State of New Mexico

Michelle Lujan Grisham
Governor

November 3, 2026

The Honorable Steve Pearce
Director
Bureau of Land Management
1849 C Street NW
Washington, DC 20240

Subject: Governor's Consistency Review of the BLM Carlsbad Field Office Proposed Resource Management Plan and Final Environmental Impact Statement

Dear Director Pearce,

On behalf of the State of New Mexico, I appreciate the opportunity to comment on the Bureau of Land Management's (BLM) Proposed Resource Management Plan (RMP) and Final Environmental Impact Statement (EIS) for the Carlsbad Field Office. These comments, pursuant to 43 C.F.R. § 1610.3-2, identify matters requiring clarification or changes to the proposed land-use management direction to ensure consistency with officially adopted New Mexico resource-related plans, policies, programs, and applicable state regulatory requirements.

Public lands in southeastern New Mexico play an important role in supporting energy and mineral production, livestock grazing, recreation, rural communities, and multiple other uses. Energy production in the Permian Basin is critically important to the state and national economy, and New Mexico supports responsible development of the Permian Basin's oil, gas, and renewable energy resources alongside the conservation of water, air, wildlife, and other natural resources.

The RMP has implications for New Mexico's ability to responsibly regulate oil and gas development to protect natural resources and minimize long-term liabilities. The proposed RMP does not adequately demonstrate how expanded federal development will be reconciled with the State's regulatory requirements. New Mexico has made tremendous efforts to strengthen our oil and gas regulatory framework, reducing environmental risks and addressing legacy liabilities. The State has a substantial interest in ensuring that federal land-management decisions reinforce rather than undermine those efforts.

The planning area also contains sensitive vegetation communities, rare and special-status plants, fragile gypsum soils, cave and karst systems, riparian areas, wildlife habitat, and other biological resources that warrant clear and durable management protections. BLM's Final EIS acknowledges

that surface disturbance can remove vegetation, fragment habitat, increase erosion, facilitate invasive-species establishment, and affect pollination, hydrology, and reclamation success. It also identifies approximately 150,000 acres of sensitive gypsum soils that are highly susceptible to erosion and difficult to reclaim following disturbance. The State encourages the BLM to strengthen the Final RMP and Record of Decision by retaining biological-resource protections that provide greater avoidance of sensitive habitat, reduce habitat loss and fragmentation, and establish clearer protections for special-status species.

State Regulatory Consistency and Implementation

First, given that the Draft EIS BLM relied on to develop this RMP was first published in 2018, BLM should provide a detailed explanation of how the Final EIS reflects vastly different development conditions in the Permian Basin, incorporates new data, and accounts for New Mexico's new regulatory framework.

New Mexico has substantially revised its regulatory framework governing oil and gas operations in recent years, including the management of natural gas, underground injection and produced water, financial assurance, and protection of endangered plants. The State has also issued regulatory directives and guidance addressing induced seismicity and plugging and abandonment. These developments affect the practical implementation of federal mineral leasing, surface-use authorizations, rights-of-way, and reclamation requirements.

The State requests that the RMP identify appropriate coordination measures for future federal leasing, surface-use authorizations, rights-of-way, and related development activities, so that implementation can account for applicable New Mexico environmental and oil and gas regulatory requirements. These measures should address the federal land-use implications of gathering infrastructure, venting and flaring, spill prevention, and surface disturbance without duplicating state permitting authority.

Where federal surface-use decisions implicate produced water handling, disposal infrastructure, underground injection facilities, groundwater protection, or induced seismicity, the State requests early coordination with the New Mexico Oil Conservation Division (OCD). The RMP should provide for consideration of the location and surface impacts of associated facilities and rights-of-way, while recognizing that injection authorization and operating requirements may fall under the state's regulatory programs.

Natural Gas Waste Prevention and Gathering Infrastructure

Since the 2018 Draft EIS, New Mexico has adopted 19.15.27 NMAC (venting and flaring of natural gas) and 19.15.28 NMAC (natural gas gathering systems). 19.15.27.9 NMAC establishes phased statewide capture obligations culminating in at least 98 percent capture by December 31, 2026. 19.15.28 NMAC requires gathering-system operating measures and reporting, including as-built mapping. These rules affect the practical timing, routing, and capacity of development infrastructure.

Appendix L of the Proposed RMP encourages consolidated facilities and reduced surface disturbance; however, an RMP that makes mineral acreage available without a practicable gas-gathering corridor can create avoidable conflict between federal development sequencing and state

waste-prevention objectives. The State requests plan-level coordination criteria for master development plans, new federal surface-use authorizations, and rights-of-way where gas-gathering capacity or siting is material. BLM should clarify that foreseeable gathering needs, use of existing corridors, and the feasibility of compliance with 19.15.27-28 NMAC will be considered without assuming that routine venting or flaring can substitute for unavailable takeaway capacity.

Produced-Water Disposal Capacity, Underground Injection, and Induced Seismicity

The RMP's water-management analysis is of particular concern. BLM reported approximately 2.1 billion barrels of produced water in Eddy and Lea Counties in 2022 and 3,247 injection or saltwater-disposal wells in those counties in November 2025. BLM also estimates that under the Reasonably Foreseeable Development (RFD) Scenario there will be approximately 19 billion barrels of produced water from the federal component over the planning period. The RMP does not include any analysis of usable disposal capacity, authorized formations, permitted pressures, remaining volume, or geographic availability. Those constraints are legally material to development proposals that depend on disposal.

BLM's Appendix B discusses OCD's 2021 seismic-response protocol and identifies several induced-seismicity areas; the Final EIS nevertheless concludes that projected development under the RFD is not expected to result in induced seismicity. OCD's July 11, 2024 notice cancelled 75 pending Devonian/Silurian Class II disposal applications in the County Line Seismic Response Area because further injection could contribute to induced seismicity. Therefore, additional RMP leasing allocation requires reconciliation before development planning assumes future injection capacity is available.

Air-Quality Regulation and Updated Emissions Assumptions

The State requests clarification as to whether the future-emissions and infrastructure assumptions independently address OCD's 2021 natural gas waste rules, Parts 27 and 28, and the 2026 capture milestone. Any difference should be described in the final decision documentation, with a corresponding implementation measure where a federal leasing, surface-use, or ROW decision is implicated.

New RMP Will Replace Existing Management Direction

The Proposed RMP will replace the 1988 Carlsbad RMP and its subsequent amendments, including the 2008 Special Status Species RMP Amendment. Because the Final RMP will consolidate and supersede existing planning direction, New Mexico is concerned that it does not clearly identify, in one location, which existing special-status-species requirements will be retained, modified, or discontinued.

This distinction is important because the Final RMP will provide long-term management direction for future leasing, land-use authorizations, mineral development, vegetation treatments, travel management, grazing, and other activities. General references to BLM policy, lease notices, best management practices, or future project-level NEPA review may not provide the same certainty as an explicit land-use-plan decision.

The State therefore requests that the Final RMP or Record of Decision include a clear crosswalk identifying:

- The management requirements carried forward from the 1988 RMP and its amendments;
- Requirements that have been modified and the nature of those modifications;
- Requirements that have been discontinued and BLM's rationale for discontinuing them; and
- The provisions that will govern special-status-plant surveys, avoidance, mitigation, monitoring, reclamation, and interagency coordination during implementation of the new plan.

Special-Status Plant Surveys and Current Occurrence Data

New Mexico appreciates that the Proposed RMP includes measures requiring botanical surveys before certain surface-disturbing activities in known occupied, suitable, or modeled potential habitat. The plan also references the Carlsbad Field Office Survey Standard Protocol for Special Status Plant Species and provides for surveys by qualified field botanists when plants are conspicuous and detectable.

These protections are important and should be retained as enforceable requirements in the Final RMP. Because rare-plant distributions and species status may change throughout the life of the plan, BLM should expressly require the use of the most current occurrence records, species-status lists, survey protocols, habitat models, and relevant information held by federal and state agencies.

The Final RMP should also provide that:

- Surveys are conducted during appropriate identification and flowering periods;
- Survey scope includes the full direct and indirect disturbance area;
- Newly documented occurrences receive the same protections as previously known occurrences;
- Survey results are incorporated into project siting and environmental review before authorization; and
- Survey and monitoring information is maintained in a manner that supports future land-management decisions while protecting sensitive location data.

Avoidance, Mitigation, and Monitoring

The Draft RMP generally provides for avoidance of occupied BLM-sensitive plant habitat where practicable, including a minimum 100-meter buffer, and provides protections of up to 300 meters for federally listed, proposed, or candidate plant species and gypsum wild-buckwheat. It also contemplates project-specific mitigation, construction timing restrictions, dust control, invasive-species management, fencing or signs, seed collection, and long-term monitoring.

The State supports retaining these protections but requests that the Final RMP distinguish clearly between mandatory requirements and discretionary measures. This clarification is especially important where protections appear in a lease notice, as suggested conditions of approval, or as project-specific best management practices.

The Final RMP should establish enforceable minimum standards for:

- Avoidance of occupied habitat and relocation of proposed disturbance where feasible;
- Documentation explaining why avoidance is infeasible when disturbance is authorized;
- Mitigation proportionate to the direct, indirect, and cumulative impacts of the activity;
- Monitoring sufficient to determine whether avoidance, mitigation, and reclamation measures are effective;
- Adaptive management or corrective action when monitoring shows that performance standards are not being met; and
- Protection of habitat connectivity, ecological processes, pollinators, and sensitive soils necessary to sustain special-status-plant populations.

Reclamation of Sensitive Plant Habitat and Gypsum Soils

The Final EIS recognizes that sensitive gypsum soils have sparse vegetation, low water-holding capacity, severe erosion potential, and limited reclamation potential. It also identifies several sensitive plant species whose survival depends directly upon gypsum soils.

These findings support stronger preventive management. In areas containing sensitive soils and special-status-plant habitat, disturbance avoidance should be the primary management approach. Reclamation should not be treated as fully equivalent to avoiding disturbance where the plan acknowledges that restoration may be difficult, slow, or uncertain.

Where disturbance cannot be avoided, the Final RMP should require:

- Salvage and replacement of suitable soil horizons where technically appropriate;
- Use of native, locally appropriate, certified weed-free plant materials;
- Seed mixes that support ecological function and pollinator habitat;
- Measurable reclamation-success criteria;
- Monitoring for invasive plants and unsuccessful revegetation;
- Corrective action when reclamation standards are not achieved; and
- Protection of reclaimed sites from additional disturbance until performance standards have been met.

Supporting Greater Protection for Biological Resources

Alternative B would have the least potential to adversely affect physical and biological resources and would protect a variety of vegetation, soil types, and wildlife habitats. Alternative B would also concentrate development in areas already substantially developed and maintain the existing character of undeveloped key or unique habitats, including gypsum-soil areas.

The allocation comparison further demonstrates meaningful differences between Alternative B and the Proposed RMP. Alternative B would:

- Designate substantially more acreage as Areas of Critical Environmental Concern;
- Close substantially more acreage to fluid mineral leasing;

- Recommend substantially more acreage for withdrawal from locatable mineral entry;
- Exclude substantially more acreage from rights-of-way;
- Protect more lands with wilderness characteristics; and
- Close more acreage to off-highway vehicle use.

New Mexico encourages BLM to prioritize biological-resource protections where the Final EIS identifies those protections as more effective in avoiding sensitive habitats, limiting fragmentation, reducing surface disturbance, or protecting areas with low reclamation potential.

State Coordination

Many plants protected under New Mexico law are also BLM special-status species. Changes to federal land-management direction can therefore affect the State's ability to conserve state-listed plants and coordinate effectively with BLM during project review.

The Final RMP should include explicit coordination with the State of New Mexico when proposed activities may affect plants protected under state law or sensitive vegetation communities within the planning area. At a minimum, coordination should occur early enough to inform survey design, project siting, avoidance, mitigation, reclamation, and monitoring.

Conclusion

The State of New Mexico recognizes the importance of energy and mineral production, grazing, recreation, and multiple other land uses in southeastern New Mexico. These uses can proceed responsibly while maintaining clear protections for the biological resources that make the Carlsbad planning area unique. The State encourages BLM to work toward precise, durable management direction that recognizes concurrent jurisdiction and resolves identified regulatory and implementation ambiguities while retaining critical protections for biological resources.

Please do not hesitate to reach out to the New Mexico Energy, Minerals, and Natural Resources Department; Department of Wildlife; or Environment Department with technical questions or concerns.

Thank you for the opportunity to comment.

Sincerely,

Michelle Lujan Grisham

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Governor