

Otero Soil and Water Conservation District

—LAND USE PLAN—

The Otero Soil and Water Conservation District Land Use Plan (Plan) is dynamic and adaptive and will be updated as needed. The ongoing planning will include consideration of historic, current and future land uses in Otero County.

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EXECUTIVE SUMMARY

Otero Soil and Water Conservation District is an independent subdivision of New Mexico state government, authorized by the Soil and Water Conservation District Act [73-20-25 through 73-20-48 NMSA 1978.]

The purposes for which Otero SWCD was established are stated in the Act as follows:

It is declared to be the policy of the legislature and the purpose of the Soil and Water Conservation District Act (Act) to:

- (1) control and prevent soil erosion;
- (2) prevent floodwater and sediment damage;
- (3) further the conservation, development, beneficial application and proper disposal of water;
- (4) promote the use of impounded water for recreation, propagation of fish and wildlife, irrigation and for urban and industrial needs; and
- (5) by the application of these measures, conserve and develop the natural resources of the state, provide for flood control, preserve wildlife, protect the tax base and promote the health, safety and general welfare of the people of New Mexico. [73-20-25 NMSA 1978]

As used in the Act, the term “natural resources” is defined to includes land, except for the oil, gas and other minerals underlying the land; soil; water; air; vegetation; trees; wildlife; natural beauty; scenery; open space; and human resources, when appropriate. [73-20-27 NMSA 1978.]

Among other powers conferred on Otero SWCD by the Act, Otero SWCD is authorized to:

- F. 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; the plans shall be detailed and shall specify as completely as possible the necessary or desirable acts, procedures, performances and avoidances to implement the plan, including engineering specifications, methods of cultivation, cropping programs, tilling practices and land use changes;
- G. foster, publish and promote district natural resource development plans and their adoption and development by landowners within the district; [73-20-44 NMSA 1978.]

Sections 73-20-25 through 73-20-48 NMSA 1978 is the summary description of the New Mexico Soil and Water Conservation District Act. The Otero Soil and Water Conservation District (District) is the administrative body responsible for the dictates of the law in all areas of Otero County as well as within the administrative boundaries of the Otero Soil and Water Conservation District.

The District is a governmental subdivision of the state, a public body politic and corporate. The Board of Supervisors (Board) is charged with matters affecting soil erosion and flood water and

sediment damage. As such, the duties of the Board include the coordination of matters of research, investigations, and surveys with government agencies. The results should be published and disseminated along with remedies and control measures related to such findings.

With consent and cooperation with landowners, state, and federal agencies administering lands, the District will coordinate projects on the land 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 created 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 conceptualized, 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.

Land Use Plan – In order for the foregoing to be accomplished, the District must have a comprehensive and dynamic land use plan. That 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 Customs and Culture. Such a matter of importance must be judged on the basis of zero net loss of privately held lands which equates positively to concentration of assisted projects.

Within the algorithm of control of zero net loss, farm land 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.

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

1.1.0 INTRODUCTION

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

1.1.1 Background

Sections 73-20-25 through 73-20-48 NMSA 1978 may be cited as the "Soil and Water Conservation District Act". 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;

1.1.2 Authority

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.

By allowances derived from covenants of the law found in "73-20-33, Soil and Water Conservation Districts; creation", A certificate of organization was issued by the Secretary of State on September 3, 1940. The Otero Soil and Water Conservation District is located in south central New Mexico, primarily Otero County. The District excludes a small portion of southeast Otero County and includes approximately 32,000 acres in Lincoln County of the northern end of the District. The District encompasses the municipalities of Alamogordo, Tularosa and Cloudcroft. It also encompasses the Mescalero Apache Indian Reservation, Holloman Air Force Base, part of White Sands Missile Range and McGregor Range. Non-incorporated communities include Orogrande, Bent, High Rolls Mountain Park, Mayhill, Weed, Sacramento, Pinon,

Timberon, Sunspot, Boles Acres, La Luz and others. The District’s approximate land use in acres is as follows:

	<u>Private and State</u>	<u>Federal</u>
Irrigated Cropland	24,500	-0-
Non-Irrigated Cropland	1,2000	-0-
Rangeland	800,000	1,125,000
Forestland	83,000	544,000
Urban	36,000	-0-
Water Areas	100	160
Military, Parks and Monuments		1,029,000
Indian		460,000
Total 4,113,760	955,600	3,158,160

OSWCD, under the Act as noted in “73-20-44, Districts; description; general powers of 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.

OSWCD can also 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.

1.1.3 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 any and 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. The District will coordinate with the various agencies to participate in and advance such effort.

1.2.0 PRIMARY PLANNING GUIDANCE

1.2.1 Plan definitions

- Animal Unit Month –The forage necessary to support one (1) cow and her calf, horse or

five (5) sheep for one (1) month often abbreviated as AUM.

- 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.
- Coordination – Coordination is defined as the act of coordinating; harmonious adjustment or interaction; one that is equal in importance” (American Heritage Dictionary). Coordination is more than “cooperate” or “consult. The courts have defined the term as well: *“The concept of ‘coordination’ means more than trying to work together with someone else. To ‘coordinate’ is ‘to bring into a common action, movement, or condition’; it is synonymous with; harmonize.”* (California Native Plant Society .v City of Rancho Cordova, 172 Cal. App 4th 603, 91 Cal. Rpt. 3d 571 (Third App. Dist. 2009).
- Federal lands—all land and associated natural resources owned and managed by the United States. Federal lands include, but are not limited to, public lands, federally reserved lands, federal mineral leases, federal geothermal leases, livestock grazing allotments and leases, federal rights-of-way, but categorically exempted are lands and resources to which private interest or title is attached.
- Multiple Use – 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.
- 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.
- 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.
- 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.
- Rangeland Preservation Area – a conceptual federal land designation that balances access and land uses, and is in the process of being defined.
- Resource universe – The dynamic system manifested by the marriage of soil and water and how it embraces historic, present, and future aspects of the stability and enhancement of the limited, but immensely important economy, safety, customs and culture of the community within OSWCD.

- Soil – Loose material from the earth’s surface in which all things grow, from which lands within the OSWCD generate upwards of \$10 million annually, and which constitutes geologic sedentary and sedimentary accumulations.
- 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 OSWCD.
- Willing Seller – To minimize demands imposed by government upon private citizenry that result in the sale of private property to the governing body.

1.2.2 Annual Action Plans

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

1.2.3 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.

1.2.4 Emergency Action Plans – (for dams and structures and filed for reference)

1.2.5 Coordination Agreements – (for state and federal agencies and filed for reference)

1.3.0 PURPOSE, CUSTOM AND CULTURE, AND GOALS

1.3.1 Purpose

The purpose of the Plan is to guide policy with respect to soil and water natural resource conservation and enhancement as needed and is intended to provide a framework for local, county, state, and federal agencies in land use planning 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 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.

1.3.2 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 well-being. OSWCD is concerned that increasing regulations and land use changes within the dominion of federal land ownership are reducing the viability of farms and ranches. In order to reverse such trends, OSWCD supports, encourages and promotes policies that will lead to the long term economic strength of the foundations of these Customs and Culture.

The fundamental need for food and fiber from those endeavors predicated on the resources of soil and water is basic to life itself. Since 1150 AD, 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.

Continued equilibrium must be achieved through District interactions with local, state, and federal agencies to conceptualize and implement plans that meet changing conditions and needs. This interaction is critical to the well-being of the District and its ability to adapt for future needs. The District is intent on maintaining current and encouraging future protection of rights in order to maintain a state of robust opportunities for future generations.

1.3.3 Goals of the Plan

1. 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.
2. Work with federal, state and local government agencies to fulfill the District's primary legal responsibility to provide for the health, safety, and well-being of their constituents.
3. Work to reduce any possibility of unintended consequences from decisions and actions that may be taken by agencies that can negatively impact the District; its economy, its tax base and the people it serves.

1.4.0 PRIMARY PLANNING GUIDANCE AND DIRECTIVES (PPGD)

1.4.1 Objective

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

The District constituency must have a regulatory environment that works for them, not against them. 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.

To elevate OSWCD into a government to government relationship between the local, state, and federal bodies and agencies in regards to planning, outlining, orchestrating, scheduling, mapping, designing, manipulating, conceptualizing, 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.

1.4.2 Resource Concerns

1. **Soil** and all of soil related precautionary measures to maintain the integrity, wellbeing and improvement of this all important resource.
2. **Water resources** and all forms of water as noted in the definition section so noted herein.
3. **Agriculture** as a culmination and combination of the dynamic union of soil and water/human relationships.
4. **Livestock and Wildlife** and the beneficial externalities that exist with this important natural resource and the beneficial application and development of water resources.
5. **Recreation** and the general well-being of the District community.
6. **Riparian habitat** and the general well-being and health of the greater watershed.
7. **Storm Water Management, public safety** and the control and management of flooding on all lands within the District, public, or private.
8. **Wildfire** and the detrimental and or beneficial outcomes of fire regimes on the greater landscape.
9. The future and its many unanswered questions of water supply, population growth, and continuing soil resource needs, and, particularly, the preservation, perpetuation, renewal, improvement, protection and expansion of the farmland base, and the Past(historic) with its implicit promise held forth in the state's constitution and the Federal Lands Policy and Management Act of 1976 (FLPMA). It is paramount the fulfillment of such a process is maintained with highest standards that represents all citizenry equally. Collectively, the past and future represent the **Customs and Culture** of the District.

10. **Outreach and Education**, to garner the support, understanding, and backing of our community and partner agencies.

1.4.2-1 Soil

- **Goal:** Provide proactive support for corrective and conservation practices and programs to conserve, protect, and beneficially develop the soil resources of the District.
- **Guidance:** The state of New Mexico has authorized the creation of OSWCD with powers and duties to accomplish the legislative determination of the act. Congress has mandated stabilization of soil and water through the Soil and Water Resources Conservation Act . . . “Recognizing that the arrangements under which the Federal Government cooperates . . . through conservation districts, with other local units of government and land users, have effectively aided in the protection and improvement of the Nation’s basic resources . . . it is declared to be policy of the United States that arrangements and similar cooperative arrangements be utilized to the fullest extent practicable . . .” [16 U.S.C. § 2003](#)

“In the implementation of this [Act], the Secretary [of Agriculture] shall utilize information and data available from other Federal, State, and local governments” . . . [including OSWCD] [16 U.S.C. § 2008](#)

“Presidential Executive Order 12372 as amended by EO12416 . . . Intergovernmental Review of Federal Program.”

“Presidential Executive Order 12630 . . . Governmental Actions and Interference with Constitutionally Protected Property Rights.”

- **Objectives:**
 1. Assure the responsibilities set forth in the Act will be upheld for the full enjoyment and benefit of the citizens of OSWCD.
 2. 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.
 3. To accelerate projects such as brush control which support the natural replenishment of our grass base.

1.4.2-2 Water Resources

- **Goal:** 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.
- **Guidance:** the State of New Mexico has authorized the creation of OSWCD with powers and duties to accomplish the legislative determination of the Act. 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.” 33 U.S.C. § 1251(g).

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. 43 C.F.R. §1610.3-1.

BLM is required to follow the consistency and coordination requirements of the Federal Lands Policy Management Act (FLPMA) when the Secretary is making decisions directly affecting the actual management of the public lands, whether formally characterized as “resource management plan” activity or not. *Uintah County, Utah V. Norton, Civ. No. 2:00-CV-0482J* (Memorandum Opinion, Sept. 21, 2001 citing *State of Utah v. Babbit*, 137F. 3d 1193, 1208 (10th Cir. 1998).

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. 43 C.F.R. §1610.3-2(e). Agencies are obligated to take all practical measures to resolve conflicts between federal and local government land use plans. 43.C.F.R. §§1610.3-1C, (2),(3).

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,” 43.C.F.R. §1610.3-1(e).

- **Objectives:**

1. Assure the responsibilities set forth in the Act will be upheld for the full enjoyment and benefit of the citizens of the District.
2. To assure the policies and actions of the local, state and federal government in matters of Water Resources protections are fully inured to the benefit of that resource.
3. To seek and adopt substantive projects that retain water within the District for the purposes of returning waters into natural and or infrastructure features that expand beneficial uses.

1.4.2-3Agriculture

- **Goal:** It is the intent of OSWCD to take an aggressive attitude to the perpetuation and enhancement of Agriculture as it relates to the basic resources of soil and water within the District.
- **Guidance:** Research is disclosing that the American farming model has not only been correct in terms of aggressively pursuing scientific methodology to increase production on a basic production unit basis, it has been a major factor in the lessened rate of species

disappearance in the lower latitudes since world demand for expanded farming there has been slowed. (See [Stanford Research schedules 2012](#))

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

“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.](#)

“A “soil and water conservation district”, organized under or perpetuated by the provisions of the Soil and Water Conservation District Act [73-20-25 NMSA 1978] is a governmental subdivision of the state, a public body politic and corporate.”[73-20-44. Districts; description; general powers of districts. \(2003\).](#)

“A district, by and through its supervisors, is authorized to: (C) contract, convey and make and execute other instruments and documents necessary or convenient to the exercise of district powers:” [73-20-45. Specific powers of districts. \(2003\).](#)

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

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

- **Objectives:**

1. OSWCD intends to provide widespread support for the continuation of farming and ranching with all the associated and supporting businesses that have made lands within OSWCD so productive and so important to the Resource Universe.
2. 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. OSWCD intends to aggressively solidify those vital relationships.

3. OSWCD intends to take a lead in communicating and seeking government to government endeavors with other districts for the benefit of Agriculture.
4. To reach legal and policy standards that result in zero net loss attrition of the farmland base.

1.4.2-4 Livestock and Wildlife

- **Goal:** It is the goal of OSWCD to institute and 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.
- **Guidance:** In various laws and grazing guidelines, Congress has time and again 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 permittees.

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.

BLM is required to follow the consistency and coordination requirements in FLPMA when the Secretary is making decisions directly affecting the actual management of federal lands whether characterized as a “resource management plan” or not. [Uintah County, Utah v. Norton City, Civ.no. 2:00-CV-0482J](#).

Federal agencies are [required](#) to coordinate their planning processes with local government land use plans. [43 C.F.R. §1610.3-1\(a\)](#).“(5) By the application of these measures, conserve and develop the natural resources of the state, provide for flood control, preserve wildlife, protect the tax base and promote the health, safety and general welfare of the people of New Mexico. [Soil and Water Conservation District Act 73-20-26](#).[Legislative determination; purpose of act. \(1965\)](#)

“The mandate of the Taylor Grazing Act is not furthered by management practices designed to reduce grazing in order to improve the range”.

“The Public Rangelands Improvement Act of 1978 provides that the Secretary of Interior “shall manage the public rangelands in accordance with the Taylor Grazing Act , FLPMA, and other applicable law consistent with the public rangelands improvement program

pursuant to this act.” [43U.S.C.§1901-1908](#).

“The Act authorized the Secretary to issue grazing permits on a preferential basis with preference to be given to those landowners engaged in the livestock business.” [Taylor Grazing Act of 1934 43 U.S.C.315](#).

- **Objectives:**

1. Coordinate with the NMDGF to develop specific wildlife harvest targets, quality hunts, depredation mitigation, and future management plans to unite private/ agency endeavors.
2. Coordinate with district livestock producers, federal agencies New Mexico Cattle Grower’s Association, NMSU, NMDA, and other affiliated parties to promote a robust and healthy livestock industry within the District.
3. Promote and coordinate water distribution system installation and infrastructure improvements to benefit all wildlife and livestock health and welfare within the District.
4. Promote and coordinate other valuable and essential work that will provide a healthy environment for the beneficial use of resources that are implicit in the husbandry of wildlife and livestock endeavors.
5. Review and promote the therapeutic effects of diverse ungulate grazing.
6. Seek project and funding opportunities to build distribution system infrastructure to place water sources no greater than two miles from any point in the District.

1.4.2-5 Recreation

- **Goal:** It is the goal of OSWCD 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. OSWCD values the opportunity and freedom these lands provide and encourages balanced management goals that include ethical outdoor involvement including hunting, hiking, camping, wildlife viewing, rock climbing, off road mechanical sports, and other outdoor recreational activities. OSWCD strongly advocates the rights of recreationists to continue lawful access to federal lands. [Land and Water Conservation Land Act of 1965](#).
- **Objectives:**
 1. Promote outdoor activities of all types.

2. Include outdoor recreation implicit in Customs and Culture as standards amongst District endeavors.
3. To secure and perpetuate access for historical recreational endeavors.

1.4.2-6 Riparian Habitat

- **Goal:** It is the goal of OSWCD to promote the health and perpetuation of Riparian Habitat within the District.
- **Guidance:** OSWCD adheres to coordination as provided under [Section 8 of the Public Rangelands Improvement Act of 1978](#) for riparian areas and wetlands under the jurisdiction of a federal agency.
- **Objectives:**
 1. Promote the perpetuation and enhancement of Riparian Habitat.
 2. Educate the value of balanced watershed management which includes Riparian Habitat.
 3. To create pilot projects to expand dual roles of limited water sources to multiple uses.

1.4.2-7 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:** It is the goal of OSWCD to promote cutting edge management of arid-lands stewardship within the District. Also, work to increase productivity of rangeland to increase and/or maintain Animal Unit Month ("AUMs") to maximum sustainable levels on rangeland in the District.
- **Guidance:** The continued viability of livestock operations and the livestock industry should be supported on federal lands within DASWCD 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.

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. For these reasons, any relinquishment or retirement of grazing animal unit months in favor of conservation easements, wildlife, and other uses can harm the Districts objectives. Any reductions in domestic livestock animal unit months must be temporary and scientifically based upon rangeland conditions.

Objectives:

1. Engage the BLM, NMDA, NMSU and appropriate cooperators in establishing an arid lands grazing district.
2. Identify pertinent coordinating projects to achieve such objectives.
3. Create world-class arid lands sustainable research and production unit.
4. 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 and wildlife.
5. Adjustments 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.
6. Discourage any new federal or state land acquisition within OSWCD boundaries.
7. 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.
8. Encourage the use of coordinated resource 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/mesquite control, reseeding, fencing, salting plans, herding plans and grazing systems).

1.4.2-8 Storm Water Management and Public Safety

- **Goal:** It is the position of OSWCD to support the local citizenry in the unencumbered right to protect them and their private property from the ravages of floods. The District is against any administrative land designations or policies that would result in obstruction of such

private property protection. It is the goal of the District to uphold such a basic right. It is also the goal of OSWCD to capture, manage and put to beneficial use all storm water emanating from controlled and wild arroyos within the District. That expansion of the District's goal is fundamental to the safety and health of every citizen within the District.

- **Objectives:**

1. To protect the life, limb, and property of all citizens within the District from uncontrolled flooding.
2. To work to limit federal restrictions of projects, access, and planning that would obstruct such safety and welfare measures within the District.
3. To capture and return all flood waters within the District to beneficial use.
4. To conceptualize an expanded water management system.

1.4.2-9 Wildfire

- **Goal:** It is the goal of OSWCD is to support the right of local citizens to protect their private property from wildfire.
- **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 District is against any federal land designation restriction of entering into any and all lands within the district with mechanical means to control such wildfire incidents. The District is also opposed to any post fire land use or restrictions that would effectively alter the Area Management Plan of the BLM and would alter the status of this Plan or the various stakeholder plans that are tied to access to federal lands within the District. As such, any and all eventual land use restrictions must be adequately justified on the basis of strict peer review and discussion.
- **Objectives**
 1. OSWCD strongly supports training for all volunteer fire department members 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 the majority of volunteers that are qualified and can be allowed to have unencumbered access to all lands within the District.
 2. Adjunct added: Allow all border security and or law enforcement access to such lands similarly.
 3. Identify and strike a balance of beneficial use of fire and the detrimental effects of

wildfire.

1.4.2-10 Customs and Culture: Historical, Environmental and six other values; Resource plans, standards, and guidelines.

- **Goal:** It is the goal of OSWCD 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 preserve and protect all lands in a condition that will promote land health which contributes to community economic freedom and security; and undertake such actions in a manner that serves all citizens with a high standard of ethical and objective leadership.
- **Guidance:** FLPMA provides for effective use of the Agency administered lands by providing continuity of uses for roads, power, water, grassland, and natural gas. The Act also mandates multiple use of the Agency administered lands, provides for continuing inventory and classification reviews of such lands. The Agency is required to comply with federal, state, and local government laws relating to such matters including the values set forth in the Declaration of Policy of the Act. Those values span the PPGD contents included herein but also apply to outdoor recreation and human occupancy and use. The Act is the organic basis of managing federal lands in the West and OSWCD intends to cooperate in a manner that elevates all values equally without prejudice or inferred cardinal value. This includes the blending of historical and environmental values that have, heretofore, become bookends of manifested priorities. The presence of humans in this landscape is elevated in importance. [Title I. Short Title, Declaration of Policy, and Definitions.](#)

The Agency must follow the consistency and coordination requirements of FLPMA when the Secretary is making decisions regarding the actual management of federal lands. [Uintah County, Utah v. Norton City, Civ. No. 2:00-CV-0482J.](#)

The themes and the contents of any long range plan will not be concluded within this Plan. Rather, the conceptual integrity of such an undertaking will be based on more than 75 pieces of legislation that govern Agriculture and its defined underpinning resources of soil and water. A partial list of those legal guidelines is included but not limited to the following:

1. [Soil and Water Conservation District Act \(2009\)](#)
2. [Revised Statute 2477 of 1866](#)
3. [Desert Land Act of 1877](#)
4. [Carey Act of 1894](#)
5. [National Irrigation Act of 1902](#)
6. [The Reclamation Act of 1905](#)
7. [Antiquities Act of 1906](#)
8. [Stock-Raising Homestead Act of 1916](#)
9. [General Exchange Act of 1922](#)

10. Recreation and Public Purposes Act of 1926
11. Fish and Wildlife Coordination Act of 1934
12. Taylor Grazing Act of 1934
13. Soil Conservation and Domestic Allotment Act of 1935
14. Bankhead-Jones Act of 1937
15. Mineral leasing Act for Acquired Lands of 1947
16. Watershed Protection and Flood Prevention Act of 1954
17. Townsite Act of 1958
18. Multiple-Use, Sustained Yield Act of 1960
19. Food and Agriculture Act of 1962
20. Wilderness Act of 1964
21. Land and Water Conservation Act of 1965
22. Water Resources Planning Act of 1965
23. Community Planning and Resource Development-Soil Surveys 1966
24. Noxious Plant Control Act of 1968
25. National Environmental Policy Act of 1969
26. Environmental Quality Improvement Act of 1970
27. Water Bank Act of 1970
28. Mining and Minerals Policy Act of 1970
29. Federal Insecticide, Fungicide, and Rodenticide Act of 1971
30. Rural Development Act of 1972
31. Agriculture and Consumer Protection Act of 1973
32. Endangered Species Act of 1973
33. Disaster Relief Act of 1973
34. Federal Land Policy and Management Act of 1976
35. Payment in Lieu of Taxes Act, 1976
36. Resource Conservation and Recovery Act of 1976
37. Energy Research and Development Administration Act of 1977
38. Food and Agriculture Act of 1977
39. Soil and Water Conservation Act of 1977
40. Clean Water Act of 1977
41. Renewable Resources Extension Act of 1978
42. Water Research and Development Act of 1978
43. Public Rangelands Improvement Act of 1978

And, others notwithstanding the ongoing nature of this Plan

- **Objectives:**

1. OSWCD intends to maintain balance within the actions of the Board itself as well as the actions of federal and state government in land use planning within the District.
2. The equality and respect for Customs and Culture created in over 860 years of recorded history must be held inviolate. OSWCD intends to maintain such a balance in the face of federal and state management policies that are often driven by forces outside of the jurisdiction of the District.

1.4.2-11 Outreach and Education

- **Goal:** It is the goal of OSWCD is to garner the support, understanding, and backing of our community and partner agencies.
- **Guidance:** The District recognizes the need for an active information and education program to better inform the District's youth, landowners, and public of conservation needs and practices.
- **Objectives:** Such vehicles as a newsletter and an active youth education program will be established and maintained. The news media will be utilized to inform the public.

—LAND USE PLAN—

Adopted

May 4, 2016

Otero SWCD Board of Supervisors

Approved by:

William Mershon, Chairman

Rick Baish, Vice-Chairman

Jeff Rabon, Sec.-Treasurer

Eddie Vigil

Bob Nichols

James Evrage

Thomas Mendez