

**Conservation Lands Foundation\*Defenders of Wildlife\*EarthKeepers 360\*  
New Mexico Wilderness Alliance\*New Mexico Wildlife Federation\*  
Sierra Club Rio Grande Chapter\*The Wilderness Society**

March 15, 2024

Bureau of Land Management  
Rio Puerco Field Office  
Attn: Placitas Withdrawal  
100 Sun Avenue, Suite 330  
Albuquerque, NM 87109

Submitted via eplanning, <https://eplanning.blm.gov/eplanning-ui/project/2026585/570>

**Re: Comments on BLM Rio Puerco Field Office Environmental Assessment for Placitas  
Administrative Mineral Withdrawal, #DOI-BLM-NM-A010-2023-0033-EA**

Dear Bureau of Land Management:

Thank you for this opportunity to provide written comments on the Environmental Assessment for the Placitas Administrative Mineral Withdrawal (withdrawal). Conservation Lands Foundation, Defenders of Wildlife, EarthKeepers 360, New Mexico Wilderness Alliance (New Mexico Wild), New Mexico Wildlife Federation, Sierra Club Rio Grande Chapter, and The Wilderness Society strongly support the proposed withdrawal of approximately 4,213 acres of public lands managed by the Bureau of Land Management (BLM) Rio Puerco Field Office near Placitas, New Mexico from location and entry under the United States mining laws, leasing under the mineral leasing laws, and disposal of minerals under the Materials Act of 1947, for a 50-year term, subject to valid existing rights.

Our organizations collectively represent tens of thousands of individual members and supporters from all corners of New Mexico and across the nation who rely on federal public lands for ecosystem services and for recreational, conservation, aesthetic, and economic purposes. We strongly concur with the BLM's conclusion that the proposed withdrawal is needed to "protect, preserve, and promote the scenic integrity, cultural importance, recreational values, and wildlife habitat connectivity within the Placitas area."<sup>1</sup> These comments are timely submitted by March 15, 2024.

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<sup>1</sup> BLM Rio Puerco Field Office, Placitas Withdrawal Environmental Assessment, p. 3 (Mar. 2024) [hereinafter EA]; BLM Rio Puerco Field Office, Draft Finding of No Significant Impact (FONSI), Placitas Withdrawal, DOI-BLM-NM-A010-2023-0033-EA, p. 1 (Feb. 14, 2024) [hereinafter Draft FONSI].

**A. The Local Community Supports the Administrative Withdrawal.**

The lands proposed for withdrawal are located within unincorporated areas of Sandoval County near the community of Placitas, New Mexico, just north of Albuquerque. Communities in and around Placitas have engaged in a twenty-five-year effort to protect the Buffalo Tract and related lands in the Rio Puerco from gravel mining.<sup>2</sup> Sandoval County already contains six gravel mines, including four of the state’s largest, and more have been proposed.<sup>3</sup> The BLM responded to the community-led conservation initiative by proposing to withdraw these lands to protect, preserve, and promote the scenic integrity, cultural importance, recreational values, and habitat and wildlife connectivity within the area. The strong community support for the project was confirmed by the 745 written comments that the BLM received during scoping: over 90 percent expressed support for the proposed action.<sup>4</sup> We appreciate the BLM’s acknowledgment of the widespread support from local organizations and the BLM’s commitment to build partnerships with local stakeholders to increase support and capacity for public land stewardship.<sup>5</sup>

**B. The Administrative Withdrawal Will Have Beneficial Impacts on Air and Water Quality and Will Prevent Future Greenhouse Gas Emissions.**

Existing and proposed gravel mines within and near the project area cause air pollution from particulate matter and vehicle emissions. Allowing additional mineral development in the area would result in increased greenhouse gas emissions that contribute to climate change. The withdrawal will benefit air quality and contribute to a more stable climate by preventing future emissions associated with mineral development and extraction.

Mining activities also cause surface disturbance and development that can result in stormwater runoff, erosion, and pollution, which have negative impacts on water quality. The proposed withdrawal would benefit water quality by preventing ground disturbance, sediment, and pollution that could degrade water quality in Las Huertas Creek and the intermittent and ephemeral surface waters located within the project area.

**C. The Administrative Withdrawal Will Have Beneficial Impacts on Recreation and Scenic Resources.**

Residents and visitors rely on the project area for a variety of recreational activities that the BLM manages under its multiple-use framework, including hiking, dispersed camping, sightseeing, dog

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<sup>2</sup> The Las Placitas Ass., Written Testimony in Support of Hearing on H.R. 5825, at 5 (July 15, 2022), *available at* <https://www.congress.gov/117/meeting/house/114991/witnesses/HHRG-117-II06-Wstate-deValladaresM-20220719.pdf> [hereinafter Las Placitas Ass. Testimony].

<sup>3</sup> H. Rept. 116-491, Buffalo Tract Protection Act (116th Cong.) (Sept. 8, 2020), *available at* <https://www.congress.gov/116/crpt/hrpt491/CRPT-116hrpt491.pdf>.

<sup>4</sup> EA at p. 5.

<sup>5</sup> EA at p. 13.

walking, horseback riding, hunting, recreational shooting, and biking. The proposed action will support the health and wellbeing of residents and will benefit the area's tourism and outdoor recreation economy. The benefits to the recreation economy will counteract adverse impacts from past mining, which has decreased property values and harmed the local economy in the Placitas area.<sup>6</sup> The withdrawal would also preserve the existing scenic resources within the area by preventing the visual scars created by mining and associated roads.

**D. The Administrative Withdrawal Will Protect Cultural Resources and Maintain Integrity of a Culturally Significant Landscape.**

Local Pueblos have long been part of the effort to protect, preserve, and restore the cultural landscape that encompasses the project area.<sup>7</sup> The project area is also significant to traditional merced (land grant) communities, including the San Antonio De Las Huertas and El Tejon.<sup>8</sup> We commend the BLM for proposing a withdrawal consistent with the needs of Indigenous and traditional communities.

Sovereign Tribal governments, including the Pueblo of Santa Ana and the Pueblo of San Felipe, have expressed that the project area is part of their ancestral lands. This area contains cultural resources and archaeological sites and provides a link between the historic and modern homelands of these Pueblos. The proposed withdrawal will limit development and degradation of this culturally significant landscape and prevent surface disturbing activities that could destroy individual cultural resources within the project area.

Given the importance of this region to Indigenous peoples, the BLM should conduct ongoing Tribal consultation. This consultation must be consistent with the joint Secretarial Order filed by the Department of the Interior and the Department of Agriculture (Order No. 3404) in 2021<sup>9</sup> and the Permanent Instruction Memorandum, "Co-Stewardship with Federally Recognized Indian and Alaska Native Tribes" issued in 2022.<sup>10</sup> The directives acknowledge that both departments manage millions of acres of federal lands and are entrusted to protect Tribal interests by maintaining lands and waters that are culturally and naturally significant to Indigenous peoples.

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<sup>6</sup> Las Placitas Ass. Testimony, *supra* note 2, at 9.

<sup>7</sup> EA at p. 15; see also The Offices of U.S. Senator Martin Heinrich & U.S. Representative Melanie Stansbury, The Buffalo Tract Protection Act - Statements of Support (2023), available at [https://www.heinrich.senate.gov/imo/media/doc/buffalo\\_tract\\_support\\_2023.pdf](https://www.heinrich.senate.gov/imo/media/doc/buffalo_tract_support_2023.pdf).

<sup>8</sup> The Office of U.S. Representative Melanie Stansbury, The Buffalo Tract Protection Act - Statements of Support (2021), available at <https://stansbury.house.gov/sites/evo-subsites/stansbury.house.gov/files/evo-media-document/Letters%20of%20Support%20%283%29.pdf>.

<sup>9</sup> U.S. Dep't of Interior & U.S. Dep't of Agriculture, Joint Secretarial Order No. 3403, Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters, available at <https://www.doi.gov/sites/doi.gov/files/elips/documents/so-3403-joint-secretarial-order-on-fulfilling-the-trust-responsibility-to-indian-tribes-in-the-stewardship-of-federal-lands-and-waters.pdf>.

<sup>10</sup> Permanent Instructional Memorandum (PIM) No. 2022-011, Co-Stewardship with Federally Recognized Indian and Alaska Native Tribes Pursuant to Secretary's Order 3403, available at <https://www.blm.gov/policy/pim-2022-011>.

The BLM should finalize the proposed withdrawal in a manner consistent with Tribal consultation requirements and the National Historic Preservation Act. Moreover, as the BLM implements the proposed action, the BLM should continue to involve Indigenous and traditional communities in future decision-making and stewardship involving the project area.

**E. The Administrative Withdrawal Will Safeguard Important Wildlife Corridors and Enhance Wildlife Habitat Connectivity.**

We appreciate the BLM’s recognition of the role that the administrative withdrawal will play in advancing plant and wildlife habitat connectivity within the region. As wildlife and ecosystems in New Mexico face increasing pressure from development and climate change, protected wildlife corridors and habitat connectivity provide crucial connections between habitat areas, enabling migration, colonization, and breeding opportunities for plants and wildlife. The area proposed for withdrawal encompasses a vital wildlife corridor link between the Sandia Mountains and the Jemez Mountains of the Sangre de Cristo Range, along Las Huertas Creek.

The State of New Mexico has taken considerable steps to prioritize wildlife corridors and increase habitat connectivity. In 2019, the New Mexico Legislature enacted the Wildlife Corridors Act,<sup>11</sup> which directs the New Mexico Department of Transportation (NMDOT) and the New Mexico Department of Game and Fish (NMDGF) to develop a statewide action plan.<sup>12</sup> The New Mexico Wildlife Corridors Action Plan was finalized in 2022.<sup>13</sup> The New Mexico Wildlife Corridors Action Plan identifies wildlife-vehicle collision hotspots that pose a particularly high risk to the public and provides a list of priority projects. These projects focus on the movements of elk, deer, black bear, bighorn sheep, pronghorn, and mountain lions, as well as impacts to other sensitive species.

One of the top-prioritized wildlife corridor hotspots is the Sandia–Jemez Mountains Bernalillo Wildlife Corridor, near the intersection of Interstate 25 at U.S. Highway 550. This wildlife corridor overlaps with the area proposed for administrative withdrawal. As stated in the Action Plan,

The Sandia-Jemez Mountains corridor is located between the Sandia Mountains on the east and south side of I-25 and the Jemez Mountains north of I-25. Within this corridor, wildlife captured and GPS collared on the Pueblo of Santa Ana west of I-25 moved south and north of US 550 on the southwest side of the Pueblo, thus, the linkage also occurs across the north and south sides of US 550 to the west of the I-25 corridor. Mule deer, elk, pronghorn, black bear, and cougar move through this wildlife corridor[.]

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<sup>11</sup> N.M. Wildlife Corridors Act, NMSA 1978, §§ 17-9-1 to -5 (2019).

<sup>12</sup> NMSA 1978, § 17-9-3.

<sup>13</sup> N.M. Dep’t of Transp. & N.M. Dep’t of Game and Fish, N.M. Wildlife Corridors Action Plan (June 2022), available at [https://wildlifeactionplan.nmdotprojects.org/wp-content/uploads/sites/39/2022/07/Wildlife-Corridors-Action-Plan\\_June-2022\\_FINAL-reduced.pdf](https://wildlifeactionplan.nmdotprojects.org/wp-content/uploads/sites/39/2022/07/Wildlife-Corridors-Action-Plan_June-2022_FINAL-reduced.pdf).

There is substantial development in many of the nearby areas, as the corridor begins just 17 miles north of Albuquerque and encompasses the Santa Ana, San Felipe, Cochiti, and Kewa (Santo Domingo) Pueblos along I-25, and the Jemez, Zia, and Santa Ana Pueblos in the lands between US 550 and the Jemez Mountains. It will take precisely focused efforts to protect the wildlife movement corridors within this linkage amid the rapidly expanding urban development and roads.

Wildlife movement data collected by the Department of Natural Resources of the Pueblo of Santa Ana were extremely helpful in demonstrating where mule deer, elk, pronghorn, black bear, and cougar move or cannot move in this corridor. It was the Pueblo's GPS location data and New Mexico Wildlife wildlife roadkill dataset that elevated this potential linkage to the status of a top wildlife corridor in the Action Plan.<sup>14</sup>

Like the State of New Mexico, federal land management agencies have adopted policies to promote wildlife corridors and habitat connectivity. Relevant here, Secretarial Order 3362 “directs appropriate bureaus within the Department of the Interior (Department) to work in close partnership with the states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming to enhance and improve the quality of big-game winter range and migration corridor habitat on Federal lands under the management jurisdiction of this Department in a way that recognizes state authority to conserve and manage big-game species and respects private property rights.”<sup>15</sup> Consistent with the Secretarial Order, the NMDGF has identified key priority landscapes for improving big-game winter range and migration corridors in the Action Plan, including the Sandia-Jemez Mountains Bernalillo wildlife corridor.

Similarly, BLM Instruction Memorandum No. 2023-005 helps the BLM fulfill aspects of its multiple use and sustained yield mandate by ensuring the sufficient interconnection of habitats for native fish, wildlife, and plant populations. As part of that work, the policy directs the BLM state offices to consult with state fish and wildlife agencies and Tribes to assess habitat connectivity to manage as best as possible for intact, connected habitat.<sup>16</sup> Guidance issued by the Council on Environmental Quality (CEQ) addresses the role that federal agencies should play in safeguarding ecological connectivity and wildlife corridors. The CEQ guidance establishes a national policy to promote greater wildlife habitat connectivity as a means to sustain the nation's biodiversity and “enable wildlife to adapt to fluctuating environmental conditions, including those caused by climate

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<sup>14</sup> *Id.* at 6-184 to 6-185.

<sup>15</sup> U.S. Dep't of Interior, Secretarial Order 3362, Improving Habitat Quality in Western Big-Game Winter Range and Migration Corridors (Feb. 9, 2018), *available at* <https://www.blm.gov/sites/blm.gov/files/Final-SO3362-report-081120.pdf>

<sup>16</sup> BLM, Instruction Memorandum (IM) No. 2023-005, Habitat Connectivity on Public Lands (Nov. 18, 2022), *available at* <https://www.blm.gov/policy/im-2023-005-change-1>.

change.”<sup>17</sup> Pursuant to the CEQ guidance, federal agencies are expected to assess connectivity and corridor values on the public lands they manage; develop policies to “conserve, enhance, protect, and restore” corridors and connectivity; and actively identify and prioritize actions that promote greater connectivity.

The BLM’s proposed action would help implement the policies of the State of New Mexico and federal agencies. We ask that the BLM continue to implement these policy directives and incorporate identified priority landscapes and habitat, such as the project area, in consultation with adjacent land managers, the state, Pueblos and Tribes, and local communities.

#### **F. Administrative Withdrawal Will Protect Sensitive Plant and Animal Communities.**

The area proposed for withdrawal consists of piñon-juniper woodland, shrubs interspersed with sparse grassland, gravel ridges, and sandy arroyos.<sup>18</sup> As described above, the area provides habitat and migration corridors to a diverse array of wildlife game species and predators, including black bear, mule deer, Rocky Mountain elk, coyote, fox, bobcat, and mountain lion, along with many small mammals.

The area also hosts multiple sensitive bird species, including birds protected by the Migratory Bird Treaty Act, and the vulnerable monarch butterfly, which is a candidate for listing under the Endangered Species Act. A quick survey of the landscape using Fish and Wildlife Service’s iPac Mapping Tool shows the likely presence of the following Birds of Conservation Concern: bald eagle, black-chinned sparrow, Cassin’s Finch, Clark’s nutcracker, evening grosbeak, golden eagle, Grace’s warbler, Lewis’s woodpecker, olive-sided flycatcher, pinyon jay, and Virginia’s warbler.

The piñon-juniper habitat is especially important to the imperiled pinyon jay (*Gymnorhinus cyanocephalus*), a gregarious and iconic western bird that is plummeting in number and needs the protection of the Endangered Species Act (ESA) to dodge extinction. The BLM has identified the pinyon jay as a BLM-Sensitive Species, and on August 17, 2023, the U.S. Fish and Wildlife Service (“USFWS”) found that a petition to list the pinyon jay as endangered presented substantial scientific information to indicate that an ESA listing may be warranted.<sup>19</sup> Pinyon jays are an obligate species, which means their survival depends on a particular habitat, in this case healthy piñon-juniper woodlands, where they feed on piñon pine seeds—their primary food source—and juniper berries.

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<sup>17</sup> CEQ, Guidance for Federal Departments and Agencies on Ecological Connectivity and Wildlife Corridors (Mar. 21, 2023), *available at* <https://www.whitehouse.gov/wp-content/uploads/2023/03/230318-Corridors-connectivity-guidance-memo-final-draft-formatted.pdf>.

<sup>18</sup> Statement of Steve Feldgus, Ph.D., Deputy Assistance Secretary, Land and Minerals Management, U.S. Dep’t of Interior, S. Rept. 118-63, Buffalo Tract Protection Act (118th Cong.) (July 19, 2023), *available at* <https://www.congress.gov/118/crpt/srpt63/CRPT-118srpt63.pdf>.

<sup>19</sup> Fish and Wildlife Service, Endangered and Threatened Wildlife and Plants; 90-Day Findings for Five Species, 88 Fed. Reg. 55991 (Aug. 17, 2023).

Piñon pines are mutually dependent on pinyon jays, relying on them to distribute their seeds across the landscape.

Although the EA states that the BLM has not documented any BLM-Sensitive Species in the project area,<sup>20</sup> it is extremely likely that comprehensive surveys would reveal that pinyon jays, which move around the landscape in a nomadic fashion, utilize and rely upon the piñon-juniper habitat in this area.

The administrative withdrawal will benefit sensitive plant and animal communities by preventing new development and surface disturbance, and by preventing the spread of noxious and invasive weeds within the project area.

### **G. Administrative Withdrawal Is Needed While Legislation Is Pending.**

Implementation of the proposed administrative withdrawal would provide needed protection for this vulnerable landscape while Congress considers legislation that would permanently protect this area. Since 2016, New Mexico’s congressional delegation has been responding to the urgent requests of constituents by introducing “Buffalo Tract Protection Act” bills that would enact a permanent legislative mineral withdrawal for the area.<sup>21</sup>

In the current Congress, bills were introduced on February 27, 2023, by Senators Martin Heinrich and Ben Ray Luján and Representatives Melanie Stansbury and Teresa Leger Fernández.<sup>22</sup> On May 17, 2023, the Buffalo Tract Protection Act passed favorably in the Senate Energy and Natural Resources Committee with bipartisan support.<sup>23</sup> A previous version of the House of Representatives bill had passed the House Committee on Natural Resources in 2020.<sup>24</sup> The 50-year withdrawal proposed for the Buffalo Tract is needed to maintain the existing wildlife, cultural, and recreational uses until the long-sought permanent protection can be secured.

### **H. Administrative Withdrawal Will Further the Biden Administration’s Priorities of Addressing Biodiversity Loss and Climate Change through Conservation Initiatives.**

The proposed withdrawal contributes to the implementation of the Biden administration’s time-sensitive conservation priorities. The President has committed to taking swift action to address the twin crises of climate change and biodiversity loss by conserving at least 30% of U.S. lands and

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<sup>20</sup> EA at p. 11.

<sup>21</sup> See S.3221 (114th Cong.) (2016); H.R. 6189 (114th Cong.) (2016); S.390 (115th Cong.) (2017); H.R.1085 (115th Cong.) (2017); S.526 (116th Cong.) (2019); H.R.2640 (116th Cong.) (2019); S.180 (117th Cong.) (2021); H.R. 5805 (117th Cong.) (2021).

<sup>22</sup> Buffalo Tract Protection Act, S.534 (118th Cong.) (2023); Buffalo Tract Protection Act, H.R.1221 (118th Cong.) (2023).

<sup>23</sup> S. Rept. 118-63, Buffalo Tract Protection Act (118th Cong.) (July 19, 2023), *available at* <https://www.congress.gov/118/crpt/srpt63/CRPT-118srpt63.pdf>.

<sup>24</sup> H.R. Rept. 116-491, *supra* note 2.

waters by 2030.<sup>25</sup> Per Executive Order 14,008, President Biden recognized that “[t]he United States and the world face a profound climate crisis. We have a narrow moment to pursue action at home and abroad to avoid the most catastrophic impacts of that crisis and to seize the opportunity that tackling climate change presents.”<sup>26</sup>

Consistent with the stated priorities of the Biden administration, the BLM should continue working with the Secretary of the Interior to exercise statutory authority to protect these lands. As the BLM is aware, the Federal Land Management and Policy Act (FLPMA) authorizes the Secretary to make a withdrawal aggregating less than 5000 acres for such period of time as the Secretary deems desirable for a resource use.<sup>27</sup> As explained above, the proposed withdrawal would protect and enhance other resource uses within the BLM’s multiple-use management, including an array of ecological, cultural, and recreational values. We support the proposal to withdraw these lands for a period of fifty years, and further, we encourage the Secretary of the Interior to consider a permanent withdrawal to implement the durable landscape protections contemplated by Executive Order 14,008.

#### **I. The BLM Should Update the Rio Puerco Resource Management Plan (RMP).**

The BLM manages the lands proposed for withdrawal under the Rio Puerco Resource Management Plan (RMP), which was adopted in 1986 and amended in 1992. Given that an RMP is intended to last for only about 15-20 years, the current RMP is extremely outdated. In 2008, the BLM Rio Puerco Field Office began working on an RMP revision and associated environmental impact statement (EIS).<sup>28</sup> Once this proposed administrative withdrawal is finalized, we urge the BLM to complete a revision of the Rio Puerco RMP that reflects the withdrawal and the array of updated and forthcoming regulations and policy guidance intended to provide more balance to BLM’s multiple use and sustained yield mission.

#### **J. Conclusion**

We strongly support the New Mexico BLM’s proposal to withdraw the lands near Placitas, New Mexico from mineral extraction for a period of fifty years, as described in the proposed action. This action will protect, preserve, and promote the scenic integrity, cultural importance, ecological values, recreational opportunities, and habitat connectivity of the area. We commend the BLM for considering the significant long-term benefits that the proposed action will have on the natural and cultural resources under the BLM’s management. The value of the project area’s ecosystem services

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<sup>25</sup> White House Briefing Room, “Executive Order on Tackling the Climate Crisis at Home and Abroad,” 2021, *available at* <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-theclimate-crisis-at-home-and-abroad/>.

<sup>26</sup> Executive Order 14,008, 86 Fed. Reg. 7619 (Jan. 27, 2021).

<sup>27</sup> Federal Land Management and Policy Act (FLPMA), 43 U.S.C. § 1714(d).

<sup>28</sup> BLM, Rio Puerco Resource Management Plan, *available at* <https://www.blm.gov/programs/planning-and-nepa/plans-in-development/new-mexico/rio-puerco-rmp>.



and cultural significance will far outweigh the value of any short-term economic contribution that mineral extraction might make to the regional economy.

We urge the BLM to adopt the preferred alternative in the EA, issue the proposed FONSI, and promptly submit a withdrawal package to the Secretary of the Interior. We urge the Department of the Interior to act swiftly and ensure protection of this landscape by adopting the recommendation of the BLM and issuing a public land order enacting the administrative withdrawal. Thank you for your consideration of our comments. Please include them in the formal project record.

Sincerely,

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