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*Working to protect and restore Western Watersheds and Wildlife*

August 16, 2019

Jodie Canfield  
District Ranger  
901 Mechem Drive  
Ruidoso, New Mexico 88345

***Sent via email this date***

[comments-southwestern-lincoln-smokey-bear@fs.fed.us](mailto:comments-southwestern-lincoln-smokey-bear@fs.fed.us)

**Smokey Bear North Restoration Project Comments**

Dear Ms. Canfield,

The following comments are submitted on behalf of the staff and members of Western Watersheds Project (WWP), a west-wide nonprofit conservation advocacy organization dedicated to ending the deleterious ecological impacts of the public lands livestock grazing program. Our staff and members in New Mexico and around the west care deeply about the wildlife habitats, watershed values, ecological integrity and resilience of the lands of the area managed by the Lincoln National Forest.

WWP notes that the Notice of the Opportunity to Comment states comments are requested by Wednesday, August 16, 2019. However, this date appears to be in error because August 16, 2019 falls on a Friday. WWP believes our comments are timely submitted on this date, Friday, August 16, 2019.

**This project requires the preparation of an Environmental Impact Statement (EIS)**

The use of an EA for this project fails to comply with National Environmental Policy Act requirements. The geographic scope of this project covering over 130,000 acres is enough to require the preparation of an EIS. When combined with the plans to use herbicides, prescribed fire in a Wildland Urban Interface, mechanical and hand thinning treatments, the construction of temporary roads, the installation of permanent water structures for livestock, and the overlap of the project area with the Mexican gray wolf recovery area, it is clear that a Finding of No Significant Impact is not possible.

In the forthcoming analysis for this project, the Forest Service should disclose the proximity to and overlap with specially designated areas, which requires a higher level of analysis in light of the intensity and context of this specific project. Similarly, the Forest Service must disclose the presence of threatened and endangered species and designated critical habitat in the project area, which will also raise the level of analysis necessary to ensure compliance with federal regulations. *See* 40 C.F.R. §§ 1508.27(a) (context), b (intensity)).

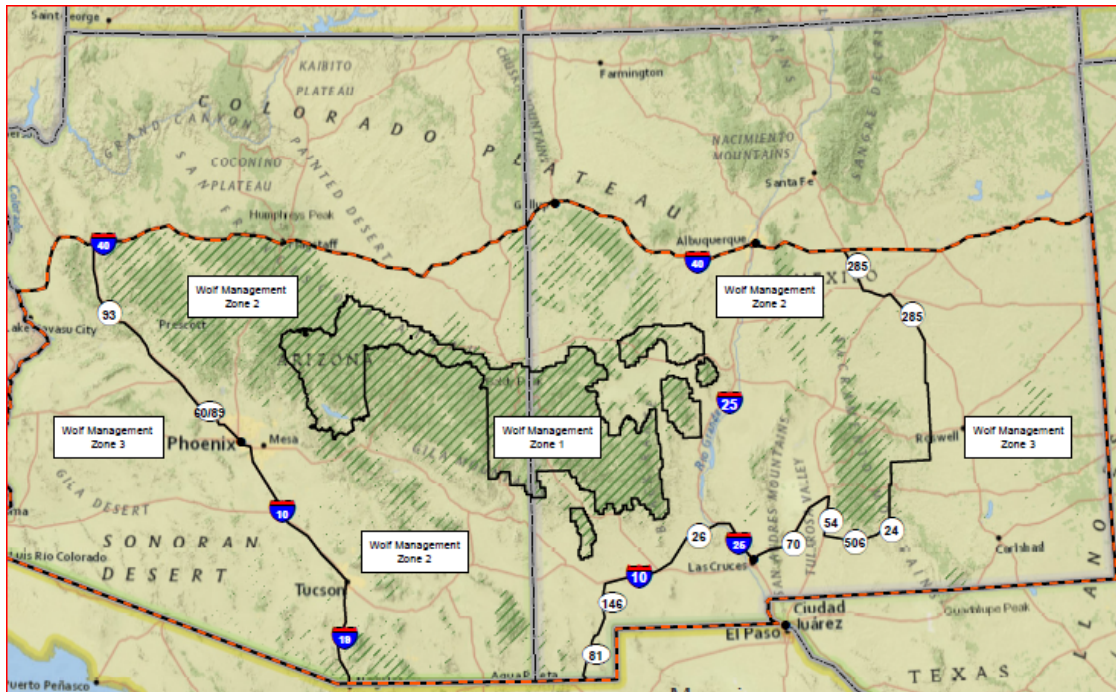
In assessing “context,” agencies must look at different geographic scales and the short- and long-term impacts of the proposed action within those different geographic scales (40 C.F.R. §1508.27(a)). In assessing “intensity,” agencies must look at the severity of the impact based on several factors:

1. The fact that impacts “may be both beneficial and adverse” and that “[a] significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.” 40 C.F.R §1508.27b(1).
2. “The degree to which the proposed action affects public health and safety.” 40 C.F.R §1508.27b (2).
3. “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.” 40 C.F.R §1508.27b (3).
4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.” 40 C.F.R §1508.27b (4).
5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.” 40 C.F.R §1508.27b (5).
6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.” 40 C.F.R §1508.27b (6).
7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.” 40 C.F.R §1508.27b (7).
8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.” 40 C.F.R §1508.27b (8).
9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.” 40 C.F.R §1508.27b (9).
10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.” 40 C.F.R §1508.27b (10).

### **The Forest Service must analyze the impacts of this project on Mexican gray wolves**

The forthcoming analysis must acknowledge the existence and potential presence of Mexican gray wolves in and around the project area. As you can see from the maps below, this project area appears to overlap with the Mexican gray wolf Management Zones 2 and 3.

Under the currently operative 2015 Final Rule for the Revision to the Regulations for the Nonessential Experimental Population of the Mexican Wolf (80 F.R. 2512), the Mexican Wolf Experimental Population Area (MWEPA) stretches from Interstate 40 in the north to the U.S.-Mexico border in the south.



Zone 2 is an area within the MWEPA into which Mexican wolves will be allowed to naturally disperse and occupy, and where Mexican wolves may be translocated. On federal land in Zone 2, initial releases of Mexican wolves will be limited to pups less than five months old, which allows for the cross-fostering of pups from the captive population into the wild, as well as enabling translocation-eligible adults to be re-released with pups born in captivity. Some portions of the Lincoln National Forest, and possibly the project area, are located in Zone 3 of the MWEPA. Zone 3 is where neither initial releases nor translocations will occur, but Mexican wolves will be allowed to disperse and occupy.

For this project the Forest Service should disclose whether the project is located within the MWEPA Zone 2, Zone 3, or both. The possible impacts of this project on the Mexican gray wolf must be disclosed.

As part of the analysis for this project, the Forest Service must consider, analyze, and disclose the impacts of livestock grazing on Mexican wolves, especially regarding the effects on prey species. It is well understood that livestock significantly displace certain native ungulates. Wallace and Krausman, 1987. Some deer species are known to avoid cattle. Krämer 1973. Elk and deer densities can decline by as much as 92 percent in response to introduction of livestock. Clegg 1994. Because wild ungulates and cattle use the landscape in similar ways (by eating plants and moving about the landscape), but wild ungulates are more effective agents of landscape change in a reflexive relationship with ideas of land that stress natural amenities over production, (Hobson et al. 2006), the Forest Service must consider the impacts of this restoration project on the habitat preferences of ungulates. Frisina 1992.

Given that each AUM allocated to livestock effectively redirects the same forage away from native wildlife, the Forest Service should accurately discuss the public trust resources (wildlife) being replaced by private profit (livestock), and how all aspects of this restoration project will change livestock consumption as well as impacts to native ungulates.

Because the ecological costs of livestock have been clearly documented (e.g., Belsky and Blumenthal 1997, Donahue 1999, Fleischner 1994, Gillis 1991, Jones 2001, Mack and Thompson 1982, Milton et al. 1994, Painter 1995, using information garnered from reviewing published peer reviewed research and citations therein), advocates of public-lands livestock grazing (as the Forest Service appears to be for this project) must be able to demonstrate that low-impact management and ecosystem sustainability are possible, on the basis of careful use of the best available science. They must be able to demonstrate how ecological costs can be minimized. Alien taxa (including domestic livestock) and their associated infrastructure must be treated as a significant ecological stress, and negative impacts on native plants and animals, on soils and soil organisms and on all other aspects of impacted ecosystems must be anticipated and minimized. This can only be done if management decisions are made based on knowledge of the impacted flora, fauna, and ecosystems, and a management program firmly grounded in the best available science, not unsubstantiated opinions, misunderstanding, and misinformation.

As the Forest Service is well aware, livestock and wildlife grazing can modify plant community composition and structure, and overabundant populations negatively impact rangeland–watershed function and wildlife habitats. Danvir, 2018. Negative effects on wildlife may include avoidance of water sources by wildlife, forage loss and altered plant communities, altered bird communities, and impacts to soils and insects. *Id.* For this project, the Forest Service must fully analyze and disclose how the presence, number, and grazing intensity of livestock will impact the native and nonnative plant communities and how the presence and authorization of livestock grazing will further the purposes of this restoration project (if at all). This is especially important for summer months when cattle tend to exhibit more intensive foraging over extensive movements and can therefore forage in place longer than native ungulates. Clark et al. 2017.

## **Riparian**

Livestock grazing is and has been a primary cause of stream and riparian habitat degradation in the western United States. The negative impacts of livestock grazing in riparian areas have been well documented. Poff, et al. 2011, Elmore and Kauffman, 1994. The scientific literature reveals that livestock grazing negatively affects water quality and seasonal quantity, stream channel morphology, hydrology, riparian zone soils, instream and streambank vegetation, and aquatic and riparian wildlife. Belsky et al. 1999, Ohmart 1996, Elmore and Kauffman 1994. Invertebrate and small mammal habitat is improved by livestock exclusion from riparian areas. See, e.g. Herbst 2011, Hayward et al. 1997. There is evidence of the benefits of livestock exclusion in southern Arizona with scientifically documented evidence of the improvements to riparian areas post-livestock exclusion from the San Pedro Riparian National Conservation Area (SPRNCA). From riparian canopy forest recovery to the increases in avian abundance, the scientific analyses of post-grazing effects in the SPRNCA form a strong record of the benefits of livestock exclusion that must be considered by the Forest Service while determining whether to authorize livestock grazing on these allotments where doing so will impact riparian areas. See Appendix A, Annotated bibliography of scientific research specific to livestock exclusion in riparian areas.

The cessation of livestock grazing in riparian areas can increase the abundance of small mammals that require dense vegetation. Soykan, et al. 2009. The substantial increase of plant cover at low height intervals that followed the removal of livestock from southwestern riparian areas can substantially increase the abundance of small mammal species that prefer cover characteristic of grassland or riparian woodland habitats. Soykan, et al. 2009, citing Duncan 1988; Krueper et al. 2003. These benefits must be disclosed and analyzed as part of this restoration project.

The Forest Service must analyze the impacts of livestock grazing in light of the known impacts livestock grazing in xeroriparian has on riparian areas. Levick et al. (2008) provide a comprehensive review of the ecological and hydrological importance of such systems, which provide important habitat also for many plant species (not just riparian-dependent species), refugia for plants and animals in times of drought (and climate change), a source of water for upland wildlife, and migration/dispersal corridors. Further, the relationship to the riparian and xeroriparian areas to the uplands are a critical component of wildlife habitat in the project area. Upland vegetation is directly related to winter species richness and abundance of avian species. Strong and Bock, 1990. Overgrazing and destruction of grasslands are leading causes of bird imperilment in the southwest. Finch, C. *Ed.* 2005. Livestock grazing has numerous known impacts to uplands, including the effects of range developments on habitat integrity. Fleischner 1994.

Trespass livestock is an additional concern regarding riparian impacts and impacts to vegetation more generally. The Forest Service must adequately disclose, analyze and address trespass livestock issues and how that trespass (or unauthorized use) exacerbates habitat problems in the project area.

### **Invasive species**

Livestock grazing promotes the spread and colonization of alien plants, which can increase fire frequencies. Billings 1990, Billings 1994, Rosentreter 1994, Belsky and Gelbard 2000, Kimball and Schiffman 1993. Disturbance is a reliable indicator of alien dominance in vegetation composition, and livestock grazing is a significant disturbance. Brooks and Berry 2006. Further, weed invasions are strongly associated with livestock watering sites. Brooks et al 2006. The Forest Service must analyze the cause and effect relationship of livestock grazing with the woody vegetation. See, e.g. Bahre and Shelton 1993. How livestock grazing impacts invasive species of plants is critical in understanding the relationship between livestock grazing and fire in the project area.

### **Climate Change**

The forthcoming analysis must include information about the impacts of the project on the environment *in light of the compounding impacts of climate change*. How will this project exacerbate the already alarming impacts associated with the impacts of climate change on game species, threatened and endangered species, on Management Indicator or Special Status species? How will fencing and other related infrastructure associated with this project further fragment the landscape and how will this impact species already harmed by the rapid on-the-ground changes associated with climate change?

### **Livestock Waters**

The forthcoming analysis should identify the area of disturbance associated with existing and proposed livestock waters. The Forest Service must also analyze the direct and indirect impacts of livestock waters on species in the project area, including species listed as threatened or endangered.

As the Forest Service is aware, the impacts of livestock waters on native aquatic wildlife are significant. In some cases, stocktanks are used to stock nonnative fish for sportfishing, or they may support other nonnative aquatic species such as bullfrogs or crayfish. In cases where stocktanks are in close proximity to live streams, they may occasionally be breached or flooded, with nonnative fish escaping from the stocktank and entering stream habitats. Hedwall and Sponholtz 2005, pp. 1–2; Stone *et al.* 2007, p. 133, cited in 2012 Fed. Reg. 77, 36:10817.

For each water development, the Forest Service should disclose the volume of water to be pumped or moved, the dates pumping is allowed, and actions to be taken if the dates or volumes are exceeded. The analysis should also disclose the anticipated noise impacts from any pumping equipment, and the potential for hazardous materials spills. The public needs to know how many gallons of water will be removed from streams and springs to fill the new water developments and what impact that will have on nearby streams and springs and the associated vegetation and wildlife.

The Forest Service must disclose which allotments are included in this project and specifically, which permittees will benefit from the development of new livestock waters. The costs of the new waters should be disclosed, along with the income generated from the livestock grazing permits annually.

### **Rare Plants**

The Forest Service should compare the known plant species in the project area to the New Mexico rare plant lists or the Forest Service sensitive species lists. The project record should include a list of plant collections found in all of the allotments that are part of this project from the University of New Mexico Rare Plant List (<http://nmrareplants.unm.edu/rarelist.php>). The Forest Service should compare these lists to see if there are any plants that require further analysis. Is there a plan to monitor for impacts to these species and if so, what actions will be taken if impacts occur?

### **Permit Retirement**

The Forest Service must consider retiring livestock grazing permits as one tool for forest restoration, in addition to analyzing the impacts of livestock grazing as an impediment to forest restoration.

### **Road Decommissioning and Obliteration**

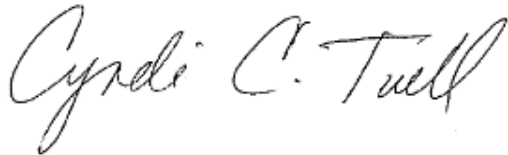
WWP supports the decommissioning and obliteration of motorized routes as part of this project as this will protect wildlife habitat, improve watershed condition, and provide for a more resilient ecosystem.

## Conclusion

WWP encourages the Forest Service to acknowledge the deeply harmful impacts of livestock grazing in the Smokey Bear Ranger District and how livestock grazing is exacerbating habitat problems that this project seeks to remedy.

Thank you for your consideration of our comments. We look forward to participating in the next phase of this project.

Sincerely,



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Western Watersheds Project  
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## ATTACHMENTS

Appendix A, Annotated bibliography of scientific research specific to livestock exclusion in riparian areas.

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