
September 23, 2015

Kit K. South
29 KS Road Highway 605
Grants, NM 81021

Elaine Kohrman
Forest Supervisor
U.S. Department of Agriculture (USDA)
Cibola National Forest & National Grasslands
2113 Osuna Rd. NE
Albuquerque, NM 87113

Dear Ms. Kohrman:

This letter is a formal acknowledgement and response to the USDA, Cibola National Forest Mountain Ranger Districts Plan Revision, Inventory and Evaluation Process, Phase II Draft dated July 21, 2015. In accordance with the request and procedures set forth in the aforementioned document, I am protesting the Forest Service's inclusion of the approximately 5,378 acre inventory located at D2_5K2 in the Zuni Mountain Division, Mt. Taylor RD. As the current leasee of the USDA/Forest Service Prewitt/6A grazing permit, designated as D2_5K2 in the district plan revision, I would like to bring your attention to the fact that this land meets or exceeds a substantial portion of the exclusionary definitions listed in the Evaluation Criteria Definition Matrix and Comment Form which should be taken into consideration before the committee proceeds into Phase III (see Attachment A). An adequate level of research and due diligence on the part of the Cibola National Forest & National Grasslands Steering Committee and Inventory Team would have discovered ample evidence from various, accessible sources detailing why this "land" is not fit for consideration within the National Wilderness Preservation System (NWPS). This evidence includes: substantial vegetation thinning and skid trails from logging activities; unnatural areas of forest appearance from logging and recreational activities; substantial departures from apparent naturalness of the area created by roads, unauthorized routes, fencing, range and wildlife improvements, and watershed treatments; impacts that are pervasive and would negatively influence a visitor's opportunity for solitude; and, limited to zero opportunity to engage in primitive-type or unconfined recreation activities because of unnatural limits from miles of fence (see Attachment A).

To date, efforts undertaken by the Steering Committee and Inventory Team members have only included low-resolution aerial surveillance and infrequent community meetings. Though I attended one of the meetings, the tone and resources provided were not conducive to discussion or to providing the required evidence for requesting exclusion of recommended "lands." Had the Committee and its appointed team taken initiative and included phone interviews with local Forest Service Rangers and the current, incumbent leasee, they could have quickly and easily collected anecdotal information and photographic evidence (see Attachment B) about the substantial developments widely distributed throughout D2_5K2 in the Zuni Mountain Division, Mt. Taylor RD. Additionally, obtaining a title of this land exhaustively detailing the numerous human impacts to the area is a relatively simple process and should be well within the means and scope of the Forest Service's research activities. I have taken the liberty to perform this task for the Steering Committee and the Inventory Team (see Attachment C).

Furthermore, the criteria established by the Steering Committee and the Inventory Team are heavily biased toward the recommended “lands” already being included in the NWPS, many of which are not and should not be at this time. This approach ultimately requires the leasee to assume physical and financial burdens and responsibilities for collecting and providing evidence to exclude proposed, “recommended” lands from the NWPS and refute the limited aerial data collected by the Committee and its team.

In closing, if the Forest Service Steering Committee or the Inventory Team disputes any evidence provided in this correspondence, I would be happy to take members of the inventory team throughout D2_5K2 to validate evidence I’ve provided. I strongly recommend the Committee implement a more balanced and thorough approach to reviewing potential “lands” and is more diligent and detailed in securing evidence to nominate NWPS land inclusions. Taking these steps will ensure leasees are not significantly impacted and inconvenienced. Not doing so further erodes the trust taxpayers place in government departments such as yours.

Regards,

A handwritten signature in black ink, appearing to read 'Kit K. South', written in a cursive style.

Kit K. South
KS Ranch Owner/Manager
Prewitt 6/A Leasee

CC:
U.S. Congressman Steve Pearce

Appendix A. Evaluation Comment Form.

The Cibola National Forest plan revision interdisciplinary team developed draft questions and measures to address each of the five wilderness characteristic criteria listed in FSH 1909.12, Chapter 70-Wilderness. These are to be used to evaluate the Phase 2 Inventory areas for wilderness characteristics, and are outlined below.

Please use this form to comment on individual areas from the Phase 2 Inventory maps and Appendix B. Please use one form for each individual identification area, and note its identification number and location. If your comment is not addressed in the “considerations” column of each criterion, please include additional information in the “other” narrative section.

Inventory Identification Number/Location:

D2_5K2	5,378 PHASE 2 ACRES
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Criterion 1- Apparent naturalness: The degree to which an area generally appears to be affected primarily by the forces of nature, with the imprints of man’s work substantially unnoticeable.

Question 1a. What is the composition of plant and animal communities? The purpose of this question is to determine if plant and animal communities appear substantially unnatural.

Considerations	Narrative
How are concentrations of invasive plants and/or animals distributed across the land?	Russian and bull thistle concentrated throughout D2_5K2.
Other (Include any additional information related to the question above)	

Question 1b. What is the extent to which the area appears to reflect ecological conditions that would normally be associated with the area without human intervention?

Considerations	Narrative
Extent that current vegetation species composition and structure has changed from historical conditions (pre-EuroAmerican settlement). ¹	Russian and bull thistle concentrated throughout D2_5K2.
Vegetation restoration treatments (e.g. thinning) or timber harvest areas and distribution across the land (broadly dispersed vs. concentrated). This also includes associated railroad beds, skid trails, and logging decks of timber harvest areas.	Heavy concentrations of forest clearing and thinning for logging activities in D2_5K2 detailed with photographic evidence in Attachment B.
Does the forest appear natural (consider elements, including but not limited to, vegetation, wildlife, soil, air, etc.)?	Major development, logging, and invasive plant species located throughout D2_5K2. Substantial impacts with evidence provided in Attachment B which has left an unnatural impact to the entire proposed "land."
Other (Include any additional information related to the question above)	

¹ Species composition is the number and proportion of species present. Structure refers to the size, density, and arrangement of plants.

Question 1c. What is the extent to which improvements² included in the area represent a departure from apparent naturalness?

Considerations	Narrative
Appearance of airstrips, heliports, and/or landing zones. Include size of area and description of disturbance (soils, vegetation).	
Appearance and density of maintenance level 1 roads ³ measured by road length per sq. mile, and spatial distribution (broadly interspersed vs. concentrated), occurrence of stream crossings, and proximity to streams channels.	Concentrated maintenance level 1 and maintenance level 2 roads across all the proposed "land." See Attachment B for photographic evidence.
Appearance and density of unauthorized routes (includes decommissioned, temporary, and user created routes per sq. mile) and distribution (broadly dispersed vs. concentrated, occurrence of stream crossings, and proximity to streams channels.	Concentrations of unauthorized routes (still actively being traveled). Estimates of per sq. mile concentrations would place a heavy financial burden on the leasee.
Miles of fencing or pipeline per square mile.	Approximately 15 miles of fencing or roughly 1-2 per square mile. See Attachment B. for photographic evidence.
Appearance of areas of mining activity that were not eliminated in the Phase 2 inventory. ⁴ Include size of area and description of disturbance (soils, vegetation)	None
Appearance of range or wildlife improvements that were not eliminated in the Phase 2 inventory. Include size of area and description of disturbance (soils, vegetation).	Variety of "dirt tanks" heavily concentrated throughout the proposed "lands." See Attachment B. Dirt Tank photographic evidence.
Appearance of watershed treatment areas (such as contouring, diking, channeling) that were not eliminated in the Phase 2 inventory. Include size of area and description of disturbance (soils, vegetation).	Variety of "dirt tanks" heavily concentrated throughout the proposed "lands." See Attachment B. Dirt Tank photographic evidence.

² The use of the term "improvements" in this context is taken from the Forest Service Handbook, and means the evidence of past human activities in the area as a whole.

³ For a glossary of road terminology, please see the *Cibola National Forest Mountain Ranger Districts Assessment Report, Vol. II*, page 258.

⁴ See Appendix A for Substantially Noticeable criteria used in Phase 2 inventory, and Appendix B for results from the Phase 2 Inventory.

Extent to which the improvements cause the appearance to depart from apparent naturalness to the area as a whole (Consider improvements listed above as well as water tanks, aviation crash locations, wreckage sites, locations of cemeteries or gravesites, bombing or ordinance locations, and viewshed analysis for proposed developments)	Variety of “dirt tanks” heavily concentrated throughout the proposed “lands,” multiple abandoned logging vehicles, railroad ties, crumbling logging cabins, miles of fence and roads, cattle guards, etc. See Attachment B photographic evidence.
Other (Include any additional information related to the question above)	

Criterion 2- Outstanding opportunities for solitude or a primitive and unconfined type of recreation: the degree to which the area has outstanding opportunities for solitude or for a primitive and unconfined type of recreation.

Note: The word “or” means that an area only has to possess one or the other. The area does not have to possess outstanding opportunities for both elements, nor does it need to have outstanding opportunities on every acre.

Question 2a. Consider impacts that are pervasive and influence a visitor’s opportunity for solitude within the evaluated area.

Note: Factors to consider may include topography, presence of screening, distance from impacts, degree of permanent intrusions, and pervasive sights and sounds from outside the area.

Considerations	Narrative
Describe the general topography of the area in context of sight, sound, and screening. Can a traveler see or hear evidence of civilization from within the area? Is the area quiet and free from motorized noise?	Multiple opportunities for a traveler to see various signs of civilization throughout the proposed “lands.”
Proximity to area of recreation developments and high use areas, private lands and associated infrastructure, non- Forest Service roads, and/or activities that impact opportunities for solitude. Consider effects of the area’s adjacent, cherry-stemmed roads. ⁵	Private land neighboring south and west of D2_5K2.
Other (Include any additional information related to the question above)	

⁵ The term “cherry stemmed” road refers to a road removed from the inventory using the 30 meter (98.4 feet) road buffer screening from the Phase 1 Inventory process.

Question 2b. Consider the opportunity to engage in primitive-type or unconfined recreation activities that lead to a visitor's ability to feel a part of nature.

Note: Examples of primitive-type recreation activities include observing wildlife, hiking, backpacking, horseback riding, fishing, hunting, floating, kayaking, cross-country skiing, camping, and enjoying nature. This question also relates to miles of fence information from Criterion 1, Question 1c, due to the potential for miles of fence to restrict unconfined recreation opportunities.

Considerations	Narrative
Describe the types of primitive recreation activities in the area.	Miles of fence and ML1 and ML2 type roads exist and are heavily concentrated throughout the area severely restricting opportunities for primitive-type recreation activities.
Percent of area with a primitive recreation opportunity spectrum class. ⁶	0%
Other (Include any additional information related to the question above)	

Criterion 3- Stand-alone area of less than 5,000 acres that is not adjacent to existing wilderness or administratively recommended wilderness: evaluate how an area less than 5,000 acres is of sufficient size to make its preservation and use in an unimpaired condition practicable.

There are no stand-alone areas less than 5,000 acres on either the initial inventory or Phase 2 inventory maps. Those who offer such areas for evaluation please identify and describe how it is of sufficient size to make its preservation or use in an unimpaired condition practicable.

Criterion 4- Unique and outstanding qualities: the degree to which the area may contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

Note: These values are not required to be present in an area for the area to be recommended for inclusion in the National Wilderness Preservation System, but their presence should be identified and evaluated where they exist.

⁶ The Forest Service's Recreation Opportunity Spectrum (ROS) provides a framework which allows administration to manage and users to enjoy a variety of recreation environments. ROS is not a land classification system; it is a management objective, a way of describing and providing a variety of recreation opportunities. A "primitive" ROS class is one typically associated with a largely unmodified environment, a very high probability of solitude, self-reliance, little evidence of people, and no motorized use is permitted. The ROS Inventory Existing Condition maps have been completed for the Forest, and the existing condition of primitive ROS classes is being used as a measure. These maps are only existing condition, and are subject to change based on desired recreation opportunity spectrum classes developed during the interdisciplinary process of Forest Plan Revision. Please refer to the Recreation Opportunity Spectrum Handbook and Primer for more information: http://www.fs.fed.us/cdt/carrying_capacity/rosfieldguide/ros_primer_and_field_guide.htm

Question 4a. Does the area contain rare plant or animal communities or rare ecosystems?

Note: Rare in this context is defined as local or regional.

Considerations	Narrative
Average modeled species richness value from New Mexico Crucial Habitat Assessment Tool.	No
Presence of threatened or endangered species and/or designated or proposed critical habitat (from National Heritage database and other data sets as available).	No
Other (Include any additional information related to the question above)	

Question 4b. Are there any outstanding landscape features such as waterfalls, mountains, viewpoints, waterbodies, or geologic features?

Considerations	Narrative
Description of any unique geologic features in the area.	No
Presence of outstanding scenic features within the area or percent of area with distinctive scenic attractiveness class. ⁷	No

⁷ The Forest Service's Scenery Management System (SMS) provides the framework to effectively inventory, assess, and manage scenic resources. Scenic Attractiveness is a component of the SMS inventory, and is the primary indicator of the intrinsic scenic beauty based on commonly held perceptions of preferred scenery and landscape features. The three scenic attractiveness classes are: Class A-distinctive; Class B-typical; Class C-indistinctive. To determine these classes, the landscape elements of landform, vegetation, rocks, cultural features and water features are mapped using General Terrestrial Ecosystem Survey (GTES) information for the Forest, with District personnel input on areas of the Forest that were not picked up at the GTES scale. The Scenic Attractiveness map is based largely on existing landscape features. Refer to the Forest Service Scenery Management Handbook for more information: http://www.fs.fed.us/edl/carrying_capacity/landscape_aesthetics_handbook_701_no_append.pdf

Other (include any additional information related to the question above)

Question 4c. Are there historic and cultural resource sites in the area?

Considerations

Narrative

Presence of structures, dwellings, and other relics of past occupation when they are considered part of the historical and cultural landscape of the area. Also consider potential historical railroad beds/berms associated with timber harvest areas from Criterion 1, Question 1b.

Multiple logging structures that detract from “wilderness” criteria and do not enhance a visitors opportunities for primitive-type recreation activities. Furthermore, these structures would not be considered part of the historical/cultural landscape of the area. See Appendix B. photographic evidence.

Other (Include any additional information related to the question above)

Note: (Confidentiality requirements with respect to cultural resource sites must be respected (25 U.S.C 3056)).

Question 4d. Are there any research natural areas?

Considerations

Narrative

Percent of area that is part of a research natural area.

None

Other (Include any additional information related to the question above)

No

Question 4e. Are there any high quality water resources or important watershed features?

Considerations	Narrative
Miles within the area of eligible Wild and Scenic Rivers	None
Miles within the area of Outstanding Natural Resource Waters	None
Other (Include any additional information related to the question above)	

Criterion 5- Management: the degree to which the area may be managed to preserve its wilderness characteristics.**Question 5a. Can the area be managed to preserve its wilderness characteristics?**

Considerations	Narrative
Shape and configuration of the area.	Proposed land does not meet the necessary characteristics to be included in the NWPS. See all aforementioned details and Appendix B. photographic evidence.
Presence and extent of legally established rights or uses within the area.	USDA Forest Service Term Grazing Permit – Parts 1 and 2 for the Prewitt/6A, designated here is D2 5K2
Presence and extent of any specific Federal or State laws that may be relevant to availability of the area for wilderness or the ability to manage the area to protect wilderness characteristics.	No
Presence and extent of non-Federal land in the area	Private lands neighbor south and west of proposed “lands.” Additional private lands are located within close proximity and concentrated throughout McKinley County.
Describe management of adjacent lands.	Private, federal, state
Describe presence and extent of cultural and traditional uses of the area (e.g. shrines, ceremonial use, etc.)	None

Presence and extent of wildland urban interface in the area. Include acres if possible.	None
Describe any other management activities or restrictions within in the area (e.g. upcoming management decisions).	None
Describe existence and extent of motorized uses within the area (trails, routes, special activities).	ML1 and ML2 roads concentrated throughout.
Presence and extent of special use permits and authorizations within the area.	None
Presence and extent of “cherry stemmed ⁸ ” roads or other linear features.	None
Other (Include any additional information related to the question above)	

⁸ The term “cherry stemmed” road refers to a road removed from the inventory using the 30 meter (98.4 feet) road buffer screening from the Phase I Inventory process.

Abandoned Vehicle



Abandoned vehicle 1



Abandoned vehicle 2



Abandoned vehicle 3



Abandoned vehicle 4

Clear Cutting



Clear cutting 1



Clear cutting 2



Clear cutting 3

Dirt Tanks



Black tank 001131



Dirt tank/Wildlife reservoir



McKenzie tank 001118



Mesa tank 001119



Rim tank 001116



Rock tank 001127

Dirt Tanks



Stump tank 001125



Yellow tank 001302

Fence Line



Fence line 1



Fence line 2



Fence line 3



Fence line 4

Roads



Road 1



Road 2



Road 3



Road 4



Road 5



Road 6

Roads



Road 7



Road 8



Road 9



Road 10



Road 11



Road 12

Roads



Road 13



Road 14



Road 15



Road 16



Road 17



Road 18

Roads



Road 19



Road 20



Road 21



Road 22



Road 23



Road 24

Roads



Road 25



Road 26



Road 27



Road 28



Road 29



Road 30

Roads



Road 31



Road 32



Road 33



Road 34



Road 35



Road 36

Roads



Road 37



Road 38



Road 39



Road 40



Road 41

Structures



Structure 1



Structure 2



Structure 3



Structure 4



Structure 5



Structure 6

Structures



Structure 7



Structure 8



Structure 9



Structure 10



Structure 11



Structure 12

Structures



Structure 13



Structure 14



Structure 15



Structure 16



Structure 17



Structure 18

Structures



Structure 19



Structure 20



Structure 21



Structure 22



Structure 23



Structure 24

Structures



Structure 25



Structure 26



Structure 27



Structure 28

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CHAIN OF TITLE SEARCH AND REPORT FOLLOWS**

March 23, 2009

Kit K. South
c/o Barbara Jo Fidel
bjf_927@yahoo.com

CHAIN OF TITLE SEARCH AND REPORT

Re: Chain of Title Only

Legal Description: Sections 14, Lots 1, 2, 3 & 4 and E1/2 of 17 and SW1/4NE1/4;
W1/2SE1/4; SE1/4SE1/4, and Lots 1, 2, 3 & 4 in N1/2 of NE1/4 of 20,
22 and 28, Township 14 North, Range 15 W, NMPM

File No: 09030154

Dear Barbara/Kit South:

Pursuant to your request regarding the above, we have searched the records of the County Clerk of McKinley County, New Mexico from March 23, 1903 up to and including March 23, 2009 at 5:00 PM and for Chain of Title Only, results are as follows:

PATENT

State of New Mexico

To

McKinley Land and Lumber Company

Dated December 30, 1932 and recorded January 11, 1933 in Book 8 Deeds, Page 83, No. 1769.

PATENT

Unites States of America

To

Atlantic and Pacific Railroad Company

Dated January 16, 1893 and recorded March 23, 1903 in Book 2 Deeds Records, Page 526.

PATENT

United States of America

To

David E. Harrington

Dated September 15, 1914 and recorded November 16, 1915 in Book 4 Deed Records, Page 431.

PATENT

United States of America

To

Harold F. Prewitt

Dated April 22, 1946 and recorded May 16, 1946 in Book 13 Deed Records, page 62.

NOTE OF ABTRACTOR

PATENT

United States of America

To

Hazel W. Prewitt

Dated May 4, 1963 and recorded June 11, 1963 in Book 47 Misc., Page 209, No. 87335.

CONTINUED ON NEXT PAGE...

Continued
Page 2 of 5
File: 09030154

WARRANTY DEED

Atlantic and Pacific Railroad Company

To

Austin W. Mitchell and William W. Mitchell

Dated June 30, 1890 and recorded July 10, 1890 in Transcribed Records E, Page 219.

WARRANTY DEED

Austin W. Mitchell, Bertha B. Mitchell, William W. Mitchell and Ella Mitchell

To

American Lumber Company Inc.

Dated December 30, 1901 and recorded February 8, 1902 in Book 2 Deed Records, page 433.

WARRANTY DEED

American Lumber Company N.J. Corp.

To

American Lumber Company New Mexico Corp.

Dated November 15, 1910 and recorded December 3, 1910 in Book 3 Deed Records, Page 398.

WARRANTY DEED

McKinley Land and Lumber Company, a New Mexico Corporation

To

Harold F. Prewitt

Dated December 22, 1939 and recorded January 1, 1940 in Book 11 Deed Records, page 551, No. 10732.

WARRANTY DEED

D. E. Harrington and Alice Harrington

To

Joseph Cox

Dated December 2, 1916 and recorded December 5, 1916 in Book 2 Warranty Deeds, Page 295.

RECEIVER'S DEED

Frank B. Mapel, Receiver of the McKinley County Bank

To

H.F. Prewitt and Hazel W. Prewitt

Dated February 15, 1924 and recorded April 1, 1924 in Book 6 Deeds, Page 435.

WARRANTY DEED

The McKinley Land and Lumber Company

To

The Geo E. Breece Lumber Company

Dated April 30, 1941 and recorded May 1, 1941 in Book 12 Deed Records, Page 49, No. 11865.

WARRANTY DEED (Joint Tenants)

The Geo E. Breece Lumber Company

To

H.F. Prewitt and Hazel W. Prewitt

Dated October 6, 1944 and recorded October 23, 1944 in Book 12 Deeds, Page 404, No. 13968.

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TERM GRAZING PERMIT – PARTS 1 AND 2 FOLLOWS

TERM GRAZING PERMIT - PARTS 1 AND 2 (Reference FSM 2230)	Page 1 of 8
	Permittee Number 02029
	Permit Number 020024

PART 1

Kit K. or Koby L. South		of		P O Box 577, Grants NM 87020		hereinafter
(Name of Permittee)				(Post Office Address, Including Zip)		
called the permittee, is hereby authorized to graze livestock owned by the permittee upon designated lands administered by the Forest Service within the Cibola (X appropriate box)						
[X] National Forest [] National Grassland under the following terms and conditions:						
1. Description of range. The livestock shall be grazed only upon the area described as follows: described on attached page and/or delineated on the attached map dated 02-21-12, which is part of this permit. (Strike out item or items not applicable.)						
2. The number, kind, and class of livestock, period of use, and grazing allotment on which the livestock are permitted to graze are as follows, unless modified by the Forest Service in the Bill for Collection:						
LIVESTOCK			PERIOD OF USE		GRAZING	
NUMBER	KIND	CLASS	FROM	TO	ALLOTMENT	
240	Cattle	M/C	05/01	10/10	Prewitt/6A	
3. It is fully understood and agreed that this permit may be suspended or cancelled, in whole or in part, after written notice, for failure to comply with any of the terms and conditions specified in Parts 1, 2, and 3 hereof, or any of the regulations of the Secretary of Agriculture on which this permit is based, or the instructions of Forest officers issued thereunder; or for knowingly and willingly making a false statement or representation in the permittee's grazing application, and amendments thereto; or for conviction for failure to comply with Federal laws or regulations or State and local laws relating to livestock control and to protection of air, water, soils and vegetation, fish and wildlife, and other environmental values when exercising the grazing use authorized by the permit. This permit can also be cancelled, in whole or in part, or otherwise modified, at any time during the term to conform with needed changes brought about by law, regulation, Executive order, allotment management plans, land management planning, numbers permitted or seasons of use necessary because of resource conditions, or the lands described otherwise being unavailable for grazing. Any suspension or cancellation action may be appealed pursuant to 36 CFR 251, Subpart C.						
4. This permit supersedes permit issued Feb. 27, 2002 to Kit K. or Koby L. South						
I HAVE REVIEWED AND ACCEPT THE TERMS OF THIS PERMIT						
SIGNATURE OF PERMITTEE OR HIS AUTHORIZED AGENT					DATE	
Kit K. South					2-21-12	
SIGNATURE OF FOREST OFFICER		NAME (PRINT)		TITLE	DATE	
Matthew P. Reig		Matthew P. Reig		District Ranger	2-21-12	