

**San Francisco  
Soil and Water Conservation District  
LAND USE PLAN**



Centerfire Creek Restoration

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

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

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## EXECUTIVE SUMMARY

Sections 73-20-25 through 73-20-48 NMSA 1978 is the summary description of the New Mexico Soil and Water Conservation District Act (Act). The San Francisco Soil and Water Conservation District (District) is the administrative body responsible for the dictates of the law in Catron County within the boundaries of the District. The District was organized on April 14, 1942 by the farmers and ranchers in the area to promote conservation on private lands. Since that time there have been three additions to the district. The first on May 9, 1944, the second addition on July 1, 1957, and the third addition was on November 12, 1957 when the Luna SWCD joined the San Francisco District. and there are approximately 3,008,534 acres within SFSWCD boundaries.

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

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

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

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

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

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

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

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

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

The District will adhere to the dictates of the law and seek those actions that will satisfy the standards of consistency review within the process. In that manner, expectations of customs and culture will be honored. This Land Use Plan is crafted to address those major issues.

## **1.0 INTRODUCTION**

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

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

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

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

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

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

### **1.1 BACKGROUND/HISTORY**

Settlement in the Catron County region dates to some of the earliest in the Americas. During the Clovis period between 10999 BC and 8000 BC and Folsom period between 7999 BC and 5999 BC, the Ake Site was occupied near Datil.[3] Bat Cave, near Horse Springs, was occupied around 3,500 BC.

The Mimbres culture was part of the Mogollon people who lived throughout the Catron County area from AD 1000 to 1130. Their art is renowned for its beauty.

In 1598, the region was declared part of Santa Fé de Nuevo México, a province in New Spain. The province remained in Spanish control until Mexico's declaration of independence in 1821. Under the 1824 Constitution of Mexico, this became the federally administered Territory of New Mexico. European settlement of this region

started with the Spanish. It intensified after the US acquired New Mexico as a result of the Mexican-American War. More settlers moved to the state after it was admitted to the Union in 1912.

Mexico ceded the region to the U.S. in the Treaty of Guadalupe Hidalgo in 1848 after the Mexican-American War. In 1849, President Zachary Taylor proposed that New Mexico, including this region, immediately become a state to sidestep political conflict over slavery in the territories. That did not happen.

In 1880, Sergeant James C. Cooney was the first person to find silver and gold ore in the mountains of Catron County. He was reportedly killed by Chiricahua Apaches led by Victorio that year in what became known as the "Alma Massacre". His remains are buried at Cooney's Tomb. During this time Cochise was active as another well-known Chiricahua leader. Noted war chief Goyaa\_é (Geronimo) had several hideouts in the county. Later in 1880, Buffalo Soldiers led by Sergeant George Jordan defeated Chiricahua Apache warriors led by Victorio in the Battle of Fort Tularosa. Four years later, self-appointed sheriff Elfego Baca was the hero of the so-called Frisco Shootout in San Francisco Plaza.

In the mid-1880s Butch Cassidy and his Wild Bunch gang holed up at a ranch near Alma, New Mexico. Notorious outlaw Tom Ketchum also lived in Catron County around this time.

Catron County's lands were part of Socorro County from the creation of Santa Fé de Nuevo México until February 25, 1921. At that split, Catron County was named for Thomas B. Catron, a leading figure in New Mexico statehood and its first senator. In 1927, the State Legislature attempted to abolish both Socorro and Catron in order to create a new Rio Grande County. A court suit voided this act and the two counties retained their independence.

#### **LOCATION**

Located in the southern part of Catron County in Western New Mexico. According to the U.S Census Bureau, the Catron County has a total area of 6,929 sq mi.

#### **LAND STATUS**

There are approximately 2,155,380 acres within the San Francisco SWCD. Of this there are about 314,227 acres private and state, 106,010 acres Bureau of Land Management, 160 acres national park, and 1,734,983 acres of National Forest. The present economy of the District is based on agriculture with limited employment in lumbering with most persons employed by local, state and federal governments. Cattle ranching remains a dominant activity with grazing on forest and other federal and state land supplementing the private holdings. Nearly all the crops grown on the farmland are used for supplemental feeding of cattle.

The population within the District is approximately 2,700 or about 0.5 persons per square mile, making it one of the most sparsely settled places in New Mexico. The population of Catron County, of which the San Francisco District comprises about one half, has had a downward trend.

#### **CATRON COUNTY TOTAL POPULATION**

1910	3,804
1920	3,780
1930	3,282
1940	4,881
1950	3,533
1960	2,773
1970	2,100

1980	2,755
1990	2,353
2000	3,543
2010	3,725

**ELEVATION**

Ranges between 4,600 feet above sea level to 11,000 feet above sea level.

**CLIMATE**

Climate varies according to elevation but predominantly the District is temperate and continental in type, with cool winters and warm summers. Temperature ranges from an average minimum of 20°F in January to an average maximum in July of 99°F. In general, the climate is characterized by light precipitation, abundant sunshine, relatively low humidity and a considerable annual and daily temperature range. There is considerable variation in climatic conditions from year to year and from one locality to another locality in the district.

**WATERSHEDS**

SFSWCD has the following 8-digit watersheds within its boundaries: 15040004 San Francisco, 15040001 Upper Gila and 13020208 Plains of San Agustin.

**A. WATERSHED PROBLEMS IN THE DISTRICT**

1. Overstocking of trees in ponderosa and woodland communities.
2. The lack of herbaceous cover. Brush invasion of grass lands.
3. Uncoordinated management of ungulate grazing.

**B. PROGRAM FOR SOLUTION OF THE PROBLEMS**

Working cooperatively with private and public land managers to:

1. Reduce tree densities
2. Install grading control structures
3. Encourage reseeding
4. Continue work with Gila Monster Group
5. Working with other coordinators to develop integrated ungulate grazing management
6. Where appropriate, encourage and promote use of fire as a management tool.
7. Locating and enhancing recharge capture basins.

**WATER QUALITY**

**A. WATER QUALITY PROBLEMS IN THE DISTRICT**

1. Impaired Stream Segments in San Francisco District:

**B. PROGRAM FOR SOLUTION OF THE PROBLEMS:**

1. Stream segments will be monitored for point and non-point source pollution.
2. Whitewater Creek Bank Stabilization Project.
3. Tularosa River Erosion Control Project.

4. Apply for 319 funding and any other federal and state funding available.
5. Conduct water quality monitoring in order to further refine and determine the source of impairments.

#### **ECOREGIONS**

The District is ecologically classified in two Level III ecoregions: 1) The Arizona/New Mexico Mountains and 2) The Arizona/New Mexico Plateau.

Level IV ecoregions within the District include, 23c Montane Conifer Forests 23d Arizona/New Mexico Subalpine Forests 23e Conifer Woodlands and Savannas and 22l Plains of San Augustine.

#### **CURRENT LAND RESOURCE USES**

##### **FARMLAND**

There are approximately 2,349 acres of irrigated cropland within the District. Most of the farmland in the District lies along the San Francisco River Valley in Glenwood, Reserve, and Luna areas. There is also some farming along the Tularosa River, Mineral Creek and Whitewater Creek. The two land resource areas within the District are Arizona and New Mexico Mountains and Western Plateaus and Mesas. The Glenwood area farming lies in the Western Plateaus, whereas the rest of the farming is done in the Rocky Mountains. Almost all of the farmland is irrigated by diverting water from the creeks and rivers through the ditches to the fields, with very few irrigation wells. The main irrigated crops are pasture, alfalfa and small grains with smaller amounts of corn, sorghum, orchards and gardens.

The soils on the cropland fall into predominately four classes. They are (1) deep loamy soils, (2) moderately deep soils over sand and/or gravel, (3) moderately deep to shallow over sand and/or gravel and possibly 3 to 5 percent slopes and (4) shallow soils.

##### **A. FARMLAND PROBLEMS IN THE DISTRICT**

###### **1. SOILS PROBLEMS:**

- a. The soils of the irrigated cropland are of alluvial origin and range in texture from sand to clay. These soils vary considerably from field to field in texture and also in depth. This calls for intensified management of soils, crops, and irrigation water.
- b. Some fields have a high water table, which limits the depth of the root zone. This requires special management as to the kinds of varieties of crops that can be grown and/or drainage.
- c. Due to the large amounts of sand and gravel in the soil, the efficient use of irrigation water calls for highly intensified management such as application of water at a fast rate, frequent irrigations, and short irrigation runs.
- d. Because of the sand and gravel in the soil, fertilizer is easily leached. e. Due to the shallow soils on much of the land, land leveling must be carefully done.

###### **2. PROBLEMS CAUSED BY FLOODWATERS:**

- a. Floods on the San Francisco River and its tributaries are a yearly occurrence. These floods cause:
  1. Loss of crops.
  2. Loss of cropland
  3. Damage to wells, fences and homes.
  4. Ditches and ditch headings are constantly washed out.
  5. The stream channel to change its course, cutting away valuable land.

### **3. PROBLEMS CONNECTED WITH HANDLING IRRIGATION WATER:**

- a. The inadequate irrigation systems used in the District are the major problems in the handling of irrigation water. The majority of these systems consist of brush and cable diversions and earth ditches. These diversions must be replaced three and four times a year. Many times the irrigation ditches are one to two miles long before reaching the cropland, causing a high loss of water through seepage.
- b. Since irrigation water in the District is allocated to the extent of about three acre feet of water per acre of cropland, efficient application of this wafer is a must.
- c. Watershed treatment is needed to improve delivery of water and improve water quality.

### **4. ECONOMIC PROBLEMS CONNECTED WITH THE FARMING ENTERPRISES:**

- a. With limited cash crops grown in the area, very few farmers make their living solely off their farm. Many farmers have a farm and ranch combination and use their farmland to supplement their cattle. Others who are strictly farmers must supplement their farm income with off-the-farm employment. Due to the low income-producing cropland, farmers are hesitant in applying needed conservation practices.

## **B. PROGRAM FOR THE SOLUTION OF THESE PROBLEMS**

### **1. SOIL MANAGEMENT PROGRAM:**

- a. With soil surveys to identify the various depths and textures of soil, more efficient irrigation systems and better-adapted crops can be planned for each field.
- b. To obtain efficient use of irrigation water on these various soils will require the measurement of water going into the fields. It may also require leveling fields, making shorter irrigation runs and installing borders.
- c. With the efficient application of irrigation water, some fertilizer leaching can be avoided. Also with the use of a good rotation in the cropping system and by plowing plant stubble into the soil, this will help in improving the tilth and fertility of the soil.
- d. Fields having shallow soils that need leveling may have to be leveled in two or more fields to reduce the deep cuts into the shallow soil.
- e. Work toward getting small-scale water diversion structures built on the San Frisco River for water control so that the farmers will have their water when the crops need it.
- f. Encourage seeding of dry land fields to protect against erosion. Encourage seeding of adapted introduced and/or native plant species.

### **2. FLOOD CONTROL PROGRAM.**

- a. The District will co-sponsor the Upper San Francisco and the Tularosa small watershed projects, which appear to be potentially feasible in the Conservation Needs Inventory.
- b. Provide technical assistance to any group or individual who has flooding problems and requests the District's assistance.
- c. Need watershed treatment to maintain sustained stream flow for yearlong supply.

### **3. APPLICATION OF IRRIGATION WATER:**

- a. Assist individuals and groups in reorganizing their field and community ditch systems. Some of the community ditches are the South Luna, McKeen, Middle Frisco, North Aragon, and South Aragon, also the East Side and West Side Pleasanton Ditch. The following improvements are needed:
  1. Permanent type diversions such as rock and wire.
  2. Install pipe and concrete lined ditches with checks and turnouts.

3. Land leveling.
4. Install infiltration diversions

**4. ECONOMIC PROBLEMS:**

- a. Provide cost-return data to individuals
- b. If a cash crop or specialty crop can be found suitable for the area, technical assistance could be provided on the management and marketing of this crop. Assistance in finding a suitable specialty crop for the area will also be provided through the Extension Service and others.

**RANGELAND**

Ranches vary from 5 to 10 head to over 1,500 head with elevations ranging from below 5,000 feet to above 10,000 feet. The primary objective of the District's long-range program is to achieve the highest degree of use and still use the area within its capabilities. This includes protecting the soil; maintaining or improving the rangeland, woodland, and wildlife habitat, reduces floodwater and sediment damage, and possibly converting to a recreation area.

**A. PROBLEMS ON RANGELAND IN THE DISTRICT**

1. With the invasion of brush in the District, grass production had declined. This has also reduced the amount of water infiltration into the soil, reducing the flow from springs and generally lowering the water table.
2. Because of the low rainfall in the District, permanent cattle waterings are very scattered, therefore, the proper distribution of livestock is not attained.
3. Because of the large amounts of federal land in the District, an overall plan of conservation operation is hard to achieve. This indicates a need for stronger cooperation of the U.S. Forest Service and the Bureau of Land Management.
4. Gully erosion is evident on all ranches within the District. 5. Lack of adequate soil surveys for districts.

**B. PROGRAM FOR THE SOLUTION OF THESE PROBLEMS:**

1. Encourage ranchers, through the use of cost-return data, to control brush on their lands.
2. Furnish technical assistance to ranchers in installing pipelines and storage tanks.
3. Enter into a Memorandum of Understanding with other federal and state agencies for the orderly development of conservation plans on public lands as well as privately controlled lands.
4. Provide technical assistance on the application of erosion control dams.
5. Encourage cost-share needed practices such as brush control, water developments, and fencing.
6. Encourage ranchers to increase productivity and reduce erosion on poor and fair condition rangeland, by installing grazing systems and practicing good range management.
7. To encourage ranchers to reseed old fields and areas where vegetation is not adequate to protect soil from erosion.
8. Provide technical assistance to all the ranchers within the District. The District, through the Natural Resource Conservation Service, will help the district ranch cooperator prepare a basic inventory of his lands, help him gain a better knowledge of his plants, and furnish him with cost-return information for treatment alternatives. From this information the rancher is able to develop a range forage improvement plan. A ranch plan map is developed with the rancher showing his ranch inventory and the practices he plans to do.

## **RECREATION**

The District recognizes that Catron County has a high potential for recreation. With the rapid increase in population and shorter working hours, people will have more free time to devote to recreation. With the District's natural scenery, wildlife and fish, many of these people will come to Catron County.

The District will assist farmers and ranchers who want to divert part or all of their land into a recreation enterprise. Multiple use of their land such as recreation-cropland, recreation-rangeland, etc. could also be established. Some of the recreation conservation practices which the District will provide technical assistance on are: (1) fishpond construction, (2) fishpond stocking, (3) fishpond management, (4) recreation access roads, (5) recreation area stabilization, (6) tree planting, (7) grass planting, (8) water development, and (9) wildlife habitat development.

An appraisal of outdoor recreation potentials for the county has been made. This appraisal showed a high potential for the following types of recreational developments:

1. Vacation Cabins, Cottages and Home sites.
2. Camping Grounds - Vacation Site Camping and Pack Trip Camping.
3. Trout Fishing Areas.
4. Small and Big Game Hunting Areas.
5. Vacation Ranches.
6. Off Highway Vehicle Recreation

### **A. RECREATION PROBLEMS IN THE DISTRICT:**

1. Lack of restroom and sanitation facilities;
2. Lack of accessible river put-in and take-out areas for whitewater boating;
3. Development of roads for proper drainage;
4. Trailheads need improvement;
5. Lack of solid waste facility sites

### **B. PROGRAM FOR SOLUTION OF PROBLEM**

1. Construction of more restroom facilities throughout the District as well as construction of an R V sanitation dump station;
2. Design and construction of proper put-in and take-out areas on the San Francisco River;
3. Trailhead enhancement as well as construction of facilities for housing of livestock at some trailheads;
4. Improve road and trail maintenance on National Forest Lands;
5. With only about 5 percent of the county accessible by all-weather roads, the District encourages the improvement of transportation and access to recreation areas within the county. With the improvement of access and the development of recreation, it is felt that tourism would greatly expand and thereby improve the income earning potential of the local people;
6. Assist in improving solid waste disposal;
7. Development of off highway vehicle loop trail systems.

## **1.2 AUTHORITY**

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

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

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

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

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

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

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

### 1.3 ADOPTION

By adoption of this Plan in accordance with the Act, the District hereby records its intention to engage in decision making that pertains to all soil and water resources within its jurisdiction as provided under the law. The statement of purpose includes the recognition of the duties, statutory requirements, court mandates, executive orders, and policies of local, county, state, and federal agencies to comply with plans adopted under

the concept and definition of coordination noted herein. This also facilitates the coordination of local, county, state, and federal planning efforts with the local planning efforts of the District.

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

To maintain and revitalize the idea of multiple use on state and federal lands within SFSWCD's jurisdictional boundary.

To protect private property rights and private property interests, including investment-backed expectations.

To protect local historical custom and culture.

To protect the traditional economic structures in the District that form the base for economic stability.

To facilitate new economic opportunities by relying on free markets.

To protect the rights to the enjoyment of the natural resources of the District by all citizens.

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

## **2.0 PRIMARY PLANNING GUIDANCE**

### **2.1 PLAN DEFINITIONS**

**Agriculture** – The art and science of growing crops and raising and breeding livestock. According to this Plan, activities which traditionally define agriculture in the District include, but are not limited to, poultry, cattle, sheep, hogs and pigs; hay, grain, chile, vegetables melons, potatoes, and other crop production.

**Animal Unit Month (“AUM”)** – The quantity of forage required by one mature cow and her calf (or equivalent, in sheep or horses, for instance) for one month. The amount of forage needed to sustain one cow, five sheep, or five goats for a month. In the United States, a full AUMs fee is charged for each month of grazing by adult animals if the grazing animal (1) is weaned, (2) is 6 months old or older when entering federal land, or (3) will become 12 months old during the period of use.

**Area of Critical Environmental Concern (ACEC)** – areas within federal lands where special management attention is required to protect and prevent irreparable damage to important historic, cultural and scenic values, fish and wildlife resources, or other natural systems or processes, or to protect life and safety from natural hazards.

**Archeological and Historic Preservation Act 1974** – Provides for “the preservation of historical and archeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed as the result of (1) flooding, the building of access roads, the erection of workmen's communities, the relocation of railroads and highways, and other alterations of the terrain caused by the construction of a dam by any agency of the United States, or by any private person or corporation holding a license issued by any such agency or (2) any alteration of the terrain caused as a result of any Federal construction project or federally licensed activity or program.” 16 U.S.C. §469.

**Candidate Conservation Agreement** – US Fish and Wildlife Service (FWS) by policy may enter into an agreement with a state agency, local government or private landowner to protect or manage habitat for a species that is proposed for listing but is not yet listed. Under the terms of the agreement, generally an agreed-upon amount of land is set aside or earmarked to be conserved for the candidate species. The landowner may also receive compensation and assurances that if the species is listed, the landowner will not be required to adopt additional conservation measures.

**Compensable Property Right** – Is any type of right to specific property, personal or real, tangible, which, when reduced or taken for public purposes, is due just compensation under the Fifth Amendment of the United States Constitution.

**Conservation** - Management of the human use of natural resources to provide the maximum benefit to current generations while maintaining capacity to meet the needs of future generations. Conservation includes both the protection and rational use of natural resources.

**Conveyance of Harm** – The loss or detriment suffered by resource users because of intrusion of uncoordinated actions.

**Cooperation** – Process created by Bureau of Land Management (BLM) to marry the general attempt to blend respective areas of responsibility, authority, and expertise of governing bodies and agencies for creating more effective land planning partnerships.

**Cooperating Agency** – 1. Generally reference to the partnership agent in the relationship of preparing resource management plans, partnering with Tribes, state, and local governments (intergovernmental partners) before, during and after plans and Environmental Impact Statements (EISs) are prepared. 2. The agent acting upon and within the framework for intergovernmental efforts in achieving early and consistent partnership involvement,

incorporating local customs and culture as well as state and local land use requirements, address intergovernmental issues, avoid duplication of effort, enhance local credibility of plans and EISs, encourage support for management decisions, and build relationships of trust.

Coordination – 1. Process created by Congress to ensure consistency of federal plans and activities with local government plans and policies. 2. Coordination is defined as the act of coordinating; harmonious adjustment or interaction; one that is equal in importance” (American Heritage Dictionary). Coordination is more than “cooperate” or “consult. The courts have defined the term as well: “The concept of ‘coordination’ means more than trying to work together with someone else. To ‘coordinate’ is ‘to bring into a common action, movement, or condition; it is synonymous with; harmonize.’” (California Native Plant Society .v City of Rancho Cordova, 172 Cal. App 4<sup>th</sup> 603, 91 Cal. Rpt. 3rd 571 (Third App. Dist. 2009). 3. Specifically the National Forest Management Act (16 U.S.C.§§ 1604 (a)) requires the Secretary of the Department of Agriculture to: develop, maintain and as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management processes of state and local governments and other federal agencies. 4. Specifically the Federal Land Policy and Management Act (43 U.S.C.A. 1712(c)(9)) requires the Secretary of the Department of Interior to: a. Keep apprised of local plans; b. assure consideration is given to the local plans; c. assist in resolving inconsistencies with local plans; d. meaningfully involve local governments in the planning process; and e. ensure land use plans are consistent with local land use plans.

Coordination Process – a process by which local government engages in a government-to-government dialogue with state and federal agencies in a constructive effort to achieve consistency between state and federal land use plans and actions with local government.

Coordinated Resource Management (“CRM”) – A group of people working together to develop common resource goals and resolve natural resource concerns. CRM is a people process that strives for win-win situations through consensus-based decision-making.

Culture - Culture is defined as the customary beliefs, social forms and material traits of a group; an integrated pattern of human behavior passed to succeeding generations. Webster’s New Collegiate Dictionary, 227 (1975).

Custom - Custom is a usage or practice of the people, which by long and unvarying habit, has become compulsory and has acquired the force of law with respect to the place or subject matter to which it relates. Bouvier’s Law Dictionary, 417 (1<sup>st</sup> ed. 1867).

Data Quality Act - Section 515 of the Treasury and General Governmental Appropriations Act for Fiscal Year 2001 (Public Law 106-554) directed the Office of Management and Budget to issue guidelines to “provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information [including statistical information] disseminated by Federal agencies.”

de facto Wilderness Management – Land management policy that is imposed without congressional direction or authority that mirrors or is similar to the management of areas designated by Congress as wilderness pursuant to the 1964 Wilderness Act. The management restrictions and prohibitions include: the prohibition of construction of new roads; restriction or prohibition on reconstruction or maintenance of existing roads; prohibition of mining or mineral development; restrictions on activities that would require permanent structures or facilities, or restrictions on motorized vehicle use or the use of mechanical tools or means of travel.

Desired Plant Community – A plant community which produces the kind, proportion and amount of vegetation necessary for meeting or exceeding the land use plan and activity plan objectives established for an ecological site(s). The desired plant community must be consistent with the site's capability to produce the desired vegetation through management, land treatment, or a combination of the two.

Economics – Pertaining to the development and management of the material wealth of a government or community.

Erosion – (v.) Detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

(n.) The land surface worn away by running water, wind, ice or other geological agents, including such processes as gravitational creep.

Federal Lands—All land and associated natural resources owned and managed by the United States. Federal lands include, but are not limited to, federally reserved lands, federal mineral leases, federal geothermal leases, livestock grazing allotments and leases, federal rights-of-way, but categorically exempted are lands and resources to which private interest or title is attached.

Forms of Production – The forms of production component include the things you have or need to produce to retain or attain the desired quality of life. The derived forms of production statement of the District reads as follows: “The quality of life we strive for will be achieved by continuing to maintain and enhance sustainable and optimum production of renewable and nonrenewable resources and to encourage and support the motive and means to enhance economic opportunity and education.”

Future Resource Base – The future resource base component includes the people, land and community we live in and the services available, and what we will need to sustain and enhance our quality of life and forms of production. The future resource base statement of SFSWCD reads as follows: “Through the efforts of cooperation and communication among the local people, our community will have a beneficial impact on sustaining a strong and viable multiple-use of our lands, including agricultural, industrial, mineral production, commercial, recreational and historical uses, which together will provide the continued ability to generate wealth and growth and needs of our community.”

Grazing Management Practices – Grazing management practices include such things as grazing systems (rest-rotation, deferred rotation, etc.), timing and duration of grazing, herding, salting, etc. They do not include physical range improvements.

Guidelines (For Grazing Management) – Guidelines provide for and guide the development and implementation of, reasonable, responsible, and cost-effective management actions at the allotment and watershed level which move rangelands toward statewide standards or maintain existing desirable conditions. Appropriate guidelines will ensure that the resultant management actions reflect the potential for the watershed, consider other uses and natural influences, and balance resource goals with social, cultural and historic, and economic opportunities to sustain viable local communities. Guidelines, and, therefore, the management actions they engender, are based on sound science, past and present management experience and public input.

Habitat Conservation Plan – The FWS will approve a plan to protect habitat for a species listed under the ESA located on private land. The habitat conservation plan allows private landowners to use or develop the land, even though the activities may adversely affect a listed species. The plan will also include a “takings permit” which will permit the incidental loss of habitat or potential harm to a listed species.

Habitat Fragmentation – An event that creates a greater number of habitat patches that are smaller than the original contiguous tract(s) of habitat.

Historical Value – 1. The collective contributions of objects and values derived and established in recorded history that impact the character of the District and contribute directly to the customs and cultures related to the use and protection of natural resources as described in the Act. 2. The primary managed value as set forth in Federal Land Policy and Management Act (FLPMA) that applies to natural resources and the respective resource users as set forth in the Act.

Indicator – An indicator is a component of a system whose characteristics (e.g., presence, absence, quantity and distribution) can be measured based on sound scientific principles. An indicator can be measured (monitored and evaluated) at a site or species-specific level. Measurement of an indicator must be able to show change within timeframes acceptable to management and be capable of showing how the health of the ecosystem is changing in response to specific management actions. Selection of the appropriate indicators to be monitored in a particular allotment is a critical aspect of early communication among the interests involved on the ground. The most useful indicators are those for which change or trend can be easily quantified and for which agreement as to the significance of the indicator is broad based.

Irreversible and Irrecoverable Commitment of Resources – NEPA requires that each EIS address the resources that will be permanently lost or committed as a result of the project. When oil is produced from a well, it is lost or committed and cannot be later developed. Vegetation resources associated with a well pad are not irreversibly committed because the site can be reclaimed.

Jeopardy Review – The FWS, pursuant to the Endangered Species Act (ESA), must evaluate all federal actions that may adversely affect a species that is listed under the ESA to determine whether the proposed action is likely to jeopardize the continued existence of the species. 16 U.S.C. §1536. As part of the jeopardy review, which is also called a “Section 7 review,” FWS prepares a biological opinion, makes a determination regarding jeopardy, and recommends additional conservation measures that would mitigate the impacts on the species. If the FWS makes a finding of jeopardy, the proposed federal action may not proceed.

Lands with Wilderness Characteristics – lands that fit the strict definition of wilderness as set forth in the Wilderness Act, e.g., ‘5000 contiguous acres’, etc., and are allowed by strict inventory methods as defined by FLPMA.

Managed Values - Values attached to the management of federal lands as set forth in FLPMA. Such values are identified to protect the quality of management, preserve certain lands in their natural condition, provide food and habitat for fish, wildlife, and domestic animals, and provide for outdoor recreation, human occupancy and use. The eight identified managed values are scientific, scenic, historical, ecological, air and atmospheric, water resources, and archeological.

Multiple Use – 1. Balanced and diversified management of federal lands and their various public resources to best meet present and future economic and resource needs of the American people. 2. Management of lands and their various resource values so that they are used in the combination that will best meet the present and future needs of the citizenry and the American people. 3. A combination of balanced and diverse resource uses that include managed values as set forth in FLPMA.

Natural Resources – As used in this Plan, all renewable and nonrenewable material in its native state which when extracted has economic value as it pertains to the protection and beneficial use of soil and water. Natural resources may be commercial or noncommercial in nature.

Objective – An objective is a site-specific statement of a desired rangeland condition. It may contain qualitative (subjective) elements, but it must have quantitative (objective) elements so that it can be measured. Objectives frequently speak to change. They may measure the avoidance of negative changes or the accomplishment of positive changes. They are the focus of monitoring and evaluation activities at the local level. Objectives may measure the products of an area rather than its ability to produce them, but if they do so, it must be kept in mind that the lack of a product may not mean that the standards have not been met. Instead, the lack of a particular product may reflect other factors such as political or social constraints. Objectives often focus on indicators of greatest interest for the area in question.

Objectivity - Includes whether disseminated information is being presented in an accurate, clear, complete, and unbiased manner. In a scientific or statistical context, the original or supporting data shall be generated, and the analytical results shall be developed, using sound statistical and research methods.

Private Property – As protected from being taken for public uses.

Public Lands – Lands open for sale or other disposition under the general land laws to which no claims or rights of others have been attached.

Rights-of-Way – This term generally refers to “an easement, lease, permit, or license to occupy, use, or traverse lands” and such right may be created by federal or state statute, deed, contract or agreement, or permit. A right-of-way may also include: Any road, trail, access or way upon which construction has been carried out to the standard in which public rights-of-way were built within historic context. These rights-of-way may include, but not be limited to, horse paths, cattle trails, irrigation canals, waterways, ditches, pipelines or other means of water transmission and their attendant access for maintenance, wagon roads, jeep trails, logging roads, homestead roads, mine to market roads, and all other ways.

RS2477 Rights of Way – Revised Statute 2477 was a self-executing law. When the conditions were met, the right-of-way grant was made. No further action by the grantee or by Congress was necessary to validate it.

Range – Rangelands, forests, woodlands and riparian zones that support and understory or periodic cover of herbaceous or shrubby vegetation amenable to rangeland management principals or practices. Land on which the principal natural plant cover is composed of native grasses, forbs, and shrubs that are valuable as forage for livestock and big game. Any land supporting vegetation suitable for wildlife or domestic livestock grazing, including grasslands, woodlands, shrublands and forest lands.

Range Condition – The current productivity of a rangeland relative to what the land could naturally produce based on the site’s soil type, precipitation, geographic location and climate.

Range Improvements – Range improvements include such things as corrals, fences, water developments (reservoirs, spring developments, pipelines, wells, etc.) and land treatments (prescribed fire, herbicide treatments, mechanical treatments, etc.).

Range Management – The art and science of planning and directing range use intended to use the sustained maximum animal production and perpetuation of the natural resources.

Rangeland Preservation Area – a conceptual federal land designation that balances access and land uses, and is in the process of being defined.

Recharge - The addition of water to an aquifer by infiltration, either directly into the aquifer or indirectly by way of another rock formation. Recharge may be natural, as when precipitation infiltrates to the water table, or artificial, as when water is injected through wells or spread over permeable surfaces for the purpose of recharging an aquifer.

Recovery Plan – The ESA requires the FWS to prepare a plan to improve the status of a listed species to the point where the species need no longer be listed. A recovery plan typically sets population goals, identifies tasks to reverse or arrest the decline of a species and criteria for delisting the species.

Reintroduction Plan – Under the ESA, a reintroduction plan is a specialized recovery plan designed to restore a threatened or endangered species to its historical habitat. A reintroduction plan will document the habitat area to be occupied and specific management actions to be taken to ensure the successful reintroduction of the listed species. Alternatively, a reintroduction plan by a state wildlife agency will return fish, game or other wildlife to an area where they have been extirpated.

Research Natural Area (“RNA”) – A type of area of critical environmental concern or ACEC under BLM land use planning process where natural ecological and physical processes are allowed to occur and human activities are prohibited if they will interfere with the natural processes. Under Forest Service land use policy, an RNA is an area identified as a reference area to evaluate the impacts of management in similar environments, including areas for research and areas to be protected for biodiversity or threatened, endangered and sensitive species.

Riparian – An area of land directly influenced by permanent water. It has visible vegetation or physical characteristics reflective of permanent water influence. Lakeshores and streambanks are typical riparian areas. Excluded are such sites as ephemeral streams or washes that do not have vegetation dependent on free water in the soil

Runoff - Water not absorbed by soil or landscape to which it is applied. Runoff occurs when water is applied too quickly (application rate exceeds infiltration rate), particularly if there is a severe slope. Storm water runoff is created by natural precipitation rather than human caused or applied water use. The part of the precipitation that appears in surface streams.

Soil – Loose material from the earth’s surface in which all things grow, from which lands within the SFSWCD generate upwards of \$.75 billion annually, and which constitutes geologic sedentary and sedimentary accumulations.

Species of Concern or Special Status Species – This term includes species that have been proposed for listing under the Endangered Species Act or have already been listed as threatened or endangered, as well as species that are on the candidate list published in the Federal Register. The term also includes any state-listed species or any “sensitive species” identified by the BLM State Director, which includes the above categories and might also include species undergoing downward trends due to changes in habitat capability or populations or which occupy specialized habitats.

Spill Over – This term refers to the movement of introduced or reintroduced wildlife into areas where they were not intended to be in the plan. The presence of such species will greatly limit land uses, especially when the species is protected under the ESA or other federal and state laws.

Standards – Standards are synonymous with goals and are observed on a landscape scale. Standards apply to rangeland health and not to the important byproducts of healthy rangelands. Standards relate to the current capability or realistic potential of a specific site to produce these by-products, not to the presence or absence of the products themselves. It is the sustainability of the processes, or rangeland health, which produces these byproducts.

Sustainable – able to be maintained at a certain rate or level.

Sustained Yield – A “high-level” output of renewable resources that does not impair the productivity of the land. The continuation of a healthy desired plant community.

Takings in Context of Endangered Species Act – Includes harm to a protected species when an act actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. 50 C.F.R. §17.3.

Takings in Context of Property and Right to Compensation – A ‘taking’ of property is generally defined as to deprivation of the right of use and enjoyment of the property. The ownership of property is often described as a “bundle of sticks” which includes mineral rights, rights of access, rights to use the surface, and rights to use the fruits raised from the surface, such as crops or grass. When land use regulation by federal, state or local government interferes with one of those rights in the bundle of sticks, a taking occurs only if it deprives the owner of all of his bundle of sticks or “investment-backed expectations.” More recent decisions will find a

taking when the deprivation is total but temporary or when the deprivation precludes an essential element of the property right, such as the right to exclude others. Federal land agencies enjoy a much greater presumption of authority to limit the exercise of private property rights and successful takings cases more often involve disputes with a local government or state agency.

Unintended Consequences – 1. Impact or damages that do not directly and immediately flow from the act or the policy implementation. 2. The result of unforeseen circumstances that are not predictable or immediately apparent to the casual observer without local input.

Visibility Protection Plan – A plan that implements the requirements of the Clean Air Act.

Visibility or Visibility Impairment – Visibility refers to amount or lack of haze that obscures the ability to see great distances. Visibility impairment measures the extent of haze composed of various air pollutants which manifest as a white or brown haze. This is a major issue with respect to national parks and wilderness areas, which are Class I air quality areas and are given the highest level of protection.

View – The sight or prospect from a particular point, typically an appealing sight.

Viewshed – The geographic area surrounding the visual area to be inventoried and managed.

Visual Condition Class – The Clean Air Act recognizes four air quality classes with Class I applying to national parks and wilderness areas and Class II applying to all other federal land areas, such as National Forests, National Wildlife Refuges, and public lands. Visual conditions are affected by particulates, emissions including ozone, sulfur oxide, nitrogen oxide, carbon dioxide and the chemical reactions caused by humidity and sunshine.

Visual Quality or Visual Resource Management Objective – Standards established in land use plans prepared by the Forest Service or the Bureau of Land Management to apply to specific land areas based on the scenic qualities and land uses. The land use plans may require modifications to facilities to reduce the visual impacts.

Visual Resources - Visual resources in the District are a composite of landforms, human and animal life forms, water features, cultural features, terrain, geologic features and vegetative patterns which create the visual environment. These visible physical features are important to the landscape and the scenic quality of the District.

Water – To supply with water. Irrigate, sub-irrigate, dampen, vaporize, humidify, hose, spray, douse, drench, submerge, immerse, saturate, plunge, dip, splash, sprinkle, moisten, wet, and soak. In all forms, i.e. subterranean, surface, captured, recaptured, processed or wild. All waters (subterranean, ponds, pools, stream, river, wild and or contained arroyos) within the footprint of SFSWCD.

Water Right - Legal rights to use a specific quantity of water, on a specific time schedule, at a specific place, and for a specific purpose.

Watershed – The total land area, regardless of size, above a given point on a waterway that contributes runoff water to the flow at that point. It is a major subdivision of a drainage basin. The United States is generally divided into 18 major drainage areas and 160 principal river drainage basins containing about 12,700 smaller watersheds. The entire region or land area that contributes water to a drainage system or stream, collects and drains water into a stream or stream system or is drained by a waterway (or into a lake or reservoir). More specifically, a watershed is an area of land above a given point on a stream that contributes water to the streamflow at that point. A region or area where surface runoff and groundwater drain to a common watercourse or body of water. The area drained by a river or river system enclosed by drainage divides. An area of land that drains to a single water outlet. A watershed is also known as a sub-basin.

Wilderness Act of 1964 – Congress established the National Wilderness Preservation System to protect and preserve those areas deemed to be wilderness, which is defined as: A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this chapter an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value. 16 U.S.C. §1131(a).

Wilderness Area – Tracts of land designated by an act of Congress to be part of the National Wilderness Preservation System.

Wilderness Study Area or WSA – An area of land identified by Congress or a federal agency pursuant to Congressional direction to be evaluated for its suitability for designation by Congress as part of the National Wilderness Preservation System. Regarding public lands managed by the Bureau of Land Management, it refers to tracts of public lands determined to meet the definition of wilderness based on the wilderness inventory and review conducted by the Bureau of Land Management pursuant to Section 603 of the Federal Land Policy and Management Act, 43 U.S.C. §1782. A WSA typically meets the definition of wilderness in that it is “an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.” 16 U.S.C. §1131(c.)

Wildlife – Populations, variety, and distribution of birds, mammals, reptiles, amphibians, invertebrates and plants.

## **2.2 ANNUAL ACTION PLANS**

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

## **2.3 POLICIES AND PROCEDURES**

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

## **2.4 EMERGENCY ACTION PLANS – (for dams and structures and filed for reference)**

2.5 COORDINATION AGREEMENTS – (such as the Catron County Land Use and Water plan, Participating, Cooperating, and Stewardship Agreements with state and federal Agencies)

### **3.0 PURPOSE, CUSTOM AND CULTURE, AND GOALS**

#### **3.1 PURPOSE**

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

The purpose of the Plan is to guide policy concerning soil, water and natural resource conservation and enhancement as needed and is intended to provide a framework for local, county, state, and federal agencies in land use planning that affect the resource universe in the District. Additionally the Plan is meant to safeguard the historic, traditional, conceptual and future conservation measures of these resources against all encroachments that may jeopardize their sanctity and beneficial use. This plan is designed to protect the production and safeguarding of legitimate and worthwhile agricultural products, to ensure the sanctity of private rights, to allow and encourage expansion of resource supplies, and to defend the active engagement of public safety for District citizenry created by the presence and absences of water supplies.

#### **3.2 CUSTOMS AND CULTURE**

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

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

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

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

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

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

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

Provide the plans and policies that direct the SFSWCD in coordination with local, state, and federal bodies and agencies regarding planning, outlining, orchestrating, scheduling, mapping, designing, facilitating, imagining, formulating, designing, plotting, or strategizing land use plans that will affect the soil, water, and other resources of the District today, tomorrow, or further into the future.

Work with federal, state and local government agencies to fulfill the District's primary legal responsibility to provide for the health, safety, and wellbeing of their constituents.

Work to reduce any possibility of unintended consequences from decisions and actions that may be taken by agencies that can negatively affect the District; its economy, its tax base and the people it serves. Such action, in general, seeks to minimize the unintended consequences to the local land users from ongoing governmental courses of conduct.

## **4.0 PRIMARY PLANNING GUIDANCE AND DIRECTIVES**

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

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

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

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

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

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

Executive Order 12630 mandates . . . “Federal Agencies are required to analyze the economic effects or taking implications of the proposed policies, decisions, rules and regulations on the private property, private property rights and investment backed expectations of individual citizens.”

Federal agencies are obligated to coordinate their planning processes with local government land use plans. 43 C.F.R. §1610.3-1(a). The National Environmental Policy Act (NEPA) commands federal agencies to “discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned).

Congress intended NEPA to apply to every action that significantly affects the quality of the human environment and the thresholds of local conditions are best observed and measured by local expertise.

Considering the existing climate conditions in New Mexico, the effects on the population dynamics of fauna and flora are critical to the conditions affecting the community as well as the endangered species

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

### **4.1 OBJECTIVE**

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

The District constituency must have a regulatory environment that works for them, not against them, and minimizes any conveyance of harm to District land users. The regulatory environment should enhance lives, safety, and resources and improve the economy without imposing unacceptable or unreasonable costs. All regulatory policies must recognize the private sector and private markets are the engines for economic growth. New regulatory approaches should respect the role of local and state governments and adopt regulations that are

effective, consistent, sensible, and understandable. It is, therefore, imperative to set planning guidance for lands and resource interactions as they apply to matters of the District.

**4.2 RESOURCE CONCERNS** - No priority ranking has been established for the following resources concerns. The District will focus on each concern equally.

Water resources

Soil

Agriculture

Range and Grassland

Livestock and Wildlife

Energy

Wildfire

Customs and Culture

Partners and Recreation

Riparian habitat

Threatened and Endangered / Sensitive Species

Predator Control

Outreach and Education

Special Land Designations

Watershed Management

#### **4.2-1 WATER RESOURCES**

Under New Mexico's State constitution, all water is managed by the state of New Mexico. In 1931, the New Mexico Legislature passed the state's Groundwater Code. The Code gave the State Engineer control over groundwater administration. There are 39 underground water basins in New Mexico. The District boundaries encompass the Gila, Rio Grande and San Francisco Basins.

SFSWCD recognizes that New Mexico must act now to protect our watersheds and water supply. With every year that goes by without a large-scale solution, more acres are severely burned, more critical water sources are jeopardized, and other natural values are placed at risk.

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

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

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

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

Guidance: All New Mexico water laws and State and federal laws that regulate water quality regarding point and nonpoint sources of water pollution.

Objectives:

Coordinate with the appropriate agencies in the land use inventory, planning, and management activities, which affect water resources in SFSWCD, either directly or indirectly, to ensure consistency with the Plan.

SFSWCD will promote research that helps cooperators transition to lower water requiring crops or livestock based forage systems or improved dryland crop production systems.

New Mexico State water planning directives call for river, riparian and watershed restoration that protects water supply and improves water quality. SFSWCD supports the regional planning update and will participate with planning efforts.

The District will coordinate with the State Engineer to ensure historical water use for farming and ranching is secure within SFSWCD boundaries.

SFSWCD will coordinate with the New Mexico State Engineer's Office to secure permanent water rights within SFSWCD.

Explore, research and promote aquifer storage and recovery strategies within SFSWCD.

Coordinate with local and state agencies on the transfer of irrigation water rights to meet present and future agriculture, domestic and industrial water requirements and the resulting erosion from the abandoned lands.

Water quality degradation - Promote continued research on improving water quality, methods of recharging the underground water basins within the District.

Promote and provide technical assistance to SFSWCD agriculture producers for the Regional Conservation Partnership Program (RCP) to implement agricultural water enhancement activities on agricultural land for the purposes of conserving surface and ground water and improving water quality.

#### **4.2-2 SOIL**

It is necessary to improve range and grasslands through various means including brush control and the expanding successes of measures applied by landowners and agencies for the well-being of soil and water resource health.

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

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

Objectives:

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

Encourage land managers and landowners to seek technical assistance to mitigate surface disturbance and to facilitate soil and water conservation. Reestablish native or other desired vegetation. Further the progress of the establishment of permanent vegetative cover on poor quality cropland from which water rights have been removed.

To accelerate projects such as brush control which support the natural replenishment of our grass base.

Promote soil testing to ensure proper applications of liquids and solids - Dairy Industry

Promote and provide technical information to Catron County and district cooperators on layout, design, and maintenance to reduce erosion and how to implement drainage structures on county, and private access roads.

Provide technical information on native grass reseeding of any disturbed soils

#### **4.2-3 AGRICULTURE**

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

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

Goal: It is the intent of SFSWCD to take an aggressive attitude to the perpetuation and enhancement of Agriculture as well as protect water rights within the District.

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

Rather than adopting an attitude and/or policy support for acceptance of a stabilized, diminishing or retreating agriculture base, SFSWCD will pursue alternatives for expanding the emphasis of Agriculture and protecting the industry from anti-agricultural bias regardless of the source.

Objectives:

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

It is incumbent on soil and water conservation districts to minimize drift between Agriculture and various agencies, our land grant university, and local, state, and federal governments. SFSWCD intends to aggressively solidify those vital relationships.

SFSWCD intends to take a lead in communicating and seeking government-to-government endeavors with other districts for the benefit of Agriculture.

To reach legal and policy standards that result in zero net loss attrition of the farmland base.

During periods of drought or other emergencies, local, state, and federal agencies shall work closely with the District, the NM State Engineer, and other local, state, and federal agencies to address availability of water for critical needs, including agriculture and municipal uses.

#### **4.2-4 RANGE AND GRASSLAND**

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

Goal: Support and facilitate the continued use of private, state, and federal lands for the production of livestock. Also, work to increase productivity of rangeland to increase and/or maintain Animal Unit Month ("AUMs") to maximum sustainable levels on rangeland within District boundaries as well as maintain and enhance desired plant communities for the benefit of watersheds, wildlife, water quality, recreation and livestock grazing.

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

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

Objective:

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

Work closely with local, state and federal agencies to identify areas for brush management and control, based on wildlife habitat needs, without compromising overall rangeland vegetation productivity. Promote and develop treatment projects for brush management on lands that have invasive species such as but not limited to; mesquite, salt cedar, and cholla.

Support the recognition and protection all private property rights, including water rights.

Encourage the use of coordinated range management plans (allotment management plans or coordinated activity plans) for each grazing allotment that allow for the flexibility and updating of management during the ten-year term of the grazing permit. (i.e. water development; juniper, salt cedar and mesquite control; reseeding, fencing, salting plans, herding plans and grazing systems).

Support management of rangelands to maintain and enhance desired plant communities for the benefit of watersheds, wildlife, water quality, recreation and livestock grazing.

Support and facilitate range improvement projects to benefit rangeland, soil and water resources.

Coordinate with federal and state agencies on any planned or potential federal or state land acquisition within SFSWCD boundaries. Encourage federal and state land management agencies to focus on lands currently under its responsibility.

#### **4.2-5 LIVESTOCK AND WILDLIFE**

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

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

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

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

SFSWCD will work with the land management agencies to ensure permanent increase or decreases in grazing allocations reflecting changes in available forage will be based on the vegetative type of available forage and applied proportionately to livestock or wildlife based on their respective dietary need.

Guidance: In various laws and grazing guidelines, Congress has often mandated stabilization of the local livestock industry by providing for the orderly use, improvement, and development of the range in a manner which adequately safeguards vested grazing and water rights, and in a manner that will not impair the value of a grazing unit when such a right is pledged as a debt security by the permittee.

FLPMA sets forth the policy that federal lands be managed in a manner that will protect the quality of multiple resources, will provide food and habitat for fish and wildlife as well as domestic animals and will provide for outdoor recreation and human occupancy and use.

SFSWCD strongly supports the following mandate; “The mandate of the Taylor Grazing Act is not furthered by management practices designed to reduce grazing to improve the range.”

Objectives:

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

SFSWCD will coordinate with the NMDGF to develop specific wildlife harvest targets, quality hunts, depredation mitigation, and future management plans to unite private / agency endeavors.

Ensure that water projects developed for livestock will be designed so that wildlife can use the water without hazard.

Promote and coordinate water distribution system installation and infrastructure improvements to benefit all wildlife and livestock health and welfare within the District.

Encourage private landowners to plan, develop, and implement resource management plans that meet the standards of grazing management systems through: proper stocking, deferred and rotational grazing, erosion control, control of poisonous and noxious plants, water development and distribution, and fencing.

SFSWCD will oppose any agency effort that restricts the development of livestock water or other rangeland improvements.

Recommend local, state and federal agencies cooperate with the District and the agriculture industry to define desired plant communities on local, state and federal lands.

Work with all landowners and land managers to increase productivity of rangeland to increase and/or maintain AUMs that maximum sustainable levels on rangeland. Any grazing AUMs that are placed in a suspended use category should be returned to active use when range conditions improve.

#### **4.2-6 WILDFIRE**

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

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

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

Goal: SFSWCD will support the right of local citizens to protect their private property from wildfire. Planned and unplanned ignitions can achieve land and resource management goals. However, fire management should be only one tool in the restoration process and should be integrated with all other land management activities.

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

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

Objectives:

SFSWCD strongly supports training for all volunteer fire department member in the basics of wildland firefighting. To accomplish this the District will support NM State Forestry Division and any other land management agency with suppression responsibilities, in the training of VFD and RFD fire departments. The

ultimate objective is to have a majority of volunteers that are qualified and can be allowed to have unencumbered access to all lands within the District.

Through coordination with land management agencies and landowners, the District will assist in developing policies for grazing rest prescriptions related to either wildfires or prescribed burns on a site-specific basis taking into account the needs of the vegetation and flexibility to meet the needs of the landowner and to protect excessive soil erosion. Vegetative treatments and use of livestock grazing shall be used to keep fuel loads within appropriate limits

The District will assist in developing plans and projects that strike a balance of beneficial use of fire and the detrimental effects of intense wildfire.

Continue to support area Community Wildfire Protection Plans.

Post-fire grazing will not be limited when monitoring and evaluation produces relevant, accurate data that demonstrates grazing will not unduly harm the range.

Encourage development of vegetation treatments and use of livestock grazing to keep fuel loads within appropriate limits.

#### **4.2-7 CUSTOM AND CULTURE**

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

Goal: To coordinate all activities in a manner that will protect the quality of customs and culture derived from historical and environmental values; that, where appropriate, will use and protect all lands in a condition that will promote land health that contributes to community economic freedom and security. The District will undertake such actions in a manner that serves all citizens with a high standard of ethical and objective leadership.

Guidance:

Due Process and Protection of Private Property

The U.S. Constitution created a form of government characterized by:

Limited powers granted to the federal government, with all unenumerated powers being reserved to the respective states and the people.

Separation of those limited powers into legislative, judicial, and executive branches.

Creation of a process where the branches act to check and balance the power of the other branches.

Guarantee rights of due process and just compensation when private property is taken for public use.

Grant of authority to Congress to make rules and regulations governing federal property.

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

Objective:

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

Respect private property rights and consider the effects of policies, regulations, and federal and state decisions on these rights.

Recognize that the protection and preservation of privately owned land is desirable and necessary in the District.

Work with the county and communities to reduce the conversion of prime farmland and rangeland to urban and industrial use. Encourage retaining land for agricultural purposes.

#### **4.2-8 PARTNERS AND RECREATION**

The District has a wide array of recreational and tourism opportunities for residents and visitors alike. Visitors to these areas have a direct affect by drawing on county-provided infrastructure such as, law enforcement, emergency medical and waste disposal services and have a major impact on the area economy and tax base. Storeowners, restaurants, hotels and motels and many more interests depend on recreation and tourism for their livelihoods.

Goal: It is the goal of SFSWCD to conserve, perpetuate, and expand the good stewardship of outdoor recreation within the District.

Guidance: Recreation is important to the citizens of the District. The unique outdoor recreational opportunities found in the District are great assets. SFSWCD values the opportunity and freedom these lands provide and encourages balanced management goals that include ethical outdoor involvement including hunting, hiking, camping, wildlife viewing, off road mechanical sports, and other outdoor recreational activities. SFSWCD strongly advocates the rights of recreationists to continue lawful access to federal lands.

Objectives:

Promote cooperation with SFSWCD cooperators, organizational partners and entities such as town councils, county commissions, state and federal agencies. SFSWCD will maintain existing and develop new partnerships to implement best management practices on all lands within SFSWCD boundaries.

Encourage recreational activities that enhance opportunities for economic development and maintain the custom and culture of the District

Encourage recognition of the social, cultural and economic significance of recreation in the region, and encourage implementation of policies that will evaluate the viability and impacts of various recreational opportunities, while ensuring protection of other resources and resource use, conservation of rangeland, water and soil resources.

#### **4.2-9 RIPARIAN**

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

Upland rangelands generally refer to all areas that are not in a riparian area or wetland. The uplands will vary by soil and plant species but do not have natural sources of water that otherwise change soils and plants.

In New Mexico, channelization has severely limited, and in most cases eliminated the water/land relationship that would normally have allowed the establishment of riparian vegetation along the river corridors that in turn

supports healthy wetland systems. Instead there are degraded banks (that result in severe soil erosion and sediment build up in rivers and reservoirs) and the loss of habitat for fisheries, waterfowl and wildlife.

Goal: Maintain, restore, improve, and protect riparian areas so that they are in proper functioning condition for their productivity, biological diversity, and sustainability.

Guidance: “Riparian ecosystems” are defined as an assemblage of plant, animal, and aquatic communities whose presence can be either directly or indirectly attributed to stream induced or related factors (Kauffman and Krueger 1984). Riparian ecosystems support a greater diversity of plants and animals than upland habitats do. A significant percentage of all wildlife in the Southwest uses riparian habitat (Thomas et al. 1979, Johnson et al. 1977).

Due to have a variety of riparian habitats within SFSWCD, we strongly support the New Mexico Non-Native Phreatophyte/Watershed Management Plan. The District understands that the riparian lands in New Mexico have been seriously affected by the infestation of non-native phreatophytes.

#### Objectives

Promote the perpetuation and enhancement of riparian habitat. Encourage a coordinated approach when establishing riparian and upland management plans and encourage the use of Best Management Practices.

Educate the value of balanced watershed management that includes riparian habitat.

Encourage a coordinated approach when establishing riparian and upland management plans and encourage the use of Best Management Practices.

SFSWCD will promote riparian management based on the New Mexico Non-Native Phreatophyte/Watershed Management Plan.

#### **4.2-10 THREATENED, ENDANGERED / SENSITIVE SPECIES**

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

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

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

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

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

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

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

The ESA is the basis for several planning mechanisms:

Recovery plans for listed species that set population and viability goals and define when a species might be eligible for delisting;

Reintroduction plans, which govern introductions of listed species as part of a recovery effort;

Habitat conservation plans which allow land uses on private lands to go forward even when a ‘take’ of a listed species may occur; mitigation of adverse effects is usually part of the plan;

Conservation plans or agreements, often between states and FWS, adopt management actions to avoid listing the species;

Candidate conservation agreements, under which a landowner commits private land to management for the species, may also have ‘safe harbor’ provisions that assure that the landowner need not take any additional mitigation measures if the species is listed.

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

Numerous species have been listed within the jurisdictional boundaries of SFSWCD that have affected the District’s customs and culture. The status of any listed species must be known and all additions or removals must be coordinated with the District.

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

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

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

Objectives

Promote coordination between FWS and the District.

SFSWCD will promote the balance of any action that results in habitat improvement and requires that the action make allowances for traditional uses such as grazing and irrigation and it benefit both the endangered species and other users.

Address the impact of all actions with the statutory requirements of the ESA including the impact to the managed value of History.

Oppose the introduction or transplant of threatened and endangered species within the boundaries of SFSWCD, unless the District consents and it is done pursuant to specific terms and conditions that avoid disrupting existing land uses.

Coordinate with federal agencies in all decisions and proposed actions, including NEPA procedures for an Environmental Assessment (“EA”) or Environmental Impact Statement (“EIS”), which affect the District, regarding sensitive, threatened, or endangered species recovery plans, introduction or reintroductions, habitat conservation plans, conservation agreements or plans, or candidate conservation agreements.

Recommend that proponents of protection, recovery activities, and other threatened and endangered and sensitive species programs finance the activities, including public involvement and compensation to the affected landowners.

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

Participate in appropriate legislation and regulations directing management of threatened and endangered species and state sensitive species.

Support delisting of species once population goals set out in recovery plans are achieved. 1.4.2.12

#### **4.2.11 PREDATOR CONTROL**

Goal: Encourage management of predatory animals to minimize damage to private property and wildlife and protect the local economy and tax base to maximize the viability of the agricultural community.

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

Congress intended NEPA to apply to every action that significantly affects the quality of the human environment and the thresholds of local conditions are best observed and measured by local expertise.

Considering the existing climate conditions in New Mexico, the effects on the population dynamics of fauna and flora are critical to the conditions affecting the community as well as the endangered species.

Objective:

Support control of predators, rodents and insects, which are disease-bearing vectors that are a recognized threat to public health.

Support predator control based on a balance between the best objective science available, economics, and logistics, evaluated on a case-by-case basis using currently recognized methods of predator control that remain as viable options for predator control, until new and better technology offers new options.

Reintroduction and-introduction plans should provide for compensation to livestock operators for actual value of loss, including replacement cost, including direct and incidental expenses relating to the loss, and prompt payment thereof.

#### **PREDATOR POLICY**

SFSWCD shall, to the maximum extent possible, participate in all decision processes associated with management actions relating to all predator species.

SFSWCD is pledged to perform various tasks including but not limited to preservation of wildlife, protecting the tax base and promoting the health, safety, and general welfare of the people within the District. As such, the reintroduction of the large predators as driven by the Endangered Species Act is a matter that will affect those directives.

The following is SFSWCD's Mexican Wolf Policy:

SFSWCD recognizes the ongoing efforts of the Fish and Wildlife Service to implement the Mexican Gray Wolf Recovery Program ("Recovery Program"). The presence of the Mexican wolf in the District can detrimentally affect a number of interest, including but not limited to (a) the public health and safety of human populations; (b) the health and production of the agriculture industry, specifically livestock; (c) the game animal population and associated economies; and (d) the maintenance of the local custom, culture and tax base. To protect the foregoing interest, SFSWCD adopts the following polices concerning the Mexican wolf:

1. SFSWCD shall, to the maximum extent possible (including cooperating agency status), participate in all decision processes associated with management actions relating to Mexican wolf, including the Recovery Program.
2. No Mexican Wolves should reside within the boundaries of SFSWCD until critical habitat is officially designated in compliance with all provisions of the Endangered Species Act, all wolves found or located within the boundaries of SFSWCD shall be removed by the appropriate federal or state agencies.
3. SFSWCD opposes management actions that may lead to the presence or increased numbers of Mexican wolves within or near the District including:
  - a. Expansions or designations of geographic areas within or near the District in which the Mexican wolves may be released
  - b. The release of Mexican wolves on federal or private lands within or near the District;
  - c. Expansion of the geographic areas that the Mexican wolf may occupy.
4. SFSWCD favors the ability of livestock owners to take necessary measures to protect their livestock from wolf predation. SFSWCD opposes changes in federal management practices or regulations that reduce the current right of landowners to protect their property including livestock and pets and personal safety and safety of others from Mexican wolves.
5. Individuals and landowners who reasonably believe that one or more Mexican wolves pose a threat to their property or safety may take reasonable actions to discourage the presence of wolves on or near their property, including but not limited to fencing, guard dogs, noise deterrents, and chemical repellents.
6. A livestock owner may "take" (i.e., kill or injure), without first obtaining a permit, any Mexican wolf actually engaged in the killing, wounding, or biting of the owner's livestock or pets.
7. Permits for "take" of Mexican wolves should be granted without regard to any Mexican wolf population thresholds.

8. Federal agencies that are considering entering into agreements with landowners allowing for the release of Mexican wolves on private property must notify SFSWCD and all adjoining property owners.

9. SFSWCD allows and favors lawful animal trapping activities even if those activities present a risk that Mexican wolves will become inadvertently trapped.. SFSWCD opposes management activities that would reduce the rights of lawful trappers.

#### **4.2-12 OUTREACH AND EDUCATION**

Goal: It is the goal of SFSWCD is to garner the support, understanding, and backing of our community and partner agencies and promote “Raise a generation of youth that understands the importance of agriculture.”

Guidance: Participate, foster and have a more active role in local, state, and federal relationships and understanding.

Objectives

Continue promoting SFSWCD programs through newsletters, newspaper ads and articles, and informational brochures.

Disseminate and promote partner agencies programs through above listed avenues.

Continue to support Soil Stewardship programs.

Support and promote SFSWCD programs at County Fairs and any other local, state or national activity pertinent to the SFSWCD

#### **4.2-13 Special Land Designations**

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

Wilderness designation will prohibit or hinder needed vegetation and watershed treatment. Wilderness management prohibits the use of mechanical equipment as well as motorized equipment of any kind. Vegetation and watershed treatments are more effectively performed using modern day equipment. Wilderness areas are not intensively managed, so fire suppression is rarely undertaken. While livestock grazing may continue, grazing management is difficult and expensive due to limits on access and use of motorized equipment and agency resistance to range improvements or increases in livestock numbers.

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

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

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

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

Objectives:

Ensure that a wilderness designation does not affect state authority over water resources and that New Mexico's substantive and procedural laws controlling appropriation and allocation of water resources remain the primary authorities governing the waters in the District regardless of wilderness designation. Enforce determination that wilderness designation does not create a reserved water right.

Protect any interests in ditches, reservoirs or water conveyance facilities and easements or rights-of-way associated with those interests from impairment or diminution by any wilderness or other special use designations.

The SFSWCD supports resolution of the wilderness issue by Congress and release of the remaining wilderness study areas to multiple-use management. SFSWCD also supports not allowing federal agencies to engage in endless and repetitive wilderness review or studies that expand lands managed as wilderness or as de facto wilderness while reducing the land base available for multiple uses.

**4.2-14 WATERSHED MANAGEMENT**

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

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

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

Goal: SFSWCD strongly supports the critical need for healthy watersheds that provide a reliable supply of high-quality water and other benefits for New Mexico by implementing long term, collaborative, comprehensive watershed-scale restoration projects that foster ecosystem function and resilience.

Guidance: Support 1) community-based collaboration with stake holders; 2) integration of Best Management Practices that incorporate peer-reviewed science; 3) expedited implementation of watershed and landscape restoration and enhancement projects at the site-specific and landscape levels; and 4) flexibility in authorities and programming. 5) Management should be directed towards achieving desired future conditions e.g. promoting active range management on suitable lands across all jurisdictional lands.

Objective:

Promote and support increasing partnerships and exchanges between natural resource agencies, local government and private landowners on watershed restoration projects.

Support the maximum area of land possible to be excluded from single-use or restrictive-use designations, so that excluded land is available for active and sound management on public lands.

Promote and support increasing partnerships and exchanges between natural resource agencies, local government and private landowners.

**5.0 GENERAL POLICES AND PROCEDURES ESTABLISHED BY THE BOARD OF SUPERVISORS**

**5.1 DISTRICT ORGANIZATION**

A. Board Meetings - The Board of Supervisors holds a regular meeting each month. All district cooperators and visitors are welcome to attend each meeting.

B. Sources of Funds - District funds come from annual state appropriations, grants and investments.

C. Handling of District Funds - The Secretary-Treasurer is responsible for handling District funds.

D. Records and Reports - Maintained by the Secretary-Treasurer and/or the secretary hired by the District.

E. Services Available Through the District Board of Supervisors - Landowners can contact the Supervisors and request assistance with their conservation problems.

F. Board of Supervisors - There are five Supervisors elected by the landowners of the San Francisco SWCD. Each Supervisor serves a two-year term.

G. The San Francisco SWCD was organized on April 14, 1942 by the farmers and ranchers in the area to promote conservation on private lands. Since that time there have been three additions to the district. The first on May 9, 1944, the second addition on July 1, 1957, and the third addition was on November 12, 1957 when the Luna SWCD joined the San Francisco District.

Supervisors that have served the District Board are:

Emil Kiehne	Jimmy Christensen
W. U. Hutcherson	Eva Aragon
Emmett Reed	Skip Price
Florentino Jiron	Howard Hutchinson
Robert M. Lee	Robert Fisher
Buford Hulsey	Zeno Kiehne
Jess Brennand	Shawn Menges
William S. Laney	Lee Sonne
Preston Porter	Richard Weaver
Pete Kellar	Sammy Bustamante
Owen McCarty	Doug Baird
Robert Atwood	J. Alex Paterson
Kenneth Holliman	Billy N. Webb
Gus V. Allred	Adam Polley
C. N. Ford	Grace Derrick
J. R. Hext	Lou Naue
J. E. Porter	Zoe Anne Jones
Martin Castillo	Megan Richardson
Hubert Faulkner	Kate Fletcher

Frank Laney	Bob Howell
Hugh B. McKeen	Hadyn Forward
Tom Lee Kiehne	
Vernon Holliman	
Clinton Adair	
Eddie Parsons	
Harry Reynolds	
Joe Romero	
Alvin Laney	
Tom Klumker	
Harold Keith	
Oliver (Sato) Lee	
Cecil Beard	

**5.2 A CONTINUING PROCESS**

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

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

**5.3 STATEMENT OF ADOPTION**

This program for the San Francisco Soil and Water Conservation District was accepted by the Supervisors as authorized by a resolution adopted at the meeting held on \_\_\_\_\_ at Reserve, New Mexico.

REFERENCES:

Soil and Water Conservation District Act (2009)  
Revised Statute 2477 of 1866  
Desert Land Act of 1877  
Carey Act of 1894  
National Irrigation Act of 1902  
The Reclamation Act of 1905  
Antiquities Act of 1906  
Stock-Raising Homestead Act of 1916  
General Exchange Act of 1922  
Recreation and Public Purposes Act of 1926  
Fish and Wildlife Coordination Act of 1934  
Taylor Grazing Act of 1934  
Soil Conservation and Domestic Allotment Act of 1935  
Bankhead-Jones Act of 1937  
Mineral leasing Act for Acquired Lands of 1947  
Watershed Protection and Flood Prevention Act of 1954  
Townsite Act of 1958  
Multiple-Use, Sustained Yield Act of 1960  
Food and Agriculture Act of 1962  
Wilderness Act of 1964  
Land and Water Conservation Act of 1965  
Water Resources Planning Act of 1965  
Community Planning and Resource Development-Soil Surveys 1966  
Noxious Plant Control Act of 1968  
National Environmental Policy Act of 1969  
Environmental Quality Improvement Act of 1970  
Water Bank Act of 1970  
Mining and Minerals Policy Act of 1970  
Federal Insecticide, Fungicide, and Rodenticide Act of 1971  
Rural Development Act of 1972  
Agriculture and Consumer Protection Act of 1973  
Endangered Species Act of 1973  
Disaster Relief Act of 1973  
Federal Land Policy and Management Act of 1976

Payment in Lieu of Taxes Act, 1976

Resource Conservation and Recovery Act of 1976

Energy Research and Development Administration Act of 1977

Food and Agriculture Act of 1977

Soil and Water Conservation Act of 1977

Clean Water Act of 1977

Renewable Resources Extension Act of 1978

Water Research and Development Act of 1978

Public Rangelands Improvement Act of 1978