

Ref: Draft Environmental Assessment Comments "New Mexico Meadow Jumping Mouse Habitat Improvement Projects on the Sacramento Grazing Allotment"

I wish to first thank you for allowing this comment period. However, at this point in time, I feel I cannot support the findings of this project's Draft Environmental Assessment and the making of Temporary Fencing into Permanent, plus the takings of the USFS of Private Water Rights and Property Rights through this action. This Draft Environmental Assessment should be abandoned and then you need to start fresh with a new one by following; the proper NEPA protocol, considering stakeholders' private property rights and water rights as guaranteed by the Constitution, and coordinating with the Board of County Commissioners and their committees.

Below, please find my comments on the New Mexico Meadow Jumping Mouse Habitat Improvement Projects on the Sacramento Grazing Allotment and would like them to also be made Public Record:

1. This Draft Environmental Study fails to address the coordination with Otero County Board of Commissioners as well as the communities affected. To address this effectively it must be done through several (not just one) targeted Commission Meeting after the Draft has become available for comment. With limited access to cell phones, and Internet, these meetings need to be more than one and face to face public meetings in the area affected. LNF/USFS at no point coordinated any of this NMMJM project with the Otero County Board of Commissioners nor their committees, thus appearing to violate several different Federal Acts which require such coordination. Those acts are as follows: Intergovernmental Cooperation Act (ICA 1968/1982), US Forest Management Act of 1962, Federal Land Policy and Management Act of 1976 (FLPMA), and Endangered Species Act of 1973. NEPA also requires this coordination with counties as well as with stakeholders having meetings conducted by USFS. Since the Sacramento Grazing Allotment location is in the Weed/Sacramento/Pinon area the Stakeholder Meetings for their input into the Project Proposal should be held at the Weed Community Center. At no time were any of the requirements of NEPA and other Federal Acts followed by the USFS/LNF in coming up with this Proposal. This Proposal also ignores 2 groups that also need to be coordinated with which are Otero County Public Lands Use Advisory Committee, and Otero County Grazing Board. Neither Committee was addressed prior to this Proposal nor allowed to hold public hearings on the issue.

NEPA forbids breaking a project into parts to make it sell better, which USFS appears to be doing with the two separate projects for the New Mexico Jumping Mouse. The USFS has broken this NMMJM into two separate projects of Agua Chiquita and Sacramento Grazing Allotment- why? I believe USFS is in violation of NEPA on this piecemealing of the two projects. Piecemealing understates cumulative impacts (for one thing) and is specifically forbidden by NEPA.

2. In the study, there is talk about diverting water by USFS yet it fails to state how this water diversion will follow the Hope Decree. This must follow the Hope Decree as there are several

Water Rights holders on this particular Sacramento Grazing Allotment, some of which held water rights since the late 1800's. Since USFS wants to divert water for their usage, will they be paying Fair Market Value for the water to those who actually own the water rights, or will this be a Federal Taking of water and private property? Keep in mind that the Hope Decree affects the entire Penasco Water System and its tributaries. Since WOTUS is now under review and could possibly be rescinded, how will that affect this plan to divert water by LNF/USFS? Several Federal Acts show that if the livestock is moved the water follows the livestock. This definitely needs to be addressed by coordination with the Board of County Commissioners, Public Land Use Advisory Committee, Grazing Advisory Board as well as holding the required public meetings with ALL property owners in the areas of the communities affected by the Sacramento Grazing Allotment.

3. The Agricultural Businesses that own grazing allotments are not permittees, nor are grazing permit holders. The Agricultural Business brings more dollars into the County and to USFS/USDA (through their allotment fees and GRT to County from the business) and this agriculture dollars far exceeds any money brought into the county from Hunting/Fishing Permits, as well as GRT into the cities or Counties (ref USDA report for 2016 that was released in June 2017). These businesses not only own private property rights, but also priority water rights as well as prior appropriation on the water as referenced by the Hope Decree Vol 2. This type of ownership of private property is known as a split estate, and the rights can be passed on from generation to generation. USFS/LNF needs to quit degrading these property owners (reference video of meeting between an allotment owner and USFS/LNF personnel done around early 2017 and the way the allotment owner was treated by LNF personnel) and start using the correct terms instead of putting out the misinformation to the public. These property owners are also stakeholders and proper Meetings should be held with all stakeholders as also with the County Board of Commission, Public Land Use Advisory Committee, and the Grazing Board.

4. The fencing in the area is inadequate to keep out elk, Feral Hogs, and Javelina who do more damage to the riparian area supposedly occupied by the NMMJM. From pictures provided in the past it is quite clear that the Feral Hogs and Javelina have turned the springs into a mud wallow to help with their thermoregulation. Another issue to this is how does the USFS propose through Fencing to keep the Spotted Owl out of the mouse habitat? To add Permanent Fencing to the habitat fencing leaves one with the opinion that all this is to do is create a chumming occurrence of Wildlife for the benefit of Hunters. Hunters have posted pictures on the various Sportsmen groups websites of how they prefer to do their hunting of wildlife at the "waterholes" and just shoot them while they are drinking, this type of acting is not Sport nor is it anything other than outright slaughter of the wildlife. Instead of protecting and preserving wildlife this appears to be a ploy on the part of USFS/LNF to increase the area for them to chum the wildlife to slaughter by giving in to the desires of this convoluted sport of killing wildlife while they are drinking water. The population of Elk and Feral Hogs has greatly risen in Otero County and both of these are quickly destroying the riparian area. However, since Springs involved have Allotment Owners with priority Water Rights and the USFS is mandated to provide water to Wildlife, and to make sure that the area is multiuse, this is going to be a great task to provide fencing, yet still be within the Federal Acts that watch over that water. If USFS had a proper coordination meeting with the

stakeholders and County Commissioners along with their committees, their input would have been very beneficial in figuring out the fencing issues.

5. Another aspect towards recreation, the trail to Mauldin Springs has been advertised throughout the world as a World Class Hiking Trail, however what will this permanent electric fence affect the tourism which is another purpose of multiuse? Again, if USFS had a proper coordination meeting with the stakeholders and County Commissioners along with their committees, their input would have been very beneficial in figuring out the fencing issues.

6. Since the Jumping Mice have been found West of Alamogordo's Charlie Lee Relief Route from 1st St as far up to where Mesa Verde Road is at some living on top of septic tanks (Riparian Area?), will the USFS also recommend fencing to protect the jumping mice and when will an EA be in place to protect them? This would even include the area where the USFS presently has their building in that area. That whole area needs to be a protected habitat for these jumping mice (these are not the normal field mice but are actually identical to the ones supposedly being protected in LNF and are definitely jumping mice.)

7. Predators are NOT significantly addressed in this Proposal. Besides the Spotted Owl and the Hawk there are numerous predators that could wipe out the entire colony of mice. Known predators would be the falcon, badgers, fox, wolf, coyotes, bear, wild turkeys, geese, ducks, turtles and mountain lions (reference National Park Service Who Eats Who? Pamphlet). Another predator is the rattlesnake which is prevalent in that area and capable of going into the mouse habitat. Feral Hogs will also eat the mice and have been known to wipe out species that are being protected as in the instance of the frog that was to have been protected in Texas. Livestock do not eat mice and do not destroy the habitat yet they are the ones being fenced out while the others are allowed into the habitat. The release of the NMMJM in the Bosque del Apache Riparian area came with much Fanfare by local Albuquerque Stations. They were proudly holding the mouse for the cameras to see and in the background on a fence was a hawk watching carefully the whole release. Those mice didn't have a chance. To fence off an area to protect a species, one would think that someone would make sure that the predators wouldn't make that species extinct in the area selected, unless this action is to benefit Sportsmen and to chum the wildlife instead of protecting a mouse. Again, this should have been coordinated with Otero County Board of Commissioners along with their committees and public meetings with Property Owners in the areas of the communities of the Sacramento Grazing Allotment should be held.

8. Forest Management Practice in this area is very poor and this habitat is prime for devastating wildfires. The proposed areas are at high risk for even a small wildfire which could wipe out the NMMJM habitat. Once these fires devastate an area the area is definitely at risk for flooding (Ref Little Lewis Fire and the damage to watersheds after the fire when the rains came as well as the Little Bear Fire in the Smokey Bear Ranger District.) How many endangered species were lost in those fires, and how many protected by USFS species have been lost in the fires in Montana, Oregon, Washington? What protected species were wiped out in their protected habitats during the wildfires/brush fires in Texas and Oklahoma? These wildfires can wipe out millions of dollars of taxpayer money that has been spent to protect these species just due to the mismanagement of the forests by no longer logging, allowing overgrowth, and failure to clean these areas up by thinning. Considering the devastation that could occur to the watershed on the Sacramento Grazing Allotment this definitely should be

coordinated with Otero County Board of Commissioners, the proper committees, and public meetings be held with ALL property owners in the areas of the Sacramento Grazing Allotment.

Again, I wish to thank you for allowing this comment period. I cannot stress enough that after reading this Draft Assessment that it lacks in a lot of valuable information. I recommend that this Proposal be scrapped and start all over beginning with coordination with the Board of County Commissioners along with their committees and public meetings held with the property owners in the community areas of Sacramento Grazing Allotment. A proper Environmental Impact Statement cannot be made until there is a valid Environmental Assessment, which can't be made without the proper face to face public meetings that includes affected or interested property owners and coordination with Board of County Commissioners and their committees referenced above.

Thank you,
Helen Wood

