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June 1, 2020

Northern New Mexico Riparian, Aquatic and Wetland Restoration Project
11 Forest Lane, Santa Fe, NM 87508
Attn: Josh Hall
Delivered via email to: SM.FS.NNMRAWR@usda.gov

RE: Northern New Mexico Riparian, Aquatic and Wetland Restoration Project

Dear Mr. Hall,

Thank you for the opportunity to comment on the Northern New Mexico Riparian, Aquatic and Wetland Restoration Project Draft Environmental Assessment (DEA). Please accept these comments on behalf of the 1.7 million members and supporters of the Center for Biological Diversity whose interest is in managing our public lands and waters for ecological health and wildlife viability, and not for the profit of a tiny fraction of our population who sell beef.

In our scoping comments, submitted on 11/4/2019, we stressed the need for reducing the impact that livestock are having on riparian areas, wetlands, and aquatic ecosystems. In that letter, we cited dozens of scientific articles and agency documents to support our position that livestock must be excluded from these habitats if they are to be restored. Unsurprisingly, we have been ignored, as just a couple of the papers which we presented appear in the DEA.

It's plain to see that the beef industry controls the Forest Service. The DEA admits that "*Most of the seeps and springs in the project area have been developed, mostly for livestock use*,"[1] which should cause the Forest Service great embarrassment. Instead, the Forest Service is planning on giving the beef industry more wells, more water troughs, more piping from springs (leading to dewatering) more upland infrastructure, and more, more, more of probably everything they ask for. All this in a so-called "restoration" project.

The DEA is correct in stating that "*In general, riparian ecosystems on the Carson National Forest are currently at risk, and future impacts from uncharacteristic fire, drought, and climate change will stress them further.*"[2] As the DEA states, "*Predicted climate change for northern New Mexico could include reduced surface flows, less open water, shifts to earlier peak flows especially for streams with a large snowmelt component, decreased riparian habitat and narrowed riparian corridors, increased stream temperatures, and reduced vegetation cover. This would be due to a decrease in available water, longer droughts, and fewer mature trees*."[3] Why, then, does the DEA ignore the evidence we provided that livestock grazing and climate change interact synergistically to further imperil riparian ecosystems? The DEA admits that "*The effects of climate change are anticipated to increase the scale and intensity of effects on aquatic habitats, especially in high-value riparian and aquatic habitats in*

[1] DEA at 25.
[2] DEA at 26.
[3] DEA at 35.

the arid landscape, in combination with habitat-altering activities."[4] Livestock grazing is the most pervasive habitat altering activity on these national forests, so it cannot be ignored.

We are pleased to see the DEA admit that "*Changing landscape conditions due to climate change will require adaptation in rangeland management due to increased fluctuations in precipitation, which will lead to more uncertainty for grazing systems*."[5] Sadly, the Forest Service's true intentions are revealed in the statement that "*Over time, enhanced riparian areas would result in long-term beneficial impacts on rangeland management through improved forage and habitat*."[6] It is clear that the ultimate goal with the NNMRAWR is to increase riparian forage for livestock. That is precisely why we cannot support this project, and we will continue to not support this project, until permanent exclosure fencing[7] is made a mandatory component of all individual projects implemented under the NNMRAWR. The Forest Service should make the changes now that will be required at some point in the near future if ecological catastrophe is to be averted. It's imperative that grazing is permanently excluded from riparian, wetland, and aquatic ecosystems, and imperative that grazing is excluded from any area where individual projects are implemented under the NNMRAWR.

To ignore the much-needed reductions in stocking levels and elimination of livestock from sensitive wet habitat flies in the face of basics facts. The DEA admits that "*Degradation is largely a function of legacy issues related to livestock use, water development and diversion, roads, and developed and dispersed recreation*."[8] In the DEA, the Forest Service attempts to avoid the blame for these legacy impacts by claiming that degraded conditions are "… *largely due to such legacy issues as … historically unmanaged grazing by livestock*…" The Forest Service should be reminded that these National Forests have been under Forest Service management for over a century, and the Taylor Grazing Act has remained unchanged since 1934. It is the Forest Service's ambivalence towards riparian ecosystem health that allowed unmanaged grazing to degrade these systems, and in the absence of clear reductions in stocking and absolute exclusion of cows from riparian areas, this project will only perpetuate that negligence. It appears that history is repeating itself.

The DEA provides many very well intentioned and effective tactics for restoration, but it also sows confusion. On one hand, it states that "*Changes to permitted grazing are outside the scope of this effort*"[9] but elsewhere it states that "*In the long term … improving livestock management and/or distribution to manage for desired riparian resources … would expand riparian and wetland vegetation in watersheds*"[10] So, which is it? Is the Forest Service going to change a permitted grazing system or not? The Forest Service continually refuses to address grazing in so-called restoration projects, but then takes the credit for improved grazing management. The agency cannot have it both ways. If the Forest Service feels that they can "*develop upland watering sources to improving livestock distribution, and exclude or defer grazing from certain riparian to reduce impacts from livestock in riparian areas*"[11] without changing permitted grazing, then they can do a lot more.

[4] DEA at 49.
[5] DEA at 80.
[6] DEA at 80.
[7] It is clear in reading the DEA that riparian fencing is to be "temporary" in nature, which we strongly disagree with.
[8] DEA at 26.
[9] DEA at 9.
[10] DEA at 32.
[11] DEA at 47, paraphrased.

The DEA cites an NRCS technical paper in an attempt to justify the value of livestock grazing. That paper states that there are four basic keys to grazing management: stocking rate, livestock rotation, utilization rate, and plant rest and recovery.[12] Based off of this trusted source, then the Forest Service must address these four key aspects of grazing management is they plan on seeing any recovery of degraded riparian areas. We suggest: reduce upland stocking to match the natural capacity of natural water sources, rotate livestock far away from wetlands and streams, utilize zero percent of riparian vegetation, and rest these areas permanently. It's that simple.

Speaking of the NRCS paper, we are disappointed that the DEA claims that "*When properly managed, however, prescribed livestock use successfully manipulates vegetation, and subsequently riparian and wildlife habitats*."[13] We refer you to the reams of information we submitted in scoping, and will gladly discuss this issue during the Objection. The vast majority of published science is clear that grazing in southwestern riparian areas is devastating in short and long term ways. Furthermore, when citing NRCS 2016, the Forest Service stretched the facts to a point far beyond reason, as that document never uses the word "riparian," "stream," "creek," or "river." So, please explain how the conclusion of benefits to riparian areas was drawn.

Also, the Forest Service cited FAO 2006 to support this bogus claim that "*When properly managed, however, prescribed livestock use successfully manipulates vegetation, and subsequently riparian and wildlife habitats*."[14]. We are now exceptionally confused. This document (FAO 2006) is titled "Livestock's Long Shadow: Environmental Issues and Options," and the chapter cited is called "Livestock's Role in Water Depletion and Pollution." In any subsequent NEPA document, the Forest Service must identify specifically the manner in which these two cited sources support the claim in the DEA that "*When properly managed, however, prescribed livestock use successfully manipulates vegetation, and subsequently riparian and wildlife habitats*."[15] In the meantime, we suggest that the Forest Service return to our scoping comments and the attached materials, and make a science-based decision. In fact, allow us to cite this document, and add it to the project record: In any subsequent NEPA document, the Forest Service must address how the NNMRAWR will alleviate the following problems listed in Chapter 4 of FAO 2006:

• "*One of the major challenges in agricultural development today is to maintain food security and alleviate poverty without further depleting water resources and damaging ecosystems. Projections suggest that the situation will worsen in the next decades, possibly leading to increasing conflicts among usages and users*."[16] Please explain specifically how the proposed action will avoid continued ecosystem degradation as so-called traditional users further deplete water resources and damage ecosystems.

• "*Increasing water scarcity is likely to compromise food production, as water will have to be diverted from agricultural use to environmental, industrial and domestic purposes*."[17] Please explain how adding more wells and water withdrawals will not adversely affect diminishing supplies.

[12] NRCS 2016 ay 5.
[13] DEA at 74.
[14] DEA at 74.
[15] DEA at 74.
[16] FAO 2006 at 126.
[17] Ibid at 127.

• "*As previously described, the livestock sector is the world's largest anthropogenic land user. The vast majority of this land, and much of the water it contains and receives are destined for feed production*."[18] Please provide a robust indirect effects analysis for the water used from rivers within the three national forests to produce forage for livestock.

• "*Most of the water used for livestock drinking and servicing returns to the environment in the form of manure and wastewater. Livestock excreta contain a considerable amount of nutrients (nitrogen, phosphorous, potassium), drug residues, heavy metals and pathogens. If these get into the water or accumulate in the soil, they can pose serious threats to the environment*"[19] Please explain how water quality will be improved if the Forest Service continues to refuse to remove livestock from riparian areas.

• "*High concentrations of nutrients in water resources can lead to over-stimulation of aquatic plant and algae growth leading to eutrophication, undesirable water flavour and odour, and excessive bacterial growth in distribution systems. They can protect micro-organisms from the effect of salinity and temperature, and may pose a public health hazard*."[20] Please explain in detail how refusal to remove cows from riparian areas and streams is consistent with water quality objectives.

• "*As presented in Chapter 2, the livestock sector is one of the major contributors to the soil erosion process. Livestock production contributes to soil erosion and, therefore, sediment pollution of waterways in two different ways: • indirectly, at feed production level when cropland is inappropriately managed or as result of land conversion; and • directly, through livestock hoof and grazing impacts on pastures*."[21] Please explain how erosion and water pollution will be abated without removing livestock from these systems.

Dozens more examples are provided in the cited literature that counter the Forest Service's ridiculous claim that "*When properly managed, however, prescribed livestock use successfully manipulates vegetation, and subsequently riparian and wildlife habitats*."[22] As we reviewed FAO 2006, Chapter 4, it became clear that either a) the Forest Service didn't read the chapter, or b) the Forest Service didn't think the public would check their citations. Or c) both. We suspect it's "c".

The Center supports restoring our waters. The species that we have fought for over the past few decades are predominantly aquatic and riparian dependent species. In contrast to the Forest Service, we read, understand, and respect the best available science, including the volumes of studies showing how destructive grazing is to these sensitive habitats. We even read GTR-142, which the Forest Service produced, and which we cited, and which the DEA ignored. The same can be said for Poff, Krueper, and a dozen other Forest Service scientists that we cited in our scoping comments and which do not appear in the DEA.

While we would like to support this project, we cannot. We would strongly support it if our alternative which we presented in scoping was analyzed and selected for implementation. But, the DEA falsely

[18] Ibid at 133.
[19] Ibid at 136.
[20] Ibid at 138.
[21] Ibid at 160.
[22] DEA at 74.

claims that "*No additional alternatives in the scope of this analysis were suggested by … the public*."[23] That is just not true. In scoping, we stated:

> "*Because of the impacts of domestic livestock grazing on riparian, aquatic, wetland, and watershed ecosystems, and because the continuance of domestic livestock grazing exacerbates ongoing stressors such as drought, climate change, recreation pressure, and invasive species, we propose a reasonable alternative for comparison. Our alternative is simple: We request that a stand-alone alternative is analyzed that includes the currently proposed restoration interventions, plus 1) the closure of all riparian, aquatic, and wetland ecosystems to all domestic livestock grazing, and 2) a reduction in upland livestock stocking levels to reduce erosion and pollution of riparian systems where that is identified as a problem*."

Such an alternative is needed. The DEA states that a purpose of the project is to "*Provide the necessary habitat to maintain or increase populations of riparian- and aquatic-dependent species, such as the New Mexico meadow jumping mouse, southwestern willow flycatcher, Rio Grande cutthroat trout, Rio Grande chub, Rio Grande sucker, boreal toad, and northern leopard frog*."[24] In our scoping comments, we went into great detail on how livestock grazing is a direct threat to three of these species. Unfortunately, the DEA does not address our concerns, and does not provide any cogent rationalization for how the proposed action will accomplish the project purpose.

Sadly, the Forest Service is proving once again to be antagonistic and divisive, catering to the beef industry at the expense of the public, wildlife, and ultimately, this project. Failure to consider a citizen alternative, or at the least the failure to explain why an alternative was dismissed, can result in significant legal delays, and significant disappointment by citizen organizations who have worked so hard to advance this project. The failure to respond to the best available science (which we presented in scoping), and the failure to respond to public comments (which we anticipate), are also common causes for legal delays. We are also still concerned with the condition based management approach to this project, leaving decisions to future unknown individuals with varying degrees of understanding of ecological problems. With this much leeway, future actions could be taken exclusively for the benefit of livestock. We will fight tooth and nail to avoid this worst case scenario.

Going forward, we hope the Forest Service will be more receptive to our science-based, practical solutions, which will be broadly appreciated by a public who do not enjoy competing with cows for space by the river. Please do not hesitate to contact me with any questions or comments.

Respectfully yours,

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[23] DEA at 22.
[24] DEA at 4.