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Working to protect and restore Western Watersheds and Wildlife

November 1, 2021

Forest Service Southwest Region
ATTN: Objection Reviewing Officer
333 Broadway Blvd SE
Albuquerque, NM 87102

Letter submitted via CARA:

<https://cara.ecosystem-management.org/Public/CommentInput?Project=49605>

via email: objections-southwestern-regional-office@usda.gov

Re: Objection to the Santa Fe National Forest Land Management Plan Record of Decision and Final Environmental Impact Statement

Dear Objection Reviewing Officer:

The following Objection to the Santa Fe National Forest Land Management Plan Record of Decision (ROD) and Final Environmental Impact Statement (FEIS) is submitted on behalf of the members of Western Watersheds Project (WWP) who are concerned with the management of our public lands. WWP previously submitted comments for this project on November 7, 2019, and have included these comments as Appendix A. The legal notice for this decision was published on September 2, 2021 and this objection, filed November 1, 2021, is therefore timely.

This Objection is filed pursuant to, and in compliance with, 36 C.F.R. Part 218, Subparts A and B. All parties to this objection have filed timely, specific and substantive written comments in accordance with 36 C.F.R. 218(a).

As required by 36 C.F.R. § 218.8(d), Objectors provide the following information:

1. The name and contact information for the Objector is listed below.
2. This Objection was written on behalf of Objector by Cyndi Tuell whose signature and contact information are below.
3. Western Watersheds Project is the Objector. Cyndi Tuell is the Lead Objector for purposes of communication regarding the Objection.

Cyndi Tuell
Western Watersheds Project
738 N. 5th Ave, Suite 206
Tucson, AZ 85705

4. The project that is subject to this Objection is “Santa Fe National Forest Plan.” The Responsible Official is Debbie Cress, Forest Supervisor.
5. Objector submitted, timely, specific, and substantive comments during the Public Comment Period on November 7, 2019. All points and issues raised in this objection refer to issues raised in that comment letter or new information.
6. In the following Statement of Reasons, Objector provides the specific reasons why the decision is being appealed and the specific changes or suggested remedies that he seeks, along with the related evidence and rationale on why the decision violates applicable laws and regulations.

NOTICE OF OBJECTION

Pursuant to 36 C.F.R. § 218, Western Watersheds Project is filing an Objection regarding the Santa Fe National Forest Plan.

INTRODUCTION

WWP is a nonprofit organization dedicated to protecting and restoring western watersheds and wildlife through education, public policy initiatives, and legal advocacy. With over 5,000 members and supporters throughout the United States, WWP actively works to protect and improve upland and riparian areas, water quality, fisheries, wildlife, and other natural resources and ecological values. WWP’s staff and members are concerned with the management of national forests and public lands throughout New Mexico, including the Santa Fe National Forest. We work throughout the West, advocating for watersheds, wildlife, and ecological integrity. The ongoing plan revision process affects our interest in the health and integrity of the terrestrial and riparian environments found in the Santa Fe National Forest. Our staff and members regularly visit the Santa Fe National Forest and enjoy the outstanding wildlife, wilderness, and recreational values the Forest provides.

WWP is especially concerned with the impacts of livestock grazing on ecological integrity, wildlife, fisheries, and recreation. Across public lands and national forests in the West, grazing is ubiquitous, and it remains one of the primary commercial uses of the Forest. Too often, and as has occurred here, land managers do not adequately consider the environmental impacts of this widespread and highly extractive use; nor have federal land management agencies considered whether the environmental costs of public lands grazing outweigh the relatively insignificant economic benefits.

Unfortunately, the Forest Service has not adequately considered the environmental impacts of livestock grazing during this very important management plan revision process and instead has identified nearly the entire forest as available for livestock grazing for a period of time that is likely to span a generation, yet failed to analyze the impacts of this widespread commercial use of the forest. The Forest Service has chosen to defer the analysis of impacts caused by livestock authorizations forest-wide to some unidentified future time, has based its analysis on deeply flawed assumptions regarding the ability to manage livestock, has failed to consider an adequate range of alternatives and has refused to consider

recommended alternatives that would fit the purpose and need for the project, has used an inappropriate baseline, failed to use the best available science, has inadequately considered the long-term impacts to bighorn sheep, and did not adequately address recommendations for specific changes to the language in the Plan's desired conditions and for Annual Operating Instructions.

We are deeply disappointed that our comments resulted in only one change to the Land Management Plan (related to bighorn sheep). Therefore, WWP Objects to the Santa Fe National Forest Plan for the following reasons:

STATEMENT OF REASONS

I. Impacts to bighorn sheep must be further addressed.

WWP appreciates the Forest Service making a change to the Forest Plan in response to our prior comments and the concerns we raised. However, the Forest Plan can use further improvement and therefore we recommend the following change: to ensure the persistence of bighorn sheep populations on the Forest and to achieve FW-TERRASH-DC-1 through 3, FW-RANGE-G-8 must be a standard, and must be amended to prohibit the authorization of domestic sheep and goats near bighorn sheep populations, where bighorn sheep forays may occur. The Forest Service must amend the standard so that it is clear that domestic sheep and goats used for vegetation management purposes are also prohibited from entering areas in and near bighorn sheep habitat. The Forest Service must utilize the best available science, including quantitative risk models, to ensure the risk domestic sheep and goats pose to bighorn sheep is low.

Relief Requested: make the above recommended changes to the Forest Plan provisions.

II. National Environmental Policy Act (NEPA) Violations

The Forest is violating the National Environmental Policy Act, 42 U.S.C. §4321 et seq. and its implementing regulations, 40 C.F.R. §1500 et seq., by making important grazing management decisions on allotments throughout the Forest without compliance with NEPA's environmental analysis requirements and by deferring all site-specific analysis to some to-be-completed-but-aspirational revision of the Forest's outdated AMPs.

A. The analysis of impacts has been indefinitely deferred.

WWP objects to the direction to continue to defer actual analysis of the impacts of authorizing livestock grazing, the dominant land use of the forest.

The Forest Service has illegally deferred the analysis of livestock grazing throughout the Forest and failed to use the best available science. WWP pointed out these violations in our prior comments (at page 3) and these problems were not remedied by the revision of the EIS. Rather, the Forest Service has highlighted the historical use of the Forest for livestock grazing (while largely ignoring the devastating impacts that historical grazing has had on the land), focusing on the romantic notion of

ranching families as a lifestyle choice despite the acknowledgment that this commercial activity is not economically viable (“While the ranch may produce little or even a negative operating income...[and] many of these operations may not be viable if unable to use public lands.”

Allotment level NEPA Sufficiency analysis (Section 18 Reviews) will be completed and reassessed before the grazing permit is reissued. Tools to monitor and manage areas where grazing is impacting other resources (e.g., riparian areas, habitat for at-risk species) will be assessed developed at the allotment level.¹

Unfortunately, the Final EIS is the perfect example of the NEPA shell game whereby analysis is deferred from the larger planning document to yet to be conducted site-specific analysis. However, based on the level of NEPA analysis conducted on Forest Service allotments in the Santa Fe National Forest, it is clear the agency has no intention of actually completing the site-specific analysis and will continue to permit the underlying activity in the meantime. This is a clear violation of law and must be remedied before a final decision is implemented. The problems with deferring any action to site-specific analysis are manifold given the tremendous impact livestock grazing has had on the ecological conditions of the Santa Fe National Forest.

B. Assumptions used for the analysis of impacts are deeply flawed.

The Forest Service continues to ignore the issue of trespass livestock. In the Final EIS section identifying the assumptions used for rangeland management (3.11.2.1), the Forest Service states: Unauthorized use of rangeland will be minimal to non-existent.² As we noted in our prior comments (at page 4), this assumption is completely baseless and in fact, contrary to known information and the Forest Service must revise the Draft EIS to acknowledge and address the impacts of unauthorized grazing by permittees. In our prior comments we provided the government’s own documentation of the inability of the Forest Service (and other land managers) to ensure livestock remain where they are authorized to be. We asked the Forest Service to disclose the level of unauthorized grazing that has occurred on throughout the forest over the past 10 years, including incidents that were handled “informally,” and including willful and non-willful incidents. The cumulative impact of unauthorized livestock grazing was undisclosed in the Draft EIS and remains undisclosed in the Final EIS.

The Forest Service’s response to our concerns was to state that the analysis “assumes compliance with the law...[and] non-compliance is...not an issue that can be dealt with through the forest plan revision process.” Final EIS Appendix O at 219. While we realize non-compliance is not something the plan revision can address, it is something the Forest Service must accurately consider in its analysis and assumptions used for the analysis. Here, we have an acknowledgment that trespass or unauthorized livestock are a well-known problem on Forest Service managed lands and therefore the Forest Service cannot make an assumption of compliance.

This deficiency and incorrect assumption must be corrected.

¹ Final EIS, Vol. 1 at 398.

² Final EIS, Vol. 1 at 398.

C. WWP’s Recommended Alternative was not analyzed and no adequate explanation is provided why it was excluded.

The analysis of alternatives under the National Environmental Policy Act (NEPA) is the “heart” of an environmental impact statement (EIS).³ The Forest Service must “[r]igorously explore and objectively evaluate all reasonable alternatives” to a proposed action.⁴ “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.”⁵ Consistent with NEPA’s basic policy objective to protect the environment, this includes more environmentally protective alternatives.⁶

An agency risks a finding that it has violated NEPA if it considers only the no action alternative and its primary, preferred alternatives, and ignores action alternatives suggested in public comments.⁷ Put simply, “[t]he existence of a viable but unexamined alternative renders an [EA] inadequate.”⁸

In our prior comments (at page 4) we asked the Forest Service to analyze an alternative focused on heavily reducing *or eliminating* grazing and range infrastructure as a forest use, due to its impact on other forest uses and resources such as at-risk species and habitat, recreation, water resources, and climate change. We also asked the Forest Service to consider eliminating livestock grazing from fragile riparian areas, reduce the number of AUMs by more than a few thousand forest-wide, and/or an alternative that would protect Forest resources from the deleterious impacts of livestock grazing. WWP 2019 at 5. The Forest Service refused, stating that “[a] no-grazing alternative would not meet legal direction that forests will be managed using multiple use and sustained yield principles per the National Forest Management Act and Multiple Use Sustained Yield Act. This alternative also would not allow the attainment of the desired condition for livestock grazing to contribute to the long-term socioeconomic diversity, stability, and cultural identity of local communities.” Appendix O at 217. 2021 EIS at 51.

We disagree with the Forest Service’s statement that “a no grazing alternative is inconsistent with existing laws, Forest Service policy and direction, as well as the purpose and need of revising the forest plan[,]” and we also disagree that a no grazing alternative would not allow the attainment of desired conditions for livestock grazing (*Id.*) because the desired conditions for livestock grazing, at the time the alternatives are being developed and evaluated, *are not yet established*. And, while we can agree that “decisions regarding the amount of livestock grazing authorized for each grazing allotment are considered as part of project-level analysis...” they are not “beyond the scope of the forest plan EIS” and this is especially evident by the fact the Forest Service actually set a level of

³ 40 C.F.R. § 1502.14.

⁴ *Id.* § 1502.14(a); see also 42 U.S.C. § 4332(2)(E) (agencies must “study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources”).

⁵ *New Mexico ex rel. Richardson v. BLM*, 565 F.3d 683, 708 (10th Cir. 2009).

⁶ 40 C.F.R. § 1500.2(e) (agencies must “[u]se the NEPA process to identify and assess reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment”).

⁷ See, e.g., *Soda Mountain Wilderness Council v. Bureau of Land Management*, 534 Fed. Appx. 680 (9th Cir. 2013), on remand to, 2013 WL 4786242 (D. Or. 2013) (failure to consider alternative to timber sale that would not have required building new roads to access three units in the project area).

⁸ *Western Watersheds Project v. Abbey*, 719 F.3d 1035, 1050 (9th Cir. 2013).

AUMs forest-wide *as part of the forest plan EIS.*” *Id.* Contrary to the Forest Service’s statement in the response to comments (Appendix O at 217), the alternatives *did not* include a range of options on how to deal with vacant and understocked allotments that could *decrease* grazing numbers. Furthermore, protecting riparian areas is within the scope of the forest planning process and within the authority of the Forest Service. Indeed, other uses of the forest are restricted – for example, where people can drive, where mining may occur, where logging is allowed, and the designation of management areas constrains where activities may occur when the forest-wide direction does not, or *to a greater degree than forest-wide direction.*

We also disagree that the Forest Service has the ability (or initiative) to actually manage livestock grazing in riparian areas so as not to harm threatened and endangered species. The Forest Service cites the New Mexico Meadow Jumping Mouse as an example of where the agency management of livestock grazing in critical habitat (and riparian areas) protects that listed species:

An example of what proper management can achieve can be seen in how since the 2015 listing of the New Mexico Meadow Jumping Mouse (NMMJM) and the implementation of more robust efforts to manage the riparian areas grazed critical habitat has for the most part met the habitat needs of the mouse as listed (Primary Constituent Elements-PCEs of 24-inch stubble height, running water, and sedge presence). The NMMJM has also been found to use these areas (Chambers and Horncastle 2017, Chambers 2019).

See Appendix O at 220-22. However, this ignores the very recent evidence that the Forest Service is not actually protecting the habitat for the NMMJM from the ravages of livestock grazing in critical habitat. See Appendix B, the June 4, 2021 Notice of Intent to Sue both the U.S. Fish and Wildlife Service and the Forest Service under the Endangered Species Act for failing to keep livestock from damaging the NMMJM’s critical habitat in the Lincoln National Forest. See also Appendix C, the July 27, 2019 Notice of Intent to Sue the U.S. Fish and Wildlife Service and the Forest Service for failing to protect NMMJM critical habitat from livestock grazing impacts in the Apache-Sitgreaves National Forest. Only after a lawsuit was filed in response to the agencies’ failures to protect the NMMJM did the Forest Service agree to take additional measures to protect the mouse’s critical habitat. See Appendix D, a March 17, 2021 Stipulated Settlement between the U.S. Fish and Wildlife Service and the Forest Service and the Center for Biological Diversity specifying the additional actions the Forest Service must take to protect the NMMJM from livestock grazing impacts.

The Forest Plan contains no requirement for any changes in grazing management to occur until site-specific Allotment Management Plans (AMPs) are created or revised, meaning the identified harms to the forest caused by livestock grazing will continue indefinitely. No alternatives propose any interim management prescriptions for livestock grazing even though the EIS is replete with references to current grazing practices responsible for conditions that are far below the past or now current desired conditions.

We are especially concerned that the Forest Service has refused to consider an alternative that would provide for the permanent, voluntary retirement of livestock grazing allotments because this would be “outside the scope of the Forest Plan.” Appendix O at 309. While the Forest Service says that this is a decision made at the District Ranger level, District Rangers don’t believe they have the authority to accept a waiver back to the Forest Service nor the ability to permanently retire an allotment. If this authority were made explicit in the Forest Plan then the District Ranger would know, without any doubt, that they have the authority to protect natural resources through permanent allotment retirement.

The assertion that there is no legal alternative to grazing public land is false. It is disturbing and frankly deeply chilling to see a public agency, which is formally tasked with managing public resources belonging to and intended for the benefit all of the citizens of the United States of America so completely captured and directed by a single, industrial use of citizen owned resources. There is ample legal precedent for permanent retirement of industrial grazing on some public land areas through NEPA analysis (reflecting the will of the citizen owners of the land) and any number of other administrative policy and regulation applications on many public lands. Examples of where livestock can be excluded or retirement may be applicable include, but are not limited to: designation of administrative areas, recreational areas, where mining may and may not occur, archaeological areas, bighorn sheep habitat, protection for species listed under the endangered species act.

Relief Requested:

We again request the Forest Service consider an alternative that would authorize the permanent retirement of grazing allotments that are voluntarily waived by the permittee. The Forest Plan should allow permits to be waived back to the agency for permanent resource protection. The option of permanent voluntary retirement of permits and associated grazing privileges represents an equitable solution to wildlife conflicts with agricultural operations on public lands. It provides security to livestock producers facing declining economic returns, increasing price instability, a shrinking available workforce, and other challenges, and allows the Forest Service to redesignate lands to other uses, including wildlife habitat, recreation, and hunting. The permit waiver system represents the increasing public interest in maintaining natural systems and restoring native species, and allows land managers to facilitate the win-win resolution of grazing conflicts which impact not only native species, but also water quality and the recreational experience of users. Allotments already vacated for resource protection, either through Forest Service actions or through the voluntary relinquishment of grazing preference, must be closed.

D. The Forest Service has perpetuated the myth of “sustainable grazing.”

WWP again asks the Forest Service to acknowledge that there is no way to conduct a sustainable and commercially viable livestock grazing operation in the arid southwest and to remove all references to “sustainable livestock grazing” in the Forest Plan. As we noted in our prior comments (at page 2 and 9-11), public lands grazing operates at a profound financial public deficit (economically unsustainable), has converted and degraded entire landscapes (ecologically unsustainable), converts thousands of gallons of potable water into sewage every year (hydrologically unsustainable), produces greenhouse gases at levels that exceed other forms of agriculture (climatically unsustainable), and results in a product that is demonstrably adverse to human health when ingested frequently or in high amounts (nutritionally unsustainable). Additionally, the reliance on removing top predators from the landscape as a way of making it safe for untended livestock is highly impactful on native wildlife species such as the coyote, cougar, and black bear.

In response to our concerns the Forest Service referred us back to the glossary definition of ecosystem services and stated that “many ecosystems” where livestock grazing occurs maintain ecological health (but provided no citation or reference for this statement). Appendix O at 208. Please note that if the Forest Service insists on maintaining this myth of “sustainable livestock grazing” and “sustainable rangelands” in the

Forest Plan, WWP and other groups will work diligently to enforce the Forest Plan provisions which will then require livestock grazing is actually sustainable.

As we stated in our prior comments (at page 2), the analysis in the EIS briefly discusses the long history of livestock grazing in the Santa Fe National Forest, but fails to acknowledge the long-lasting negative impacts livestock grazing has had on the forest. There is no discussion of how livestock grazing has contributed to and continue to exacerbate altered fire regimes, invasive species, loss of species diversity, and degraded watersheds. Statements about the “benefits” of livestock grazing are extreme hyperbole: “aeration through hoof action” is actually destruction of soil crusts and structure that leads to erosion; “invasive plant control” is more accurately described as invasive plant distribution; “fine fuels reduction” is removal of forage for wildlife as well as removal of plant cover that prevents erosion.⁹

We still have no idea what “maintenance of open space off-forest” refers to because the Forest Service did not explain and therefore we *again* ask the Forest Service to explain this concept, or at least provide some scientific reference for this and all of the hyperbolic statements found in the EIS and Management Plan.

The Land Management Plan also states that “[r]egulating ecosystem services include aeration of the soil through hoof action...” 2021 LMP at 121. As noted in the previous paragraph, WWP commented upon this inappropriate statement in our prior comments. WWP 2019 at 2. This statement is untrue, contrary to the best available science, and notably, this statement has been removed from the Carson National Forest’s management plan. The Forest Service must remove this statement and certainly cannot provide justification for including this statement in one Forest Plan while removing it from another. To include this statement in one Forest Plan and not in another is clearly an arbitrary and capricious decision.

The Forest Plan states that “[l]ivestock grazing plays an essential role in providing ecosystem services, with cultural ecosystem services being one of the most prominent.”¹⁰ This is completely incorrect and, as we state in our prior comments (at page 3) this statement must be corrected to state that “livestock grazing permittees *utilize* the ecosystem services of the Santa Fe National Forest at a greatly reduced cost compared to those same services found on privately owned and managed lands.” To put it very clearly, livestock are not, and do not provide, ecosystem services. Livestock are not part of the ecosystem. Livestock producers *use* ecosystem services to produce livestock.

E. The Forest Service has not used or has obfuscated the best available science.

In our prior comments (at page 3) we asked the Forest Service to use the best available scientific information, as required by 36 C.F.R. § 219.3, to determine which areas of the Forest are suitable for livestock grazing, and which are not. 36 C.F.R. § 219.7(e)(1)(v). Unfortunately, the EIS remains silent on this issue as well as the capability of Forest Service lands to provide forage for livestock. This is a primary example of a clear and direct failure of the Forest to apply the best available scientific information that must be remedied before the release of a final decision.

⁹ FEIS Vol. 1 at 197.

¹⁰ Forest Plan at 120.

In response, the Forest Service assured us that “on most allotments, NEPA analysis has already been completed, and revision does not have a specified time frame in which it needs to be completed.” 2020 FEIS Appendix O at 210-211. But then, the Forest Service admits that “the Rescissions Act of 1995, Public Law 104-19 Section 504a, *allows permits to be reissued when NEPA is insufficient*” and “range allotment NEPA is not within the scope of the forest planning process and has little relation to it in terms of management processes.” *Id.* The Forest Service then claims that the best available science was used, citing to the NMMJM as an example (*but see* section II.C. above). The Forest Service then cites to “evidence” from scientific literature to show that excluding grazing in local streams may not be the answer in restoring the geomorphology of altered streams. Van Horn et.al. 2012 found that “[s]tream geomorphology was not significantly altered by 5 yr of grazing exclusion” on six grazing exclusion sites on the Valles Caldera National Preserve (*Id.*), *while ignoring* the part of the study that states “[t]he exclusion of native and domestic ungulate grazers for 3 [years] significantly increased the riparian aboveground biomass of standing vegetation.”

The Forest Service cites to Malan et al. 2018 for the proposition that “[t]here are also other ways to manage for cattle grazing in riparian zones other than fenced enclosure” such as “the placement of OSWP, in areas with low slopes, OSWPs may reduce the time cattle spend in the riparian zone.” However, the Malan 2018 reference doesn’t exist in the FEIS. Through our own searches, WWP was able to find Malan 2020, but this is from Australia and looked at 33 paddocks, not 37 studies. WWP also found Malan et al 2018, but no Malan 2018. Therefore the Forest Service cannot rely upon this reference nor any decisions based upon it.

The Forest Service cites to McInnis 2009, Parsons et al. 2003, Lucas et al. 2004, and Perry 2005 for the proposition that the “timing of riparian grazing is important for good management. Grazing early in the season, for a short duration when adjacent uplands are more attractive to cattle can be one way to avoid concentration of cattle in the riparian.” *Id.* However, all of the cited studies indicate the Forest Service should have included Range Management direction to only graze early in the summer and only when forage in the uplands was of high quality. Notably, all these studies are more than two decades old and the Forest Service didn’t account for the impacts of climate change, which are likely to lead to warmer early grazing temperatures. In the context of climate change, these studies would indicate the Forest Plan should include Range Management direction that prohibits livestock grazing in the uplands and riparian areas when temperatures are above a certain level, regardless of season.

The Forest Service cites a study of grazing systems in Colorado on trout biomass that found intensive rotational grazing (35-45 days) showed no difference from rotational (10-20 days) grazing, and “sites managed for rotational grazing were similar to sites managed for wildlife grazing only (Saunders, W Fausch 2012).” *Id.* However, this Colorado study actually says “However, factors influencing the effect of riparian grazing on stream subsidies are both spatially variable and complex, owing to differences in microclimate, invertebrate and plant populations and the efforts of ranchers to tailor grazing systems to specific riparian pastures.” Clearly, forest and site specific analysis is needed, but here was not conducted. Additionally, this study indicated that herbaceous cover was used far more by all grazing systems when compared to wildlife only grazing (10% or less compared to 20-60%) and herbaceous cover utilization for season-long grazing was 6.5% times higher than wildlife only. “In general, grazing pressure, measured as per cent utilization, decreased with increasing management intensity (i.e. rotation frequency) and was lowest at sites managed for wildlife grazing only.” These studies did not discuss e. coli contamination, turbidity (which effects spawn success), bank structure,

nor the impacts to the uplands from livestock grazing, all of which impact native fish spawning and survival rates.

Relief Requested:

Remove all references to “sustainable livestock grazing.”

Remove the statement at page 121 that livestock grazing provides ecosystem services through aeration of the soil through hoof action.

Remove the statement at page 121 that livestock grazing provides ecosystem services by maintaining open space off-forest.”

III. Specific Recommendations for Changes to the Forest Plan

WWP again asks that our specific recommended changes to the Forest Plan are included in the final Forest Plan.

~~Strikethrough~~ indicates our recommended deletion and ALL CAPS indicates our recommended addition to the text.

Desired Conditions for ~~Sustainable~~ Rangelands and Livestock Grazing (FW-RANGE-DC)¹¹

- 1 ~~Sustainable~~-rangeland forage provides livestock grazing opportunities that contribute to agricultural business and local employment, as well as traditional and generational ties to the land.
- 2 Livestock grazing contributes to the social and economic sustainability of local communities.
- 3 Rangelands are resilient to disturbances and variations in the natural environment (e.g., fire, flood, and climate variability).
- 4 Livestock grazing is IS ONLY PERMITTED WHERE compatible with ecological function and processes (e.g., water infiltration, wildlife habitat, soil stability, and natural fire regimes).
- 5 Native plant communities support diverse age classes of shrubs and vigorous, diverse, self-sustaining understories of grasses and forbs relative to site potential, while providing forage for WILDLIFE AND, WHERE APPROPRIATE, LIVESTOCK ~~livestock and wildlife~~.

¹¹ Forest Plan at 121.

- 6 Wetland and riparian areas consist of native obligate wetland species and a diversity of riparian plant communities consistent with site potential and relative to wetland riparian and forest, shrub, and scrub riparian desired conditions.
- 7 Range infrastructure functions to maintain or improve livestock grazing management and the condition of forest ecological and cultural resources.

Objectives for Sustainable Rangelands and Livestock Grazing (FW-RANGE-O)¹²

1 Annually remove, improve, or reconstruct at least 5 percent of the forest's range infrastructure that is no longer necessary or in poor or non-functional condition.

~~2 Maintain, improve, or install at least one water feature per year to improve water availability for wildlife or livestock where natural water sources are limited.~~

Guidelines for Sustainable Rangelands and Livestock Grazing (FW-RANGE-G)¹³

1 Forage use should be based on current and desired ecological conditions as determined by temporally and spatially scientific data during planning cycles (e.g., Annual Operating Instructions or permit renewal), to ~~sustain livestock grazing and~~ maintain ecological function and processes.

2 Livestock grazing within riparian management zones (RMZ) ~~should be managed~~ SHALL BE PROHIBITED to sustain proper stream channel morphology, floodplain function, and riparian vegetation desired conditions.

3 New livestock troughs, tanks, and holding facilities ~~should~~ SHALL be located to avoid long-term detrimental impacts to RMZs unless necessary for resource enhancement or protection.

4 New range infrastructure (e.g., troughs or tanks) ~~should~~ SHALL be designed to avoid long-term negative impacts to soil resources (e.g., soil compaction and soil loss) to maintain hydrological function outside of the structure's footprint.

5 Salting or mineral supplementation ~~should~~ SHALL not occur on or adjacent to areas especially sensitive to salt and increased ungulate traffic (e.g., riparian areas, wetlands, archeological sites, and at-risk species present) to protect these sites.

6 Restocking decisions and management of grazing allotments following a major disturbance (e.g., wildfire) ~~should~~ SHALL occur on a case-by-case basis after consideration of site-specific resource conditions.

¹² Forest Plan at 122.

¹³ Forest Plan at 122-123.

7 Vacant or understocked allotments should be made available FOR VOLUNTARY PERMIT RETIREMENT to ~~permitted livestock for pasture during times or events when other active allotments are unavailable and require ecosystem recovery as a result of natural disturbances (e.g., wildfire) or management activities (e.g., vegetation restoration treatments).~~

8 Grazing of domestic sheep or goats should not be authorized in areas occupied by bighorn sheep to minimize the spread of disease between domestic and wild populations.

Management Approaches for Sustainable Rangelands and Livestock Grazing (FW-RANGE-MA)¹⁴

1. Forest managers cooperate, collaborate, and coordinate with permit holders AND OTHER INTERESTED PARTIES to respond to changing resource conditions. Cooperation, collaboration, and coordination among Santa Fe NF and permit holders is key to improving rangeland and forest conditions for multiple uses, moving toward desired conditions, and contributing to the socio-economic wellbeing of local communities. In addition, collaboration among stakeholders is important, including local communities; permit holders; CONSERVATION ORGANIZATIONS; and Federal, State, county, and local government entities.
2. Develop partnerships with livestock grazing permit holders, agencies, CONSERVATION ORGANIZATIONS, and other groups and individuals to develop collaborative proposals and implement projects that benefit multiple use on the forest.
3. Coordination with livestock grazing permit holders should occur at the early stages of planning and project design to include local perspectives, needs, concerns, and traditional knowledge.
4. When livestock grazing is modified as a response to changing resource conditions and permit holder needs, forest managers should first consider adjusting timing (which is easier for the permit holder), followed by intensity and frequency. Consider adjusting intensity at permit renewal. In addition, collaboration among stakeholders is important including the local interdisciplinary team; permit holders; Federal, State, county and local government entities; and non-governmental organizations.
5. Acknowledge the economic, ~~traditional~~, and cultural importance of livestock grazing to northern New Mexico families and consider providing Forest Service employees education on the importance of this ~~traditional~~ practice.
6. Consider emphasizing large-scale landscape approaches and treatments for restoring rangelands and the use and perpetuation of a diversity of native plant species, with an emphasis on grass, forb, and shrub communities.
7. Consider using an adaptive management strategy to manage livestock grazing in a manner that promotes ecosystem resiliency, sustainability, and species diversity, based on changes in range conditions, climate, and

¹⁴ Forest Plan at 123-124.

other resource conditions. Using the adaptive management strategy provides more flexibility to grazing management, while improving or maintaining rangeland health. THE ADAPTIVE MANAGEMENT APPROACH SHOULD INCLUDE CONSIDERATION OF VOLUNTARY PERMIT RETIREMENT.

8. Consider inviting association members, CONSERVATION ORGANIZATIONS, INTERESTED PARTIES, and individual permit holders on range inspections.

9. ~~Consider~~ IMMEDIATELY BEGIN modifying, relocating, or removing existing range facilities in water resource features, where their presence is determined to inhibit movement toward desired riparian or aquatic conditions and consistent with existing water rights and water quality and quantity.

10. Consider how ungulates (e.g., elk, deer, and livestock) have ~~cumulative impacts~~ PRIORITY USE on OF Forest resources.

11. Where an allotment fence intersects a designated trail, consider using a self-closing gate (e.g., easy-to-use gate, walk-through gate, or horseback accessible) to provide access for recreation users that does not risk livestock escape.

12. In wetland or riparian areas, ~~consider avoiding~~ PROHIBIT livestock grazing in the same area during the same vegetative growth and reproduction periods (e.g., leafing, flowering, or seeding) in consecutive years to ensure that riparian pastures have vegetative recovery.

The Forest Service has identified livestock grazing as a concern for Wilderness Stewardship Performance the Chama River Canyon, San Pedro Peaks, Dome, and Pecos Wilderness Areas.¹⁵ However, the Forest Service has not identified any livestock grazing related management actions to address this issue.

WWP recommends that Voluntary Permit Retirement be included as an Objective for Wilderness Areas **(DA-WILD-O)**: WITHIN THE LIFE OF THE PLAN, VOLUNTARY LIVESTOCK GRAZING PERMIT RETIREMENT WILL BE CONSIDERED FOR EACH ALLOTMENT.

Standards for Wilderness Areas (DA-WILD-S)¹⁶

1 In designated wilderness, a single group must have no more than 15 persons and 15 livestock permitted, unless otherwise noted in its management plan. Exceptions may include special-use permits, ~~grazing permits~~, formal agreements, emergency services, and management activities for maintaining wilderness character.

2 Research conducted in wilderness must not adversely affect wilderness character AND CANNOT INCLUDE ANY PERMANENT OR SEMI-PERMANENT INSTALLATIONS.

3 Nonnative species must not be introduced into any wilderness area ~~unless for fire recovery purposes~~.

¹⁵ Forest Plan at 166-167.

¹⁶ Forest Plan at 168.

4 Outfitter-guide activities in wilderness must include appropriate wilderness practices, such as Leave No Trace principles, and incorporate awareness for wilderness values in their interaction with clients and others.

5 A Minimum Requirements Analysis must be utilized when considering prohibited uses in designated wilderness.

6 Planned ignitions in wilderness areas must not be justified for primary purposes of improving wildlife habitat, maintaining vegetation types, improving forage production, or enhancing other resource values; although these additional effects may result (FSM 2324). Planned ignitions may be used to reduce the risks and consequences of wildfire within wilderness or escaping from wilderness.

Guidelines for Wilderness Areas (DA-WILD-G)¹⁷

1 Fire operations within wilderness should minimize effects to wilderness character (e.g., minimum impact suppression techniques and the management of fire for resource benefit). Management activities should be consistent with the scenic integrity objective of “very high” in designated wilderness.

2 To protect wilderness character, signage in wilderness should be limited to those essential for resource protection and user safety.

3 Intervention in natural processes through management actions should only occur where this would move the area toward desired conditions, preserve wilderness character, protect public health and safety within and adjacent to wilderness, or uphold other Federal laws and regulations.

4 Nonnative, invasive species should be treated using methods and in a manner consistent with wilderness character to allow natural processes to predominate in designated wilderness. LIVESTOCK SHALL NOT BE USED FOR VEGETATION TREATMENTS IN DESIGNATED WILDERNESS.

5 New trails constructed or designated in wilderness should be designed, built, and maintained as minimally to moderately developed (trail classes 1 or 2).

Management Approaches for Wilderness Areas (DA-WILD-MA)¹⁸

1. Collaborate with local partners, volunteers, Adopt-a-Trail organizations, and other entities to maintain wilderness, including trails maintenance and construction.

2. Coordinate with the New Mexico Department of Game and Fish on management of wildlife within wilderness using techniques consistent with preserving wilderness character.

3. Wilderness management is guided by the elements outlined in the Forest Service’s Wilderness Stewardship Performance (WSP) or other current guidance. This framework tracks how well the wilderness character is being preserved through measuring progress in 10 elements selected by

¹⁷ Forest Plan at 168.

¹⁸ Forest Plan at 169.

managers for each wilderness from a suite of possible options (e.g., management of fire, range, and cultural resources).

4. Consider adaptive management and corrective measures if overuse causes unacceptable resource damage or unacceptable loss of opportunities for solitude, INCLUDING VOLUNTARY PERMIT RETIREMENT FOR LIVESTOCK GRAZING PERMITS. Use proactive approaches in identifying and addressing visitor use management challenges before effects to resources become unacceptable.

5. PRIORITIZE THE USE OF VOLUNTARY PERMIT RETIREMENT FOR LIVESTOCK GRAZING PERMITS, ESPECIALLY ON ALLOTMENTS WITHIN DESIGNATED WILDERNESS AREAS THAT ARE UNUSED, IN NON-USE, OR UNPERMITTED FOR MORE THAN ONE YEAR.

~~5-~~ 6. Prioritize the decommissioning, realignment, or reconstruction of trails in designated wilderness areas based on need, the amount of use it receives, and potential impacts on wilderness character and recreation opportunities.

~~6-~~ 7. Consider using methods to prevent unauthorized use in wilderness such as education, law enforcement, barriers, road closures, and trail design.

~~7-~~ 8. Consider dispatching a Resource Advisor-Fire Line (REAF) or Resource Advisor (READ) with a specialized knowledge of wilderness, or wilderness program specialist in the absence of a wilderness REAF or READ, to fires threatening wilderness.

~~8-~~ 9. Consider using interpretation and education to encourage visitors to adopt techniques, equipment, and ethics specific to wilderness.

~~9-~~ 10. Consider educating boaters on relevant safety and resource protection regulations before they enter the Chama River Canyon Wilderness. Post these regulations at river access points and include them in outfitter-guide special-use authorizations.

~~10-~~ 11. Consider using news releases, postings, permit issuance, and individual visitor contacts to inform visitors of areas of concentrated resource damage and use restrictions.

~~11-~~ 12. Consider rehabilitating human-caused disturbed areas (e.g., compacted sites, LIVESTOCK FENCING, TANKS, AND TROUGHS AND OTHER INFRASTRUCTURE) that are inconsistent with maintaining the natural appearance component of wilderness character.

~~12-~~ 13. Consider reintroducing extirpated (locally extinct) or restoring populations of native species when consistent with ecological conditions and social values.

~~13-~~ 14. Consider clearly identifying wilderness boundaries through signage at official entry points and needed locations (such as informal access points), with features such as trail maps, boundary markers, and consistent signage.

14- 15. Consider removing non-conforming structures (E.G., LIVESTOCK FENCING AND OTHER LIVESTOCK RELATED INFRASTRUCTURE) from wilderness that are no longer in use and do not meet the desired conditions.

Desired Conditions for Recommended Wilderness Areas (MA-RECWILD-DC)¹⁹

2 ~~Livestock grazing and a~~ Acequia management contributeS to the long-term socioeconomic diversity and stability of local communities and cultural identity tied to a recommended wilderness management area.

Standards for Recommended Wilderness Areas (MA-RECWILD-S)²⁰

3. LIVESTOCK GRAZING ALLOTMENTS LOCATED IN RECOMMENDED WILDERNESS AREAS THAT ARE UNUSED, IN NON-USE, OR VACANT SHALL BE PRIORITIZED FOR VOLUNTARY PERMIT RETIREMENT.

Relief Requested: make the above noted changes to the Forest Plan.

E. Recommendations for Annual Operating Instructions

WWP has submitted management recommendations to other Forest Service units in Region 3 for inclusion in Forest Plan revisions that are currently underway, as well as for inclusion in AOIs. By asking for these Special Management Instructions to be implemented as part of the AOI, we hope to reduce the impacts of livestock grazing to all predators found on the Santa Fe National Forest. Therefore, we are asking the Santa Fe National Forest to include such recommendations as part of the Forest Plan revision process as a recommended Management Approach.

Management Approach for AOIs

“Best Practices” for protecting livestock and grazing operations where predators are present have been successful in reducing negative interactions between predators and livestock. These best practices must be followed and include:

1. Removing, destroying, burying, or placing electric fencing around dead livestock discovered on allotments if carcasses would attract predators into high use areas such as currently grazed meadows, salting grounds, water sources, or holding corrals.
2. Removing sick or injured livestock from grazing allotments to prevent them from being targeted by predators.
3. Increasing range riding to provide a more consistent human presence around your cattle. This has proven to be one of the most effective means for reducing predator-livestock interactions and depredation. There is nothing in your Grazing Permit, Allotment Management Plans (AMPs), or in these Annual Operation Instructions (AOI) that authorizes predator control.

¹⁹ Forest Plan at 214, change recommended only for #2.

²⁰ Forest Plan at 215, only our recommended addition is included here.

For this allotment, the permittee is aware:

- The allotment does include predator habitat and the possibility of predator-livestock conflicts exists and will be an ongoing part of managing livestock on the allotment;
- The permittee has an obligation to comply with the Endangered Species Act, among all other federal laws;
- The Forest Service will provide conflict-reduction resources as they are developed;
- A grazing permit in non-use status shall not be allowed to increase allowable animal unit months when returning to use to help prevent livestock-predator conflicts;
- The Forest Service has provided notification to the permittee regarding BMPs to minimize the potential for predator-livestock interactions
- Permittees must implement specific best management practices to reduce livestock-predator conflicts, including, at a minimum, the removal of predator attractants during calving season, increased human presence during vulnerable periods, use of range-riders and diversionary and deterrent tools such as fladry fencing, airhorns, crackershells, etc.;
- Measures to reduce livestock-predator conflicts, including a clause notifying the permittee of the potential for modification, cancellation, suspension, or temporary cessation of livestock activities to resolve livestock-predator conflicts;
- Permittees are prohibited from using leg-hold traps to manage livestock predation on any allotments.

All AOIs should include a notice to grazing permittees that they may take conservation non-use for the sake of reducing livestock-predator conflicts on these allotments, pursuant to the Forest Service regulations at 36 C.F.R. 222.3 Issuance of grazing and livestock use permits 36 CFR 222.3 Issuance of grazing and livestock use permits(C)(1)(iv)(D); Forest Service Handbook 2209.13(17.2) Nonuse for Resource Protection or Development.

Drought management planning should take into consideration increased competition between predators, native prey and livestock for forage and resources and the Forest Service should maintain an adequate supply of food for wildlife it intends to avoid livestock-predator conflict.

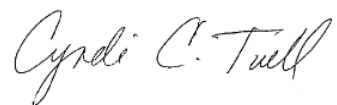
Relief Requested:

Because the Forest Service refused to analyze an alternative that eliminated or even reduced livestock grazing, the Forest Service was unable to acknowledge or analyze the impacts of fewer livestock on the ground. These impacts would have included improved scenic integrity, better habitat for wildlife and native plants, reduction in invasive non-native plants forest-wide, improved fire ecology, improved soil conditions, reduced erosion, more eligible segments of Wild and Scenic Rivers, more lands eligible for Wilderness recommendations, and a host of other positive, ecological beneficial impacts.

The Forest Service must therefore withdraw the Record of Decision, issue a new decision that selects alternative 3 as it pertains to vacant grazing allotments (they should remain vacant), and provide the other such relief as requested above.

Thank you for your consideration of this Objection. If you have any questions, or wish to discuss the issues raised in this objection letter in greater detail, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Cyndi C. Tuell".

Cyndi Tuell
Arizona and New Mexico Director
Western Watersheds Project