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APPENDIX A

**MEMORANDUMS OF UNDERSTANDING
AND
RECORD OF DECISION**

MEMORANDUM OF UNDERSTANDING

BETWEEN

U.S. DEPARTMENT OF THE INTERIOR - BUREAU OF LAND MANAGEMENT

NEW MEXICO

AND

U.S. DEPARTMENT OF THE ARMY

HEADQUARTERS, US ARMY AIR DEFENSE ARTILLERY CENTER
AND FORT BLISS

FORT BLISS, TEXAS

CONCERNING

POLICIES, PROCEDURES, AND RESPONSIBILITIES RELATED TO LAND USE
PLANNING AND RESOURCE MANAGEMENT OF MCGREGOR RANGE

I. PURPOSE

This Memorandum of Agreement (MOU) establishes the basic principles and responsibilities of the Department of the Interior, Bureau of Land Management (BLM) and Department of the Army, Fort Bliss (Ft Bliss) for implementation of BLM's 1990 Resource Management Plan for the McGregor Range (Range) as mandated by Public Law 99-606. The plan was developed by BLM in consultation with Ft Bliss.

II. AUTHORITIES

Public Law 99-606, Military Lands Withdrawal Act of 1986
National Environmental Policy Act (P.L. 91-90, 42 U.S.C. Section 4321 et seq.).
Federal Land Policy and Management Act (P.L. 94-579, 43 U.S.C. Section 1701 et seq.).

III. PROCEDURES

A. GENERAL OPERATING PRINCIPLES

BLM will recognize Ft Bliss missions have priority of use on the Range and will secure Ft Bliss concurrence before authorizing any nonmilitary uses. At all times, the Army, through Fort Bliss,

reserves the right to close any or all of McGregor Range in accordance with Section 3(b), Public Law 99-606.

1. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
COMPLIANCE

Both agencies are responsible for complying with the NEPA of 1969. As a part of the environmental assessment process, each Agency shall provide the other Agency the opportunity to comment on all proposed actions on the Range that require an environmental assessment or environmental statement.

2. COMMENT

When one Agency requests the review and comment by the other Agency, the requesting Agency will state a requested time period for review, depending on the urgency of the action. Upon receipt of a review request, the reviewing Agency will make every effort possible to meet the other's requested time frame.

3. ACCESS

a. BLM ACCESS TO THE RANGE. BLM employees may have access to portions of the Range that are not hazardous. To avoid interference with Ft Bliss missions and to ensure safety, BLM employees will call the Range Commander or his designee for a clearance. Prior to entry into a hazardous area, BLM employees will notify the Range Commander to make escort and other safety arrangements.

b. PUBLIC ACCESS TO THE RANGE. With the exception of State Road 506 and associated County Roads F052, F037, and E001 north of 506, when not closed by the military, the Range is closed to public use except for authorized activities.

BLM will serve as the processing agency and lead agency for public use of the withdrawn public land on the Range. BLM will provide a description of the activity to the Range Commander, the installation commander's designee for range activities for Ft Bliss. No authorizations will be granted by BLM if Ft Bliss determines they conflict with Ft Bliss use of the Range. Providing the activity is approved, the BLM will require authorized users to comply with Ft Bliss security and safety procedures and regulations when gaining access to the range.

4. MILITARY USE OF THE RANGE. The Range Commander or the appointed representative will serve as BLM's primary point

of contact for coordination involving military use of the Range. It is understood that the military has primary authority of the Range. It is understood that the BLM has managerial responsibilities for the public uses as enumerated in Public Law 99-606 of the withdrawn land, but that the daily uses are subordinate to military missions and uses of the Range.

5. INCOME RECEIVED FROM PUBLIC USE OF THE RANGE.

When BLM receives income from the use of the Range, the income will be placed in a fund which can be drawn upon for management of the Range unless otherwise directed by law.

When BLM authorizes an activity that will occur on both withdrawn public land and Army fee-owned land, cost of administration will be allocated to BLM from the Army fee-owned land portion. Ft Bliss will be provided the opportunity to direct the use of the net income in proportion to the amount of income generated from Army fee-owned land for the specific activity that generated the funds.

6. REAL PROPERTY. Within two years, jointly the agencies will develop an inventory of real property (rangeland improvements, buildings, and structures) on the grazing area of the Range. The inventory will identify Army property, BLM property, and jointly owned property. In cases where no records are available showing the ownership of the real property, ownership will be determined by the Ft Bliss Real Property Management Branch and the Area Manager. Unless otherwise agreed to, Ft Bliss will be responsible for the maintenance of its real property and BLM will be responsible for maintenance of its real property irrespective of the location.

In cases where rangeland improvements, buildings, and structures are no longer useable or beyond repair, they may be removed or reconstructed with mutual concurrence unless otherwise directed by law or regulations.

B. SPECIFIC ACTIVITY COORDINATION

1. LANDS

a. BLM RESPONSIBILITIES. BLM will be the lead agency for NEPA compliance for proposed projects that involve both withdrawn public land and Army fee-owned land that meet the criteria for the designation of lead agency defined in Council of Environmental Quality (CEQ) Regulation 1505.1. The BLM will issue all public demand nonmilitary leases, easements, rights-of-way, and other land use authorizations on withdrawn public land. (Nonmilitary is defined as projects that are not owned by the

U.S. Government, not under administration or under contract to, a military agency.) The BLM will send a copy of the land use application to the Ft Bliss Real Property Management Branch for a review and concurrence of the proposed action.

b. FT BLISS RESPONSIBILITIES. Ft Bliss will review all land use applications submitted by BLM and determine if the applications conflict with military uses of, and responsibilities to, the Range.

Ft Bliss will issue all land use authorizations needed on or across Army fee-owned land.

2. MINERALS

a. SALABLE MINERALS (sand, gravel, fill dirt, borrow, caliche, and building stone).

(1) BLM RESPONSIBILITIES. The BLM is responsible for authorizing and managing salable materials for the Range, but all activities will be with the concurrence of Ft Bliss. Sales will be limited to those areas that are identified in the Proposed Resource Management Plan Amendment/Final EIS for McGregor Range, May 19, 1989, page 3 (hereinafter referred to as BLM's Proposed 1989 Resource Management Plan). Upon receiving an application for materials, BLM will provide the Ft Bliss Real Property Management Branch, a description of the proposal and request Ft Bliss review for consistency with military missions and public safety. If Ft Bliss does not concur with the application, BLM will not authorize or approve such a request.

(2) FT BLISS RESPONSIBILITIES. Ft Bliss will review applications for consistency with military missions, safety, and security requirements. Upon completion of the review and concurrence with Ft Bliss, Ft Bliss, will notify BLM if it concurs with the application and provide stipulations or modifications required.

b. LEASABLE MINERALS

(1) BLM RESPONSIBILITIES. The BLM will manage the oil and gas, and geothermal programs for the Range. Oil and gas, and geothermal programs will be limited to those areas identified as suitable in BLM's Proposed 1989 Resource Management Plan. Prior to offering a parcel or parcels for lease, BLM will provide Ft Bliss Real Property Management Branch a description of each parcel and request the appropriate surface management stipulations. The description of each parcel will include a real estate map showing range, township, and section(s).

Prior to processing pre-lease notices/permits or lease operations, BLM, in consultation with Ft Bliss and applicants, will schedule a field examination for each action.

In concurrence with Ft Bliss, BLM will determine every five years which land on the Range is suitable for opening. If areas are found to be suitable for opening to leasable minerals, BLM will comply with Section 12 of Public Law 99-606.

(2) FT BLISS RESPONSIBILITIES. Ft Bliss, through the Albuquerque District, Corps of Engineers, will provide stipulations to BLM for oil and gas, geothermal exploration and leasing operations. Ft Bliss will notify BLM of changes in security and safety requirements. Ft Bliss will assist BLM with inspection and enforcement and field examinations access, times of entry, and safety and security requirements. Additional administrative costs if necessary will be paid by BLM or the lessee.

Every five years, Ft Bliss will review military programs and determine which areas would be compatible with opening for leasable minerals.

c. LOCATABLE MINERALS

(1) BLM RESPONSIBILITIES. The BLM will conduct inventories for locatable minerals. In concurrence with Ft Bliss, BLM will determine every five years which land on the Range is suitable for opening for locatable minerals. If areas are found to be suitable for opening, BLM will comply with Section 12 of Public Law 99-606.

(2) FT BLISS RESPONSIBILITIES. Every five years, Ft Bliss will review military programs and determine which areas would be compatible for locatable minerals.

3. VEGETATION MANAGEMENT

a. BLM RESPONSIBILITIES. BLM will be responsible for vegetation on the withdrawn public land on the Range and will coordinate management with Ft Bliss. The special status species section of this MOU discusses management of special status plant species.

The BLM will be the lead agency for management of the Black Grama Area of Critical Environmental Concern (ACEC), sales of plant products, and prescribed burns. The actions will be limited to those areas identified in BLM's Proposed 1989 Resource Management Plan. Prior to authorizing activities, BLM will provide Ft Bliss with a description of the proposal and

request a Ft Bliss review for compatibility with military missions, security, and safety. If Ft Bliss does not concur, BLM will not authorize such an activity. Administrative costs will be paid by BLM or the contractor/lessee.

The ACEC will be managed according to the existing cooperative agreement between the BLM, Ft Bliss, and New Mexico State University.

The BLM will be responsible for monitoring vegetation conditions on withdrawn public land and may assist on Army fee-owned land on the Range. The BLM will develop and implement a monitoring plan in consultation with Ft Bliss. BLM will coordinate monitoring methodology and results with Ft Bliss Environmental Management Office so that 1) data can be collected, if possible, in a way usable in natural resources/NEPA programs; and 2) monitoring activities are not duplicated by both agencies.

b. FT BLISS RESPONSIBILITIES. Ft Bliss will be responsible for vegetation management on Army fee-owned land.

Ft Bliss will review BLM proposals for vegetation management for consistency with military missions, safety, and security requirements. Upon completion of the review, Ft Bliss will notify BLM if Ft Bliss concurs with the proposal and provide stipulation or modifications.

4. RANGELAND MANAGEMENT

a. LIVESTOCK GRAZING

(1) BLM RESPONSIBILITIES. The BLM is responsible for management of the livestock grazing program on the Range and will continue the existing livestock grazing program on McGregor Range. Livestock grazing will be limited to the grazing area identified in the Draft White Sands Resource Management Plan and EIS, McGregor Range, September 88, page 3-15 and map 3-4, incorporated in BLM's Proposed 1989 Resource Management Plan.

Livestock grazing levels will be established annually and based on the principles of multiple use and sustained yield. BLM will continue to utilize the existing stipulations as needed by Ft Bliss and if changes are proposed, they will be coordinated with Ft Bliss. The current stipulations are attached as Appendix A.

Livestock use will be authorized through contracts and based on competitive bidding at public auction. Minimum bids will be established as a result of feasibility cost studies which will

determine the cost for continuing operation of the grazing program. The contracts will contain the terms and conditions as necessary to meet the requirements of BLM's Proposed 1989 Resource Management Plan and Ft Bliss requirements.

The revenues from livestock grazing contracts will be placed in a special account and generally be used for the management of the livestock grazing program which includes all administrative costs, construction, and maintenance of rangeland improvements. Ft Bliss will be provided the opportunity to direct expenditure of 10 percent of the revenues based on 10 percent Army fee-owned land within the withdrawn area. However, BLM may use a portion of the 10 percent revenue, with Army concurrence, for maintenance of rangeland improvements that are owned by Ft Bliss and where BLM has accepted maintenance responsibility. BLM will provide Ft Bliss an annual accounting of the revenues and expenditures generated from the livestock contracts.

BLM will ensure grazing use will be limited to cattle and horses and is responsible for livestock trespass abatement in nonimpact areas.

The BLM will keep Ft Bliss Provost Marshal's Office and Range Commander informed as to the name and address of each grazing contractor and will ensure the grazing contractors comply with Ft Bliss security and safety requirements.

(2) FT BLISS RESPONSIBILITIES. The Range Commander is responsible for issuing appropriate passes for grazing contractors. Additionally, Ft Bliss will provide firing schedules to BLM and a check out system to ensure grazing contractors comply with Ft Bliss security and safety requirements.

Ft Bliss will gather and remove livestock from impact areas at the request of BLM or for trespass abatement.

b. RANGELAND IMPROVEMENTS

(1) BLM RESPONSIBILITIES. The BLM will be responsible for the construction and maintenance of livestock control fences within and bordering the livestock grazing area with the exception of fences in impact areas.

The BLM will be responsible for providing livestock and wildlife water on the Range in concurrence with Ft Bliss. The primary source of water for the wildlife will be the Ft Bliss owned water rights out of the Sacramento River and Carrizo Spring. The Army, in cooperation with BLM, will retain and exercise complete

control of distribution and use of allocated water rights from the Sacramento River and Carrizo Spring. It is understood by both parties that the use of the water is for the benefit of wildlife.

The BLM has maintenance and construction responsibility to maintain and improve pipelines, tanks, tubs, wells, windmills, wildlife waters, etc, necessary to provide for wildlife and rangeland management. Prior to the construction of new rangeland improvements, maintenance of Ft Bliss owned improvements, or changes that affect water resources on the Range, BLM will submit the construction or maintenance plans and specifications to the Range Commander for concurrence.

(2) FT BLISS RESPONSIBILITIES. Ft Bliss will control construction and maintenance of rangeland improvements in impact and military use areas. Ft Bliss will construct and maintain firebreaks on those parts of the McGregor Range boundary which enclose land upon which grazing use will be authorized and at such other locations as may be determined to be necessary by Ft Bliss.

Firebreaks will usually be maintained contiguous with perimeter fences.

Personnel of Ft Bliss, in pursuit of their official functions, or other authorized purposes, will continue to have unlimited access to the land covered by this agreement. Ft Bliss may open gates and, if necessary, lower fences in order to accomplish missions or duties. However, Ft Bliss will leave gates as found (open or closed) and reposition any fences lowered, but Ft Bliss assumes no responsibility with a third party should gates not be left as found or should fences not be re-positioned. If routine utilization and/or modification of rangeland improvements are needed to accomplish military operations, Ft Bliss will coordinate with BLM, in advance when possible and practicable.

The Range Commander will review BLM's rangeland improvement plans on withdrawn land for consistency with military missions, safety, security requirements, and for approval. Upon completion of the review, Ft Bliss will notify BLM if Ft Bliss concurs with the proposal and provide stipulations or modifications it requires.

5. WILDLIFE

a. GAME SPECIES POPULATION MANAGEMENT

(1) BLM RESPONSIBILITIES. BLM recognizes New Mexico Department of Game and Fish (NMDGF) as the agency

responsible for game species population management on all land on the Range.

BLM will be the lead agency in coordination of all recommendations with NMDGF on matters concerning wildlife population management as they affect BLM resource management and protection of wildlife on withdrawn public land on the Range.

Prior to making a recommendation to the NMDGF on game species population management, BLM will consult with Ft Bliss to coordinate respective management objectives for withdrawn public land and Army fee-owned land to ensure its activities are consistent with military missions, safety and security requirements.

(2) FT BLISS RESPONSIBILITIES. Ft Bliss recognizes NMDGF as the agency responsible for game species population management on all land on the Range.

Prior to making a recommendation to the NMDGF on game species population management, Ft Bliss will consult with BLM to coordinate respective management objectives for Army fee-owned land and withdrawn public land.

b. HABITAT MANAGEMENT.

(1) BLM RESPONSIBILITIES. The BLM will be responsible for wildlife habitat management on withdrawn public land and will coordinate such monitoring on Army fee-owned land.

The BLM will establish and conduct wildlife habitat management activities in accordance with BLM planning decisions, applicable laws and regulations.

The BLM will coordinate all habitat management activities with the Range Commander for consistency with military missions, safety and security requirements to obtain Ft Bliss concurrence.

The BLM is responsible for monitoring wildlife and wildlife habitat on withdrawn public land. BLM may conduct such activity on Army fee-owned land with the concurrence of the Range Commander. The BLM will develop and implement a monitoring plan in coordination with Ft Bliss. The monitoring studies would include coordination with Ft Bliss for annual field trips, flights, use of approved aerial photography, and Ft Bliss objectives for Army fee-owned land. BLM will coordinate monitoring, methodology and results with Ft Bliss Environmental Management Office so that, when possible, data can be collected in a way usable in Ft Bliss Natural Resources/NEPA Programs. The

objective of both agencies is to avoid duplicating each other's efforts.

(2) FT BLISS RESPONSIBILITIES. Ft Bliss will be responsible for wildlife habitat management on Army fee-owned land to the extent of resource availability.

Ft Bliss will establish and conduct wildlife habitat management activities in accordance with applicable laws and regulations.

Ft Bliss will coordinate all habitat management activities with BLM to ensure harmony in management direction for the Range as a whole.

c. SPECIAL STATUS SPECIES MANAGEMENT

(1) BLM RESPONSIBILITIES. The BLM will be responsible for compliance with the Federal and State laws affecting endangered, threatened, candidate or sensitive plants and animals with regard to all actions on withdrawn public land.

The BLM will also manage federal candidate and proposed species, state-listed species, and BLM sensitive species on withdrawn public land according to BLM policy.

The BLM will be responsible for implementation of recovery plans on withdrawn public land on the Range. Prior to implementation of recovery plans, BLM will request concurrence from the Range Commander to ensure consistency with military missions, safety, and security requirements.

The BLM will provide Ft Bliss data on inventories, consultation proceedings, and other information with regard to special status species on McGregor Range.

(2) FT BLISS RESPONSIBILITIES. Ft Bliss will be responsible for compliance with the Endangered Species Act and New Mexico endangered plant and animal laws with regard to its actions on withdrawn public land and for Army fee-owned land on the Range.

Ft Bliss will be responsible for implementation of recovery plans on Army fee-owned land on the Range. Prior to implementation of recovery plans, Ft Bliss will coordinate with BLM to ensure consistent management direction for the Range.

Where possible and practicable, Ft Bliss will support BLM management programs for federal candidate, proposed, state-listed, and BLM sensitive species on the Range.

Ft Bliss will provide BLM data on inventories, consultation proceedings, and other information with regard to special status species on the Range.

d. SIKES ACT STAMP PROGRAM

A Sikes Act Stamp Program will be established under Section 1 (military reservations) of the Sikes Act as amended (16 U.S.C. Title 670). Stamp fees and program specifics will be set by an additional Memorandum of Agreement between NMDGF, Ft Bliss, and BLM.

e. ANIMAL DAMAGE CONTROL

(1) BLM RESPONSIBILITIES. The BLM will be responsible for authorizing animal damage control (ADC) activities on withdrawn public land and Army fee-owned land.

Each year when the New Mexico ADC Program presents BLM with a proposed district wide ADC Plan, BLM will provide the Range Commander an opportunity to review and approve the draft to coordinate respective management objectives for withdrawn public land, Army fee-owned land, and to ensure consistency with military missions, safety, and security requirements prior to approval. The BLM will be responsible for monitoring predator populations, and other potentially damaging species as required by BLM planning decisions.

Requests from grazing contractors for ADC will be handled by the New Mexico ADC Program. Routine requests for control work received by ADC from the grazing contractors will be incorporated into the annual ADC plan. Requests for emergency control work received by ADC from the grazing contractors will be authorized by BLM on a case-by-case basis.

(2) FT BLISS RESPONSIBILITIES. Ft Bliss will review and comment on the draft district ADC plan for consistency with military missions, safety, and security requirements.

Ft Bliss will request ADC activities needed (except in the vicinity of military structures) on withdrawn public land through BLM prior to development of the district ADC plan. Ft Bliss will coordinate all Army initiated ADC activities on Army fee-owned land with the BLM to ensure consistent management direction for the Range.

6. CULTURAL RESOURCES:

a. The term "cultural resources" is understood to

have the same meaning as the term "historic resources" used in the Historic Preservation Act and in its implementing regulation 36 C.F.R. Section 800.

b. BLM's RESPONSIBILITIES:

(1) The BLM will comply with Section 106 of the Historic Preservation Act and 36 C.F.R. Section 800 for undertakings for which the BLM or third parties are the proponent.

(2) The BLM will be the lead agency for permits required by the Archaeological Resources Protection Act (ARPA) for survey, research, excavation, data recovery, and other cultural resources projects for which the BLM is the proponent and for all third party activities on withdrawn public lands.

(3) The BLM will mitigate the effects caused to cultural resources for activities conducted under BLM's administration.

(4) The BLM may be a consulting party in military undertakings involving cultural resources on withdrawn public lands. The BLM and Ft Bliss jointly will identify classes of undertakings for which the BLM will be a consulting party.

(5) Upon request, the BLM will provide Ft Bliss with draft, review copies of research proposals, survey and other field project reports, and with the results of analytical studies for which the BLM is the proponent. Additionally, the BLM will provide Ft Bliss with final copies of such proposals, reports, and studies.

(6) The BLM will meet with Ft Bliss on an annual basis, or more frequently as appropriate, to share information about planned cultural resources projects. Other topics to be discussed will include means to:

(a) Standardize field survey, recording techniques, and artifact classification criteria and codes to the maximum practical extent.

(b) Identify ways to make site and artifact file data compatible for interagency use to the maximum practical extent.

(c) Develop procedures to permit review of the design(s) of cultural resources projects and to incorporate

Ft Bliss analytical needs into those designs to the maximum practical extent.

c. FT BLISS RESPONSIBILITIES:

(1) Ft Bliss will comply with Section 106 of the Historic Preservation Act and 36 C.F.R. Section 800 for those undertakings for which the military is the proponent.

(2) Ft Bliss will be the lead agency for permits required by the Archaeological Resources Protection Act (ARPA) for survey, for research/excavation/data recovery, and for other cultural resources for which the military is the proponent on withdrawn public lands and all activities on Army fee-owned land.

(3) Ft Bliss will mitigate the effects caused to historic resources by military activities.

(4) Ft Bliss may be a consulting party in the BLM's undertakings involving cultural resources. Ft Bliss and the BLM jointly will identify classes of undertakings for which Ft Bliss will be a consulting party.

(5) Upon request, Ft Bliss will provide the BLM with draft, review copies of research proposals, survey and other field project reports, and with the results of analytical studies for which Ft Bliss is the proponent. Additionally, Ft Bliss will provide the BLM with final copies of such proposals, reports, and studies.

(6) Ft Bliss will meet with the BLM on an annual basis, or more frequently as appropriate, to share information about planned cultural resources projects. Other topics to be discussed include means to:

(a) Standardize field survey, recording techniques, and artifact classification criteria and codes to the maximum practical extent.

(b) Identify ways to make site and artifact file data compatible for interagency use to the maximum practical extent.

(c) Develop procedures to permit review of the design(s) of cultural resources projects and to incorporate BLM's analytical needs into those designs to the maximum practical extent.

7. RECREATION

a. GENERAL

(1) BLM RESPONSIBILITIES. The BLM is responsible for managing recreational use of the withdrawn public land on the Range.

Prior to authorizing a recreational use on the Range, BLM will provide the Range Commander with a description of the proposed action for review for consistency with military missions, safety, and security requirements, and obtain Ft Bliss concurrence.

The BLM will be responsible for developing a sign location plan and information plan that will provide the public reasonable information on locations and restrictions. Prior to approval of the plan, BLM will provide the Range Commander with a draft for approval so that the plan will be consistent with military missions, safety, and security requirements.

The BLM will limit recreational vehicle use on withdrawn public land to designated roads and trails. BLM will identify designated roads on a case-by-case basis with Ft Bliss concurrence. The designation will consider the need for access for the activity involved.

(2) FT BLISS RESPONSIBILITIES. Ft Bliss will be responsible for establishing a safety and security program needed to provide for military security and public safety.

Ft Bliss will install and maintain signs for areas that are hazardous because of unexploded ordnance.

b. HUNTING

(1) BLM RESPONSIBILITIES. The BLM will be responsible for managing the recreational use of the Range by hunters in accordance with the Resource Management Plan requirements. Each year BLM, in concurrence with the Range Commander and the NMDGF, will develop a McGregor Range hunting plan that will prescribe proposed recreational use of the Range by hunters. The plan shall be consistent with guidelines from the BLM's 1989 Proposed Resource Management Plan, recreation management capability of the agencies, multiple use mandates, and natural resource management objectives. Prior to approval of the plan, BLM will provide the Range Commander with a draft for review for consistency with military missions, safety, and security requirements. If the plan is not consistent with military missions, safety, and security, then BLM will not adopt

it as its hunting plan and will then so modify the plan to make it consistent with military missions.

(2) FT BLISS RESPONSIBILITIES. Ft Bliss will be responsible for providing BLM with information concerning the Ft Bliss Safety and Security Program prior to BLM approval of the Annual Hunting Plan. Hazardous areas and those areas that the public are not allowed to enter will be identified on maps. This in no way affects the Range Commander's right to later deny access to an area that has become a hazardous area.

8. WILDERNESS STUDY AREA MANAGEMENT

a. BLM RESPONSIBILITIES. The BLM will manage the Culp Canyon Wilderness Study Area (WSA) under the Interim Management Policy and Guidelines Under Wilderness Review (1987) until the area is either added to the National Wilderness Preservation System or removed from further wilderness consideration.

b. FT BLISS RESPONSIBILITIES. Ft Bliss will be responsible for compliance with the Interim Management Policy and Guidelines for Lands Under Wilderness Review (1987) until area is either added to the National Wilderness Preservation System or removed from further wilderness consideration.

Ft Bliss will generally limit surface use of the WSA to ground forces military maneuvers. All military activities which cause impairment to wilderness values will require reclamation prior to September 30, 1990. All vehicles should utilize existing vehicle ways. Ft Bliss will notify the Las Cruces District Manager 30 days prior to conducting any activities within the WSA whenever possible or immediately following the activity.

9. WATERSHED

a. BLM RESPONSIBILITIES. The BLM will be responsible for management of watershed resources on withdrawn public land on the Range. The BLM will develop and implement a monitoring plan in coordination with Ft Bliss. Monitoring studies for watershed will be conducted on withdrawn public land over the entire McGregor Range in coordination and concurrence with Ft Bliss. The monitoring studies will include coordination with Ft Bliss for annual field trips and use of approved ground and aerial photography.

The BLM will cooperatively develop and implement watershed management plans for the Grapevine, El Paso Canyon, and Cockleburr Watershed areas. Prior to approval of the watershed management plans, BLM will provide Ft Bliss with a draft for

concurrence for consistency with Army fee-owned land management objectives, military missions, safety, and security requirements.

b. FT BLISS RESPONSIBILITIES. Fort Bliss will be responsible for the management of watershed resources on Army fee-owned land.

10. FIRE

a. BLM RESPONSIBILITIES. The BLM will be responsible for monitoring and suppressing all nonmilitary fires on withdrawn public land and Army fee-owned land.

The BLM will initiate the most cost effective suppression or modified suppression tactics available on all nonmilitary fires except those designated as impact or military use areas.

Upon receiving a report of a fire and prior to beginning suppression actions, BLM will notify the Ft Bliss Fire Chief to establish fire control responsibility and hazards that may restrict control measures.

Agency jurisdiction will be assigned upon determining the ignition source. The BLM may initiate aerial suppression (air tanker/helicopter drops) on those military fires deemed threatening to life upon completion of an escaped fire analysis and coordination with the Ft Bliss Fire Chief. The BLM may, at its own expense, initiate aerial suppression on the military fires which are not deemed threatening to life.

The BLM will notify the Ft Bliss Fire Chief of its suppression actions within 24 hours of suppression actions being taken on the Range. Such notification will include when possible, but not be limited to, the following:

Date and time of action
 Location and size of fire
 Type and extent of suppression activities
 Resources/structures damaged (if any)

1. Facilities
2. Structures (livestock, wildlife, or cultural)
3. Private or State property
4. Cultural resources
5. Livestock
6. Endangered species/habitat
7. Critical natural resource area

The BLM may use prescribed burning to improve rangeland condition and wildfire habitat on areas identified in the BLM's 1989

Proposed Resource Management Plan. The prescribed burn plans will meet all required BLM formats and regulations. Prior to approval of the plans, BLM will provide Ft Bliss Real Property Management Branch, for staffing to appropriate Ft Bliss activities) with a draft for concurrence for consistency with Army fee-owned land management objectives, military missions, safety, and security requirements.

b. FT BLISS RESPONSIBILITIES. Ft Bliss will have responsibility for suppressing and monitoring fires caused by military activities on withdrawn public land and Army fee-owned land.

Ft Bliss will serve as lead agency for monitoring or suppressing all fires in the impact and military use areas. Each year Ft Bliss will update BLM of the hazardous areas at the annual coordination meetings.

Ft Bliss will initiate suppression or modified suppression (monitoring) tactics on all fires caused by military actions on McGregor Range.

Consistent with P.L. 99-606, Section 3(d) Ft Bliss will request a transfer of funds from the Department of Army to the Bureau of Land Management as compensation for assistance on fire suppression actions of fires that resulted from a military activity.

Upon receiving a report of a fire, the Ft Bliss Fire Chief will notify the BLM of the fire. The Fire Chief will provide BLM with as much information as available at that time and of its suppression actions. Within 24 hours of suppression actions being taken on the Range, the Fire Chief will provide additional information if available. Such final report will include, when possible, but not be limited to, the following:

- Date and time of report
- Location and size of fire
- Type and extent of suppression activities
- Resources/Structures damaged (if any)

1. Facilities
2. Structures (livestock, wildlife or cultural)
3. Private or State property
4. Cultural resources
5. Livestock
6. Endangered species/habitat
7. Critical natural resource area

11. LAW ENFORCEMENT.

a. BLM RESPONSIBILITIES. The BLM will be responsible for enforcement of the federal laws that pertain to the use, management, and development of withdrawn public land on the Range.

Law enforcement personnel may exercise their enforcement authority over nonmilitary activities within the Range to the extent that such activities are consistent with BLM's 1989 Proposed Resource Management Plan. The BLM will exercise its enforcement authority over military personnel on the Range in coordination with the Provost Marshal's Office.

After BLM takes enforcement action on the Range, it will notify the Ft Bliss Provost Marshal's Office.

BLM will notify the Ft Bliss Provost Marshal's Office if persons are found on the Range with Ft Bliss authorizations but not conducting authorized activities.

b. FT BLISS RESPONSIBILITIES. Ft Bliss will be responsible for enforcing laws pertaining to military activities, public safety, and security on the Range.

Ft Bliss will notify the BLM if persons not on a military mission are found causing resource damage.

12. ROADS

a. BLM RESPONSIBILITIES. The BLM will share road maintenance responsibilities with Ft Bliss. Roads will be maintained to a standard that is consistent with levels of use, environmental factors, safety requirements, level of funding, and resource conditions.

The BLM will develop a road plan for the Range in consultation with the Range Commander. The plan will specify agency responsibilities for maintenance and maintenance standards. Prior to approval of the plan by Ft Bliss, BLM will provide the Range Commander with a draft for review for consistency with military missions, safety, security requirements, and Army fee-owned land management objectives.

b. FT BLISS RESPONSIBILITIES. Ft Bliss will share road maintenance responsibilities. Roads will be maintained to the standard that is consistent with levels of use, environmental factors, safety requirements, level of funding, and resource conditions.

Ft Bliss will assist in the development of a Road Plan for the Range.

IV. GENERAL PROVISIONS

A. TERMS OF AGREEMENT. The need for this MOU is expected to continue for 15 years from the date of enactment of the Military Lands Withdrawal Act of 1986 (November 6, 1986 until November 6, 2001). At the end of this period, the MOU will expire, unless it is cancelled or renewed before then.

B. DEFINITIONS.

1. CONCURRENCE. As utilized in this MOU, concurrence is the agreement of the other party involved. If there is no such agreement then no authorization can be given for such activity.

2. NONMILITARY USE. As utilized in this MOU, a nonmilitary use of the range is one which is an activity, not under administration of, or under contract to, a military agency.

3. RANGE COMMANDER. Wherever Range Commander is used in this MOU, Range Commander serves as the installation commander's designee and primary point of contact.

C. PERIODIC REVIEW. In addition to the reviews required under Section 12 of Public Law 99-606, the participants will review this MOU at least once every five years to determine its adequacy, effectiveness, and need for updating.

D. AMENDMENTS. Either participant may propose changes to this MOU during its term. Any change will be in the form of an amendment and will not take effect until both participants have agreed and signed the amendment. Any amendment must be within the framework of Public Law 99-606.

E. RENEWAL. Section 8(a) paragraphs (1) and (2) and Section 5(b) of Public Law 99-606 establish guidelines for renewal and continued use of the withdrawal as follows:

No later than three years prior to the termination of the withdrawal, Ft Bliss shall advise the BLM as to whether Ft Bliss will have a continuing military need for any of the land withdrawn after the termination date.

- If Ft Bliss concludes that there will be a continuing military need for any such land after the termination date, Ft Bliss shall

file an application for extension of the withdrawal and reservation of such needed land in accordance with regulations and procedures of the Department of the Interior applicable to the extension of withdrawal of land for military uses.

- No later than 12 years after the date of enactment of Public Law 99-606, Ft Bliss shall publish a draft Environmental Impact Statement (EIS) concerning continued or renewed withdrawal of any portion of the land withdrawn on the Range for which Ft Bliss intends to seek such continued or renewed withdrawal. Section 5(b) (1) of Public Law 99-606 establishes the guidelines for preparation of the EIS.

F. CANCELLATIONS. Section 8(2)(3) of Public Law 99-606 establishes guidelines for cancellation or relinquishment of the withdrawal as follows:

- If during the period of withdrawal and reservation, Ft Bliss decides to relinquish any or all of the land withdrawn and reserved by Public Law 99-606, Ft Bliss shall file a notice of intention to relinquish with the BLM following the procedures set forth in Section 8(b) through (f) of Public Law 99-606.

- In addition to the above, Section 12(e) of Public Law 99-606 provides that in the event of a national emergency or for purpose of national defense or security, the BLM at the request of Ft Bliss, shall close any land that has been opened to mining or to mineral or geothermal leasing. If the closure becomes necessary, a determination of the effect on any ongoing operations will be made at that time.

G. DECONTAMINATION. Decontamination of withdrawn public land on the Range will be in accordance with Section 7 and 8 of Public Law 99-606.

H. MEETINGS AND COORDINATION. The agencies shall meet at least annually prior to August 1 to review the MOU and expected issues. The meeting host shall alternate between the agencies.

The topics discussed at the meeting should include:

1. Enforcement issues
2. Fire
3. NEPA documents
4. BLM activities planned for next period
5. Army activities planned for next period
6. Setting hunting and recreation dates
7. Cultural resource reports during past period
8. Problems

9. Monitoring
10. Budget/accounting
11. Natural resources management projects
12. Water/water management/water monitoring

I. EFFECT ON OTHER MOU'S. Unless a specific provision of an existing MOU is specifically superseded by any part of this MOU, the remaining terms of the MOU's are still in effect until that MOU is wholly superseded. These MOU's are dynamic documents and both parties agree to work together to reach new updated MOU's.

- WO-19 MOU between the Departments of the Interior and Army dated September 9, 1966, which provides co-use grazing on the Range, New Mexico.

- NMSO-30 MOU dated July 22, 1976, on the proposed agreed upon changes to the MOU between the Departments of Interior and Army to provide for co-use grazing on the Range, New Mexico.

- NMSO-36 MOU signed in October 1972, is a Cooperative Plan Agreement for conservation and development of fish and wildlife resources on the Range (Ft Bliss) between BLM, Ft Bliss, New Mexico Department of Game and Fish and Wildlife Service. Also includes the July 22, 1976 MOU between BLM and Ft Bliss on proposed changes to the October 1972 MOU.

In order to fully implement the MOU required by Public Law 99-606 between BLM and Ft Bliss, it is anticipated that additional MOU'S will be required to implement specific resource management programs on the Range. Both BLM and Ft Bliss will sign these MOU'S along with the cooperating agency(ies).

J. PRINCIPAL CONTACTS

- BLM Caballo Resource Area Manager, (505) 525-8228, 1800 Marquess, Las Cruces, NM 88095

- Ft Bliss McGregor Range Commander, (915) 569-9206, ATZC-B-CO, Ft Bliss 79916-7400

K. DISPUTE RESOLUTION. In any and all disputes, the participants in this MOU shall exercise good faith and shall endeavor to resolve all problems amicably and quickly. In the event of any unresolved conflicts the next higher agency/headquarters shall attempt resolution. Final resolution rests with the Secretary of Interior and Secretary of Army.

L. RESERVATION OF RIGHTS. This MOU does not waive any rights or responsibilities the BLM or Ft Bliss may have except as provided by this MOU.

M. BINDING EFFECTS. This MOU is binding on BLM and Ft Bliss and their agents, successors, and assigns.

N. NONDISCRIMINATION. During the performance of this MOU, participants agree to abide by the terms of Executive Order 11246 and will not discriminate against any person because of race, color, religion, sex, or national origin. The participants will take affirmative action to ensure that applicants are employed without regard to race, color, religion, sex or national origin.

O. OFFICIALS. No member or delegate to Congress or Resident Commissioner shall be admitted to any share or part of this agreement, or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this MOU if made with a corporation for its general benefit.

P. EFFECTIVE DATE. This MOU shall take effect on the date when all parties have signed and will continue until November 6, 2001, unless terminated as described in Section E of this MOU.

APPROVED:

By Larry L. Woodard Date 2-22-90
 State Director, New Mexico
 Bureau of Land Management

APPROVED:

By _____ Date _____
 Colonel, U.S. Army
 Chief of Staff

APPROV

By L Donald N. Satz Date 3-1-90
 Chief, Real Estate Division
 Albuquerque District, Corp of Engineers
 Albuquerque, New Mexico