

## Chaves County, BLM renew debate over resource plan

By **Lisa Dunlap** - October 27, 2017



*"What we will offer up to the county is that when we do have a draft come out, we will share it with you at any time, sit down and go over it with you," representatives from the U.S. Bureau of Land Management told Chaves County officials during a Thursday afternoon meeting about the Carlsbad Resource Management Plan, which involves portions of Chaves County. Chuck Schmidt, field manager of the Roswell office of the BLM, is in foreground. In the background at far left is BLM planner Hector Gonzalez of the Carlsbad office. At far right is Jim Stovall, Pecos District Manager. Ty Allen is assistant field manager for resources with the Carlsbad office. (Lisa Dunlap Photo)*

Robert Corn is a bit frustrated, as he is willing to let people know.

As chair of the Chaves County Board of Commissioners, he said he feels little progress has been made on efforts to work with members of the U.S. Bureau of Land Management on the update of the Carlsbad Resource Management Plan.

The county is designated by federal law as a coordinating agency, and the plan is important to some because it could limit grazing or other uses of federal land in Chaves County in the future.

While Corn and others said that they can appreciate the efforts of regional BLM staff, an effort both sides termed as "evolving," Corn also said he feels that not much has been accomplished to resolve potential conflicts over land designations or have questions answered.

"We have moved maybe a quarter-inch during three meetings," he said after the meeting.

Four people from the Roswell and Carlsbad offices of the Bureau of Land Management met with commissioners Thursday afternoon for the third public meeting to discuss their efforts to update the resource management plan, a seven-year process at this point.

Major concerns are how and why BLM designates federal land as Areas of Critical Environmental Concern or Lands with Wilderness Characteristics. If designated and managed as such, grazing of livestock or other human activities might be prohibited. Ranchers who currently use federal lands in the county have spoken about their concerns in previous meetings.

BLM representatives told commissioners that a draft of the plan is now being reviewed by the acting director of the bureau and another top manager in Washington, D.C. When local staff receive the "green light" to move forward, BLM will share that draft in some way with commissioners to fulfill the federal requirement that BLM "coordinate" with local government officials to resolve any potential conflicts over land designations and uses.

The county passed three ordinances Oct. 19 to codify its intention to coordinate with BLM on its planning, land inventory and management decisions. Feeling they have not been involved in planning processes in the past, the county joined several other governmental entities in a lawsuit earlier this year against the federal agency.

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"Our goal and our plan is basically to get ahead of this game and try to be first and try to get our issues covered prior to being so late in the game that we can't get them covered or that it messes your timetable up," said County Manager Stanton Riggs about the new county ordinances. "I know that I have said this before, local government is the entity that is set forth in the federal law that you are to deal with. We care about the public, but the public elected these individuals to represent them. And we have felt in the past, that counties across the country, really, have been at the end of the process, and we want to be at the start of the process."

But the meeting made clear that the county and BLM still have challenges to reach common ground on what coordination will mean.

In fact, no agreement was reached at the meeting about how commissioners will review the draft once D.C. officials give the okay for local staff to prepare it a final draft for public review, an approval they hope will come by January.

County officials have requested on four occasions to have a hard copy of the plan so that they can review it page by page and make recommendations for revisions to BLM prior to its public release.

But Jim Stovall, Pecos District Manager for the BLM, which includes Roswell and Carlsbad offices, indicated two problems with that.

First, he said, local officials have been advised by a legal consultant not to give a paper copy to commissioners because the document then could be subject to laws requiring its public release. And the BLM doesn't want the public to have access until the final draft is prepared.

Stovall said he has asked for legal advice on how to share the information.

"One way is to have you all come in the office, and the other way is that (electronic) format we gave you," said Stovall, "because that Inspection of Public Records Act that was passed by the state, we don't want to put you or us in a sensitive situation with draft materials hitting the street before it is ready for the public."

Riggs and Margaret Byfield, executive director of American Stewards of Liberty, a consulting group representing the county and other governmental entities on legal issues involving BLM, argued that there did not appear to be a good reason to keep the documents from the public. Saying it wasn't "rocket science or top secret information," they argued that earlier release might help in the federal agency's efforts to have public review of the document.

The discussion about that issue ended when Stovall said he would arrange for county officials to talk to a BLM legal advisor.

The second problem, Stovall said, is that he and others have received indications that D.C. officials will want the preparation of the final draft and the public release to occur quickly, which might not leave a great deal of time for commissioners to review the document and seek revisions prior to the public comment period.

BLM representatives also heard from commissioners about concerns over designating land as Areas of Critical Environmental Concern or Lands with Wilderness Characteristics.

BLM staff assured county officials that no new parcels labeled as such have been added to the plan since the county last reviewed the electronic document and that county official's concerns about the designated parcels have been communicated with D.C. BLM managers.

One specific dispute involves Chaves County land used for grazing by ranchers that has been inventoried as potential Land with Wilderness Characteristics (LWC) parcels. To be a LWC parcel, the land must be of certain acreage as well as "pristine," not touched in recent times by human activity.

As ranchers and commissioners, including T. Calder Ezzell Jr., have pointed out at least two meetings, some potential LWC parcels in Chaves County are sites where military training is occurring, involving heavy trucks, low-flying aircraft and explosions.

Ezzell expressed surprise to find that BLM staff still have not talked with the military or the military contractor to verify whether the activity is occurring over lands that have been inventoried as Lands with Wilderness Characteristics or Areas of Critical Environmental Concern.

"How could you not have?" Ezell asked, when told that BLM had not yet spoken with the military contractor.

Stovall and others indicated they would talk to the contractor and the Air Force and reiterated staff willingness to review the draft to discuss specific concerns and visit disputed parcels together once D.C. gives approval to move forward.

“We have been working on this plan for six or seven years,” said Stovall, “We are in between administration changes. The county came out with a land use plan, an amended plan, so we are trying to figure out the best way to work with the county when we have these moving targets. We are trying to be very thoughtful and respectful because things are moving and changing for us.”

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