Dr. Fowler's assessment, again using those numbers adjudicated by the Taylor Grazing Act, were very and are very pertinent to any decision made by the BLM. If we have the wrong information, then we have a wrong analysis. It appears that if we go forward with the present document and not include some of the new information, we 're going to have a wrong analysis and therefore a wrong document.

Response: The other regions have now been analyzed for the State of New Mexico and are included as a revised Appendix D in this Proposed RMPA/Final EIS. The numbers analyzed were based on the assumption that grazing numbers would be moving toward a specific numeric target. This assessment is based on a long-term goal.

213. Comment: Since the EIS was started there have been some rulings made by the courts, including the Brimmer decision, which may affect the decision and the alternatives of this document, in a major manner. In order to get the true impact alternative, or assessment of these impacts, we're going to have to go back if those decisions are in fact in place and need to be worked with.

Response: To date, the Courts have upheld the regulations in 43 CFR §4180 which provides BLM the direction concerning the development of standards for rangeland health and livestock grazing guidelines. Should courts mandate a change in the regulations, adjustments will be made by BLM to insure compliance with the revised regulations.

214. Comment: You have totally bankrupt the ranching community. It is pretty rigid in this thing where you cannot obtain a loan from the bank to carry over your debt from one year to the next. You cannot get a long enough period of time to do it with. By

looking at the table that you've got in here pertaining to the financial part of this thing, you have got numerous errors in it big time. But it would take one of our employees several hours to go through and pinpoint your errors and show you. Don't feel like that is the banking industry's responsibility to go back and show you your errors. You also did not list your assumptions.

Response: Security of tenure is critical for long-term financial investments for the range livestock industry. The term historic preference was associated with the long run; bankers used the preference numbers as a collateral basis. This impact is beyond the scope of the RMPA/EIS. Representative ranch budgets were used as the baseline of the analysis, a 10-year average budget was used to minimize price and drought variations. Therefore, site-specific individual firm analysis was not evaluated. Since the commentor was not specific on errors, a direct response is not possible. The term historic preference is associated with long range and been replaced with the term actual authorized use.

215. Comment: Throughout the document, many livestock impacts are ignored, therefore dishonest, or one has to conclude the people who put this document together are stupid. I don't think they are stupid, so it seems the BLM is dishonest. How else does one explain the HRM crap in the document that says trampling the earth is good for soils, and no concern is expressed for crytogramic crusts which are critical to preventing soil erosion, adding soil nitrogen, and preventing the establishment of weedy species. There is also the assumption that grazing vegetation is "good" for it. Such pejorative values. This is based upon greater measurable qualities of forage--as if that is the only thing of importance. This additional forage is usually produced at the expense of root development--and when drought occurs--these plants suffer and often die.

Response: The BLM has reviewed the analysis and did not find any needed modification because of this comment.

216. Comment: The economic analysis appears to be incomplete. Does the BLM propose to have 428 allotments meeting the criteria in 21 years?

Response: The objective is to have all lands meeting the standards. The BLM's projections are that currently there are approximately 428 allotments that may contain lands that do not meet the Resource Advisory Council (RAC) Alternative Standards due in part to current livestock grazing practices. Thus, the lands that do not meet the standard would needed to be grazed according to the guidelines. The 21-year time period recognizes that the effects may vary over time. The 21-year period was used in the document to provide a contrast between short-term and long-term impacts.

217. Comment: Why were the allotments meeting the Standard not included? If allotments are meeting the Standard why are livestock numbers going down instead of up? Has preference not been given for full carrying capacity of allotments. Was the Central Mountain Region the only region analyzed for the State of New Mexico? We feel the other regions in New Mexico need to be included for a sound analysis of the regions and the State.

Response: After considering the comment, the economic analysis has been adjusted. The initial analysis (in the Draft RMPA/EIS) of economic impacts of allotments not meeting the standard was incomplete. The allotments that currently met the standard were held constant in the analysis, instead of increasing in grazing capacity. This provided an incomplete picture of the cumulative economic impacts to the State of New Mexico. Those allotments, because they met the standard should not be penalized, but should also move toward a target of 1,968,341 animal unit months (AUMs). Therefore, the analysis was completed by moving all allotments in the State, after 7 years of monitoring, toward a target of 1,968,341 AUMs. The same stair step methodology was used, with one-third of the AUMs being authorized every 7 years.

Also, after the initial analysis (in the Draft RMPA/EIS), an error in the initial methodology was also discovered. When a ranch had a 20 percent reduction in AUMs, those animal units created a negative economic impact to the economy and in year 10, those AUMs were re-authorized for the ranch. This was initially calculated as a negative impact for 10 years and then to year 21 it was a positive impact. However,

this is an incorrect interpretation, because the re-authorization of those AUMs was only bringing the ranching unit back to the baseline animal units, equal to those in the scenario when no AUMs were reduced.

The other regions for the State of New Mexico have now been analyzed and incorporated into Chapter 4 and are included as a revised Appendix D in this Proposed RMPA/Final EIS.

218. Comment: On page 4-6, long-range, for purposes of analysis, is defined as 20 years. We feel that 20 years should be considered as mid-range and that long-range should be 100 years. We realize that the farther in the future one extrapolates, the less accurate are one's predictions. However, attempting to predict no farther than 20 years is not adequate for your analysis, for two reasons.

1) The biologic and economic response to differing management practices may take more than 20 years to develop. Our present rangeland ecosystem began developing in the 16th century with the introduction of livestock grazing, and it is still changing. Twenty years is too narrow a window for an adequate view of a 400-year process.

2) Weather has dramatic effects on rangeland health. A multi-year drought may require major changes in management practices. Table 3-2 shows droughts from 1899 to 1904 and from 1950 to 1957. Assuming that the weather of the 21st century will be like the weather of the 20th, we can expect two multi-year droughts in the next 100 years, but we cannot predict in which 20-year periods they will occur.

Range management practices in the years proceeding drought could affect how well the resource withstands drought. Inflexibility in adjusting livestock numbers downward during drought could damage the resource and the economic units that depend on it. Resilience to drought should be examined for the different alternatives. To do so requires a prediction window wide enough to include one or more droughts, or about 100 years.

Response: The commentor makes a legitimate point that drought can make significant impacts to range management programs. However, as the commentor

discusses the severity and duration of dry spells can not be predicted in advance. Thus, the long-term projection of the various alternatives resilience to a drought can not be predicted.

The 10-year average ranch budgets used as a baseline minimizes the influence of the price cycle and the drought cycle. Longer time cycles are desirable, however, the longer the prediction the higher the probability of error. The scope was 21 years for this project; it was assumed that beyond that time frame that federal policy would substantially change the economic infrastructure and impacts, requiring additional analysis.

219. Comment: The "Human Dimension" (Financial, Social, Cultural) for Otero County is incomplete and should be allowed to be finished in accordance and agreement with the Comprehensive County Land Use Plan.

Response: The data for all regions have now been completed. See Appendix D which is printed in this document.

220. Comment: Along with our county's custom and culture, we would like also to impress upon the agency and joint leads the diversity of agriculture within Lincoln County and a need for maintenance of these diverse levels instead of general standardization statewide.

Response: No response required.

221. Comment: The environmental impacts in this study are incomplete because what is to happen to the Custom and Culture has not been addressed. I think John Fowler's task force should have more time to finish their work.

Response: Dr. John Fowler did finish his work; the economic analysis is complete and is in the Draft RMPA/EIS. The financial part of the Custom and Culture section was not complete because all regions had not been analyzed. The analysis is now complete and is printed as Appendix D in this Proposed RMPA/Final EIS document.

222. Comment: The economic analysis shows revenue increases when they decrease the number of head for all three alternatives considered.

Response: Livestock numbers and revenue decrease in the short-term, however in the long-term livestock numbers and revenue increase.

223. Comment: The economic analysis of the Central Mountains and Southwest New Mexico addressed the impacts of 20% reduction. The economic analysis analyzed the BLM 20% reduction on the whole ranch. But these ranches often have private and other government lands for grazing. The analysis should have portioned out the BLM permit and only analyzed the impacts on that portion, rather than the whole ranch. This mistake leads to the wrong conclusion. It shows that the southwest ranches to be too low in impact estimates and shows the Central Mountains to be too high in their estimated impacts. The reverse is actually true because the Central Mountain region has relatively small per cent of BLM permits, while the Southwest has rather high portion of BLM permits as a part of their total ranch.

Response: Percent changes were not assumed to be uniform to all ranches around the State. Independent impacts were determined by ranch size and ranching region based on representative ranch layout, level of improvement, and season of use and forage production. Reductions on BLM ownership were not allowed to be substituted over to State and private ownerships within the ranch unit. The end result of the reduction of BLM animal unit months (AUMs) will impact the total ranch unit by 20 percent because animals not carried on the BLM can't be shifted to private land or State trust land because they are already at full capacity.

BLM forage in the Central Mountains is typically the portion of the ranch that the livestock are "turned out" on in the spring. This critical spring forage is vital to the ranch unit. Without the spring forage, livestock would have to be fed during this time or the whole ranch livestock numbers reduced. As stated, substitution of ownership was not allowed because alternative ownerships were assumed to be fully stocked.

224. Comment: The production functions and cost functions from the "Ranch Cost & Returns" reports have been changed, producing more animals with lower revenues and increased costs. The ratios were changed, rather than using Dr. Torell' averages. This results in depicting small and extra small ranches as

less profitable than they really are - as an economic unit. This is inaccurate according to the "Cost & Return" analysis.

Response: The number of animal unit months (AUMs) by size category by region has changed over time in the published budgets, therefore, the 10-year average budget does not necessarily reflect the ratios for any single year.

225. Comment: Grazing fee costs - too many AUMs on several tables, these tables show more payments in grazing fees than they actually have, especially in small and extra small ranches.

Response: The grazing fee in the 10-year average budget incorporated the higher Federal grazing fees in the late 1980's, therefore, yielding a higher fee per AUM than the current fee of \$1.35 per animal unit month (AUM) being charged today.

226. Comment: In the different regions analyzed, where they did not have cost estimates, it looks like they used the next larger ranch size class as a substitute. This results in loosing the economies of scale: Instead of using ratios to preserve economies of scale, they used just multiples. As an illustration, feed costs that are large for larger ranches, were used on smaller ranches, giving an inflated cost estimate for feed costs.

Response: The assumption used for developing a budget from other ranch budgets in that region for a missing budget actually credited the "smaller" sized ranches with the economies of scale of the larger ranch. The end result was a deflated cost estimate of feed costs for the smaller ranch.

227. Comment: The following comment is based on my review of the draft EIS with a comparative evaluation with the "Cost and Returns Ranch Budgets" Allen Torell, Ph.D., from New Mexico's land grant university. The problems with the methodology is a concern with how percent changes were calculated:

The methodology states that the percent changes were calculated as follows: "A ranch with an 80% calf crop and the percent change is - 20%, the ranch will now

have a 60% calf crop." This is incorrect, either in mathematical calculation, or statement, or both. If the percent change is actually - 20%, then the resulting calf crop should be 69%, not 60% (i.e. - 20% of 80%=16%; 80% - 16%=64%). If the result is to be 60% calf crop, then the percent change is -25%, not -20% (i.e. $60\% = 80\%(-X\% \text{ of } 80) = X\% \text{ of } 80\% = 80\%-60\%$; $X\% \text{ of } 80\%=20\%$; $X = 20\%/80\% = 25\%$). A correct way of stating the change would be: "An additional -20% reduction in calf crop would result in a 60% calf crop, " but -25% would still have to be used in the actual calculation.

Response: The figures used were based on figures the livestock industry recommended. The calf crop would drop from the current 80 percent calf crop to a 60 percent calf crop. The ranch would end up with a 60 percent calf crop which amounts to a 25 percent reduction.

228. Comment: The following comment is based on my review of the draft EIS with a comparative evaluation with the "Cost and Returns Ranch Budgets" Allen Torell, Ph.D., from New Mexico's land grant university. The problems with the methodology is a concern with how percent changes were applied:

It appears that percent changes were assumed to be uniform to all ranches around the state, regardless of the percentage of dependency on the BLM permit. For example, the small ranch in the Central Mountain region is less than 12% dependent on the BLM permit (i.e. 188 BLM's AUMs of 1596 AUMs=11.78%). Yet management changes under the RAC alternative would result in a decrease of 25.6% (AUM 24.91 %-1 6.41 %=-25.6%. In the Southwest region, the small ranch is 62.04% dependent on the BLM permit (i.e. 749 BLM AUMs of 1204 AUMs=62.04%). Yet management changes under the RAC alternative result in a smaller decrease in gross revenues per AUM of 16.5%; i.e. $(20.25 - 169) / 20.25 = 16.5\%$. It is not logical that a ranch with a small dependency on BLM grazing dependency on BLM grazing. The impacts should be weighted according to percentage of dependency. It does not appear that this has been done.

Response: Percent changes were not assumed to be uniform to all ranches around the State. Independent impacts were determined by ranch size and ranching region based on representative ranch layout, level of

improvement, and season of use and forage production. Reductions on BLM ownership were not allowed to be substituted over to State and private ownerships within the ranch unit. The end result of the reduction of BLM animal unit months (AUMs) will impact the total ranch unit by 20 percent because animals not carried on the BLM can't be shifted to private land or State trust land because they are already at full capacity.

229. Comment: The following comment is based on my review of the draft EIS with a comparative evaluation with the "Cost and Returns Ranch Budgets" Allen Torell, Ph.D., from New Mexico's land grant university. The problems with the methodology is a concern with no adjustment to labor cost.

The methodology does not include an adjustment for labor costs under any of the management changes. It is somehow accounted for under revenue changes, but no explanation is given. Additionally, where the rancher pays the full cost for capital improvements, the only adjustment is under "interest paid." There should also be a labor cost, or at least a charge in depreciation costs, to account for labor ad materials spread out over more than one year.

Response: Associated variable costs of operating and maintaining the ranch (including changes in labor requirements). On page 4-4 of the Draft RMPA/EIS, Methodology, add "including labor" in line 10. The change has been made to the Proposed RMPA/Final EIS.

230. Comment: The following comment is based on my review of the draft EIS with a comparative evaluation with the "Cost and Returns Ranch Budgets" Allen Torell, Ph.D., from New Mexico's land grant university. The problems with the 10-year and average budgets is a concern with changes in the revenue functions:

The 10-year - average budgets are supposed to be actual averages of 10 years of published budgets produced by Dr. Torell. This is not the case. The 10-year - average budgets have changed the number of AUYS for the typical ranch on all of the Southwest budgets, and one of the Central Mountain budgets, from Dr. Torell's work. Example: Dr. Torell's work

states that the small ranch in SW New Mexico has 104 AUYS (see tables for any year of publication). However, the 10-year - average budget uses only 100 AUYS. The medium and large ranches in the same area are changed from 241 to 231, and 443 to 425, respectively. This results in a lower profitability (gross revenue potential) for these ranches.

Additionally, the proportion of yearlings, calves, cull cows, and cull bulls sold is proportionately reduced. For example: The extra-small ranch in the Central Mountain region has 53 AUYS, in Torell's work this ranch sells the following:

8	Yearling Heifers
0	Yearling Steers
76	Heifer Calves
18	Steer Calves
0	Cull Bull
4	Cull Cows

Under the 10-year - average budget, the same ranch sells the following:

6	Yearling Heifers
0	Yearling Steers
7	Heifer Calves
18	Steer Calves
0	Cull Bulls
4	Cull Cows

Not only has the total number of animals sold been reduced, but the number has been shifted from higher revenue producing animals to lower revenue producing animals. This results in a lower income per AUM than under Dr. Torell's work. Additionally, some ranches have feed payments that were not part of Torell's analysis (see SW region small ranches).

Response: Percent changes were not assumed to be uniform to all ranches around the State. Independent impacts were determined by ranch size and ranching region based on representative ranch layout, level of improvement, and season of use and forage production. Reductions on BLM ownership were not allowed to be substituted over to State and private ownerships within the ranch unit. The end result of the reduction of BLM animal unit months (AUMs) will impact the total ranch unit by 20 percent because animals not carried on the

BLM cannot be shifted to private land or State trust land because they are already at full capacity.

BLM forage in the Central Mountains is typically the portion of the ranch that the livestock are "turned out" on in the spring. This critical spring forage is vital to the ranch unit. Without the spring forage, livestock would have to be fed during this time or the whole ranch livestock numbers reduced. As stated, substitution of ownership was not allowed because alternative ownerships were assumed full stocked.

The number of AUMs by size category by region has changed over time in the published budgets, therefore, the 10-year average budget does not necessarily reflect the ratios for any single year.

The grazing fee in the 10-year average budget incorporated the higher Federal grazing fees in the late 1980's, therefore, yielding a higher fee per AUM than the current fee of \$1.35 per AUM being charged today.

The assumption used for developing a budget from other ranch budgets in that region for a missing budget actually credited the "smaller" sized ranches with the economies of scale of the larger ranch. The end result was a deflated cost estimate of feed costs for the smaller ranch.

231. Comment: The following comment is based on my review of the draft EIS with a comparative evaluation with the "Cost and Returns Ranch Budgets" Allen Torell, Ph.D., from New Mexico's land grant university. The problems with the 10-year and average budgets is a concern with changes in the cost function:

Again, the 10-year - average budgets do not reflect Dr. Torell's original work. For example: The extra - small ranch in the Central Mountain Region, under Torell's work, has 53 AUYS, or 636 AUM (530 of these AUMs are a forest service permit, the remaining 96 are on private land). However, the 10-year average budget has 540 AUMs on the forest service permit, and 170 on the BLM permit for a total of 710 AUMs, which is a cost of 74 AUMs more than the ranch has. Additionally, the ratio's for feed cost/AUM are different than cost/AUM than Torell's work and less opportunity for profitability.

Response: The number of animal unit months (AUMs) by size category by region has changed over time in the published budgets, therefore, the 10-year average budget does not necessarily reflect the ratios for any single year.

The grazing fee in the 10-year average budget incorporated the higher Federal grazing fees in the late 1980's, therefore, yielding a higher fee per AUM than the current fee of \$1.35 per AUM being charged today.

The assumption used for developing a budget from other ranch budgets in that region for a missing budget actually credited the "smaller" sized ranches with the economies of scale of the larger ranch. The end result was a deflated cost estimate of feed costs for the smaller ranch.

232. Comment: The following comment is based on my review of the draft EIS with a comparative evaluation with the "Cost and Returns Ranch Budgets" Allen Torell, Ph.D., from New Mexico's land grant university. The problems with the costs after management charges with 20% reduction.

The changes in costs after management changes are done inconsistently when the 20% reduction is factored in. For example: The extra - small ranch in the Southwest region shows an increase in feed costs/AUM under both the RAC and Fallback alternatives when a 20% decrease in AUMs is factored in. How can a reduction in AUMs result in increased feed costs? Additionally, the same ranch shows a decrease below original cost in feed costs if a 20% reduction under the County Alternative is used. The small ranch, however, is different in that all three alternatives show a decrease in feed costs, but at different rates (i.e. the RAC and County Alternatives decrease to below cost). The medium ranch is similar to the small ranch, except that under the Fallback alternative feed costs/AUM go up with a decrease in AUMs.

Negative slope on total revenue function 20% reduction applied to whole ranch, not just BLM permit portion.

Extra - small ranch in SW Region has too large feed program payment.

Response: A reduction in animal unit months (AUMs) can lead to an increased feed costs by one of two mechanisms: the remaining livestock need to be fed on an allotment not meeting the standard, and there is a deferment period while necessary improvements are being put into practice. Different regions have different feed costs.

Percent changes were not assumed to be uniform to all ranches around the State. Independent impacts were determined by ranch size and ranching region based on representative ranch layout, level of improvement, and season of use and forage production. Reductions on BLM ownership were not allowed to be substituted over to State and private ownerships within the ranch unit. The end result of the reduction of BLM AUMs will impact the total ranch unit by 20 percent because animals not carried on the BLM cannot be shifted to private land or State trust land because they are already at full capacity.

BLM forage in the Central Mountains is typically the portion of the ranch that the livestock are "turned out" on in the spring. This critical spring forage is vital to the ranch unit. Without the spring forage, Livestock would have to be fed during this time or the whole ranch livestock numbers reduced. As stated, substitution of ownership was not allowed because alternative ownerships were assumed full stocked.

The number of AUMs by size category by region has changed over time in the published budgets, therefore, the 10-year average budget does not necessarily reflect the ratios for any single year.

The grazing fee in the 10-year average budget incorporated the higher federal grazing fees in the late 1980's, therefore, yielding a higher fee per AUM than the current fee of \$1.35 per AUM being charged today.

The assumption used for developing a budget from other ranch budgets in that region for a missing budget actually credited the "smaller" sized ranches with the economies of scale of the larger ranch. The

end result was a deflated cost estimate of feed costs for the smaller ranch.

233. Comment: The human dimension section has not considered the economic and social impact on the individual ranching entities as well as the county's tax base.

Response: The impact to individual ranching entities is not possible at this time because the affected ranches can only be identified after evaluating where land meets or does not meet the standards. It is also not possible to accurately predict the impacts to the County's tax base until the lands meeting the standards are evaluated.

234. Comment: My understanding of your draft is that any of the proposals would put the majority of the ranching units-completely out of business. Is this the intent of this plan? The custom and culture on these lands has been livestock grazing for well over 100 years. This was a right established long before New Mexico became a State. That right was established before the federal government set aside those lands as public land. It seems to me that if livestock grazing was going to destroy the land and wildlife species it would have done so many years ago.

Response: The BLM agrees with the commentor that livestock grazing has occurred for many years on the majority of the BLM public land. The majority of the land is in a sustainable condition. The Draft RMPA/EIS estimates that only 14 - 24 percent of the public land ranches would have land that would not meet the standards. Thus, an estimated 76 - 86 percent of the ranches would not be affected by the standards for public land health or guidelines for livestock grazing. The remaining ranches may be affected as analyzed in Chapter 4. The intent of establishing standards for public land health is not to "drive ranchers out of business" but rather, to insure (current and future) use of the public land does not compromise the productivity of the land and associated resources.

235. Comment: Since the Secretary of Interior is mandating the new Standard be implemented, we choose the County Alternative. In using the County alternative we believe fewer allotments will be adversely affected. This belief is based on the following:

Everyone is aware it will cost a substantial amount of money to bring present allotments up to the recommended standards. Those permittees already struggling to make needed improvements will be hardest hit. In most cases this tends to be the small to medium sized operations.

The assumption that the BLM will pay 100% of the improvements is flawed because the total improvement costs to bring the allotments into compliance will be much higher than the limited budget now available to the BLM.

Permittees that are required to pay for part of the needed improvements, while at the same time reducing allotment numbers will suffer enormously and the estimated number of ranchers losing their ability to sustain themselves in their ranching businesses, and those forced to convert their property to real estate will be much higher than the 22% estimated in the EIS.

In addition, the economic analysis is flawed in that it does not consider or direct resources to the unaffected allotments, skewing the results that indicate the RAC Alternative will be the best Alternative in the long term.

The economic analysis should have considered resources directed to the unaffected allotments after ten years, by which time the affected allotments, should have completed their improvements. If this economic analysis had been used in the EIS, the results would probably have shown the County Alternative to be the best in the short term, as well as the long term. If a permittee can not survive the short term, the long term is irrelevant.

Response: After considering the comment, the economic analysis has been adjusted. The initial analysis (in the Draft RMPA/EIS) of economic impacts of allotments not meeting the standard was incomplete. The allotments that currently met the standard were held constant in the analysis, instead of increasing in grazing capacity. This provided an incomplete picture of the cumulative economic impacts to the State of New Mexico. Those allotments, because they met the standard should not be penalized, but should also move towards a specific numeric target. Therefore, the analysis was completed

by moving all allotments in the State, after 7 years of monitoring, towards a specific numeric target. The same stair step methodology was used, with one-third of the AUMs being authorized every 7 years.

Also, after the initial analysis an error in the initial methodology was also discovered. When a ranch had a 20 percent reduction in animal unit months (AUMs), those animal units created a negative economic impact to the economy and in year 10 those AUMs were re-authorized for the ranch. This was initially calculated as a negative impact for 10 years and then to year 21 it was a positive impact. However, this is an incorrect interpretation, because the re-authorization of those AUMs was only bringing the ranching unit back to the baseline animal units, equal to those in the scenario when no AUMs were reduced.

236. Comment: In the analysis, you failed to bring in the human dimension that should have played a big part in the overall picture. Right now, statistically, 80% of the land in New Mexico is managed by 20% of the ranchers. In our area, the Bootheel of New Mexico, these statistics appear to hold true. Twenty percent (20%) of the ranches include one for-profit corporation (Phelps Dodge/Pacific Western), and the other one a not-for-profit corporation (the Animas Foundation). Both corporations have significant financial resources available to make needed improvements and bring their allotments into compliance with mandated standards. The other 20% of the land in our area is managed by 80% of the ranchers. Still holding true to statistics, those 80% are small to medium sized family owned and operated ranches. Typically, these family managed operations have rather limited resources available to bring their allotments into compliance with the new standards and guidelines. If they did have the money, they would already be making the much needed rangeland improvements. As it is, most permittees are doing all that they can economically afford at the present time. We would like to state that it is these 80% (family owned and operated ranches) that will be most likely to be adversely affected by the new standards and guidelines. Eventually, this will lead to a greater percentage of the land being managed by large corporations as private land are converted to real estate. An analysis of this type should have been discussed in the EIS to see if this comparison holds

true, and to see if it is likely to occur on a statewide basis.

Response: The EIS is of a pragmatic nature and not site-specific. The assumption used in this analysis (page 4-4 of the Draft RMPA/EIS) stated that "these ranches including the permit/lease was assumed as permanent losses and no longer maintained in production". If corporations obtained the vacant permits, then adverse impacts due to the loss of animal unit months (AUMs) would be mitigated to the State and counties. The livestock tax base would only be reduced by the loss of the deeded portion. The County's tax base would potentially increase as the deeded portion of the ranches are converted to alternative higher value uses.

237. Comment: I urge the BLM to compare the analysis with the California guidelines. Though not perfect, this CA guidelines look at a spectrum of analysis of the impacts and benefits from grazing.

Response: No response required.

238. Comment: The analysis was skewed and does not look at the spectrum of information that is available.

Response: The comment is not specific, thus it is not possible to respond.

239. Comment: We recommend the BLM select the County alternative. Our reasoning is as follows:

The BLM estimates the County Alternative will effect fewer allotments than either the RAC or the Fallback Alternative. This is significant because BLM funding may not be available to assist in improving range conditions on affected allotments. The rancher may have to pay for the needed improvements while at the same time being forced to reduce allotment numbers. To improve range conditions in our county large scale brush control will be required. If an analysis had been completed requiring ranchers to pay for the brush control cutting cattle numbers, the estimated of ranchers converting to real estate would probably be much higher than this EIS estimates (22%).

Response: The 22 percent converting to real estate was in response to higher grazing fees and additional restrictive regulations; it is the only published reference at this time. Deviation from this level would be speculation.

240. Comment: The analysis is flawed. The reason the long term analysis for the RAC Alternative is better than the County Alternative is because more allotments are effected in the RAC Alternative. The analysis then brings the affected allotments up to preference number by targeting resources of these allotments, while the unaffected allotments retain their current numbers. It should be the goal of all of us to bring every allotment up to preference. For instance, after ten years most of the resources directed at the affected allotments would be complete. The next ten years the unaffected allotments should receive the resources. An analysis of this scenario would likely show the County Alternative would be the best Alternative both in the short term and the long term.

Response: After considering the comment, the economic analysis has been adjusted. The initial analysis (in the Draft RMPA/EIS) of economic impacts of allotments not meeting the standard was incomplete. The allotments that currently met the standard were held constant in the analysis, instead of increasing in grazing capacity. This provided an incomplete picture of the cumulative economic impacts to the State of New Mexico. Those allotments, because they met the standard should not be penalized, but should also move towards a specific numeric target. Therefore, the analysis was completed by moving all allotments in the State, after 7 years of monitoring, toward a specific numeric target. The same stair step methodology was used, with one-third of the animal unit months (AUMs) being authorized every 7 years.

Also, after the initial analysis an error in the initial methodology was also discovered. When a ranch had a 20 percent reduction in AUMs, those animal units created a negative economic impact to the economy and in year 10 those AUMs were re-authorized for the ranch. This was initially calculated as a negative impact for 10 years and then to year 21 it was a positive impact. However, this is an incorrect interpretation, because the re-authorization of those AUMs was only bringing the ranching unit back to the baseline animal units, equal to those in the scenario when no AUMs were reduced.

241. Comment: The EIS includes inaccurate economic impacts that used Adjudicated Preference 20 years for long range projections without adequately displaying negative impacts in the short run (over the next 7 years).

Response: The tables which show the economic impacts have been updated to include the 7 and 10 year numbers, for each of the alternatives.

242. Comment: The EIS fails to include state and county human dimension impacts.

Response: The human dimension impacts are included on a state-wide basis for the various alternatives in Chapter 4, but data are not available for a County-by-County assessment.

243. Comment: The BLM DEIS fails to address the (1) Affected Environment (2) Environmental Consequences (3) RAC Alternative (4) Fallback Alternative and (5) County Alternative of a Southwest Region small cow/calf ranch. The rangeland that I have differs a great deal from rangeland in other areas of the state and even areas of this county. The Financial Impact Analysis in the DEIS is an important measurement, specific to financial effects on the individual ranch operations. The analysis shows that some ranchers would no longer be able to stay in business under the RAC and Fallback Alternatives.

Response: The other regions have now been analyzed for the State of New Mexico and are included as a revised Appendix D in this Proposed RMPA/Final EIS. The numbers analyzed were based on the assumption that grazing numbers would be moving toward a specific numeric target. This assessment is based on a long-term goal.

244. Comment: BLM has different interpretation of the law than the state and counties concerning NEPA, Executive Orders, Rules and Regulations. These differences were never mitigated or resolved.

Response: Yes, there were differences. The CEQ regulations directs that the responsibility for quality of the EIS resides with the Federal agency, therefore the document was published with legal theories and interpretations of the Department of the Interior.

Where the State and County analysis was based on legal theories that were inconsistent with Department of the Interior interpretations of Federal laws, regulations and Executive Orders, the Department of the Interior interpretations were used. In the interest of full disclosure and cooperation, the BLM offered to print any differing views that the State Team and the Cooperating Counties had in an Appendix to the Draft RMPA/EIS (Appendix F), however none were provided to BLM.

245. Comment: The BLM unilaterally broke a cooperative agreement to include all the data worked up during the EIS development meeting process, refused to include the human dimension part of NEPA, and wrote the DEIS over protests of the state team and the cooperating counties.

Response: The Draft RMPA/EIS includes Human Dimension sections comprised of financial, social, and cultural impact analyses. The existing situation for Human Dimension begins on page 3-52 of the Draft RMPA/EIS. The analysis of impacts to the Human Dimension begins on 4-6 of the Draft RMPA/EIS (methodology), 4-17 of the Draft RMPA/EIS (existing situation), 4-30 of the Draft RMPA/EIS (Resource Advisory Council (RAC) Alternative), 4-42 of the Draft RMPA/EIS (County Alternative), and 4-53 of the Draft RMPA/EIS (Fallback Alternative).

The foundation for the Human Dimension analyses was provided by the State Team, however adjustments were necessary where their analysis was based on legal theories that were inconsistent with Federal laws, regulations and Executive Orders. In the interest of full disclosure and cooperation, the BLM offered to print any differing views that the State Team and the Cooperating Counties had in an Appendix to the Draft RMPA/EIS (Appendix F), however none were provided to BLM prior to printing the Draft RMPA/EIS.

In preparing the Proposed RMPA/Final EIS, BLM once again discussed the requirements of laws and Executive Orders related to human dimension issues with the State Team. Not all individuals agreed on the requirements nor the relationship between Federal laws and Executive Orders and County ordinances.

The Proposed RMPA/Final EIS reflects the widest consensus of the requirements and relationships.

246 Comment: The Bureau needs to consider all of the custom and culture including residents who own no livestock and enjoy public land for their esthetic qualities.

Response: The Custom and Culture Section for each alternative has been modified to address the commenter's concern regarding enjoyment of public land for qualities other than livestock.

247. Comment: Based on our interpretation of the National Environmental Policy Act (NEPA) regulations, the most problematic procedural concern with the DEIS is that it does not adequately present the anticipated impacts and the alternatives in comparative form, which would allow the reader to distinguish between alternatives. Chapter 4 discusses the anticipated effects of implementation of each of the four alternatives on natural resource criteria. The Upland Vegetation, Water and Special Status Species sections for each alternative consist of repetitious verbatim text. These repetitious statements do not clearly differentiate the potential impacts of each alternative on these resources to provide a clear basis of choice. Similarly, the Big Game, Upland Game/Nongame and Waterfowl/Fisheries subsections for each Major Land Resource Area (MLRA) often contain verbatim language that also does not distinguish qualitative differences between alternative implementation on these resources. Clearly defined comparative analysis of each alternative would allow for well defined analysis of alternative implementation on wildlife resources in the various MLRA's and special status species. We recommend that these sections of the document be rewritten to more clearly define the differences between anticipated potential effects of each alternative. Providing comparative information in a table format for all resource criteria evaluated would be especially helpful in distinguishing differences between the alternatives.

Response: The regulations for the development of State Director standards and guidelines came with criteria that must be met. Thus, there is only minimal

opportunity to develop alternatives which result in a great difference in impacts to the physical and biological environments.

248. Comment: The DEIS does not explain how intensified grazing regimes will be used to achieve and maintain standards. The DEIS contains repetitious statements in the Grazing Administration sections for each alternative that do not clearly define differences between anticipated future management practices for increased livestock numbers and previous practices, and between alternative implementation. Since grazing has been a contributing factor to not meeting the existing standards on some allotments, a discussion should be provided describing how future management practices that increase livestock numbers will: 1) differ from previous management practices that were insufficient to maintain upland and riparian health; 2) achieve the adopted standards and the goals of increasing biological diversity, vegetative productivity and proper functioning conditions of upland and riparian areas; 3) avoid contributing to or returning to the conditions that require the implementation of new standards and guidelines; 4) maintain the new standards for rangeland and riparian health once they have been achieved; and 5) differ between alternatives.

Response: This document is a Statewide RMP Amendment that analyzes the effects of adopting a set of standards for rangeland health and guidelines for livestock grazing (S&Gs). The alternative selected will amend each RMP in the State and supplement the decisions of that plan. The regulations for the development of State Director standards and guidelines came with criteria that must be met. Thus, there is only minimal opportunity to develop alternatives which result in a great difference in impacts to the physical and biological environments.

Once the S&Gs are approved and site-specific targets are determined, the next step is to determine through inventory, monitoring, or qualitative assessment or in combination, areas that are not meeting the standard. As it is determined which areas do not meet the standards, a determination will be made if current uses are keeping the standards from being achieved. Where current livestock grazing practices are determined to be a reason the standards are not being achieved, the guidelines will be applied. How the guidelines will be

implemented will be developed by the local Field Office personnel in careful and considered consultation, cooperation, and coordination with affected permittees/lessees, landowners involved, the Resource Advisory Council, State of New Mexico agencies having lands or responsible for managing resources within the allotment, counties and the interested public. Standard rangeland monitoring techniques will be used to insure progress is being made.

249. Comment: The DEIS does not recognize the importance of vegetative communities as forage for wildlife. No discussion of formulas for determining AUM allocations for wildlife was included in the DEIS. Please provide a discussion in the wildlife sections of each alternative explaining how AUM's for wildlife will be determined, and how these formulas would differ for each alternative .

Response: It is true the Draft RMPA/EIS did not identify formulas for allocation of wildlife forage. Rather, the document discusses setting the standard for land condition. Management and all uses and users of the public land will be expected to be in concert with the standard including wildlife that are the responsibility of the State of New Mexico. Since site-specific standards have not been established and the lands have not been inventoried to determine consistency with the standards, it would not be prudent to establish how issues will be resolved to insure compliance with the standards.

The alternatives provide guidelines for livestock grazing. Consequently, the RMPA/EIS covers livestock grazing to a greater depth than other activities. The RMPA/EIS displays impacts from the actions to many elements of man's environment including wildlife habitat, recreation, soils, water, oil and gas. This analysis is called the "cause-effect" or "from-to" relationship where an action causes an impact and that impact effect is traced to other environmental components

250. Comment: The entire analysis is flawed because there is no consistency in analysis of each area.

Response: The BLM interprets the comment to be critical of the Draft RMPA/EIS because the Financial Analysis did not include an analysis of regions

beyond the Central Mountain Region. The analyses of the other regions are included in the Proposed RMPA/Final EIS.

251. Comment: The BLM has dropped preference. The Economic analysis was based on the assumption that preference was the desired goal so the economic analysis is invalid.

Response: It is expected that ecological conditions will improve over time and that grazing capacity will improve over time. Moving toward a specific numeric target was an assumption used for all alternatives. Year 21 was the final year of analysis; it was assumed that the allotment should have achieved an ecological condition surpassing the standard and the allotment would be operated at full capacity. The important criterion for the analysis is not whether AUMs are attached to the base property, but rather the number of AUMs or level of stocking on the allotment.

252. Comment: The BLM information problems include database inaccuracies, methodologies, delays and a general lack of clarity, understanding and readability of the DEIS. In addition, meetings between the State ID Team and BLM illustrate chronic problems with BLM delays as well as inconsistencies and inaccuracies with the BLM's information, analysis and persistent misinterpretations. This is reinforced by the Customs and Cultures of the County in an appendix instead of the main body of the DEIS.

Response: The CEQ regulations direct that the responsibility for quality of the EIS resides with the Federal agency, therefore the document published has to be consistent with legal theories and interpretations of the Department of the Interior. The BLM agreed to place the County Custom and Culture write-ups in the Appendix so BLM would not have to edit them and insure accuracy of the information. The County Custom and Culture write-ups can be found in Appendix E.

253. Comment: The BLM failed to identify and fulfill their statutory and regulatory requirements by not including adequate and detailed socioeconomic, cultural or distributional effects analyses. More particularly, the BLM did not analyze the effects on equity (e.g., distributional effects) or federal rights

regulations, including requirements to conduct Takings Implication Assessment Presidential Executive Order 12630) or impacts on civil rights (18 U.S.C. 241 & 245(a)(1), 1964 Civil Rights Act Title VII). The BLM persisted in ignoring their responsibilities under Presidential Order 12898, Environmental Justice and Environmental Justice NEPA Guide (designed specifically for addressing the effects on protected classes of citizens). In addition, the BLM disregarded requirements to assess regulatory impacts (Presidential Order 12291); the Regulatory Flexibility Analysis (5 U.S.C. 603 & 604); and, the requirements under the Presidential Executive Order 13045 Protection of Children from Environmental Health Risks and Safety Risks.

Furthermore, the BLM was presented with documentation from their own manuals and guidelines for conducting socioeconomic analyses, for considering Human Dimension, and distributional effects, civil rights and Environmental Justice, mitigation guidelines BLM Guide to Social Assessment, Reference Guide to Socioeconomic Mitigation and Human Dimension Internal Policy. Yet BLM disregarded these cites by leaving out important components in the Effects/Impact Analyses.

Response: In the Draft RMPA/EIS where the State Team analysis was based on legal theories that were inconsistent with Department of the Interior interpretations of Federal laws, regulations and Executive Orders, the Department of the Interior interpretations were used. In the interest of full disclosure and cooperation, the BLM offered to print any differing views that the State Team and the Cooperating Counties had in an Appendix to the Draft RMPA/EIS (Appendix F), however none were provided to BLM prior to printing the Draft RMPA/EIS.

The RMPA/EIS contains an analysis on Executive Order 12291, Civil Rights and supporting laws and issues concerning Civil Rights, Executive Order 12630, Executive Order 12898 in the section called Common to all Alternatives. In preparing the Proposed RMPA/Final EIS, BLM reviewed 18 USC 241 and 245, 5 USC 603 and 604, plus Executive Order 13045 and found no conflicts with the proposed program and the direction found in these documents.

In preparing the Proposed RMPA/Final EIS, BLM once again discussed the requirements of laws and Executive Orders related to human dimension issues with the State Team. Not all individuals agreed on the requirements nor the relationship between Federal laws and Executive Orders and County ordinances. The Proposed RMPA/Final EIS reflects the widest consensus of the requirements and relationships.

254. Comment: BLM refused to include the State Team's social, cultural and equity (distributional effects) analyses, otherwise referred to as the Human Dimension. Analysis per State/County/BLM agreement. While the BLM seemingly recognized the differences in analyses and documentation, the BLM disregarded CEQ requirements for both resolving differences and for dealing with differences by removing the State Team's Human Dimension impact analyses and documentation. Again, CEQ states:

If the lead agency leaves out a significant issue or ignores the advise and expertise of the cooperating agency, the EIS may be found later to be inadequate. Similarly, where the cooperating agencies have their own decisions to make and they intend to adopt the environmental impact statement and bare their decisions on it, one document should include all of the information necessary for the decisions by the cooperating agencies. Otherwise they may be forced to duplicate the EIS process by issuing a new, more complete EIS or Supplemental EIS, even though the original EIS could have sufficed if it had been properly done at the outset. Thus both lead and cooperating agencies have a stake in producing a document of good quality. ... (CEQ FMAQ #14b).

Cooperating Counties plan to base their (County) decision on the one document, that is, the BLM DEIS. Given the problems with the DEIS, Cooperating Counties have been forced to duplicate the DEIS and redo the entire process, analysis and documentation.

CEQ recognizes differences and provides instructions for dealing with this. More importantly it is clear that CEQ still requires that "complete" state and county analyses be included in the document:

Because of the differences in perspectives as well as conflicts among federal, state and local goals., the Council has advised participating agencies to adopt a flexible, cooperative approach. The joint EIS should reflect all of their interests and missions, clearly identified as such. The final document would then indicate how state and local interests have been accommodated or would identify conflicts in goals... the EIS must contain a complete discussion of the scope and purpose of the proposal, alternatives, and impacts so that the discussion is adequate to meet the needs of local, state and federal decisionmakers. FMAQ#22)

It was clear in the agreement with the BLM that the State Team in consultation with Cooperating Counties, would analyze and document the economic, social, cultural and equity analyses for both chapters three and four of the DEIS. It is also clear that BLM action denied the State and the Counties the right to full disclosure of the impacts deemed by the State and Counties in one document. The BLM chose to disregard their own legal requirements, and in this process disregard State and County laws to protect the health, safety and welfare of their citizens.

Response: The CEQ regulations direct that the responsibility for quality of the EIS resides with the Federal agency, therefore the document published has to be consistent with legal theories and interpretations of the Department of the Interior.

Where the State Team analysis was based on legal theories that were inconsistent with Department of the Interior interpretations of Federal laws, regulations and Executive Orders, the Department of the Interior interpretations were used. In the interest of full disclosure and cooperation, the BLM offered to print any differing views that the State team and the Cooperating Counties had in an Appendix to the Draft RMPA/EIS (Appendix F), however none were provided to BLM prior to printing the Draft RMPA/EIS.

In preparing the Proposed RMPA/Final EIS, BLM once again discussed the requirements of laws and Executive Orders related to human dimension issues with the State Team. Not all individuals agreed on the requirements nor the relationship between Federal laws and Executive Orders and County ordinances, the Proposed RMPA/Final EIS reflects the widest consensus of the requirements and relationships.

255. Comment: P. 4-1. Under Analysis Approach, that is a pretty damning statement to admit to: "The BLM has a variety of resource data, but has not inventoried the public land to determine if the proposed standards are being met or not". If Field Offices gave estimates/data, etc., then why not provide maps, tables. How were these estimates made. Show an example of how 1 FO went through this estimation process.

Response: It would be expensive and time consuming to inventory the public land prior to determining what the standards will be. Therefore, BLM asked the Field Offices to provide estimates. Recognizing that this is a Statewide EIS, the BLM believes it would not be prudent to provide maps of projected areas meeting or not meeting the standards.

256. Comment: P. 4-2: Where did the 20% reduction in BLM AUMs come from?

Response: The 20 percent reduction in animal unit months (AUMs) was assumed as one reasonable scenario for economic analysis. The analysis also looked at no reduction in AUMs. The actual amount of reduction is believed to be somewhere between the two.

257. Comment: P. 4-3: There is no message in fig. 4-1., very poorly designed.

Response: No response required.

258. Comment: Economic Impact Assessment 4-1 By focusing solely on those allotments that did not meet the standards the analysis and comparison of the alternatives is flawed. It is anticipated that the County alternative would produce positive improvements in rangeland health, increase livestock stocking levels to preference and improve wildlife habitat on all grazing permitted lands. For proper disclosure and analysis the EIS should show how each alternative would effect all grazing permits not just those not meeting the standard.

Response: After considering the comment, the economic analysis has been adjusted. The initial analysis (in the Draft RMPA/EIS) of economic impacts of allotments not meeting the standard was incomplete. The allotments that currently met the standard were held constant in the analysis, instead of increasing in grazing capacity. This provided an incomplete picture

of the cumulative economic impacts to the State of New Mexico. Those allotments, because they met the standard should not be penalized, but should also move towards a specific numeric target. Therefore, the analysis was completed by moving all allotments in the State, after 7 years of monitoring, toward a specific numeric target. The same stair step methodology was used, with one-third of the animal unit months (AUMs) being authorized every 7 years.

Also, after the initial analysis (in the Draft RMPA/EIS) an error in the initial methodology was also discovered. When a ranch had a 20 percent reduction in AUMs, those animal units created a negative economic impact to the economy and in year 10 those AUMs were re-authorized for the ranch. This was initially calculated as a negative impact for 10 years and then to year 21 it was a positive impact. However, this is an incorrect interpretation, because the re-authorization of those AUMs was only bringing the ranching unit back to the baseline animal units, equal to those in the scenario when no AUMs were reduced.

The other regions for the State of New Mexico have now been analyzed and incorporated into Chapter 4 and are included as a revised Appendix D in this Proposed Plan/Final EIS.

259. Comment: Page 4-6 The fatal flaw of the Draft EIS is contained in item 8. The BLM should have fully recognized after the 10th Circuit Court's ruling on the Brimmer Decision that preference numbers were not the objective of the BLM. Only the County alternative targets the preference numbers within its standards and guidelines. The Coalition strongly suggests that the BLM completely revise the analysis of impacts for the Final EIS. An alternative to incorporation of the changes in the Final EIS would be to prepare a supplemental EIS with the changes.

Response: It is expected that ecological conditions will improve over time and it is also expected that grazing capacity will improve over time. Moving toward a specific numeric target was an assumption used for all alternatives. Year 21 was the final year of analysis; it was assumed that the allotment should have achieved an ecological condition surpassing the standard and the allotment would be operated at full capacity. The important criterion for the analysis is not whether AUMs are attached to the base property,

but rather the number of AUMs or level of stocking on the allotment. The results of the 10 Circuit Court decision does not affect this analysis.

260. Comment: We have been disappointed at the repeated rejection of suggested incorporation of analysis by the state and counties. We also feel that certain issues (from memo of August 11, 1997) were not addressed. The following is from that memo:

As I communicated to you by phone and recorded message, I have located more than twelve citations in the Final EIS for Rangeland Reform 94 (RR'94) that call for local level NEPA documents for implementing the Standards and Guidelines, Significant new information that has occurred since the drafting of the Rangeland Reform 94 EIS:

1. The scientific basis for ecosystem management has changed significantly since 1993. The best available science at this point indicates that disturbance and constant change are the major driving forces in the biological composition of ecosystems, This leads the science of today to state there is no such things as "balanced ecosystem," "balance of nature," "ecosystem or rangeland health" or "properly functioning systems." These terms are now described as purely subjective.

2. It has become apparent that the limited physical, biological, social, cultural and economic predicted outcomes described in the RR'94 have no accuracy what-so-ever.

3. It has also come to light that the U.N. Agenda 21 has been adopted by this administration for implementation in land management decisions.

Due to the above citations, circumstances and new information, the Fallback Standards and Guidelines or any other selected alternative will have to go through an entirely new EIS. Since Agenda 21 is a central policy for the Department of Interior through the Bureau of Land Management in directing management it must be included in the analysis for disclosure to the public, Congress and the decision maker.

Response: When site-specific implementing actions are proposed, local level National Environment Policy Act (NEPA) documents will be prepared, as needed. The BLM has four possible levels of NEPA documentation (categorical exclusion (CX), administrative determination (AD), environmental assessment (EA), or an environmental impact statement (EIS)). The EA and CX are the most often used in New Mexico.

In New Mexico, local standards and guidelines are not yet in place. The BLM may replace the fallback standards and guidelines with ones developed locally in the near future through the New Mexico Statewide Plan Amendment/EIS process. Based on our current knowledge, BLM has determined that the U.N. Agenda 21 has no effect on this EIS.

261. Comment: The failure to analyze the effects of the Human Dimension in all regions of the State and the demographic and geographic differences illustrates a lack of sensitivity for the ethnic, cultural and different ecosystems. To effectively analyze and document statewide effects, it is imperative to evaluate the impacts to the Native Americans and Spanish culture in all regions, not just the central.

Response: The other regions for the State of New Mexico have now been analyzed and incorporated into Chapters 3 and 4 and are included as a revised Appendix D in this Proposed RMPA/Final EIS.

262. Comment: In my opinion the economic impact to larger grazing permittees due to the loss of AUM's, and increased costs associated with extensive fencing, changes in management practices, etc. will be much more severe than is indicated by any of the alternatives.

Response: It was assumed that the larger permittee had greater flexibility due to a higher number of pastures and more intensified level of range improvement development, thus allowing them to minimize adverse impacts.

263. Comment: The service commends the BLM for its efforts to consider actions to improve upland and riparian conditions. However, the DEIS does not adequately analyze or compare the alternatives.

Section 1502.14(a-f) of the National Environmental Policy Act states that and Environmental Impact Statement should present the environmental impacts of the proposal and alternatives in comparative form thus sharply defining the issues and providing a clear basis for choice among options. There are not qualitative or quantitative differences that can be distinguished across the range of alternatives for this proposed project. The Service recommends that Chapter 4 of the DEIS be edited and revised to clarify and describe the differences between alternatives and their impacts.

The DEIS does not explain how the BLM will use grazing management to achieve the standards that are proposed in the various alternatives. There are no apparent differences in management across the action alternatives.

Response: The regulations for the development of State Director standards and guidelines came with criteria that must be met. Thus, there is only minimal opportunity to develop alternatives which result in a great difference in impacts to the physical and biological environments.

Livestock grazing will be managed under the guidelines to be in concert with natural ecosystem processes. The specific details of how the guidelines will be implemented will be developed by the local Field Office personnel in careful and considered consultation, cooperation, and coordination with affected permittees/lessees, landowners involved, the Resource Advisory Council, State of New Mexico agencies having lands or responsible for managing resources within the allotment, counties and the interested public.

No Action Alternative

264. Comment: The DEIS did not adequately analyze the effects of the No Action alternative in their report. The DEIS only lists the present condition. It is essential to analyze the No Action alternative to provide a baseline for comparative evaluation - to show the effects of relative changes for each alternative from the baseline (even if the baseline will not be implemented).

Response: The No Action Alternative was analyzed on pages 4-9 through 4-17 of the Draft RMPA/EIS. The No

Action Alternative does provide a baseline for comparison of the other alternatives. The analysis on the No Action Alternative looked at both the short- and long-term impacts, as did the other alternatives. The last three sections on page 4-17 of the Draft RMPA/EIS referred the reader back to the current conditions in Chapter 3, which is also valid, as Chapter 3 provides a description of the existing environment. In completing the Proposed RMPA/Final EIS, BLM has included the financial analyses by region.

The intent of the National Environmental Policy Act (NEPA) is that prior to a decision being made, the decision maker reviews an analysis of the impacts of a proposed action on man's environment to a reasonable range of alternatives. Each analysis must have a baseline for comparison. For this RMPA/EIS, the No Action Alternative is the baseline from which the other alternatives are measured.

Cumulative impacts were analyzed in the Draft RMPA/EIS document on pages 4-68 and 4-69 of the Draft RMPA/EIS. The cumulative impacts are the same for each of the alternatives including No Action.

265. Comment: In the Draft, one of the most glaring discrepancy is found on 4-12 under "Waterfowl" "...conversion of grain crops to cotton...". Have I missed the cotton crop in the San Juan River Valley? Yes, perhaps this is a simple mistake, but how many other mistakes are there in this document that could lead to the demise of people's livelihoods?

Response: The agricultural fields portion of this sentence has been deleted.

266. Comment: It is imperative to more thoroughly analyze the No Action Alternative to establish a control or baseline for comparative evaluation of selective changes for each alternative.

Response: The No Action Alternative was analyzed on pages 4-9 through 4-17 of the Draft RMPA/EIS. The No Action Alternative does provide a baseline for comparison of the other alternatives. The analysis on the No Action Alternative looked at both the short- and long-term impacts, as did the other alternatives. The last three sections on page 4-17 of the Draft

RMPA/EIS referred the reader back to the current conditions in Chapter 3, which is also valid, as Chapter 3 provides a description of the existing environment. In completing the Proposed RMPA/Final EIS, BLM has included the financial analyses by region.

The intent of the National Environmental Policy Act (NEPA) is that prior to a decision being made, the decision maker reviews an analysis of the impacts of a proposed action on man's environment to a reasonable range of alternatives. Each analysis must have a baseline for comparison. For this RMPA/EIS, the No Action Alternative is the baseline from which the other alternatives are measured.

Cumulative impacts were analyzed in the Draft RMPA/EIS document on pages 4-68 and 4-69. The cumulative impacts are the same for each of the alternatives including No Action.

Resource Advisory Council (RAC) Alternative

267. Comment: I am concerned that if the preferred alternative (RAC) is selected, that the BLM won't have the money to implement that standard to it fullest as it is identified. If the money is not there, it would be the industry (cattlemen) that would suffer from the alternative because cattle would have to be removed from the range. My interaction with the Taos Field Office shows their funding is limited or relatively poor, so if there are uplands or riparian areas that are in bad shape, where is the money going to come from to implement practices or activities that will remedy those situations?

Response: The BLM will be using Range Betterment Funds, Sikes Act Funds, and Cost Share Funds as well as other appropriated funds to assist in achieving the standards. However, it must be kept in mind that 43 CFR §4180.2 (c) states:

The authorized officer shall take appropriate action as soon as practicable but not later than the start of the next grazing year upon determining that existing grazing management practices for level of grazing use on public land are significant factors in failing to achieve the standards and conform to the

guidelines that are made effective under this section.

In some cases, the users of the public land, including ranchers, may choose to provide additional funding for range improvements that will facilitate management actions.

268. Comment: On page 4-24 where it talks about wilderness a partial quote states "Where sites not meeting the standard are included in WAs or WSAs, they would be expected to be a high priority for improved management." I disagree with this statement because it encourages permittees not to meet the standards. That way they get preference in improvements and practices that they might like to have done. So in order to get these practices done, maybe they should overgraze a little bit and maybe that will get little attention. That is what it says to me. Further down it refers to the standards and guidelines. I'm not aware of where the standards and guidelines for wilderness have been written yet, and I'd like to know where they are written and where I can find them and what document I should look in for them.

Response: The law and regulations governing Wilderness and Wilderness Study Areas place emphasis on preservation of wilderness values, physical characteristics, and natural processes. Therefore, where it is determined that these areas do not meet the standards, it will be important to return them to meeting the standard as rapidly as possible to prevent the compromise of the naturalness of the area and wilderness values.

The BLM Handbook 8560-1 provides guidance for the management of designated Wilderness areas. The BLM Handbook H-8550-1 Interim Management Policy and Guidelines for Lands Under Wilderness Review, 1995, provides guidance for the management of Wilderness Study Areas. These documents are available at BLM Offices.

269. Comment: More emphasis should be placed on managing BLM lands for native wildlife and their habitat. I want to see people's communities thrive economically, however, if a land use is causing

destruction to the public domain, it should be ended and other economic opportunities pursued. Rural communities need to be able to adjust to change, as we all have to from time to time. Most of the people in urban communities are also hard working and self-sufficient and many neighborhoods have community cohesion. These are not necessarily only traits of ranching communities and should not be a consideration when determining a grazing management plan for public land (pg 4-31).

Response: No response required.

270. Comment: On page 4-19 it is suggested that the following words be inserted in the Upland Vegetation section of the RAC ALTERNATIVE (PROPOSED ACTION) (words to be inserted are all caps).

Upland Vegetation

Under the RAC Alternative NO TREATMENTS IN VIOLATION OF THE WILDERNESS ACT SHOULD BE ALLOWED IN BLM WSAs hereafter the Proposed Action, the focus of management and the application of grazing guidelines would occur on public land not meeting the standard due to grazing. Management changes would include more water, fencing, land treatments, and possible deferment on areas not meeting the standard. In the short term, little improvement would be expected. However, in the long term, measurable improvement in vegetative cover and composition would be expected due to grazing management practices. Additionally, NATIVE vegetation would be enhanced through the use of mechanical and chemical manipulations in both the short and long term. These improvements would occur mostly within the desert and woodland biomes in MLRAs 36, 42, and 70.

Response: All land treatments in a Wilderness Study Area (WSA) would be in concert with the Interim Management Policy for Lands Under Wilderness Review. The BLM Handbook H-8550-1 Interim Management Policy and Guidelines for Lands Under Wilderness Review, 1995, provides guidance for the management of WSAs. This document is available at BLM Offices.

271. Comment: On page 4-19 it is suggested that the following words be inserted in the Grazing Administration section of the RAC ALTERNATIVE (PROPOSED ACTION) (words to be inserted are all caps, while words to be removed are also in caps but inside ()).

GRAZING ADMINISTRATION

Under the Proposed Action, livestock use levels are expected to remain approximately at the seven-year average over the short term, similar to the No Action Alternative. Adjustments in livestock numbers are expected to be upward on some allotments and downward on others. Adjustments are not expected to be large, either upward or downward because in general, current permits and leases are consistent with grazing capacities established through BLMs rangeland monitoring program. However, fluctuation in use levels can be expected due to a variety of factors such as weather conditions and the price of livestock. As forage conditions and lands improve in health and begin to properly function, (INCREASES IN LIVESTOCK USE CAN BE EXPECTED) LIVESTOCK DENSITY WILL BE EVALUATED TO DETERMINE CARRYING CAPACITY OF LAND. The long-term AUM projection....

Response: The sentence the commentor suggested be changed has been modified to read as follows:

As forage conditions and lands improve in health and begin to properly function, the grazing capacity can be expected to increase. Increases in forage allocated for livestock use may be authorized when it is reflected in monitoring data over time and consistent with the objectives of the land use plans.

272. Comment: On page 4-20 it is suggested that the following words be inserted in the WILDLIFE section of the RAC ALTERNATIVE (PROPOSED ACTION) (words to be inserted are all caps, while words to be removed are also in caps but inside ()). Also have a problem which the third sentence of the wildlife write-up which states: "The construction of livestock management facilities outside of the riparian/wetland

area would protect and improve riparian and wildlife habitats.” No construction of livestock management facilities should be done in WSA’s. Instead you should be practicing deferment.

WILDLIFE

Implementing the proposed standards and guidelines under the Proposed Action would benefit wildlife in the short and long term in both upland and riparian areas. The improvement of riparian habitats currently functioning at risk with a downward trend would benefit wildlife, since these areas are the most diverse and productive areas. The construction of livestock management facilities outside of the riparian/wetland area would protect and improve riparian and wildlife habitats. Over the long term, standards and guidelines would help ensure that site-specific, as well as landscape-level habitat needs are considered when developing AMPs. The proposed standards and guidelines would allow for a (SLIGHT INCREASE) RE-EVALUATION in actual AUMs over the long term, but would consider and protect critical wildlife resources. Livestock would be used as a management tool IN MLRA’s WHERE PAST LAND USES HAVE NOT ALTERED THE NATURAL BIOME to help restore and maintain sustainable habitats, increase biological diversity and vegetative productivity, and promote proper functioning uplands and riparian areas.

The field offices have identified oil and gas leasing development and rehabilitation, Rights-of-ways and off-highway vehicle and other uses as other causes for not meeting the biotic standards. These activities and associated decisions would not be resolved under the proposed grazing guidelines, but RMP decisions would be commensurate with public health standards, thereby ensuring wildlife management issues and concerns would be recognized and evaluated to maintain and protect wildlife habitat.

Response: The suggested changes outlined for page 4-20 of the Draft RMPA/EIS were considered, however, they reflect guidelines for livestock grazing not in the Resource Advisory Council (RAC) Alternative. Therefore, it would be inappropriate to insert them.

273. Comment: On page 4-25 it is suggested that you discuss increasing protection to archaeological sites.

Response: The BLM has an ongoing program of site monitoring and surveillance. Project specific surveys are performed to ensure that sites are not damaged by BLM funded or permitted activities. For example, as Environmental Assessments (EAs) are prepared for individual grazing permits/leases archaeological data are reviewed to insure damage to known sites is limited.

274. Comment: On page 4-25 in the 1st sentence of the last paragraph it states: “If the standards and guidelines go into effect, it is anticipated that the BLM, in some areas of the state, would receive increased applications for land exchanges or sales.” It is suggested that BLM limit or decrease sales of BLM land into private hands.

Response: The Federal Land Management and Policy Act (FLPMA) allows for the disposal of public land through sales or exchanges if it is determined through the land use planning process that such disposal would be in the public interest. FLPMA, requires public surface to remain under BLM administration if (1) resources of national, state, or regional significance are found on them and (2) the possible adverse effects of the adjustment action cannot be mitigated.

Each New Mexico BLM Field Office has gone through the land use planning process as required by FLPMA. A result of that process was the identification of retention, disposal, and acquisition zones of public land in each field office. A list of the land ownership adjustment areas can be found in the Resource Management Plans (RMPs) for each BLM Field Office.

The disposal zones generally contain tracts of isolated or scattered parcels of public land and resources that are difficult to manage by BLM staff. Where possible, public land identified for disposal will be exchanged for non-Federal lands that have been identified for acquisition to enhance BLM resource management programs (see the Lands and Realty section of Chapter 3).

While there is a possibility the BLM could receive more applications for land exchanges or sales it does not mean that all those applications will be processed or approved. Applications need to be in conformance with the RMP decisions and should fall within the designated disposal and acquisition zones.

Processing land ownership adjustments, in particular exchanges or sales, is expensive and time consuming. All exchange or sale proposals must be conducted in conformance with FLPMA and NEPA and will require extensive public review (minimum of 120 days per exchange). Because of the cost and time involved in processing exchanges or sales and the continued reduction in Bureau staff and budget, few if any exchanges will be processed.

275. Comment: On Chapter 4, pages 4-25 & 26 the Bureau of Land Management (BLM) states that standards would apply to oil and gas yet also stated it would not amend mineral resource and minerals that could be leased because of existing statutes and regulations. However, 43 CFR 3100 regulations on oil and gas gives the BLM authority to amend land use plans. Such plans as the Environmental Assessments and the Environmental Impact Statements could change State and Local BLM RMP's. It is our understanding the BLM is now receiving comments on the above regulations from oil and gas on proposed changes of regulations for federal land. Implementation of these regulations in the proposed changes by the Federal Government may affect the standards and grazing guidelines in the State RMP. In addition, the State of New Mexico and Local County Governments may also be affected. The County requests that you respond to these questions and comments to this regulation and proposed changes.

Response: While BLM has the authority to amend land use plans (43 CFR Part 1610.5), implementation of the Standards for Public Land Health (Standards) will not create the need to amend mineral resource decisions in current Resource Management Plans (RMPs). As stated in the RMPA/EIS, mineral resource development on Federal land in New Mexico is already restricted to protect Public Land Health through implementation of lease stipulations and surface use requirements. The commentator is correct in that an RMP can be amended, as justified in environmental documents such as this RMPA/EIS. However, implementation of the Standards

will not create a need for modification of the land use plans with regard to oil and gas development.

There is nothing in the proposed revisions to 43 CFR Part 3100 that would affect, or in turn, be affected by implementation of the Standards. An analysis of the proposed 43 CFR Part 3100 is beyond the scope of this EIS. Comments on this proposal, as published in the *Federal Register* on December 3, 1998, were due by June 4, 1999. A response to such comments will be published at a later date.

276. Comment: On page 4 - 19, Soils: All soils in New Mexico would respond differently to drought or moisture, not just upland soils.

Response: In the discussion about upland soils, BLM tried to express the idea that a healthy robust soil-vegetation ecosystem could withstand the stress of drought or excess moisture far better and with far less change than a site that is in poor health. This would be true for all soils in New Mexico not just those on public land.

277. Comment: The analysis states "...for the long term, communities and ranching operations may be more stable and in better condition financially, socially and culturally under the RAC Alternative when compared to the Fallback or County Alternatives." (page 4-31). While this statement is correct based on the analysis, if the ranch is unable to survive the short term, the long term is irrelevant.

Response: The BLM agrees that if a rancher goes out of business, he/she is not expected to enjoy the prosperity of the long-term. To provide mitigation and to ensure the least impact possible, grazing programs will be developed in careful and considered consultation, coordination and cooperation with the permittees and lessees and other designated parties.

278. Comment: Throughout the DEIS document the BLM makes erroneous claims that the RAC alternative is the better alternative for the public land rancher "in the long run". This is false due to their erroneous assumption that the historical BLM adjudicated preference grazing AUMs (Animal Unit Months) would be used as long range target numbers (goals). The recent 10 Circuit Court of Appeals overturned the adjudicated preference policy. Hence,

BLM has rejected the policy of adjudicated preference numbers, invalidating the impact analyses. Also, the analysis does not include the impacts of those permits that do meet the standards and will move towards adjudicated preference within the analyzed timeframe. In short, this problem invalidates BLM's conclusion that the RAC is the best alternative for the rancher and for New Mexico. The DEIS is an inadequate impact analysis, failing to accurately display the full significant effects of the Fallback, RAC and County alternatives.

Response: The grazing capacity for livestock grazing is presently determined through monitoring and evaluation procedures. Permits and leases are adjusted either up or down to match the grazing capacity identified through the monitoring and evaluation procedures. The RMPA/EIS assumed this process would continue.

Since it is expected that ecological conditions will improve over time it is also expected that grazing capacity will improve over time. Moving toward a specific numeric target was an assumption used for all alternatives. Year 21 was the final year of analysis; it was assumed that the allotment should have achieved an ecological condition surpassing the standard and the allotment would be operated at full capacity. The important thing for the analysis is not whether AUMs are attached to the base property but rather the number of AUMs or level of stocking on the allotment. The results of the 10 Circuit Court decision does not affect this analysis. Using this methodology, each alternative was analyzed equally, so they are each comparable to the baseline.

The summary in the Resource Advisory Council (RAC) Alternative states: However, for the long-term, communities and ranching operations may be more stable and in better condition financially, socially and culturally under the RAC Alternative when compared to the Fallback or County Alternative. This conclusion is based on a comparison of economic activity, personal income, and employment among the alternatives for year 21 (see Tables 4.1a, 4.1b, 4.2a, 4.2b, 4.3a and 4.3b in the Draft RMPA/EIS). These tables have now been revised with an updated analysis (see chapter 4 economic sections for each alternative) in the Proposed RMPA/Final EIS. The revised analysis shows that

economic activity, personal income and employment will be highest under the County Alternative.

279. Comment: P. 4-29. Table 4.1a is extremely difficult to track, fix. In general the whole economic analysis is bogus. You don't seem to be able to adequately justify much of anything.

Response: The intent of the EIS is not to justify any particular action, but rather to analyze the various standard and guideline alternatives. There is a lot of information presented in Table 4.1a. The tracking is logical and consistent with the established methodology presented on page 4-4 of the Draft RMPA/EIS.

280. Comment: Page 4-24 states we may have lost the capability to recover the potential natural community due to overgrazing. I believe your efforts to treat the land with mechanical and chemical manipulation are not cost effective. We can not afford to sustain these allotments with low production potential. So I reject the proposed action.

Response: The BLM's goal is to invest in economically and environmentally sound rangeland improvements to improve the lands for multiple use purposes. Prior to implementing an improvement, an Environmental Assessment (EA) and a benefit/cost analysis are prepared to determine the best format for the project. One of the priorities for using rangeland improvement funds is to protect and enhance critical resources and values.

County Alternative

281. Comment: We support the County alternative because we feel it is the most practical to achieve the goals and objectives and standards and guidelines with the least amount of disruption or displacement of livestock.

Response: No response required.

282. Comment: The County Alternative is the position we believe will have the least amount of impact on the custom, culture, social, economic, and tax payers' well being of our County. This alternative has the same goals as the other alternatives but

proceeds slower to the goals, which lessen the fracture of tax base and hardship on permittees. We believe this will give better decision making at the local level.

Response: No response required.

283. Comment: We favor the County Alternative evidenced by having the least impact on custom, culture, social, economic and resident taxpayers' well-being in Lincoln County. We feel the process is rushed in nature and will require major changes if not all these alternatives are utilized.

Response: No response required.

284. Comment: The analysis on water quality missed the point of the County Alternative on water quality issues. The County Alternative was designed to put information and action in the hands of local entities, most particularly grazing permittees. All alternatives are so broad they can't be compared to the County Alternative so no real conclusion could have been reached.

Response: The State and BLM have welcomed more local involvement in water quality issues at the local level. However, the BLM is still responsible for managing activities on public land to meet New Mexico water quality standards.

285. Comment: It is impossible to compare the County Alternative to other alternatives and finding no differences, therefore the Area Analysis is useless.

Response: No response required.

Fallback Alternative

286. Comment: I urge that the Fallback alternative be selected as the standard for New Mexico for Public Land Health. With regard to the issues of improving management activities to address our dwindling and seriously impacted riparian habitats in the state and to benefit wildlife in the short term and long-term in both uplands and riparian areas it appears that the Fallback alternative, has the distinct lead in this concern. Adverse effects would occur from the selection of any of the other alternatives discussed.

Response: The intent of the Draft RMPA/EIS was to analyze the alternatives, not to make a selection.

287. Comment: You may be aware that the focus of the Public Land Foundation is to: Encourage the public support of keeping the public land public and professionally managed; to Foster effective management and stewardship of the public land and resources for the benefit of all the public; to Encourage optimum implementation of the Federal Land Policy and Management Act (FLPMA), which requires among other objectives, environmental enhancement, long-range land-use planning, research, rehabilitation of damaged lands and resources, coordination with state and local governments, and to Encourage professional performance by all BLM employees.

We have found all of these issues present in the alternative Standards and Guidelines and commend the proponents for their rational approaches. We also commend the Bureau of Land Management for the progress of the agency and for continuing the precepts established by the Grazing Service, BLM's predecessor. This progress is evident in the statement, "Under the Fallback Alternative livestock use levels are expected to remain approximately at the seven-year average over the short term, similar to the No Action Alternative. Adjustments in livestock numbers are expected to be upward on some allotments and downward on others. Adjustments are not expected to be large because in general, current permits and leases are consistent with grazing capacities established through BLM's rangeland monitoring program. The long term AUM projection is expected to be around preference which is 1, 968,341 AUMs.

We believe the alternative that best achieves the physical and biological goals and values of the public land must be selected which in turn will provide the greatest economic return to all users.

Response: No response required.

288. Comment: Page 4-46 of the DEIS states: "Under this alternative [Fallback] 480 permittees could be affected [the most of any alternative]. Permittees most affected by the guidelines would be those with small

one-pasture allotments where there is continuous, season-long grazing. Continuous, season-long grazing is allowed to occur only when it has been demonstrated to be consistent with achieving a healthy, properly functioning ecosystem." This statement is inherently contradictory. According to the DEIS, implementation of the Fallback alternative would be the most restrictive and affect the most permittees, the majority of which practice season-long grazing. However, the DEIS maintains that season-long grazing is only allowed to occur if demonstrated to be consistent with achieving a healthy, properly functioning ecosystem. The standards and guidelines themselves are intended to improve rangeland and riparian conditions to achieve a properly functioning condition. Thus, it is unclear how the majority of allotments potentially affected by Fallback guideline implementation could have been achieving a healthy, properly functioning ecosystem.

Response: The allotments affected by the guidelines are those that have lands that are not meeting the standards. Where a small one pasture allotment has lands that do not meet the standards they would not be allowed to have season long grazing, unless the season long grazing program has been demonstrated on other allotments to be able to achieve a healthy ecosystem. The problem of not meeting the standard could possibly be solved in two ways. They include reducing stocking numbers, with the exist grazing program or by implementing a deferred grazing program, with appropriate stocking levels.

289. Comment: The Department recommends implementation of the Fallback standards and guidelines for the following reasons:

1. As stated on page 4-46, this alternative would focus management activities on more acres for wildlife habitat protection than the other alternatives.
2. The greatest number of riparian segments would be improved and restored to Proper Functioning Condition (PFC). Of 154 riparian segments classified as nonfunctional or functional-at-risk with a downward trend, or where the trend is not apparent, 107

riparian segments would be improved, 39 to PFC. The RAC alternative would improve 68 riparian segments, restoring 32 to PFC. The County alternative does not state the total number of riparian segments improved, but would also restore 32 segments to PFC.

3. Riparian segments would be improved and restored in the least amount of time.

4. The Fallback alternative allows for a slight increase in actual AUM' s over the long-term, but considers and protects critical wildlife resources. The RAC alternative also protects critical wildlife resources, the County alternative does not.

5. The Fallback alternative incorporates landscape-level, as well as site-specific (allotment level) habitat needs when developing Allotment Management Plans (AMP's). The RAC alternative also considers landscape-level habitat needs; the County alternative does not.

6. Soil conditions will undergo the greatest improvement under the Fallback alternative. The RAC alternative provides for better soil conditions than the No Action or County alternatives, from the implementation of grazing guidelines on more acres. The County alternative will provide for slightly more improvement to soils than the No Action alternative.

7. Although not clearly defined in the analysis for water and upland vegetation, the Fallback alternative will most successfully improve surface water quality by reducing non-point source pollution, increasing water retention and associated aquifer recharge, and reducing surface erosion and stream sedimentation, which will improve habitat quality and quantity for aquatic life.

8. Although not stated or adequately analyzed in the Big Game section of each alternative, based on enhanced conditions of other resources such as riparian and upland habitats, the Fallback alternative will provide the best long-term opportunities for increasing deer herds, a primary management goal of the Department.

Response: New Mexico Department of Game and Fish's recommendation, no response required.

290. Comment: The Service recommends the implementation of the Fallback Alternative. According to the DEIS, the standards and guidelines under the Fallback Alternative would focus management activities on the maximum amount of wildlife species and their habitats than the other alternatives. The most significant improvements to vegetative and soil conditions, water quality and key wildlife habitats occur under this alternative. Also, the largest amount of riparian habitat would be improved in the lease amount of time under this alternative.

Response: U.S. Fish and Wildlife Service's recommendation, no response required.

Common To All Alternatives

291. Comment: An area I personally do not feel was given enough written space in the document was the impacts made to minorities and low income, from the Civil Rights Act of 1964.

Response: The Field Solicitor determined that the alternatives are consistent with the Civil Rights requirements in laws, Executive Orders, regulations and policies, and the analysis is considered complete and adequate.

In preparing the Proposed RMPA/Final EIS, BLM once again discussed the requirements of laws and Executive Orders related to human dimension issues with the State Team. Not all individuals agreed on the requirements nor the relationship between Federal laws and Executive Orders and County ordinances. The Proposed Plan/Final EIS reflects the widest consensus of the requirements and relationships.

292. Comment: On page 4-56, items 6 and 7 is puzzling to me. It seems to give preference to military uses on public land. Also it looks like they may be excusing the military from the taking rules. Need a better explanation of that.

Response: This comment concerns the wording found in Executive Order 12630 of March 15, 1998. The Executive Order does not give a preference to military

use on public land. The comment requests further explanation on the subject of military relationships to takings rules. However, the proposed action and alternatives do not involve military use of the public land. Therefore, this document is not the proper forum for discussion of that issue. The standards applied to the lands and the various uses, including military use would have to be in concert.

293. Comment: There's no cumulative impact discussion, and this is normally seen and addressed in EIS documents. When one combines recreational activities, mineral extraction, oil and gas exploration and extraction, off-road vehicle abuses and top that off with grazing, these are impacts that will affect the entire ecosystem and the entire environment. This particular point seriously needs to be considered to be addressed in the final document.

Response: Cumulative impacts were analyzed in the Draft RMPA/EIS document on pages 4-68 and 4-69 under the heading of Cumulative Effects.

294. Comment: The Human Dimension is weak and needs to be analyzed deeper on the following criteria: Equity Analysis, Taking, Civil Right Burden, Environmental Justice, Social Well-being, and Cultural Stability.

Response: The Field Solicitor reviewed the document and determined the alternatives are consistent with the laws and/or Executive Orders for Equity Analysis, Private Property Rights including Taking, Civil Right Implications, Environmental Justice, Social Well-being, and Cultural Stability and is considered complete and adequate.

In preparing the Proposed RMPA/Final EIS, BLM once again discussed the requirements of laws and Executive Orders related to human dimension issues including social well-being and cultural stability with the State Team. Not all individuals agreed on the requirements nor the relationship between Federal laws and Executive Orders and County ordinances. The Proposed RMPA/Final EIS reflects the widest consensus of the requirements and relationships.

295. Comment: The draft has not fully analyzed the content and impact that could affect individuals and

County Government under a partial list of federal laws. These laws include NEPA, CEQ, EO 12898 Environmental Justice, EO 12630, PRIA and Taylor Grazing Act, and FLMPA. The DEIS should either be redone or a supplemental EIS conducted.

Response: This comment is broad in nature and because it gives no specifics is hard to respond to in detail. The BLM has reviewed the above Federal laws, regulations and Executive Orders in the preparation of the EIS. The pertinent parts were covered in the EIS.

In preparing the Proposed RMPA/Final EIS, BLM once again discussed the requirements of laws and Executive Orders related to human dimension issues with the State Team. Not all individuals agreed on the requirements nor the relationship between Federal laws and Executive Orders and County ordinances. The Proposed RMPA/Final EIS reflects the widest consensus of the requirements and relationships.

296. Comment: The document has failed to follow the Taylor Grazing Act (43 USC 315), PRIA 1978, FLPMA 1976 - PL 94-579 and NEPA.

Response: This comment is broad in nature and because it gives no specifics is hard to respond to in detail. The BLM has reviewed the above Federal laws in the preparation of the EIS. The above laws and implementing regulations were followed in the development of the EIS.

297. Comment: We strongly urge BLM to discuss the economics of each AMP with the grazing user and strive for an agreement that will mitigate the users loss from any adjustment necessary to accomplish the goal of healthy public land.

Response: The grazing regulations 43 CFR §4120.2(a) provides for the following:

An allotment management plan or other activity plans intended to serve as the functional equivalent of allotment management plans shall be prepared in careful and considered consultation, cooperation, and coordination with affected permittees or lessees, landowners involved, the resource advisory council, and State having lands or

responsible for managing resources within the area to be covered by such a plan, and the interested public. . . .

Specific mitigation measures to be used can be identified during preparation of the grazing activity plan. As indicated in the Draft RMPA/EIS on pages 4-65 through 4-68, when BLM has feasible mitigation measures that are fiscally prudent and reasonably available to BLM and are in concert with BLM Congressionally granted authorities, BLM will incorporate the mitigation measures.

298. Comment: 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/EIS, 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 represented as being the actions under study in the Draft Plan/EIS.

Response: Cumulative effects are addressed on pages 4-68 through 4-69 of the Draft RMPA/EIS.

299. Comment: The development and maintenance 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/EIS.

Response: This document is not site-specific and the various developments for livestock support functions within BLM are not known. Thus, a complete and thorough analysis of these functions, a statement of their costs, and a full disclosure of their organizational and budgetary impacts on BLM's overall resource protection responsibilities cannot be completed at this time. There is no requirement to do such an analysis as part of an EIS.

300. Comment: The EIS is void of mitigation measures that would reduce the economic, financial, social cultural effects on ranch families and rural communities.

Response: Mitigation measures are discussed in Chapter 4 on pages 4-65 through 4-68 of the Draft RMPA/EIS. As indicated in the Draft RMPA/EIS, when BLM has feasible mitigation measures that are fiscally prudent and reasonably available to BLM and they are in concert with BLM Congressionally granted authorities, BLM will incorporate the mitigation measures. Specific mitigation measures to be used can be identified during the preparation time for the grazing activity plan.

301. Comment: This document does not address the cumulative effects from other federal actions, such as the Bureau of Reclamation, U.S. Forest Service, U.S. Fish and Wildlife Service, etc. At this point in time the Rio Grande Silvery Minnow and the Southwestern Willow Flycatcher could possibly affect our ranch. Aside from the effects of possible federal actions, there is no discussion as to the cumulative effects from essentially seven years of drought nor low beef prices.

Response: The cumulative effects section has been reviewed, and it is acknowledged that cumulative effects could result from these actions including, weather patterns, and the average price received for agricultural products over a 10-year period.

It is also acknowledged that in some cases that protection and recovery of Federally-listed species may have an impact on public rangeland users and their enterprises requiring adjustment in the management of actions. An example would be the silvery minnow.

302. Comment: No lists of statutory compliance were listed in the document, which would define what requirements are mandated under the law by the agency.

Response: The BLM complies with many laws in their programs. There is no requirement that BLM list laws that guide the agency. Listing statutory compliance would lengthen the RMPA/EIS and BLM fails to see how a listing would improve the document.

303. Comment: The Human Dimension analysis was left out in the form as written by the State team. The BLM said as written, the Human Dimension was unacceptable. Early in the process in November of 1997, it was agreed, that the State would write this section. The BLM's retort in the final months of the process was, they would rewrite the Human Dimension with the State Team, but it would be subject to changes by their editors and lawyers. Because of the conflict, some counties submitted a separate document (per NEPA) in the form of an EIR. These were not considered nor were they printed.

Listed are some but not necessarily all requirements in the Human Environment.

- A. E.O. 12630
- B. E.O. 12898
- C. E.O. 12291
- D. E.O.13045
- E. 18 U.S.C. 241 and 45 (A) - (1)
1994 C.R.A. Title VII
- F. Regulatory Flexibility Analysis
- G. Duplication of Effort (NEPA)

By not doing a complete analysis, irreparable and irreversible damage can be caused to the counties customs and culture and also, make the EIS incomplete.

Response: The CEQ regulations direct that the responsibility for quality of the EIS resides with the Federal agency, therefore the document published has to be consistent with legal theories and interpretations of the Department of the Interior. Where the State Team analysis was based on legal theories that were inconsistent with Department of the Interior interpretations of Federal laws, regulations and Executive Orders, the Department of the Interior interpretations were used.

Prior to sending the document to the printer, Catron and Sierra Counties provided copies of their Environmental Impact Reports (EIR) to the BLM. The counties provided the EIRs for BLM review, requested that BLM enter the report in the records and make they available should the public request to review them. They did not ask that the documents be printed as a part of the document.

In the interest of full disclosure and cooperation, the BLM offered to print any differing views that the State Team and the Cooperating Counties had in an Appendix to the Draft RMPA/EIS (Appendix F), however none were provided to BLM prior to sending the document to the printer.

In December 1998, after the Draft RMPA/EIS had been sent to the printer, the BLM received the Otero EIR and a request to include the EIR in the BLM Draft RMPA/EIS. Because the document had already gone to the printer, it was not possible for the BLM to consider printing the EIR as a part of the Draft RMPA/EIS. Consistent with the requests of Catron and Sierra Counties for the BLM to include their EIRs in the BLM records, the BLM included the EIR in the record and made the Otero County EIR available for the public should they request to review it.

In February 1999, the BLM received an EIR from Hidalgo County for BLM consideration. This document was made a part of the record and was made available to the public as were the other three received.

304. Comment: The Cumulative Effects discussion addresses primarily the potential short-term effects of implementing the Proposed Action or other alternatives on the livestock industry, but does not factor in the cumulative benefits of improved surface water quality and groundwater recharge, soil retention and stability, decreased soil erosion and surface water runoff, more productive wildlife habitats, and increased hunter and non-consumptive wildlife user satisfaction.

Response: The BLM has modified the cumulative effects analysis to include the concepts identified by the comment.

305. Comment: The BLM failed to analyze indirect and cumulative social, cultural and economic effects of each alternative as well as failed to address irreversible and irretrievable impacts (CEQ 1508.7, 1508.8(b) and 1508.27). The BLM NEPA Handbook (Chapter V #2) CEQ states:

The EIS must identify all the indirect effects that are known and make good faith effort to explain the effects that are not known but are "reasonably foreseeable." (FMAQ#18).

The DEIS is void of analysis of the indirect and cumulative effects analysis for each of the alternatives. This is exemplified in their removal of key phrases in chapter three analyses of the urban impacts on healthy rangelands. This information was included in the County's EIR. BLM went out of its way to play down the relative effects of urbanization by stating that these lands occupy less than 3% of the total BLM lands. While this low percentage should be questioned, the point is not the percentage of land impacted, rather the degree and cumulative impacts. Academic research and BLM field reports show that urban impacts have the potential for irreversible and irretrievable impacts on healthy public rangelands. The BLM surgically removed any reference to this potential for indirect, cumulative and irreversible and irretrievable effects discussed in the County's EIR. By removing this analysis and language it eliminates the point that this is disproportionate harm to the ranchers. Without being able to show that other public land users are contributing to adverse effects to healthy public lands, it conceals the fact that the public land rancher is being singled out to bare the brunt of the costs.

Response: The Draft RMPA/EIS on page 3-57 recognizes the current effects of urbanization on public land. Although the impacts can be high, the majority of public land is not near urban areas and a realistic description was provided.

The Standards will establish condition targets for the land. All uses of the public land whether commercial or non-commercial will be managed to be in concert with the standards. For example, Off Highway Vehicle as well as ranching activities will be managed to be consistent with the standards. Activities that are presently managed in a manner consistent with the standard will have very little if any change or adverse impact from establishing the standards. The livestock grazing guidelines will apply only to land where the standards are not being met due to current livestock grazing practices. Not all allotments will be impacted by the grazing guidelines.

There is not disproportionate harm to ranchers because all uses of the land will have to be consistent with the standards, and the only ranchers and other users affected will be those currently conducting activities or practices that are not in concert with

achieving the standards. Although the guidelines will not affect all public land ranchers and not all ranchers affected by the guidelines will choose to go out of ranching, there may be ranchers that elect to sell the ranch.

When a ranch is sold, it may mean a permanent change in the lifestyles and traditions of the individual. This will be recognized in Chapter 4 of the Proposed RMPA/Final EIS in a section identified as Irreversible and Irretrievable Consequences.

306. Comment: The Human Dimension analyses are designed to determine if there are significant adverse effects from each alternative in order to consider mitigation measures to show ways to reduce or eliminate harm to the Human Environment (CEQ 1508.14, 1502.14(f), 1502.16(h) and 1505.2c). BLM did not develop mitigation measures for addressing and alleviating significant negative effects, even after the State ID Team requested measures be identified to provide guidelines for implementation of Standards and Guidelines and after the State/Counties requested to participate in mitigation planning. Hence, the BLM removed the only opportunity to reduce or eliminate significant adverse effects and provide for a balance between socioeconomic and biophysical impacts (NEPA 102).

Response: Potential mitigation measures and the feasibility of each are discussed starting on page 4-65 of the Draft RMPA/EIS. The same mitigation measures apply to each of the alternatives analyzed in the section called Common to All Alternatives. The State/County Teams participated by helping the BLM identify possible mitigation, while the BLM determined how feasible the mitigation would be. Specific mitigation measures to be used can be identified during preparation of the grazing activity plan.

The BLM and State Teams further discussed implementation and mitigation procedures during preparation of the Proposed RMPA/Final EIS. Additional details concerning implementation and mitigation procedures are included in the Proposed RMPA/Final EIS.

307. Comment: The Draft EIS is flawed in the following respects:

- 1. A cumulative impact analysis is absent for all alternatives that describes the current and reasonably foreseeable impacts from other federal agencies and state actions and;**
- 2. Item 1 goes directly to the issue of significance. Absent the cumulative impact analysis, the context and intensity of impacts on the affected environment cannot be properly disclosed; and**
- 3. Only those permits that do not meet the standards were analyzed. This fails to disclose the increase in benefits to rangeland health and state and county economic stability statewide; and**
- 4. With the 10th Circuit decision on the Brimmer decision the Fallback Standards and Guidelines are bared from moving towards stocking of livestock to preference levels since preference no longer exists. The RAC alternative is faced with a similar problem in that the RAC alternative did not contemplate reaching preference stocking levels. The County alternative has the assumption that all permits would move to full livestock preference levels as range conditions allowed. Therefore, the County alternative would provide for the best long term improvement of the range resources and economic viability of ranching units by creating incentives to improve rangeland health; and**
- 5. The Coalition requested on several occasions that the impact analysis include MOU's, international treaties and agreements (specifically Agenda 21) that administratively give direction to the BLM. The absence of these items fails to disclose to the decision maker and the public the authority and basis of analysis the BLM is using for the proposed action; and**
- 6. Appendix B-1 presents the anticipated RMP changes created by the various alternatives which form the basis of analysis in the EIS. It is apparent that there was a lack of consistency in interpreting the requirements of each alternative. Due to this inconsistency, the entire analysis is flawed.**

Response: Items 1. and 2. The cumulative analysis on pages 4-68 through 4-69 of the Draft RMPA/EIS addresses the cumulative effects of other agencies actions that BLM is aware of. The commentator did not provide specific additional actions by other agencies he or she may be aware of. State and local agencies did not provide any specific additional actions to be included.

Item 3. The economic analysis has been modified to include the improvement of all lands.

Item 4. The commentator indicates there were different assumptions used for the County alternative than the other alternatives for stocking of the range. All alternatives used the same assumptions regarding methods of determining stock levels and level of stocking at year 21. Specific numeric targets were used.

Item 5. The authority for the analysis of the proposed action has been inserted into the document. The authority for the analysis was based on laws and regulations. The analysis approach and methodology was also described at the beginning of Chapter 4, pages 4-1 through 4-6 of the Draft RMPA/EIS.

308. Comment: There are several issues and sections of the DEIS that do not comply with NEPA nor the CEQ implementation guidelines. I feel these are substantive in nature and that the DEIS should be revised and once again submitted to the public for comments. BLM grazing regulations became effective 8/21/95. Litigation challenging their legality is still pending. The regulations are enforceable if they have followed the Administrative Procedures Act (APA), NEPA, TGA, FLPMA, PRIA and other applicable laws, regulations and Executive Orders. The BLM has refused to recognize adjudicated preference numbers, authorized by the TGA so the impact analysis within the DEIS grossly under estimates the potential significant adverse effect.

Response: This EIS analyzes alternatives for State Director developed standards and guidelines. The EIS is not intended to analyze all factors within the final

regulations which were published February 22, 1995.

Preference reflects a level of animal unit months (AUMs) historically attached to the base property. The important thing for the analysis is not whether AUMs are attached to the base property but rather the number of AUMs or level of stocking on the allotment.

309. Comment: The DEIS is insufficient and not in Compliance with Executive Order (EO) 12630:

Section 1,(a),(b),(c)

Section 2,(a),03),(c)

Section 3,(a),(b),(c),(d),(e)

**Section 4,(a),(1),(2),(b),(c),(d),
(1),(2),(3),(4)**

Section 5,(a),(c),(d)

The Attorney Generals Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings and; The Attorney Generals Supplemental Guidelines to the Risk and Avoidance Unanticipated Takings for the U. S. Department of Interior.

Additionally non-compliance with 18 USC 241 and 245 (a), 1964 Civil Rights Act, Title VII, EO 12898, EO 12291, EO 13045 and 5 USC 603 and 604.

Response: In the Draft RMPA/EIS, where the State Team analysis was based on legal theories that were inconsistent with Department of the Interior interpretations of Federal laws, regulations and Executive Orders, the Department of the Interior interpretations were used. In the interest of full disclosure and cooperation, the BLM offered to print any differing views that the State Team and the Cooperating Counties had in an Appendix to the Draft RMPA/EIS (Appendix F), however none were provided to BLM prior to printing the Draft RMPA/EIS.

The RMPA/EIS contains an analysis on Executive Order 12291, Civil Rights and supporting laws and issues concerning Civil Rights, Executive Order 12630, Executive Order 12898 in the section called Common to

all Alternatives. In preparing the Proposed RMPA/Final EIS the BLM reviewed 18 USC 241 and 245, 5 USC 603 and 604, plus Executive Order 13045 and found no conflicts with the proposed program and the direction found in these documents.

In preparing the Proposed RMPA/Final EIS, BLM once again discussed the requirements of laws and Executive Orders related to human dimension issues with the State Team. Not all individuals agreed on the requirements nor the relationship between Federal laws and Executive Orders and County ordinances. The Proposed RMPA/Final EIS reflects the widest consensus of the requirements and relationships.

310. Comment: The DEIS also failed to analyze the indirect and cumulative social, cultural and economic effects and the irreversible and irretrievable impacts of each alternative as required in the CEQ 1508.7, 1508 (b) and BLM, NEPA Handbook (Chapter V,(2). Without a clear and complete analysis of all impacts including urban sprawl and other competing uses, livestock producers are unfairly separated from the other and will be forced to bare the burden of cost to restore public land to meet the new Standards.

Response: The Draft RMPA/EIS on page 3-57 recognizes the current effects of urbanization on public land. Although the impacts can be high, the majority of the public land is not near urban areas and a realistic description was provided.

The Standards will establish condition targets for the land. All uses of the public land whether commercial or non-commercial will be managed to be in concert with the standards. For example, Off Highway Vehicle as well as ranching activities will be managed to be consistent with the standards. Activities that are presently managed in a manner consistent with the standard will have very little if any change or adverse impact from establishing the standards. The livestock grazing guidelines will apply only to lands where the standards are not being met due to current livestock grazing practices. Not all allotments will be impacted by the grazing guidelines.

There is not disproportionate harm to ranchers because all uses of the land will have to be consistent with the standards and the only ranchers and other users affected will be those currently conducting activities or practices that are not in concert with achieving the

standards. Although the guidelines will not affect all public land ranchers and not all ranchers affected by the guidelines will choose to go out of ranching, there may be ranchers that elect to sell the ranch.

When a ranch is sold, it may mean a permanent change in the lifestyles and traditions of the individual. This will be recognized in Chapter 4 of the Proposed RMPA/Final EIS in a section identified as Irreversible and Irretrievable Consequences.

311. Comment: The Document does not comply with NEPA as the DEIS fails to analyze the indirect and cumulative social, cultural, and economic effects and the irreversible impacts of each alternative.

Response: The direct and indirect impacts are discussed in Chapter 4 under the various alternatives (pages 4-9 through 4-54 of the Draft RMPA/EIS). Cumulative effects common to all alternatives are addressed on pages 4-68 through 4-69 of the Draft RMPA/EIS. An Irreversible and Irretrievable Consequences section has been added in the Proposed RMPA/Final EIS document following the cumulative effects.

312. Comment: The cumulative effects discussion does not adequately address the impacts of implementing the action alternatives on vegetative and soil conditions, water quality, and impacts to wildlife and specialized wildlife habitats. The focus of the analyses emphasizes the grazing industry and the associated economic impacts of adopting standards and guidelines. No single factor has been a greater cause of decline in wildlife populations than loss of habitat. To maintain viable populations of wildlife species, sufficient resources and adequate environmental conditions must provide for reproduction, foraging, resting, cover and dispersal of animals. These attributes of wildlife habitat are not adequately addressed in the document. It is impossible to make meaningful management decisions and adequately evaluate the overall cumulative affects of adopting the standards and guidelines without a picture of the habitat and wildlife that will be impacted.

Response: The various alternatives all provide for improvement of wildlife habitat. A general description of how wildlife and wildlife habitat will be affected is

provided in Chapter 4. A more detailed description with specific details is not possible at this time.

CHAPTER 5 - CONSULTATION AND COORDINATION

Consultation and Coordination

313. Comment: I feel the process was deliberately closed to the public that expressed a negative opinion of grazing... on several occasions I requested my name be placed on the list of interested public and that I receive all relevant information. I only received two documents... and felt I was inhibited from participation.

Response: The Planning/National Environmental Policy Act (NEPA) process is an open public process. This particular process began when the Resource Advisory Council (RAC) began working on New Mexico Standards for Public Land Health and Guidelines for Livestock Grazing Management in fall 1995. Every RAC meeting had a 2-hour public comment period. While they were working on the RAC Alternative, they invited comments on the subject. Once they had developed draft standard and guidelines, a scoping document with the information was sent out to those on the mailing list. Sixteen scoping meetings were held around the State of New Mexico to get public input on the Draft standards and guidelines. The RAC then made changes to the standards and guidelines. Those standards and guidelines then went into the Draft RMPA/EIS document you received and commented on.

Because of the time frames (the long period of time between scoping and the Draft RMPA/EIS document release) it appears that the public has not had a chance to be involved. The time between scoping and release of the Draft RMPA/EIS is not a public participation period. This time is used by the writers to prepare the document. In this case, the writing team, composed of both Federal and State members, has taken a number of months to prepare the Draft RMPA/EIS. Some people may feel they were excluded because of this long preparation period. However, normal comment periods during scoping and on the Draft RMPA/EIS were provided.

314. Comment: The BLM DEIS failed to consider the Sierra County Environmental Planning and Review Ordinance for assessing economic social, cultural and equity impacts.

Response: Sierra County, along with eight other Counties, is a Cooperating County for this project. The Cooperating Counties provided input into the Draft RMPA/EIS. The National Environmental Policy Act (NEPA) was followed in the preparation of the Draft RMPA/EIS. The Counties have ordinances for preparing environmental documents similar to those required in NEPA.

In the Draft RMPA/EIS, where the State Team's analysis was based on legal theories that were inconsistent with Department of the Interior interpretations of Federal laws, regulations and Executive Orders, the Department of the Interior interpretations were used. In the interest of full disclosure and cooperation, the BLM offered to print any differing views that the State Team and the Cooperating Counties had in an Appendix to the Draft RMPA/EIS (Appendix F), however none were provided to BLM prior to printing the Draft RMPA/EIS.

In preparing the Proposed RMPA/Final EIS, BLM once again discussed the requirements of laws and Executive Orders related to joint planning and human dimension issues with the State Team. Not all individuals agreed on the requirements nor the relationship between Federal laws and Executive Orders and County ordinances. The Proposed RMPA/Final EIS reflects the widest consensus of the requirements and relationships.

315. Comment: Not enough scoping "Per NEPA" and Environmental Justice to involve Indian Tribes and other ethnic and social economic groups.

Response: During the scoping period, a scoping meeting was held in Crownpoint, New Mexico to involve the Navajo Tribe. The attendance was about 10 people. During this scoping period, meetings were held with the Eight Northern Indian Pueblos Council;

Upper Rio Puerco Navajo Grazing Permittees, Pueblo of Acoma, and the Pueblo of Laguna. In November BLM had an additional meeting with representatives of the Navajo Nation, BIA-Eastern Navajo Agency, Zia Pueblo, Pueblo of Acoma, and the Pueblo of Laguna to brief them on the project and see how they wanted to be involved. The Navajo Nation had requested cooperating agency status, however after sending them a Draft Memorandum of Understanding and many phone calls, they declined cooperating status. The Navajo Tribe and the Pueblo of Acoma did provide BLM with a statement on their custom and culture. The write-ups on that custom and culture are found in the Draft RMPA/EIS document on pages E-59 through E-63. The Tribal/Pueblos that the Draft RMPA/EIS document was sent to can be found on page 5-5. As far as other ethnic and social groups are concerned, each BLM Field Office informed permittees of scoping meetings. The media was also used to help get the word out.

316. Comment: BLM did not conduct the Consistency Analysis requirements in DEIS per Federal Land Policy and Management Act (43 CFR 1610.3). This law requires the BLM to analyze and identify consistencies and inconsistencies with State environmental and natural resource Laws and County environmental and natural resource Ordinances. The Counties refused to do this requirement, and therefore the BLM simply left this requirement out. The implications to such inaction is that the State/BLM ID Team never was afforded the opportunity to develop a combined document that would show how the healthy rangeland alternatives relate to federal, state, and local laws. This should have been done early in the process to avoid many of the problems that subsequently arose. This consistency review also is an important foundation for moving from the healthy rangelands Standards and Guidelines to actual Area Resource Plan implementation. Without it, the future Area Resource Plans will be missing critical intergovernmental coordination to manage for public lands.

CEQ FMAQ#22 states:

... certain inconsistencies may exist between the proposed federal action and any approved state or local plan or law. The joint document should discuss the extent to which the federal agency would reconcile its proposed action with such plan or law (CEQ

1506. 2)

Instead of compliance, the BLM unilaterally decided to reject State and County analyses without attempting to reconcile the inconsistencies.

Response: The Consistency Requirements referred to in this comment are per the planning regulations 43 CFR §1610.3-2. Section (a) states:

“Guidance and resource management plans and amendments to management framework

plans shall be consistent with officially approved or adopted resource related plans, and the policies and programs contained therein, of other Federal agencies, State and local governments and Indian tribes, so long as the guidance and resource management plans are also consistent with the purposes, policies and programs of Federal laws and regulations applicable to public lands, including Federal and State pollution control laws as implemented by applicable Federal and State air, and water, noise, and other pollution standards or implementation plans.”

Section (b) states:

“In the absence of officially approved or adopted resource-related plans of other Federal agencies, State and local governments and Indian tribes, guidance and resource management plans shall, to the extent practical, be consistent with officially approved or adopted resource related policies and programs of other Federal agencies, State and local governments and Indian tribes, such consistency will be accomplished so long as the guidance and resource management plans are also consistent with the purposes, policies and programs of Federal laws and regulations applicable to public lands, including, but not limited to, Federal and State pollution control laws as implemented by applicable Federal and State air, and water, noise, and other pollution standards or implementation plans.”

Further, section (c) states:

“State Directors and District Managers shall, to the extent practical, keep apprised of State and local governmental and Indian tribal policies, plans and programs, but they shall not be accountable for ensuring consistency if they have not been notified, in writing, by state and local governments or Indian tribes of an apparent inconsistency.” Section (d) states: “Where State and local government policies, plans and programs differ, those of the higher authority will normally be followed.”

In the spring of 1997, a Memorandum of Understanding was signed with nine cooperating Counties. In the MOUs the Counties agreed to “Notify the RMPA/EIS team, in writing, of any apparent inconsistencies between it approved or adopted resource -related plans and the policies and procedures contained therein, and the policies, plans and programs of the BLM in accordance with 43 CFR 1610.3-2.”

In the spring of 1997, BLM Field Office Managers, or their staff requested a meeting with County Commissioners for those counties potentially affected by a change to existing resource management plans, as listed in Appendix B-1 of the Draft RMPA/EIS. Those commissioners or their representatives were consulted with on plan consistency. No known inconsistencies surfaced.

317. Comment: The DEIS refused to include County Environmental Ordinances for assessing social cultural and economic impacts, as well as County requirements to assess federal proposed actions on civil rights and property rights. The BLM disregarded the County Ordinances that require consideration of the impacts on property rights and civil rights.

CEQ 1506.2 states:

Agencies shall cooperate with State and local agencies to the fullest extent possible to reduce duplication between NEPA and State

and local requirements... Where State laws or local ordinances have environmental impact requirements...federal agencies shall cooperate in fulfilling these requirements as well as those of federal laws so that one document will comply with all applicable laws.

Cooperating County environmental ordinances provide the vehicle in which county environmental impact reports are to be included in federal EISs. Yet, the BLM's response is 28 pages of rationalizations as to why they, as a federal agency, are exempt from their own federal statutory compliance requirements. The BLM never did give a logical or legal argument why BLM denied the counties from exercising their right in joint EISs per CEQ 1506.2. Federal, State and County laws and regulations were discussed in detail in the County EIR. The BLM suggested to the State Team to place this discussion in the Appendix; the BLM subsequently and unilaterally removed it from the DEIS.

Related to the above, it is inadequate (and odd) that the DEIS is void of any mention of the joint planning process, adding to the confusion of the reader. It should explain the exact nature of this joint effort as well as reasons why it is necessary for State and County participation.

Response: In the Draft RMPA/EIS, where the State Team analysis was based on legal theories that were inconsistent with Department of the Interior interpretations of Federal laws, regulations and Executive Orders, the Department of the Interior interpretations were used. In the interest of full disclosure and cooperation, the BLM offered to print any differing views that the State Team and the Cooperating Counties had in an Appendix to the Draft RMPA/EIS (Appendix F), however none were provided to BLM prior to printing the Draft RMPA/EIS.

In preparing the Proposed RMPA/Final EIS, BLM once again discussed the requirements of laws and Executive Orders related to joint planning and human dimension issues with the State Team. Not all individuals agreed on the requirements nor the relationship between Federal laws and Executive

Orders and County ordinances. The Proposed RMPA/Final EIS reflects the widest consensus of the requirements and relationships.

318. Comment: The BLM did not include the State or Cooperating Counties in the ongoing public involvement process as a joint process per MOU agreement, CEQ 1506.2 and County Environmental Ordinances (as well as requests by the State and Cooperating Counties). In addition, the BLM has failed to adequately incorporate the affected tribes and pueblos of New Mexico in the analyses and documentation processes. Presently, the tribes and pueblos have no idea or way of knowing the potential adverse effects on their jurisdictions much less on their communities or individual permittees.

Response: Notice of the public hearings was published in the Draft RMPA/EIS. The State requested to be a panel member at some of the hearings and BLM welcomed their participation. The Cooperating Counties did not request to participate as panel members. Following the agreed to process, all the public comments were sent to the two county representatives for the EIS, these representatives could make and distribute the necessary copies for the Cooperating Counties.

The BLM met with the affected Tribes and Pueblos of New Mexico early in the process to discuss their involvement in the process and explain the action being undertaken. The various affected Tribes and Pueblos of New Mexico decided they did not want to be directly involved, but asked to receive copies of the document prior to it being approved for printing and release to the general public. The Navajo Tribe and the Pueblo of Acoma did provide BLM with a statement on their custom and culture. The write-up on that custom and culture are found in the Draft RMPA/EIS document on pages E-59 through E-63. As BLM did with the State Team and Cooperating Counties, copies were sent to the affected Tribes and Pueblos of New Mexico for comments. The affected Tribes and Pueblos of New Mexico were also sent copies of the document once it was published. The Tribes and Pueblos that the Draft RMPA/EIS document was sent to can be found on page 5-5 of the Draft RMPA/EIS. No comments were received from the affected Tribes and Pueblos.

A member of the BIA, Eastern Navajo Agency participated as a member of the State Team in the design of the document.

319. Comment: BLM did not afford the opportunity to the State Team in writing and distribution of the DEIS per State/County/BLM MOUs. Instead, the BLM reversed this agreement and unilaterally wrote the DEIS over protest from the State Team and Cooperating Counties.

Response: The BLM entered into the Memorandums of Understanding (MOUs) in good faith. Time was provided for the State Team to produce a draft Economic and Human Dimension sections of the document. When the State Team produced a draft Economic section, it was commented on by BLM, subsequently the State Team modified the analysis and it went into the Draft RMPA/EIS as written by the State Team. On the other hand, in the development process for the Human Dimension Section, it became apparent the State Team was not willing to modify their product to be consistent with the EIS format or with legal theories and interpretations of the Department of the Interior. The CEQ regulations direct that the responsibility for quality of the EIS resides with the Federal agency, therefore the document published has to be consistent in format and with legal theories and interpretations of the Department of the Interior.

In the Draft RMPA/EIS, where the State Team analysis was based on legal theories that were inconsistent with Department of the Interior interpretations of Federal laws, regulations, and Executive Orders, the Department of the Interior interpretations were used. In the interest of full disclosure and cooperation, the BLM offered to print any differing views that the State Team and the Cooperating Counties had in an Appendix to the Draft RMPA/EIS (Appendix F), however none were provided to BLM prior to printing the Draft RMPA/EIS.

In preparing the Proposed RMPA/Final EIS, BLM once again discussed the requirements of laws and Executive Orders related to joint planning and human dimension issues with the State Team. Not all individuals agreed on the requirements nor the relationship between Federal laws and Executive

Orders and County ordinances. The Proposed RMPA/Final EIS reflects the widest consensus of the requirements and relationships.

320. Comment: The Federal Land Policy and Management Act requires BLM to identify and analyze consistencies and inconsistencies with State and local plans. The DEIS did not sufficiently address this issue so that the public, State and local governments could comprehend the differences. CEQ, 1506.2 (a)(b)(c)(d) mandates compliance with State and local laws and ordinances. Counties are responsible for protecting the human health and safety and ensuring the Human Dimension is adequately addressed.

Response: The BLM offered cooperating agency status to all Counties in the State. Nine Counties accepted the offer to be cooperators. In the spring of 1997, Memorandums of Understanding (MOUs) were signed with nine cooperating Counties. In the MOUs the Counties agreed to: “Notify the RMPA/EIS team, in writing, of any apparent inconsistencies between it approved or adopted resource-related plans and the policies and procedures contained therein, and the policies, plans and programs of the BLM in accordance with 43 CFR 1610.3-2.”

At the beginning of the 90-day public comment period one copy of the Draft RMPA/EIS, per County Commission member, was sent to the County Commission address for the 33 Counties in the State. That is, if there were five County Commission members, five copies of the Draft RMPA/EIS were sent to the County Commission address. In addition, two copies of the Draft RMPA/EIS document were sent to the County Manager with a letter asking the County Manager to make one copy available in the County Manager’s office should a member of the public request to review it. Neither the County Commissioners or the County Managers for any of New Mexico’s 33 Counties, identified any inconsistencies with local plans during the 90- day public comment period. Should inconsistencies be found at a later date, the BLM will discuss resolution of the conflicts with the specific County that identifies the suspected inconsistency.

In the spring of 1997, BLM Field Office Managers, or their staff requested a meeting with County Commissioners for those counties potentially affected

by a change to existing resource management plans, as listed in Appendix B-1 of the Draft RMPA/EIS. Those commissioners or their representatives were consulted with on plan consistency. No known inconsistencies surfaced.

321. Comment: The Federal Land Policy and Management Act requires BLM to identify and analyze consistencies and inconsistencies with State and Local plans. Each of the Soil and Water Conservation Districts in New Mexico has annual and long-range plans. These plans have not been considered.

Response: FLPMA Section 202 (c) (9) discusses the consistency issue, it states:

Section 202 (c) “*In the development and revision of land use plans, the Secretary shall- ...*

(9) to the extent consistent with the laws governing the administration of the public land, coordinate the land use inventory, planning and management activities of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the States and local governments within which the lands are located, including, but not limited to the statewide outdoor recreation plans developed under that Act of September 3, 1964 (78 Stat.897), as amended, and of or for Indian tribes by, among other things, considering the policies of approved State and tribal resource management programs. In implementing this directive, the Secretary shall, to the extent he finds practical, keep apprised of State, local, and tribal land use plans; assure that consideration is given to those State, local, and tribal plans that are germane in the development of land use plans for public land; assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal Government plans, and shall provide for meaningful public involvement of State and local government officials, both elected and

appointed, in the development of land use programs, land use regulations, and land use decisions for public land, including early public notice of proposed decisions which may have a significant impact on non-Federal lands. Such officials in each State are authorized to furnish advice to the Secretary with respect to the development and revision of land use plans, land use guidelines, land use rule, and land use regulations for the public land within such State and with respect to such other land use matters as may be referred to them by him. Land use plans of the Secretary under this section shall be consistent with State and Local Plans to the maximum extent he finds consistent with Federal law and purposes of this Act."

The primary points here is found in the first and last sentence of FLPMA Section 202 (c) (9). The first sentence states: "to the extent consistent with the laws governing the administration of the public land". The last sentence states: "...to the maximum extent the finds consistent with Federal law and purposes of this Act".

The BLM sent a copy of the Draft RMPA/EIS to each of the Soil and Water Conservation Districts for their review and comment. The Soil and Water Conservation Districts did not identify any inconsistencies during the 90-day public comment period. The Department of Agriculture made available a portion of the plans for review by BLM. Upon review, no inconsistencies were found. Should inconsistencies be found at a later date, the BLM will discuss resolution of the conflicts with the specific Soil and Water Conservation District.

APPENDICES

Appendix B

322. Comment: On page B-2-9 it does not make sense to me that the RMP decision would be maintained by changing these few words and that it would be the same for each alternative. With each alternative you are

increasingly putting more people out of business but you're using the same wording to maintain the RMP decision.

Response: Appendix B-1 shows decisions that will be changed as a result of the plan amendment. Appendix B-2 shows examples of decisions that could be updated using plan maintenance procedures. Plan maintenance is used to add clarifying information without actually changing the decision. Such maintenance actions do not require NEPA and would be completed by the various field offices.

323. Comment: In regard to wildlife, particularly with respect to the Macho WHA, we believe the statement on fencing is too broad, i.e., "The grazing permittee agrees to allow the BLM to modify fences". Modification of the fences should be a condition to the issuance of a permit to graze livestock.

Response: This provision applies to new internal pasture fences.

The Resource Management Plan (RMP) language directs BLM to not issue an authorization to build an internal pasture fence where antelope currently are or in potential habitat unless the fence specifications provide for pronghorn passes or the authorization has provisions for BLM to modify the fences. This provision recognizes that once a fence is constructed, BLM would have authority to modify the fences should an antelope conflict develop.

324. Comment: In the White Sands RMP "The existing RMP decision (L-3) Land Tenure Adjustment is that new rangeland developments, vegetation treatments, and access will not be proposed in land tenure adjustment areas". All proposed standards and guidelines recommend adding, "unless it is determined that the development or treatment is necessary to keep the lands in compliance with the New Mexico Standards for Healthy Range". We do not concur with the proposed change.

Response: The 43 CFR 4180.1(c) states:

The authorized officer shall take appropriate action as soon as practicable but not later than the start of the next

grazing year upon determining that existing grazing management practices or levels of grazing use on public land are significant factors in failing to achieve the standard and conform with the guidelines that are made effective under this section.

The BLM needs to have a full range of opinions so appropriate action can be taken as soon as practicable. This decision would be changed to allow BLM to have more options available. No change to the Draft RMPA/EIS document has been made.

325. Comment: Taos RMP, Wildlife - The objective of the wildlife program is to maintain, improve, and expand wildlife habitat on the public land for both consumptive and non-consumptive use. The County Standards and Guidelines would modify the first sentence to add 'balanced with the conservation of cultural/historic opportunities for communities and individuals.' The RAC and Fallback S & G remain unchanged. The Public land Foundation reviewer does not agree with the change.

Response: The adjustment to the Resource Management Plan would be in keeping with the theme of the County Alternative of “balance”, and necessary, if the County Alternative is selected. No change to in the Draft RMPA/EIS document was made based on this comment.

326. Comment: Carlsbad RMP, Livestock Grazing - Livestock management east of the Pecos will be in accordance with East Eddy-Lea MFP grazing decisions, 1.1. Revise 14 existing AMP's to maximize livestock forage on a sustained basis, and to incorporate rest periods to meet the physiological needs of key forage plants.

All proposals recommend a change to the following wording; "Revise 14 existing AMP's so that livestock forage is available on a sustained basis, commensurate with public land health standards, and to incorporate rest periods to meet the physiological needs of key forage plants.

The reviewer comment; The following wording is suggested; 'Revise 14 existing AMP's to assure that grazing management will affect plant development sufficiently to provide livestock forage on a sustained basis.

Response: The BLM Carlsbad Field Office staff was consulted and the recommended change has been made.

327. Comment: Carlsbad RMP, Grazing Systems - Existing RMP Decision 1.3; Develop grazing systems on 42 allotments to maximize livestock forage on a sustained basis, and to incorporate rest periods to meet the physiological needs of key forage plants.

All proposals recommend the wording be changed to; *Develop grazing systems on 42 allotments so that livestock forage is available on a sustained basis, commensurate with public land health standards, and to incorporate rest periods to meet the physiological needs of key forage plants".

The reviewer recommends changing wording to; *Develop grazing systems on 42 allotments designed to affect the objectives of the New Mexico Standards for Public Land Health and Guidelines for Livestock Grazing Management".

Response: The BLM Carlsbad Field Office staff was consulted, and the recommended change has been made.

328. Comment: Roswell RMP, Grazing - The County S&G does not propose changes in the decisions in Appendix B-1-7, 2.) through B-9, 12.) and the changes proposed by RAC and Fallback S&G' are largely cosmetic.

The decision on B-1-10 is to be modified as follows; "Provisions will be made for the planning of revegetation of the land to a level which is suitable to promote diversity and ground cover on land simultaneous with or upon abandonment of a site.

The reviewer's comment; “suitable to promote diversity and ground cover” ? "Simultaneous with ? or upon abandonment"? Gobbledegook!

Response: The intent of this statement as written was to give both BLM and the public land user the flexibility in timing for planning the actions needed to revegetate the disturbed site. This planning could take place while the site is being used prior to abandonment of the site or when the site is abandoned by the user. A change, however, was made to make it read clearer.

329. Comment: Roswell RMP, Special Status Species Habitat Management

Goal: "Provide protection and recovery for all federal and state listed species. Manage occupied and potential habitat for federal and state-listed species on public land to maintain or enhance populations. Manage habitat for federal candidate species to avoid degrading habitat and further listing by either state or federal governments while allowing for mineral production and development, livestock grazing and other uses.

The RAC and Fallback S&G proposals recommend no changes in the above statement.

The County S&G proposal would add: "Affected permittees/lessees will be offered the opportunity to participate in the development of recovery plans and to participate in Section 7 consultations.

The reviewer's comment: This matter is far too complicated to be covered in two sentences. Consider, for example, the following fiascos that have occurred or now exist on public land in New Mexico. The Black (or Mexican) Duck, Ibex, Mouflon, and the Gray Wolf. How is protection and recovery" as stated in the first sentence of the goal, to be interpreted and applied?

Response: The goal statement is a condensation of the BLM Manual regarding the Agency's obligations under the Endangered Species Act (ESA) and BLM policy under the Federal Lands Policy and Management Act (FLPMA) to manage resources in such a manner as to avoid the necessity of listing species under ESA. Measures for the protection and recovery of listed species are usually found in the recovery plan for those species. Additionally, the management actions for protection and recovery of a particular species can be the result of the Section 7 consultation process. The protection and recovery actions vary widely between listed species and between the ecological sites of the

public land managed by BLM. Given these variations, specific statements about interpretation and application of the goal statement cannot be made. A list of Special Status Species for the Roswell Field Office can be found in Appendix 11 of the Approved Roswell Resource Management Plan.

330. Comment: White Sands RMP, Rangeland Management from Southern Rio Grande EIS - Objective: To concentrate management and rangeland improvement efforts on those allotments that have a good potential for improvement and resolution of conflicts.

The County S&G proposal states this objective would not have to be maintained. The RAC and Fallback S&G proposals would add, after conflicts, 'striving for healthy, productive and diverse populations of native species as defined by the NRCS Range Site Descriptions and consistent with a multiple use concept.

The Public land Foundation Reviewer does not concur with the County S&G alternative.

Response: The comment was not specific, therefore no direct response is possible.

331. Comment: White Sands RMP, Rangeland Improvements Decision: Livestock water developments will be designed to permit use and escape by wildlife species.

The County S&G proposal would eliminate this decision. The RAC and Fallback S&G proposals would add; "facilities will be located away from riparian wetlands, where possible and desirable to be consistent with multiple use objectives".

The Public land Foundation reviewer recommends changing the RAC and Fallback S&G proposal to read: Facilities will be located away from riparian wetlands.

Response: The County Standards & Guidelines proposal would not eliminate this decision, but the decision would most likely not be changed (from how it reads now for this alternative). The Resource

Advisory Council (RAC) Alternative (Proposed Plan) has been modified to say livestock facilities will be located away from riparian wetlands, where they interfere with riparian function.

Appendix B-2 was included to show how maintenance of existing decisions could be done. It was not intended to show how they actually would be maintained.

332. Comment: White Sands RMP, Land Treatment - Through land treatment projects (chemical, mechanical, and burning) on 241,576 acres, forage production will increase by 20,006 AUM's in the long-term.

The County S&G proposal eliminates this decision. The RAC and Fallback S&G proposals would add: "Seeding, using native species where possible and desirable is planned.

PLF Reviewer believes this recommendation is speculative, redundant, and undesirable in the S&G.

Response: The County Standards & Guidelines proposal would not eliminate this decision, but the decision would most likely not be changed (from how it reads now for this alternative). Appendix B-2 was included to show how maintenance of existing decisions could be done. It was not intended to show how they actually would be maintained.

Appendix C

333. Comment: On page C-2-23 where it refers to endangered and threatened species in Luna County, there are some acronyms that I couldn't find the definition for. They include T, S/A, E, w/PCH. Also under black-footed ferret, I notice that he's listed in nearly every county in the document. I assume that a ferret is probably a water-loving creature. How does it become indigenous to this area? What the documentation is for that conclusion?

Response: Translations of the acronyms appear on page C-2-40 of the Draft RMPA/EIS. This Appendix was also reprinted in the Proposed RMPA/Final EIS document.

Black-footed ferrets are upland animals related to weasels, badgers, and skunks. They are prairie dog predators and occur only in association with prairie dogs. The species has declined nearly to extinction due to the elimination of prairie dogs and the spread of distemper (a disease of dogs) and other diseases. It is likely ferrets only occurred in the northern half of New Mexico, though prairie dogs historically occurred in many areas Statewide. No ferrets are known to occur in New Mexico at this time. There have been no sightings in New Mexico since 1960, according to "Threatened and Endangered Species of New Mexico 1998" published by the US Fish and Wildlife Service.

334. Comment: The Otero County list of Species on page C-2-26 should be limited to include only threatened and endangered species documented to have been found on BLM lands, in Otero County. After all, the human specie, livestock rancher and public land permittee has been so found and documented. He is deserving of equal or better consideration and has been threatened and endangered.

Response: The BLM policy regarding special status species requires that consideration be given to areas where habitat is known or could exist, but in which the species is not currently known to occur. The purpose of this is to support the recovery and delisting of listed species and to provide management opportunities to avoid Federal listing of sensitive species. Prevention of Federal listing retains a greater range and flexibility for public uses while maintaining sensitive species populations.

335. Comment: The list of "Federally Listed, Proposed, and Candidate Species" that is only perfunctorily included as Appendix C-3 actually appears to be longer than the total discussion of these species, their status, their habitat, their needs, and the impacts upon them contained in the entire balance of the Draft Plan/EIS. There is no mapping of their historic range relative to their current distribution; no adequate discussion of the factors limiting or affecting their persistence; no substantive analysis of the relationship between the factors affecting their persistence and the immediate or cumulative impacts of either the actions being contemplated under this

Draft Plan/EIS or any other actions that might have connected, cumulative, or similar impacts; no specific discussion of any systematic measures that might be applied to mitigate such limiting factors relative to these species; and certainly no scientifically rigorous assessment of the demonstrated efficacy of any such mitigation measures. Furthermore, there are no clear or specific references to sources for such information. For that matter, the Draft Plan/EIS does not even contain a map of the specific lands under your agency's stewardship in the areas under consideration.

This situation clearly does not facilitate the public's ability to understand the scope and impacts of your agency's proposed actions and is clearly unacceptable, particularly in recognition of widespread scientific agreement that livestock grazing is one of the most important factors, if not the most important factor, impacting threatened, endangered, and sensitive species throughout the American West.

Thus, without documenting a valid environmental baseline that enables both the public and the responsible public land managers understand the cumulative impacts of past and proposed actions, which this Draft Plan/EIS fails to do, the rights of the public to cognizant input and comment under NEPA are denied and competent resource management is impossible, particularly with regard to identifying and protecting the habitat, range, and needs of threatened, endangered, and sensitive species.

Response: Due to the large scope of this document, the alternatives are at a broad Statewide level. This precludes site-specific analysis and in depth descriptions of vegetation and related management issues.

336. Comment: I read over the list of proposed and listed endangered species submitted by the USFWS for each county in New Mexico. Specifically in Luna County I would question almost the entire list. As a life long resident of Luna County, I don't believe very many if any of those species have ever existed here. It looks to me like USFWS is just taking a wild guess and are listing everything they can think of without proof of

actual existence. In comparing the list from other counties, I found the same species to be listed in multiple counties. If the USFWS is correct then those species that seem to be so widespread across New Mexico wouldn't really be endanger, would they?

Response: The U.S. Fish and Wildlife Service develops County lists based on the historic range of the species, known occurrences, and habitat for the species. A listing of a species on a County list does not necessarily mean that a species is known to currently exist in the County, but that it is within the range of the species and potential habitat for the species to exist within the County. In the absence of verified sightings, the list indicates that the species may occur within the County.

Appendix D

337. Comment: All the economic stuff needs to be completely redone, use actual production and expense figures on it not the projections and estimates. You could have done this over a ten-year period. It will give you an altogether different perspective than what you've got here. You've got the same number of animal unit months on D-12 and D-13. In one of them you have got \$15,000 gross income. The other one you've got \$10,000 gross income. If you got the same identical animal units, you ought to have the same identical amount of money. I do believe however it is better than what you did in the past, you did not use the economic research figures this time, because they're further off than what these are. You should have used Dr. Fowler's actual budgets and actual stuff that was done. Where the problem is, is Dr. Fowler and Dr. Torrel didn't go back and compare those budgets to what actually went down on the land. Until you can get and use actuals, your tables and charts that you've got in here has got major errors in them. From what you've got in here, there are several things where I know the numbers for a ranch for twenty years, you're so far off its pitiful. Either that or that's a very bad rancher. If he's that bad, he wouldn't be still out there. When you tell me that you're going to decrease my permit by 22 percent and increase my net profit, I think you need to be out there running that thing.

Response: Ranch budget work is constructed from interviews with ranchers. They are not case studies of an individual rancher; the budgets assume a typical working ranch operation. The EIS was a pragmatic approach for the State of New Mexico; it did not go down to the individual ranch level for a site-specific analysis.

338. Comment: The Central Region does not have the same effects to the tax base as it would in counties like Eddy County. The charts on page D-14 are kind of deceiving. For example the extra-small cow/calf ranch is 53 head. The way it is stated it would just cut the percentage on the BLM land. I haven't seen that done yet when an agency makes a decision. If you have intermingled land it takes a reduction on your whole ranch and the way you have it now you may lose three or four head when you take a 20 percent reduction on intermingled lands, you're looking at, 10.5 head. The percentage is deceiving on how big a cut or reduction in your livestock you may have to take.

Response: The other regions for the State of New Mexico have now been analyzed and incorporated into Chapters 3 and 4 and are included as a revised Appendix D in this Proposed RMPA/Final EIS.

The concern that "20 percent cut" on public land may also reduce the level of grazing on intermingled private land is legitimate. However, it does not affect the analysis. The analysis looks at a range of scenarios within the alternatives. Because the areas not meeting the standard have not been identified, an analysis of what will happen is not possible at this time. The reduction of 20 percent on public land was an assumption for one scenario while the assumption of the stocking level after 20 years was consistent for all scenarios.

339. Comment: We would like to ask for an extension of the document until an amendment to the Environmental Impact Statement is published that would include all data for all regions. Whereas the Central Mountain Region data is important, we feel the incorporation of the data from other regions, with higher percentage of federal land, is crucial. Furthermore, we ask to have adequate time to comment on the additional information.

Response: The other regions for the State of New Mexico have now been analyzed and incorporated into Chapters 3 and 4 and are included as a revised Appendix D in this Proposed RMPA/Final EIS.

340. Comment: In several locations this document states it is incomplete, for example on page D-9. How is it possible to read, evaluate, and comment on something that is not there?

Response: Appendix D has now been completed and the data has been summarized in the financial section of the Custom and Culture sections of Chapters 3 and 4. A revised Appendix D is included in this Proposed RMPA/Final EIS.

341. Comment: Much of the data provided that refers to the entire State has been gathered in just one particular area. The land, the people, and the ranching operations throughout this State are very diverse. The only way this document could be accurate is if sound science was used to accumulate the data in all the various regions, various land types, and various operating necessities throughout the State. Using one area for a study and applying the data as representative of the entire State is totally inaccurate.

Response: Appendix D has now been completed and the data has been summarized in the financial section of the Custom and Culture sections of Chapters 3 and 4. A revised Appendix D is included in this Proposed RMPA/Final EIS.

342. Comment: The BLM failed to consider the Human Dimension effects on all the regions of the State of New Mexico (southwest, southeast, or the northwest). By opting to only consider one region (Central Mts.), the DEIS does not adequately show the significant demographic and geographic regional differences (a key component to managing for these different ecosystems). Moreover, by disregarding these significant differences, the report displays a lack of sensitivity not only the different ecosystems, but to the ethnic and cultural differences. Most notably, the document does not address the Native Americans, especially the Navajos in the northwest who have a significant number of BLM grazing permits. In order to analyze and document statewide effects, it is necessary to address each region within

the State to obtain a statewide aggregate. The other three regions should be incorporated before the final EIS is completed for statewide analysis.

Response: The other regions for the State of New Mexico have now been analyzed and incorporated into Chapters 3 and 4 and are included as a revised Appendix D in this Proposed RMPA/Final EIS.

Appendix E

343. Comment: One aspect of this document is grossly inadequate, the human dimension. An extensive amount of additional information is needed in all areas of the State. Some of the information provided is also inaccurate and biased. I would like to refer to the information on pages E-42, E-43, and E-44 regarding Otero County. Although Mr. McDonald is Chairman of the Customs and Culture Committee of the Public Land Use Advisory Council of Otero County, I strongly object to his report in this document and feel it is extremely biased. He is very active in endeavors that do not benefit the BLM land and ranchers of Otero County and I do not feel his report is accurate and does not reflect the true status of customs and culture of Otero County. Further study and consideration absolutely needs to be done.

Response: Early on in the development of the RMPA/EIS, BLM agreed that the Counties would be invited to provide a statement (up to 3 pages in length) on the Custom and Culture of their county. BLM agreed to not edit or change the write-up provided. Otero County provided the information, and it was printed as BLM received it.

GLOSSARY

344. Comment: We feel that there is a need for a good definition of what a riparian area is. We have looked carefully at the riparian functioning condition assessment tool and feel that it is okay. However, the definition of what a riparian area is, is subject to a lot of interpretation and as such, is something that needs to be looked at and probably better addressed.

Response: There are many different definitions for riparian areas, however, many show similar

characteristics. The Draft RMPA/EIS glossary definition for “riparian” is the definition in BLM’s official riparian policy with a slight re-wording for ease of reading. The following is the actual BLM riparian policy definition:

Riparian Area - an area of land directly influenced by permanent water. It has visible vegetation or physical characteristics reflective of permanent water influence. Lakeshores and streambanks are typical riparian areas. Excluded are such sites as ephemeral streams or washes that do not exhibit the presence of vegetation dependent upon free water in the soil.

345. Comment: The following definition of "Riparian" as stated on page 65 in Glossary states: "an area of land directly influenced by permanent water. It has visible vegetation and physical characteristics reliant upon continuous presence of water. Lakeshores and steambanks are typical riparian areas. Sites such as ephemeral streams or washes that exhibit the presence of vegetation which is dependent on free water in the soil would be considered riparian areas." We would recommend omission of the last sentence in order to eliminate contractions to the rest of the definition. The BLM has recently acquired large tracts along the Rio Bonito Riparian corridor, and we wish to clarify definitions and their impacts before final implementation occurs.

Response: The Draft RMPA/EIS glossary definition for “riparian” is the definition in BLM’s official riparian policy with a slight re-wording for ease of reading. The following is the actual BLM riparian policy definition:

Riparian Area - an area of land directly influenced by permanent water. It has visible vegetation or physical characteristics reflective of permanent water influence. Lakeshores and streambanks are typical riparian areas. Excluded are such sites as ephemeral streams or washes that do not exhibit the presence of vegetation dependent upon free water in the soil.

The proposed definition is inappropriate and the official definition is inserted in the glossary.