



August 19, 2019

Adam Mendonca, Forest Supervisor and Objection Reviewing Officer
Gila National Forest
3005 East Camino del Bosque
Silver City, NM 88061

Stephen Best, Forest Supervisor and Objection Reviewing Officer
Apache-Sitgreaves National Forests
30 South Chiricahua Drive
Springerville, AZ 85938

Via Email: objections-southwestern-gila@fs.fed.us

Re: OBJECTIONS Pursuant to 36 C.F.R. § 218.8 on Stateline Range NEPA Project, Glenwood Ranger District, Gila National Forest, and Clifton Ranger District, Apache-Sitgreaves National Forest

Dear Reviewing Officers:

The Center for Biological Diversity (“the Center”) hereby submits these objections to the Gila and Apache-Sitgreaves National Forest’s Draft Decision Notice and Finding of No Significant Impact (FONSI) and Final Environmental Assessment (FEA) for the Stateline Range NEPA Project.

Project Objected To

Pursuant to 36 C.F.R. § 218.8(d)(4), the Center objects to the following project:

Project: Stateline Range NEPA Project, Catron and Grant Counties, Gila National Forest, New Mexico, and Greenlee County, Apache-Sitgreaves National Forest, Arizona.

Responsible Official and Ranger District: Ed Holloway, Clifton Ranger District and Erick Stemmerman, Glenwood Ranger District.

Timeliness

These objections are timely filed. Notice of the FEA, DDN, and FONSI was published in the Silver City Daily Press on July 3, 2019.¹

¹ See Legal Notice, Silver City Daily Press and Independent (July 3, 2019), reproduced at <https://www.fs.usda.gov/project/?project=22466> (last viewed August 13, 2019). The 45th day after the date of the July 3 notice falls on Saturday, August 17, so the objection period expires at 11:59 PM Mountain time on the next business day, Monday August 19. See 36 C.F.R. § 218.6(a).

Lead Objector

As required by 36 C.F.R. § 218.8(d)(3), the Center designate the “Lead Objector” as follows:

Joe Trudeau, Southwest Advocate
Center for Biological Diversity
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(cell) 603-562-6226

Interests and Participation of the Objectors

The Center for Biological Diversity is a non-profit environmental organization with nearly 70,000 members, and more than 1.6 million activist-supporters nationwide who value wilderness, biodiversity, old growth forests, clean rivers, and the threatened and endangered species which occur on America’s spectacular public lands and waters. Many of the Center’s members and supporters frequently use and enjoy the spectacular landscapes of the Gila and Apache-Sitgreaves National Forest’s for recreation, sustenance, nature study, and spiritual renewal.

At the Center for Biological Diversity, we believe that the welfare of human beings is deeply linked to nature — to the existence in our world of a vast diversity of wild animals and plants. Because diversity has intrinsic value, and because its loss impoverishes society, we work to secure a future for all species, great and small, hovering on the brink of extinction. We do so through science, law and creative media, with a focus on protecting the lands, forests, waters and climate that species need to survive. The Center has and continues to actively advocate for increased protections for species and their habitats in the American Southwest.

The Center has been actively engaged in this project for nearly 2 years, filing comments in a timely fashion during available comment periods. Project Team Leader Kent Ellett added the lead objector to the project mailing list on October 23, 2017, per the objector’s request. Comments on the December 2017 Scoping Notice were submitted via email on January 16, 2018. Comments on the October 2018 Draft EA were submitted via email on November 30, 2018. In addition, Cattle Impact Survey reports for both the Gila and Apache-Sitgreaves National Forests have been delivered to the respective Forest Supervisors. These reports included riparian survey results for a number of the allotments analyzed in the Stateline Range NEPA Project.

The Stateline Allotments contain critical habitat for a number of listed species, including loach minnow, narrow-headed and northern Mexican gartersnakes, yellow-billed cuckoo, southwestern willow flycatcher, spokedace, Chiricahua leopard frog and Mexican spotted owl. The Center has long maintained an interest in these allotments and the species which reside therein.

The Final EA fails to comply with the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), and fails to address a number of issues we raised in past comments. Thus, the selected alternative will not move towards recovery of imperiled species nor will it protect public lands from the harmful effects of livestock grazing. We are therefore objecting on the following grounds:

- I. The Stateline EA fails to describe baseline conditions and ignores chronic livestock grazing in riparian areas.
- II. The Stateline EA fails to analyze an alternative proposed by the Center in scoping.
- III. The Final EA and Draft FONSI fail to address measures of intensity as they relate to significance which the Center stated in past comments

Below we will expand on these objection issues.

I. The Stateline EA fails to describe baseline conditions, fails to respond to comments, and ignores chronic livestock grazing in riparian areas.

The Final EA makes dozens of references to the exclusion of livestock from riparian areas including the San Francisco River. Claims such as “*Except for a proposed single water point on the Alma allotment, the San Francisco River is excluded from grazing*” (Final EA at 14) are commonly stated. These are largely untrue and disregard actual conditions on the ground.

“*In analyzing the affected environment, NEPA requires the agency to set forth the baseline conditions.*”² Specifically, NEPA requires agencies to “*succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration.*”³ The Council on Environmental Quality, the agency charged with interpreting NEPA, has explained that “[t]he concept of a baseline against which to compare predictions of the effects of the proposed action and reasonable alternatives is critical to the NEPA process.”⁴ Federal courts hold that “[w]ithout establishing ... baseline conditions ... there is simply no way to determine what effect [an action] will have on the environment and, consequently, no way to comply with NEPA.”⁵

² *Western Watersheds Project v. BLM*, 552 F.Supp.2d 1113, 1126 (D. Nev. 2008)

³ 40 C.F.R. § 1502.15.

⁴ Council on Environmental Quality, Considering Cumulative Effects Under the National Environmental Policy Act 41 (1997), https://ceq.doe.gov/publications/cumulative_effects.html (last visited July 5, 2019).

⁵ *Half Moon Bay Fishermans’ Mktg. Ass’n v. Carlucci*, 857 F.2d 505, 510 (9th Cir. 1988); see also *N. Plains Res. Council, Inc. v. Surface Transp. Bd.*, 668 F.3d 1067, 1084–85 (9th Cir. 2011) (holding that agency did not take a sufficiently “hard look” at environmental impacts because it did not collect baseline data).

In our scoping comments of January 16, 2018 we submitted photographic evidence and data to show that heavy grazing was occurring in these riparian areas to a chronic and widespread degree. In our Draft EA comments of November 30, 2018, we stated at page 2:

“We have submitted Cattle Impact Survey reports for the Gila and Apache Sitgreaves National Forests which we hereby incorporate into these comments by reference. Those reports showed conclusively that many of the Stateline Allotments have chronic livestock trespass into riparian enclosures, many which appear to be ongoing for decades. The drifting of rogue livestock between allotments will continue to be a major problem, and this NEPA process may not fix it. For example, removing the San Francisco River portion from the Pleasant Valley Allotment will do nothing to stop trespass from the Pigeon, Wildbunch, or other adjacent allotments from entering the River. Sadly, the Forest Service continues to perpetuate the myth that these rivers are currently excluded from grazing, which they are on paper only. We hope that in the future the Forest Service will take seriously their so-called commitments to protect sensitive habitats for federally listed species. Real monitoring is required, which means actually inspecting fences, finding the source of the problem, and taking immediate action to correct problems.”

We recently resurveyed a portion of these riparian areas and have again documented chronic and significant livestock grazing in many riparian areas, including the San Francisco River in the Alma Allotment. On June 14, 2019 we visited the Alma Allotment and again photo-documented this abuse of critical habitat. Impacts observed included trampling of streamside vegetation, shearing of streambanks, grazing and browsing on riparian vegetation including suppression of woody regeneration, wallowing in sandy and muddy areas, displacement of soil, and numerous live cows. Selected photographs from this river segment is provided at the end of this letter showing tracks, trails, wallows, grazed and browsed vegetation, live ear-tagged animals, and other significant impacts. We also confirmed cattle sign in the San Francisco River in the Dry Creek and Citizen/Roberts Park allotments, including 2 miles of significant grazing impacts in the latter. Of the 101.7 miles of river surveyed in the Gila NF in 2019, over 60 miles showed significant grazing impacts. A full report is forthcoming.

The April 2019 Streamlined Grazing Consultation document prepared for the Alma Allotment states that the *“San Francisco River [is] excluded with the exception of one water point.”* This statement is repeated a number of times in numerous documents in the project record. Our recent data show this is clearly not true. While we did not survey all of the Stateline Allotments, our findings in the Alma Allotment indicate that the underlying assumptions and baseline conditions that the entire effects analysis is based on is faulty.

The June 2019 Biological Assessment Stateline Range Project for the Blackjack and Hickey Allotments claims numerous times that livestock grazing is excluded from the San Francisco River. The Final EA states (at page 17) that a 2001 decision excluded livestock from the San Francisco River in this allotment and that *“Livestock grazing would continue to be excluded from the San Francisco River”* (at page 18). In April of 2019 we surveyed the San Francisco River upstream from Martinez Ranch in the Pleasant Valley Allotment. As we reported in our past comments and in the Cattle Impact Survey Report supplied to Supervisor Best, grazing is ongoing in this purportedly excluded riparian area. See photopoints PLEVAL-001 through PLEVAL-003 at the end of this letter for photographic evidence of this recent grazing, showing

tracks so fresh that they were imprinted into fresh mud exposed immediately following receding flood waters which are just inches from the tracks.

These faulty underlying assumptions thus compromise the entire ESA consultation process. The US Fish and Wildlife Service supplied a concurrence letter on May 23, 2019 to Erick Stemmerman, District Ranger, Glenwood Ranger District, Gila National Forest, which concurred with the determinations made the Forest Service for the Alma, Citizen, Dry Creek, Holt Gulch, Keller Canyon, Pleasanton, Potholes, and Sacaton allotments on the Gila National Forest. Based off of our sampling of just the Alma Allotment, the US Fish and Wildlife Service concurrence with Forest Service determinations of effect are questionable, constituting an ESA violation.

In the response to our scoping comments the Forest Service suggests that our data show occasional livestock entry into these riparian areas. The Response to Scoping Comments document (at page 8) states that “*Evidence that some livestock accessed the river corridor in 2017 does not constitute noncompliance.*” We hope that the additional survey information from this June might suggest to the Forest Service that the occurrence of livestock in these areas is more than just occasional. We find it incredibly disturbing that the Forest Service maintains that these management and compliance issues are outside the scope of this analysis and others like this. If this is the case then why have these permittees not had their permits revoked? Is this not noncompliance? It is abundantly clear that the Forest Service values beef far more than wildlife, clean water, scenic rivers, or quality recreational opportunities.

The Response to Scoping Comments document (at page 18 and 19) fails to address the evidence which we presented to the Forest Service, and fails to understand the nature of the landscape wherein adjacent allotments under separate analyses have an effect on each other. This failed cumulative effects analysis alone constitutes a violation of NEPA. In our scoping comments we reported that “*The Wildbunch 2017 AOI states that livestock are not permitted in the Blue River, however our data show that cattle are widespread and abundant in the Blue River, which is not separated from the San Francisco River by any fencing or natural barriers.*” The Forest Service response in the Scoping Comments document (at page 18) was that “*The Wildbunch allotment is not part of this analysis*” even though the Wildbunch allotment borders some allotments covered in the Stateline NEPA, and is near to others (Hickey, Pleasant Valley, and Blackjack. This response fails to address the issue of the permeability of these allotments, and that cattle routinely move between allotments because there are no effective riparian exclosures.

Suggested Remedy for failure to establish baseline conditions and respond to comments:

The Forest Service’s failure to accurately set forth baseline conditions in riparian areas violates NEPA. Also, the Forest Service’s failure to respond to our comments violates NEPA. It is further problematic that in the Final EA the Forest Service refuses to admit that grazing is ongoing in riparian areas, and even worse, rates heavily grazed areas such as the San Francisco River in the Alma Allotment at *Proper Functioning Condition*. The Forest Service must prepare new or supplemental NEPA analysis that accurately describes baseline conditions, and any subsequent NEPA document must explain exactly what will be done to protect riparian areas from grazing, including when the action will be taken, how it will be paid for, who will complete the work, and what the monitoring schedule will be to enforce the closures.

II. The Stateline EA fails to analyze a reasonable alternative proposed by the Center in scoping.

A. NEPA Mandates That Agencies Analyze All Reasonable Alternatives.

When federal agencies prepare an EIS, NEPA requires that they must take a “*hard look*” at the project’s environmental impacts and the information relevant to its decision.⁶ In taking the required “*hard look*,” an EIS must “*study, develop, and describe*” reasonable alternatives to the proposed action.⁷ This alternatives analysis “*is the heart of the environmental impact statement.*”⁸

As a result, agencies must “[r]igorously explore and objectively evaluate all reasonable alternatives.”⁹ “*To comply with the National Environmental Policy Act and its implementing regulations, [agencies] are required to rigorously explore all reasonable alternatives ... and give each alternative substantial treatment in the environmental impact statement.*”¹⁰ “*Without substantive, comparative environmental impact information regarding other possible courses of action, the ability of an EIS to inform agency deliberation and facilitate public involvement would be greatly degraded.*”¹¹

Federal courts have struck down Forest Service EISs where the agency evaluated several alternatives, but where those alternatives were all fairly similar. *See, e.g., California v. Block*, 690 F.2d 753, 767-69 (9th Cir. 1982) (setting aside Forest Service EIS that evaluated eight alternatives because all of the alternatives considered protecting less than 34% of eligible lands as potential wilderness).

In addition, NEPA “*does not permit the agency to eliminate from discussion or consideration a whole range of alternatives, merely because they would achieve only some of the purposes of a multipurpose project.*”¹² If a different action alternative “*would only partly meet the goals of the project, this may allow the decision maker to conclude that meeting part of the goal with less*

⁶ *Wyoming v. U.S. Dep’t of Agriculture*, 661 F.3d 1209, 1237 (10th Cir. 2011).

⁷ 42 U.S.C. §§ 4332(2)(E); 4332(2)(C)(iii).

⁸ 40 C.F.R. § 1502.14; *see also All Indian Pueblo Council v. United States*, 975 F.2d 1437, 1444 (10th Cir. 1992).

⁹ 40 C.F.R. § 1502.14.

¹⁰ *Custer County Action Ass’n v. Garvey*, 256 F.3d 1024, 1039 (10th Cir. 2001) (emphasis added). *See also New Mexico ex rel. Richardson v. Bureau of Land Management*, 565 F.3d 683, 703 (10th Cir. 2009) (“[A]n EIS must rigorously explore and objectively evaluate all reasonable alternatives to a proposed action, in order to compare the environmental impacts of all available courses of action.”); *Colo. Envtl. Coalition v. Dombeck*, 185 F.3d 1162, 1174 (10th Cir. 1999) (explaining reasonable alternatives).

¹¹ *New Mexico ex rel. Richardson*, 565 F.3d at 708.

¹² *Town of Matthews v. U.S. Dep’t. of Transp.*, 527 F. Supp. 1055, 1057 (W.D. N.C. 1981).

*environmental impact may be worth the tradeoff with a preferred alternative that has greater environmental impact.”*¹³

B. The Center requested analysis of a reasonable alternative

In our scoping comments we specifically addressed the need for a conservation alternative:

“The EA should provide science-based alternatives that recognize the impact livestock grazing has had on these ecosystems, and lower livestock numbers, shorten duration of grazing season, decrease allowable utilization, add more periods of pasture rest, and ensure cattle are not using excluded riparian areas” (Scoping comments at 3).

And

“This EA should include analyzing a full range of alternatives, including one or more enhanced conservation alternatives which includes continued/expanded pasture rest and permanent exclusion from critical areas, reduced or eliminated stocking, a robust monitoring plan with at least one sizable upland exclosure per pasture for comparison/control, no construction of new water or fence systems which do not directly positively affect resource conditions, and herding of cattle versus reliance on technological systems. All alternatives should be rigorously explored and objectively evaluated per 43 CFR § 46.310(c) and 40 CFR § 1502.14” (Scoping comments at 3).

To summarize, we requested an alternative that would include the following:

- Reduced stocking
- Shortened grazing season duration
- Decreased allowable utilization
- Added periods of pasture rest
- Full riparian exclusion
- A robust monitoring plan with at least one exclosure per pasture
- No new construction of water or fence systems (except for exclosures)

The final EA and FONSI do not provide analysis of the proposed alternative with the constituent parts above, nor does it explain why this alternative was not considered. In fact, the proposed action would do the opposite of some of these recommendations:

- **Reduced stocking:** The Final EA (at page 42) states that *“Actual use is expected to remain at or gradually increase above recent levels.”*

¹³ *North Buckhead Civic Assoc v. Skinner*, 903 F.2d 1533, 1542 (11th Cir. 1990). See also *Natural Resources Defense Council v. Callaway*, 524 F.2d 79, 93 (2d Cir. 1975) (“the EIS must nevertheless consider such alternatives to the proposed action as may partially or completely meet the proposal’s goal and it must evaluate their comparative merits”); *Natural Resources Defense Council v. Morton*, 458 F.2d 827, 836 (D.C. Cir. 1972) (“(it is not) appropriate, as Government counsel argues, to disregard alternatives merely because they do not offer a complete solution to the problem.”).

- **Shortened grazing season duration:** Most allotments move from less than a year to full 12 month authorization.
- **Decreased allowable utilization:** Utilization is not reduced in the proposed action.
- **Added periods of pasture rest:** The proposed action is not clear on this.
- **Full riparian exclusion:** The proposed action does not specify that riparian areas will be fully excluded, and our data shows that current exclosures are failing.
- **A robust monitoring plan with at least one exclosure per pasture:** No additional upland exclosures are proposed. Upland exclosures are needed as comparison sites for the general area which is grazed.
- **No new construction of water of fence systems (except for exclosures):** The proposed action includes approximately miles of fencing, numerous new tanks, miles of new pipeline, new wells, troughs, dirt tanks, water lots and corrals.

C. The Center's alternative would meet the project purpose and need.

When a federal agency prepares an EIS, it must consider "*all reasonable alternatives*" which are consistent with its stated purpose and need.¹⁴ The Center's alternative is consistent with the purpose and need in that the reduction of grazing and elimination from riparian areas would accomplish the purposes listed below. The Final EA states that the project purpose is to authorize livestock grazing consistent with US Forest Service policy and in a manner that:

- "*maintains or improves project area resource conditions*"

► a reduction in grazing would improve resource conditions, but the proposed action does not accomplish this

- "*achieves the objectives and desired conditions described in the forest plans*"

► a reduction in grazing would achieve numerous desired conditions, especially related to riparian systems and wildlife habitat

- "*provides long-term management direction for domestic livestock grazing through an AMP*"

► reduced grazing pressure could still be managed through an AMP

D. The Centers proposed alternative is significantly distinguishable from the other alternatives.

¹⁴ 40 C.F.R. § 1502.14(a). *See also Colorado Environmental Coal. v. Salazar*, 875 F. Supp. 2d 1233, 1245 (D. Colo. 2012) (stating that the agency's objectives dictate the range of reasonable alternatives).

An agency may dismiss a reasonable alternative if it is not “‘*significantly distinguishable from the alternatives already considered.*’”¹⁵ The Final EA provides three alternatives:

- No grazing
- Proposed Action

The Centers alternative is distinguishable from these three in the following ways:

- It does not propose no grazing, but rather a reduction in stocking, utilization, and duration.
- It would exclude livestock from all riparian areas, not just rely on claims of exclusion.
- It would not construct additional range infrastructure.

Suggested Remedy for failure to analyze the Centers alternative:

The Forest Service’s failure to analyze in detail our proposed alternative violates NEPA. Our alternative would meet the project purpose by reducing and in some areas eliminating grazing, making it a reasonable alternative. The Forest Service must either: (1) prepare new or supplemental NEPA analysis that analyses our proposed alternative; or (2) modify the proposed action in the final record of decision to reduce stocking, shorten duration, decrease utilization, eliminate riparian grazing, add upland exclosures as part of monitoring, and eliminate range infrastructure.

III. The Final EA and FONSI fail to address measures of intensity as they relate to significance which the Center stated in past comments.

A. The degree to which the proposed action affects public health and safety.

In our scoping comments we identified water quality as a significant issue, and also provided evidence of widespread riparian grazing. In our comments on the Draft EA we stated that “*public health and safety aspects have not been addressed, which we brought forward in scoping as related to E. coli in streams.*” In addressing “*the degree to which the proposed action affects public health or safety*”¹⁶ the FONSI (at page 23) explains that livestock grazing is not responsible for the bulk of water impairment by stating that “*The San Francisco River is excluded from livestock grazing except for a possible watering point gap on the Alma allotment.*” As we have shown again and again, this is not true.

B. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

¹⁵ *Colorado Environmental Coal. v. Salazar*, 875 F. Supp. 2d at 1245 (quoting *New Mexico ex rel. Richardson*, 565 F.3d 683, 708-09 (10th Cir. 2009)).

¹⁶ 40 C.F.R § 1508.27b (2).

In our scoping comments we identified unique and special designation areas as a significant issue, stating (at page 25):

“A portion of the Alma Allotment is encompassed by the proposed Frisco Canyons Recommended Wilderness. A portion of Dry Creek and nearly all of the Potholes and Pleasanton Allotments are encompassed by the Proposed Lower San Francisco River Canyon Recommended Wilderness. A small portion of the Blackjack Allotment is encompassed by the Hell’s Hole WSA. Nearly all of the Alma Mesa Allotment is contained within the Blue Range Primitive Area. The Alma, Dry Creek, Potholes and Pleasanton Allotments all share portions of the proposed San Francisco Wild and Scenic River segments. The Dry Creek Allotment contains the entirety of the Spruce Creek proposed Wild and Scenic River.

The current Gila Forest plan revision is identifying impacts that would disqualify the consideration of an area for wilderness recommendation. The proposed action recommends construction of a number of range improvements that could potentially disqualify an area from wilderness recommendation; many of these pipelines, troughs, tanks and other elements would occur within these identified units. The EA should clearly map out, describe, and disclose the effects of proposed infrastructure on current and future Inventoried Roadless Area qualities as well as wilderness characteristics. Other than enclosure fencing, there should not be any additional range infrastructure built in Inventoried Roadless Areas, Primitive Areas, Wilderness Study Areas, and proposed Wilderness or Wild and Scenic Rivers.”

In our comments on the Draft EA (at page 5) we stated that “unique characteristics of the area such as Inventoried Roadless Area, Wilderness Areas, Wilderness Study Areas, proposed and eligible Wild and Scenic Rivers, an abundance of critical habitat for listed species, and the quality of scenic and recreational areas have been glossed over with the simplest and least thoughtful consideration.” In addressing “Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas”¹⁷ the FONSI (at page 23) states that there “are no park lands, prime farmlands, wild and scenic rivers, wetlands and ecologically critical areas in the project area.”

We are deeply dismayed to read that there are no wetlands or ecologically critical areas in the project area. Springs, seeps, and riparian areas associated with the San Francisco River and other streams are in fact wetlands, and in many cases these are protected or proposed critical habitat for listed species.

The New Mexico Environment Department Surface Water Quality Bureau classifies riparian woodlands as Riverine Wetlands: “Riverine Wetlands occur in floodplains and riparian corridors in association with stream channels. Dominant water sources are overbank flow from the channel or subsurface hydraulic connections between the stream channel and wetlands. Additional water sources may be interflow and return flow from adjacent uplands, occasional

¹⁷ 40 C.F.R § 1508.27b (3).

overland flow from adjacent uplands, tributary inflow, and precipitation.”¹⁸ Based off of this classification, riparian ecosystems are wetlands.

Further, the Apache-Sitgreaves Forest Plan (at page 33) states that “*Wetland/cienega riparian areas generally occur between 5,500 and 11,000 feet elevation and cover roughly 17,900 acres. This PNVN is associated with perennial springs, seeps or headwater streams, bogs, and fens where groundwater intersects the surface and creates pools of standing water, sometimes with channels flowing between pools.*” The May 2019 Aquatic Biology Specialist Report for the Stateline Range NEPA states (at page 50) that there are 96 known springs associated with the Stateline allotments, including 25 on the Alma Allotment alone, which we have shown here to be chronically damaged by overgrazing. Based off of this classification, springs are wetlands, and they in fact occur within the project area.

Suggested Remedy for failure to address measures of intensity as they relate to significance which the Center stated in past comments:

The Forest Service must recognize the significance of the ecological features within the project area, as well as the failure to manage them properly, withdraw the Draft FONSI and Final EA, and complete a supplemental analysis and EIS for the Stateline Range allotments.

CONCLUSION.

We appreciate your consideration of the information and concerns addressed in this objection, as well as the photographs and data included in this letter. Pursuant to 36 C.F.R. § 218.11, we respectfully request to meet with the reviewing officer to discuss these concerns and suggested resolutions. Should you have any questions, please do not hesitate to contact Mr. Trudeau at the number provided below, and do not miss the attached data showing the devastated condition of the San Francisco River in the Alma Allotment, which the Final EA states “*Except for a proposed single water point on the Alma allotment, the San Francisco River is excluded from grazing,*” and which the May 2019 Aquatic Biology Specialist Report (at page 15) unbelievably reports as determined to be in Properly Functioning Condition.

Respectfully,



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¹⁸ (<https://www.env.nm.gov/surface-water-quality/wetland-types-in-new-mexico/>).

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|---------------------------------|---|
| Project | 2019 Gila National Forest Cattle Impact Survey |
| Photopoint # | ALMA-001-A |
| Location/Description | San Francisco River, tagged cow in riparian area |
| Allotment/Pasture | Alma Allotment |
| Date & Time of Photo | 6/14/2019 6:41AM |
| Latitude | N 33°28'16.24" |
| Longitude | W 108°54'27.01" |



| | |
|--|-----|
| 1. Evidence of Cattle Use | Yes |
| 2. Evidence of grazing on grasses and herbaceous vegetation | Yes |
| 3. Evidence of Browsing on multiyear woody vegetation | Yes |
| 4. Evidence of browsing on woody regeneration at greenline or flood channels | Yes |
| 5. Evidence of Cattle Trails | Yes |
| 6. Evidence of Trampling and Ground Cover Disturbance | Yes |
| 7. Evidence of Shearing and Bank Degradation | Yes |
| 8. Presence of invasive trees | |

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|---------------------------------|---|
| Project | 2019 Gila National Forest Cattle Impact Survey |
| Photopoint # | ALMA-001-B |
| Location/Description | San Francisco River, tagged cow in riparian area |
| Allotment/Pasture | Alma Allotment |
| Date & Time of Photo | 6/14/2019 6:41AM |
| Latitude | N 33°28'16.24" |
| Longitude | W 108°54'27.01" |



| | |
|--|-----|
| 1. Evidence of Cattle Use | Yes |
| 2. Evidence of grazing on grasses and herbaceous vegetation | Yes |
| 3. Evidence of Browsing on multiyear woody vegetation | Yes |
| 4. Evidence of browsing on woody regeneration at greenline or flood channels | Yes |
| 5. Evidence of Cattle Trails | Yes |
| 6. Evidence of Trampling and Ground Cover Disturbance | Yes |
| 7. Evidence of Shearing and Bank Degradation | Yes |
| 8. Presence of invasive trees | |

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|---------------------------------|---|
| Project | 2019 Gila National Forest Cattle Impact Survey |
| Photopoint # | ALMA-002 |
| Location/Description | San Francisco River, heavily used cow trail |
| Allotment/Pasture | Alma Allotment |
| Date & Time of Photo | 6/14/2019 6:59AM |
| Latitude | N 33°27'57.86" |
| Longitude | W 108°54'18.56" |



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|--|-----|
| 1. Evidence of Cattle Use | Yes |
| 2. Evidence of grazing on grasses and herbaceous vegetation | Yes |
| 3. Evidence of Browsing on multiyear woody vegetation | Yes |
| 4. Evidence of browsing on woody regeneration at greenline or flood channels | |
| 5. Evidence of Cattle Trails | Yes |
| 6. Evidence of Trampling and Ground Cover Disturbance | Yes |
| 7. Evidence of Shearing and Bank Degradation | |
| 8. Presence of invasive trees | |

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|---------------------------------|---|
| Project | 2019 Gila National Forest Cattle Impact Survey |
| Photopoint # | ALMA-003 |
| Location/Description | San Francisco River, heavy trampling, grazing and bank degradation |
| Allotment/Pasture | Alma Allotment |
| Date & Time of Photo | 6/14/2019 7:03AM |
| Latitude | N 33°27'53.02" |
| Longitude | W 108°54'14.78" |



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|--|-----|
| 1. Evidence of Cattle Use | Yes |
| 2. Evidence of grazing on grasses and herbaceous vegetation | Yes |
| 3. Evidence of Browsing on multiyear woody vegetation | Yes |
| 4. Evidence of browsing on woody regeneration at greenline or flood channels | Yes |
| 5. Evidence of Cattle Trails | Yes |
| 6. Evidence of Trampling and Ground Cover Disturbance | Yes |
| 7. Evidence of Shearing and Bank Degradation | Yes |
| 8. Presence of invasive trees | |

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|---------------------------------|---|
| Project | 2019 Gila National Forest Cattle Impact Survey |
| Photopoint # | ALMA-004 |
| Location/Description | San Francisco River, heavy trampling, grazing and bank degradation |
| Allotment/Pasture | Alma Allotment |
| Date & Time of Photo | 6/14/2019 7:12AM |
| Latitude | N 33°27'48.07" |
| Longitude | W 108°54'11.67" |



| | |
|--|-----|
| 1. Evidence of Cattle Use | Yes |
| 2. Evidence of grazing on grasses and herbaceous vegetation | Yes |
| 3. Evidence of Browsing on multiyear woody vegetation | Yes |
| 4. Evidence of browsing on woody regeneration at greenline or flood channels | Yes |
| 5. Evidence of Cattle Trails | Yes |
| 6. Evidence of Trampling and Ground Cover Disturbance | Yes |
| 7. Evidence of Shearing and Bank Degradation | Yes |
| 8. Presence of invasive trees | |

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| Project | 2019 Gila National Forest Cattle Impact Survey |
| Photopoint # | ALMA-005 |
| Location/Description | San Francisco River, heavy trampling, grazing and bank degradation |
| Allotment/Pasture | Alma Allotment |
| Date & Time of Photo | 6/14/2019 7:25AM |
| Latitude | N 33°27'25.08" |
| Longitude | W 108°54'19.03" |



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| 1. Evidence of Cattle Use | Yes |
| 2. Evidence of grazing on grasses and herbaceous vegetation | Yes |
| 3. Evidence of Browsing on multiyear woody vegetation | Yes |
| 4. Evidence of browsing on woody regeneration at greenline or flood channels | Yes |
| 5. Evidence of Cattle Trails | Yes |
| 6. Evidence of Trampling and Ground Cover Disturbance | Yes |
| 7. Evidence of Shearing and Bank Degradation | Yes |
| 8. Presence of invasive trees | |

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| Project | 2019 Gila National Forest Cattle Impact Survey |
| Photopoint # | ALMA-006 |
| Location/Description | San Francisco River, charging tagged bull in riparian area |
| Allotment/Pasture | Alma Allotment |
| Date & Time of Photo | 6/14/2019 7:45AM |
| Latitude | N 33°27'22.89" |
| Longitude | W 108°54'33.13" |



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| 1. Evidence of Cattle Use | Yes |
| 2. Evidence of grazing on grasses and herbaceous vegetation | |
| 3. Evidence of Browsing on multiyear woody vegetation | |
| 4. Evidence of browsing on woody regeneration at greenline or flood channels | |
| 5. Evidence of Cattle Trails | |
| 6. Evidence of Trampling and Ground Cover Disturbance | |
| 7. Evidence of Shearing and Bank Degradation | |
| 8. Presence of invasive trees | |

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| Project | 2019 Gila National Forest Cattle Impact Survey |
| Photopoint # | PLEVAL-001 |
| Location/Description | San Francisco River, recent tracks since spring flooding receded |
| Allotment/Pasture | Pleasant Valley Allotment |
| Date & Time of Photo | 4/17/2019 5:18PM |
| Latitude | N 33°12'27.26" |
| Longitude | W 109°9'55.18" |



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| Project | 2019 Gila National Forest Cattle Impact Survey |
| Photopoint # | PLEVAL-002 |
| Location/Description | San Francisco River, recent tracks since spring flooding receded |
| Allotment/Pasture | Pleasant Valley Allotment |
| Date & Time of Photo | 4/18/2019 10:47AM |
| Latitude | N 33°11'46.42" |
| Longitude | W 109°8'38.77" |



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| Project | 2019 Gila National Forest Cattle Impact Survey |
| Photopoint # | PLEVAL-003 |
| Location/Description | Floodplain of San Francisco River, fresh cow pie |
| Allotment/Pasture | Pleasant Valley Allotment |
| Date & Time of Photo | 4/18/2019 11:22AM |
| Latitude | N 33°11'48.99" |
| Longitude | W 109°8'31.83" |

