



Native Plant Society of New Mexico

P. O. Box 35388
Albuquerque, NM 87176-5388

BLM Director
Attention: Protest Coordinator (HQ210)
PO Box 151029
Lakewood, CO 80215

October 8, 2026

RE: Protest of Final Environmental Impact Statement and Proposed Resource Management Plan,
Carlsbad Field Office, Pecos District, New Mexico

Dear BLM Director:

The Native Plant Society of New Mexico (NPSNM) commented on the 2018 Draft Resource Management Plan/EIS (letter attached). Pursuant to 43 C.F.R. § 1610.5-2, NPSNM hereby protests the 2026 proposed plan¹ (DOI-BLM-NM-P020-2010-0001-RMP-EIS) based on our concerns from 2018. The documents reviewed were found at <https://eplanning.blm.gov/documents/?id=c752f38d-a7f2-f011-8407-001dd803d067&spid=cf8bdf55-a8f2-f011-8406-001dd8008d46>.

The NPSNM strives to educate the public about native plants by promoting knowledge of plant identification, ecology, and uses; fostering plant conservation and the preservation of natural habitats; supporting botanical research; and encouraging the appropriate use of native plants to conserve water, land, and wildlife. The NPSNM has been actively involved in rare plant conservation efforts in New Mexico for half a century, and our members use and enjoy the public lands throughout New Mexico.

The updated Resource Management Plan (RMP) will replace the existing 1988 RMP unless the No Action alternative is selected. The plan is intended to provide a comprehensive framework for managing public lands and mineral estate in portions of Eddy, Lea and Chaves counties, in southeastern New Mexico. Based on our review of the 2018 draft EIS, we recommended a “new or modified alternative” that would best facilitate progress toward conservation of native plants and their communities. We then laid out conservation actions that could be easily incorporated from the various alternatives into a single management strategy.

The National Environmental Policy Act (NEPA) encourages “‘productive and enjoyable harmony between man and his environment,’ and was intended to reduce or eliminate environmental damage and to promote ‘the understanding of the ecological systems and natural resources important to’ the United States.” *Dep’t of Transp. v. Pub. Citizen*, 541 U.S. 752, 756 (2004) (quoting 42 U.S.C. § 4321). The 2026 final EIS falls short of NEPA’s policy goals. It includes the four alternatives described in the 2018 draft EIS, each with different management objectives. In addition, the 2026 final EIS proposes a RMP that is based on Alternative C with a relaxation of conservation strategies to encourage easier and more extensive mineral development. We note, in general, a relaxation of conservation efforts throughout the document. We reiterate our 2018 letter that elements of Alternatives A, B, and C (as described in the 2018 draft EIS) would “best facilitate progress toward the conservation of native plants and plant communities.” The selection of an alternative that relaxes or omits conservation strategies while encouraging more environmentally harmful mineral

¹[Volume 1 - BLM CFO Proposed RMP and Final EIS - September 2026.pdf](#)
[Volume 2 - BLM CFO Proposed RMP and Final EIS Appendices - September 2026.pdf](#)

exploration and development is inconsistent with BLM's mandatory obligation under the Federal Land Policy and Management Act (FLPMA) to "take any action necessary to prevent unnecessary or undue degradation of the lands." 43 U.S.C. § 1732(b).

As an example of the relaxation of conservation measures, we expressed concern in our 2018 comment letter that OHV travel is harmful to vegetation. In the 2018 draft EIS, OHV travel was identified as a potential health and safety issue with the four alternatives having a comparable acreage identified as limited or closed (2.035 million to 2.053 million) with between 38,737 and 55,966 acres closed. The current alternatives would protect about 2.091 million acres with between 8,572 and 56,079 acres closed. The proposed RMP (Alternative C) would only close roads to OHV travel on 8,572 acres. While the total acreage of limited and closed OHV travel is slightly higher than identified in the 2018 EIS (changes in boundaries from improved GIS mapping might account for these slight differences found throughout the tables), this four-fold and more decrease in closed roads endangers both OHV drivers and the ecosystems that would be impacted. We reiterate our concerns on the likely harmful effects of OHV travel, and note that this selection of the fewest number of acres closed to OHV use violates BLM's obligation under FLPMA to avoid unnecessary and undue degradation of the public lands.

In our 2018 letter, we noted that it does make sense to combine ACECs but were unclear about how that process would be implemented. We remain unclear but are more concerned that current ACEC areas will be removed from protection under the proposed RMP. Furthermore, we note that in the Executive Summary, the need for the RMP no longer mentions ACECs at all. This represents an unlawful narrowing of the purpose and need for the RMP revision because it overly restricts consideration and potential selection of reasonable alternatives. Narrowing the purpose and need that results in a failure to consider a reasonable, viable alternative violates NEPA. *New Mexico ex rel. Richardson v. Bureau of Land Mgmt.*, 565 F.3d 683, 708–11 (10th Cir. 2009). We reiterate that we support special designations for locations whose identified values include rare plants or plant communities to facilitate identifying and implementing management measures for their conservation.

For example, Alternative B would manage areas like The Birds of Prey Grasslands ACEC (364,451 acres), the Desert Heronries ACEC (50,005 acres), and the Pecos Bluntnose Shiner Habitat ACEC (201 acres) as Areas of Critical Environmental Concern. It better protects wetland and riparian vegetation along with areas like the Hope Grasslands (aplomado falcon habitat), and wilderness areas. Alternative A often overlaps with Alternative B, but Alternative A has better protections for sensitive soils and protects a larger area from the impacts of grazing and OHV use.

Alternative B also has the most emphasis on conservation of rare and sensitive native plant species and plant communities. Alternative B under Land Use Authorizations conserves significantly more habitat for special status plant species, including: modeled habitat for Allred's flax (13,826 acres), gypsum milkvetch (44,251), gypsum wild-buckwheat (8,254 acres), Kuenzler's hedgehog cactus (24,799 acres), Lee's pincushion cactus (133,183 acres), Scheer's beehive cactus (121,269 acres), Tharp's blue-star (44,619 acres), and Wright's waterwillow (10,342 acres). Alternative B also protects several areas of cryptobiotic (microbiotic) crusts. Alternative A has a greater number of acres specified by avoidance areas for Rights of Ways for pipeline, road, site, and power line development that could impact sensitive species on the other hand.

In new information provided in the 2026 final EIS, we note that Appendix B (Vol. 2) reports that increased temperatures and aridity are affecting the area, making it more prone to groundwater depletion, soil erosion, and shifts in vegetation. With regards to vegetation, Appendix B states: “Land uses pertaining to energy development, potash mining, grazing, OHV use, etc., could reduce the resilience of vegetation and rare plants in the face of changing temperature and precipitation trends. These resource uses may increase disturbance across the landscape by impacting pollinator habitat, increasing non-native species invasion and reducing community connectivity, which in turn amplifies the impacts of changing temperature and precipitation trends and reduces resiliency.” Given that a very large proportion of the surface area managed by the Carlsbad Field Office is already under lease for oil and gas development, mineral extraction, and grazing, there should be an emphasis in the Land Management Plan to focus on both restoration and protection of existing habitat.

The NPSNM is concerned about the wording around “closure to grazing around springs” that again may result in unnecessary and undue degradation. Options A- D specify that “Closure would only occur after consultation with grazing operator, including identification of alternative water source.” This was not the case under the No Action Alternative, although that alternative did not include as many springs as the other options. It is also likely that the original native riparian vegetation within the planning area was grass or shrub dominated, with scattered stands of tall woody vegetation. Restoration efforts should take into account the local soil and hydrologic conditions, and should avoid planting cottonwoods in places that may be more suited to shrubby, grassy, or emergent herbaceous dominated plant communities.

The NPSNM is concerned that if this plan supersedes the 1988 plan and its amendments, that the 2008 Special Status Species RMP Amendment may be lost. We feel it is vital to carry forward identification, evaluation, avoidance, and mitigation impacts to special status plant species management. Special status species are addressed under section 3.2.5. We support the plan’s long-term trend monitoring, minimization of surface disturbance, weed management, and science-based protocols for transplanting, salvaging, and seed banking of special status plant species, but protecting plants within their habitats is a high priority for species conservation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sylvan Kaufman". The signature is fluid and cursive, with the first name "Sylvan" being more prominent than the last name "Kaufman".

Dr. Sylvan Kaufman
Conservation Chair
Native Plant Society of New Mexico
(505) 501-8133