

**DEPARTMENT OF AGRICULTURE
STATE OF NEW MEXICO**

MSC 3189, Box 30005
Las Cruces, New Mexico 88003-8005
Telephone: (575) 646-3007

SUSANA MARTINEZ
Governor

JEFF M. WITTE
Secretary

November 18, 2014

Ms. Elaine B. Kohrman, Forest Supervisor
Cibola National Forest
United States Forest Service
2113 Osuna Road, NE
Albuquerque, NM 87113

RE: Cibola Forest Plan Revision: Potential Wilderness Inventory

Dear Ms. Kohrman:

New Mexico Department of Agriculture (NMDA) submits the following comments regarding the Potential Wilderness Inventory (Inventory) for the United States Forest Service (USFS) Cibola National Forest's (Cibola) Forest Plan Revision.

One part of NMDA's role is to provide proactive advocacy and promotion of New Mexico's agricultural industries. Agriculture contributed \$4 billion in cash receipts to New Mexico's economy in 2012.¹ NMDA supports management of National Forest System lands under the principles of multiple use and sustained yield as congressionally mandated by the Multiple-Use and Sustained Yield Act of 1960 (16 U.S.C. 528-531) and further codified by the National Forest Management Act of 1976 (16 U.S.C. 1601-1614).

Lands identified as potentially suitable for wilderness under this process would be managed under the nonimpairment policy (36 CFR 219.10 (b) (iv)) and would result in greatly reduced access for resource management and multiple use. This nonimpairment policy extends the protection of congressionally designated wilderness areas to recommended wilderness areas identified in this process. It is beyond the authority of the USFS to manage an area as wilderness unless and until Congress actually designates such areas pursuant to the Wilderness Act.

At this point in the wilderness inventory process, our comments are fairly broad in scope. We plan to remain involved in this process in the second draft of the inventory as described in the

¹ U.S. Department of Agriculture, National Agriculture Statistics Service. "New Mexico Agricultural Statistics – 2012." Available at:
http://www.nass.usda.gov/Statistics_by_State/New_Mexico/Publications/Annual_Statistical_Bulletin/bulletin12.asp.

November 18, 2014

November 4, 2014 Letter from the Cibola's Forest Supervisor office.² Our comments are organized by Ranger District and describe our concerns in designating Wilderness Areas in many of the inventoried locations.

Request for Further Information

To increase our ability to fully analyze the Inventory, NMDA requests that USFS provide the GIS shapefiles and supporting data for all of the inventoried polygons. This will allow us and other interested parties to more accurately compare current land uses and management practices with those that may occur if and when the USFS recommends areas for wilderness designation.

Grazing

The USFS recognizes that, "complex congressional guidelines provide for existing levels of grazing and necessary range improvements."³ The continued availability of grazing allotments is important in terms of public priorities, economic vitality of rural economies, range health, and the customs and culture of many people in New Mexico. It is paramount that your staff consult and coordinate with all affected grazing permit holders in the Cibola throughout this process to ensure that agricultural producers retain their existing grazing Animal Unit Months (AUMs) and unrestricted access needed to maintain range improvements and manage livestock grazing on their allotments.

Roads

NMDA objects to the practice of "cherry-stemming" roads from the boundary of potential wilderness areas under the argument that it does not impact wilderness when, in fact, it does. If a road provides access into or bisects an area, that area is not roadless and thus not suitable for potential wilderness. The practice of artificially reducing road densities by cherry-stemming roads from an area is indefensible.

Watershed Condition

"The U.S. Forest Service's watershed condition classification, priority watershed designation and Watershed Restoration Action Plans are the first three steps in the agency's Watershed Condition Framework."⁴ The Watershed Condition Classification Maps are the culmination of the first step and demonstrate the health of watersheds in the Cibola.⁵ The Watershed Condition Classification scheme rates watersheds as "Functioning Properly," "Functioning at Risk," and "Impaired Function."

NMDA has reviewed the 212 watersheds in the Cibola (downloaded from the USFS Watershed Condition Framework website) and has compiled the following table that summarizes the Overall Watershed Condition, Rangeland Condition, and Fire Regime Condition. Although over

² Elaine B. Kohrman, Cibola National Forest, Forest Supervisor. Letter to Cibola National Forest Users and Interested Public, November 4, 2014. Available at:

http://www.fs.usda.gov/detail/cibola/landmanagement/planning/?cid=fsbdev3_065627.

³ U.S. Forest Service. "Wilderness." <http://www.fs.fed.us/managing-land/wilderness>.

⁴ U.S. Forest Service. "Watershed Condition Framework." <http://www.fs.fed.us/publications/watershed/>.

⁵ U.S. Forest Service. "Watershed Condition Framework - Watershed Condition Classification Maps." Available at: <http://www.fs.fed.us/publications/watershed/>.

75 percent of watersheds have an Overall Watershed Condition rating of “Functioning Properly,” over 78 percent of the watersheds have a Rangeland Condition rating of “Functioning at Risk.” Similarly, nearly 85 percent of the watershed have a Fire Regime Condition rating as either “Functioning at Risk” or “Impaired Function.”

If the ratings for either the Rangeland Condition or the Fire Regime Condition are less than “Functioning Properly,” restoration work is needed in those watersheds. NMDA insists that polygons that are in watersheds with a rating of less than “Functioning Properly” be removed from the list of recommendations for wilderness designation in order to ensure that restoration projects can occur without restrictions. The importance of properly functioning watersheds should be of paramount concern for not only natural resource conditions but also for water production in the upper watershed areas within the forest.

Cibola National Forest Watershed Condition Class Summary						
Condition Classification	Overall Watershed Condition		Rangeland Condition		Fire Regime Condition	
	Number	Percent	Number	Percent	Number	Percent
1 = Functioning Properly	161	75.94%	45	21.23%	32	15.09%
2 = Functioning At Risk	50	23.58%	167	78.77%	82	38.68%
3 = Impaired Function	1	0.47%	0	0.00%	98	46.23%
Total Watersheds = 212						

Wildland Urban Interfaces

A designated Wildland Urban Interface (WUI) is within or near the following polygons according to the Cibola’s online GIS database.⁶ NMDA strongly opposes recommending these areas for wilderness designation because of the impact to forest thinning and other fire management strategies. New Mexico has been experiencing record drought and subsequent fires in the past several years. Inhibiting timber management in WUIs is directly in opposition to the USFS’s three part strategy to manage wild fires which includes ecosystem restoration, community preparedness, and wildfire response.⁷ Therefore, it is critical for the USFS to take into account all resource conditions during this process as well as the reality of past management, current conditions, and elements of future potential conditions such as persistent drought.

Magdalena Ranger District

Potential Wilderness Inventory

- D3_5K1 (14,410 acres)
- D3_5K2 (5,166 acres)
- D3_5K7 (23,159 acres)
- D3_5K9 (6,743 acres)
- D3_5K10 (17,399 acres)
- D3_5K11 (42,928 acres)
- D3_5K12 (10,607 acres)
- D3_5K14 (5,947 acres)
- D3_5K15 (13,266 acres)
- D3_ADJ1 (1,236 acres)
- D3_ADJ2 (37 acres)

⁶ U.S. Forest Service, Cibola National Forest. “Cibola National Forest GIS Data.”

<http://www.fs.usda.gov/detail/r3/landmanagement/gis/?cid=stelprdb5212078>.

⁷ U.S. Forest Service. “Managing Wildland Fires.” <http://www.fs.fed.us/fire/management/>.

Special or Research Natural Area Consideration

- Langmuir Research Area

Sandia Ranger District

Potential Wilderness Inventory

- D5_ADJ2 (278 acres)
- D5_ADJ3 (95 acres)
- D5_ADJ4 (1,693 acres)
- D5_ADJ5 (1,231 acres)
- D5_ADJ6 (727 acres)
- D5_ADJ7 (5 acres)
- D5_ADJ8 (6 acres)
- D5_ADJ9 (333 acres)
- D5_ADJ10 (10 acres)

Mt. Taylor Ranger District

Potential Wilderness Inventory

- D2_5K1 (5,065 acres)
- D2_5K3 (6,266 acres)
- D2_5K7 (5,131 acres)
- D2_5K8 (9,904 acres)

Mountainair Ranger District

Potential Wilderness Inventory

- D4_ADJ4 (7,388 acres)
- D4_ADJ5 (9,874 acres)

Constructed and NonConstructed Features

A constructed feature is within or near these polygons according to the Cibola's online GIS database.⁸ Constructed features include "fences, bridges, culverts, buildings, communication systems, gates, helipads, parking lots, shooting ranges, etc... and non-constructed features may include natural barriers and other features that need to be maintained spatially."⁹ According to the Wilderness Evaluation chapter of the Land Management Planning Handbook, "other improvements," which includes many of the constructed features listed above, should be included in the inventory.¹⁰ If these features require maintenance access, some of these features may disqualify polygons from being recommended for wilderness designation.

Further to this point, many of the constructed and nonconstructed features are related to water development and water provision for livestock and wildlife use. Under New Mexico's prior appropriation system, maintaining water rights requires a permit holder to apply water rights to the intended beneficial use. In the context of livestock watering rights, federal agencies are unable to comply with this requirement due to the fact that grazing permit holders, not the federal agency, are owners of the livestock on federal grazing allotments and are the only party capable of applying livestock watering rights to beneficial use. Therefore, NMDA requests that

⁸ U.S. Forest Service. Cibola National Forest. "Cibola National Forest GIS Data."
<http://www.fs.usda.gov/detail/r3/landmanagement/gis/?cid=stelprdb5212078>.

⁹ U.S. Forest Service, Cibola National Forest. "Cibola National Forest GIS Data."
<http://www.fs.usda.gov/detail/r3/landmanagement/gis/?cid=stelprdb5212078>.

¹⁰ U.S. Forest Service. "Proposed FSH 1909.12 Chapter 70– Land Management Planning Handbook (Version 2/14/13)." Available at: http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5409886.pdf.

November 18, 2014

polygons with constructed and nonconstructed features related to livestock watering be removed from further consideration for wilderness designation. The wilderness designation should not be used to allow the federal land management agencies the ability to prohibit access to water or to allow the agencies to gain control of water that is necessary for the public good.

Magdalena Ranger District

Potential Wilderness Inventory

- D3_5K1 (14,410 acres)
- D3_5K2 (5,166 acres)
- D3_5K4 (6,414 acres)
- D3_5K6 (18,703 acres)
- D3_5K7 (23,159 acres)
- D3_5K10 (17,399 acres)
- D3_5K12 (10,607 acres)
- D3_5K13 (8,795 acres)
- D3_5K14 (5,947 acres)
- D3_5K15 (13,266 acres)
- D3_5K19 (18,503 acres)
- D3_ADJ8 (84,198 acres)

Special or Research Natural Area Consideration

- Sawtooth (4,874 acres)

Sandia Ranger District

Potential Wilderness Inventory

- D3_5K4 (6,414 acres)

Mt. Taylor Ranger District

Potential Wilderness Inventory

- D2_5K2 (5,494 acres)
- D2_5K3 (6,266 acres)
- D2_5K4 (6,446 acres)
- D2_5K5 (6,118 acres)
- D2_5K6 (12,195 acres)
- D2_5K7 (5,131 acres)
- D2_5K8 (9,904 acres)
- D2_5K9 (7,319 acres)
- D2_5K10 (20,251 acres)
- D2_5K11 (9,687 acres)
- D2_5K12 (19,553 acres)

Mountainair Ranger District

Potential Wilderness Inventory

- D4_ADJ1 (98 acres)
- D4_ADJ2 (184 acres)
- D4_ADJ3 (146 acres)
- D4_ADJ4 (7,388 acres)
- D4_ADJ5 (9,874 acres)
- D4_ADJ6 (792 acres)
- D4_ADJ7 (358 acres)
- D4_ADJ8 (251 acres)
- D4_5K1 (5,052 acres)
- D4_5K2 (10,124 acres)

Special or Research Natural Area Consideration

- Fourth of July (771 acres)

Private Land Inholdings

Private land inholdings are located within or near the polygons indicated below according to the USFS maps provided for this Inventory.¹¹ NMDA requests that these polygons be excluded to ensure that private land owners are able to continue their land uses without restrictions due to surrounding land being recommended for wilderness designation. NMDA also requests that road maintenance be upheld in these areas. It is the stated policy of the USFS to “grant reasonable and appropriate access across National Forest System land to private inholdings and to mining claims (36 CFR 212 and 36 CFR 251, Subpart D)” consistent with the policy found in the Road and Trails Rights-Of-Way Grants in the Region 3 Forest Service Manual.¹² In addition, wilderness designations should not be used to limit access of private landowners to their land and livelihood, particularly given concern for rural economic health in New Mexico.

Magdalena Ranger District

Potential Wilderness Inventory

- D3_5K1 (14,410 acres)
- D3_5K2 (5,166 acres)
- D3_5K3 (7,116 acres)
- D3_5K6 (18,703 acres)
- D3_5K7 (23,159 acres)
- D3_5K8 (7,551 acres)
- D3_5K9 (6,743 acres)
- D3_5K10 (17,399 acres)
- D3_5K11 (42,928 acres)
- D3_5K12 (10,607 acres)
- D3_5K13 (8,795 acres)
- D3_5K14 (5,947 acres)
- D3_5K15 (13,266 acres)
- D3_5K17 (7,654 acres)
- D3_5K19 (18,503 acres)
- D3_5K20 (5,982 acres)
- D3_ADJ1 (1,236 acres)
- D3_ADJ2 (37 acres)
- D3_ADJ8 (84,198 acres)

Sandia Ranger District

Potential Wilderness Inventory

- D5_ADJ2 (278 acres)
- D5_ADJ3 (95 acres)
- D5_ADJ4 (1,693 acres)
- D5_ADJ6 (727 acres)

Mt. Taylor Ranger District

Potential Wilderness Inventory

- D2_5K3 (6,266 acres)
- D2_5K5 (6,118 acres)
- D2_5K6 (12,195 acres)
- D2_5K7 (5,131 acres)
- D2_5K8 (9,904 acres)
- D2_5K10 (20,251 acres)
- D2_5K12 (19,553 acres)

Special or Research Natural Area Consideration

- Little Water Canyon (1,076 acres)

¹¹ U.S. Forest Service, Cibola National Forest. “Printable Maps of Potentially Suitable Wilderness Areas by Ranger District.” Available at:

<http://www.fs.usda.gov/detailfull/cibola/landmanagement/planning/?cid=stelprd3816114&width=full>.

¹² U.S. Forest Service, Southwestern Region (Region 3). “FSM 2700, Chapter 2730 – Road and Trails Rights-Of-Way Grants.” Available at: http://www.fs.fed.us/cgi-bin/Directives/get_dirs/fsm?2700.

Mountainair Ranger District

Potential Wilderness Inventory

- D4_ADJ3 (146 acres)
- D4_ADJ4 (7,388 acres)
- D4_ADJ5 (9,874 acres)
- D4_5K1 (5,052 acres)
- D4_5K2 (10,124 acres)

Special or Research Natural Area Consideration

- Fourth of July (771 acres)

Invasive Species

“Invasive species have been cited as the second largest threat to endangered native species. Most noxious species in New Mexico are found on rangelands and wild lands.”¹³ Further, “Whenever the [NMDA] director becomes aware of the presence of noxious weeds on public land, he shall inform the governmental entity of the species found on land under the entity’s jurisdiction. When possible and practicable, the director shall consult with the governmental entity in developing a management plan for the control of the noxious weeds.”¹⁴ NMDA requests to remain involved in the process of noxious weed control and eradication. To that point, noxious weeds are located within or near the following polygons according to the Cibola’s online GIS database.¹⁵ Noxious weed control measures should not be inhibited due to the recommendation for wilderness designation. A wilderness designation should not limit the ability of land managers and the public to come together in an effort to improve landscape conditions.

Magdalena Ranger District

Potential Wilderness Inventory

- D3_5K7 (23,159 acres)
- D3_5K6 (18,703 acres)

Mt. Taylor Ranger District

Potential Wilderness Inventory

- All inventoried polygons

Mountainair Ranger District

Potential Wilderness Inventory

- D4_ADJ4 (7,388 acres)

Special or Research Natural Area Consideration

- Fourth of July (771 acres)

¹³ New Mexico Department of Agriculture. “Noxious Weed Information.” <http://www.nmda.nmsu.edu/apr/noxious-weed-information/>.

¹⁴ Noxious Weed Management Act – Article: 7D, 76-7D-6. Landowners; rights; agreements. Available at: <http://www.nmda.nmsu.edu/apr/noxious-weed-information/>.

¹⁵ U.S. Forest Service, Cibola National Forest. “Cibola National Forest GIS Data.” <http://www.fs.usda.gov/detail/r3/landmanagement/gis/?cid=stelprdb5212078>.

Opportunities for Solitude

The Wilderness Evaluation Chapter of the Land Management Planning Handbook states that USFS must, "Evaluate the degree to which the area has outstanding opportunities for solitude...." Certain features located near the following inventoried potential wildernesses make it unlikely that visitors would be able to enjoy solitude.

Sandia Ranger District

Potential Wilderness Inventory

- D5_ADJ8 (6 acres)
 - This area is well within one mile of Interstate Highway 40, a highly traveled area. It is also northwest of what looks like a mine or other industrial facility.

Mt. Taylor Ranger District

Potential Wilderness Inventory & Special or Research Natural Area Consideration

- D2_5K6 (12,195 acres); Little Water Canyon (1,076 acres)
 - This area is within about three miles of what looks like a mine or other industrial facility directly south of the polygon.

Cooperation and Coordination with Soil and Water Conservation Districts (SWCD)

SWCDs are local subdivisions of state government and have a legislative requirement to promote responsible and effective use and management of soil and water resources as set forth in the New Mexico Soil and Water Conservation District Act (73-20-25 through 73-20-48 NMSA 1978). Many SWCDs have adopted district land use plans to guide efforts to meet their legislative requirement. These plans and the engagement of the following SWCDs should be considered in the development of the Cibola Forest Plan Revision.

Further, many SWCDs work in partnership with the USFS on conservation projects. NMDA requests that SWCDs be contacted to ensure their conservation work and projects are not negatively impacted by recommending areas for wilderness designation. The following SWCDs' boundaries overlap those of the Cibola.

Magdalena Ranger District

- Salado
- Sierra

Sandia Ranger District

- Coronado
- Ciudad
- Edgewood

Mt. Taylor Ranger District

- McKinley
- Lava

Ms. Elaine B. Kohrman, Forest Supervisor

Page 9

November 18, 2014

Mountainair Ranger District


- Valencia
- East Torrance
- Claunch-Pinto
- Carrizozo

Conclusion

Thank you for the opportunity to submit comments regarding the Potential Wilderness Inventory for the USFS Cibola National Forest's Forest Plan Revision. NMDA requests to be included in any updates or mailing lists associated with the Cibola Forest Plan Revision.

Please contact Ms. Lacy Levine at (575) 646-8024 with any questions regarding these comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff M. Witte", with a long horizontal flourish extending to the right.

JMW/ll/ya