Arizona Office
738 N 5th Ave, Suite 200
Tucson, AZ 85705
tel: (520) 272-2454
fax: (208) 475-4702
email: cyndi@westernwatersheds.org
web site: www.westernwatersheds.org"

Western Watersheds Project

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=47966

Re: Objection to the Carson National Forest Land Management Plan and Environmental Impact Statement Record of Decision and the Regional Forester's List of Species of Conservation Concern

Dear Objection Reviewing Officer:

The following Objection to the Carson National Forest Land Management Plan Record of Decision (ROD) and Final Environmental Impact Statement (FEIS) and the Regional Forester's List of Species of Conservation Concern 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.

These Objections are filed pursuant to, and in compliance with, 36 C.F.R. Part 218, Subparts A and B. All parties to these objections 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 "Carson National Forest Plan" and the Regional Forester's List of Species of Conservation Concern. The Responsible Official for the Forest Plan is, James Duran, Forest Supervisor. The Responsible Official for the Regional Forester's Species of Conservation Concern is Michiko Martin, Regional Forester.
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 these Objections regarding the Carson National Forest Plan and the Regional Forester's Species of Conservation Concern.

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 Carson 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 Carson National Forest. Our staff and members regularly visit the Carson 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, failed to use the best available science, and did not adequately address recommendations for specific changes to the language in the Plan's desired conditions and for Annual Operating Instructions.

Therefore, WWP Objects to Carson National Forest Plan and the Regional Forester's Species of Conservation Concern for the following reasons:

STATEMENT OF REASONS

I. Impacts to bighorn sheep must be further addressed.

FW-GRZ-S-4 is an inadequate measure to protect native bighorn sheep populations on the Forest, and will not enable the Forest to meet FW-WFP-DC-5 and FW-WFP-DC-11. There are no scientifically supported management actions which mitigate the risk posed to bighorn sheep when domestic sheep are authorized in and near bighorn sheep habitat. Spatial and temporal separation is the only management action proven to mitigate the disease risk domestic sheep and goats pose to bighorn sheep. *See* Wild Sheep Working Group. 2012. Recommendations for Domestic Sheep and Goat Management in Wild Sheep Habitat. Western Association of Fish and Wildlife Agencies.

The inclusion of FW-GRZ-S-4, FW-NIS-S-3, FW-SU-S-3, and FW-GRZ-G-8 demonstrate why bighorn sheep should be included as a Species of Conservation Concern. General plan components addressing ecosystem integrity will not ensure the persistence of bighorn sheep populations, but the Forest has inadequately designed and included species-specific plan components to do just that. By including species-specific plan components without acknowledging the concern for persistence driving the inclusion of those components, the Forest is sidestepping its obligation to manage habitat conditions to ensure the continued existence of bighorn sheep herds on the Forest, in violation of 36 CFR § 219.9.

In our previous comments (at pages 5-7) we provided specific recommendations and justifications for bighorn sheep standards, and we provide them again here and ask that this information and these requests be considered via this Objection process:

Livestock Grazing Standards **(FW-GRZ-S) Standard 4**

- **Alternative 2: Domestic sheep allotments shall be managed (e.g., fencing, increased herding, herding dogs, potential vaccine, or other scientifically supported strategies) to mitigate the potential transfer of disease from domestic sheep to bighorn sheep, wherever bighorn sheep occur.**
- **Alternative 3: [Same as alternative 2]**
- **Alternative 4: Domestic sheep grazing allotments shall not be authorized within bighorn sheep occupied habitat to mitigate the potential transfer of disease from domestic sheep to bighorn sheep.**
- **Alternative 5: [Same as alternative 2]**

Bighorn sheep in the Rio Grande Gorge herd will remain at risk of widespread morbidity and mortality due to domestic sheep pathogens under all proposed alternatives. Exactly zero scientifically supported strategies or Best Management Practices exist that will mitigate the risk of pathogen transmission when domestic sheep are grazed within the likely foray range of bighorn sheep, a fact repeatedly affirmed by courts charged with hearing bighorn sheep cases. Further, due to the nature and distribution of the pathogens involved in bighorn sheep pneumonia, no vaccine is likely to be developed. The presence of domestic sheep allotments on the Carson National Forest within the likely foray range of bighorn sheep, and the lack of demonstrably effective methods of preventing pathogen transmission when the species occupy the same landscape, render FW-GRZ-S 4 as presented for Alternatives 2, 3, and 5, completely ineffective.

FW-GRZ-S 4 as presented in Alternative 4 again demonstrates the Carson National Forest's ongoing refusal to consider Best Available Science indicating that bighorn sheep do, in fact, have legs. Forays, or movements outside of occupied habitat, are a well-documented behavioral feature of the species, and one that is critical in facilitating genetic exchange between herds in the isolated habitats bighorn sheep occupy. One foundational study of bighorn sheep foray probability found that 14.1% of bighorn rams foray outside their primary habitat area during the summer months, and that 50% of rams that forayed during summer traveled 5 miles or more. 10% of rams that forayed during summer traveled 13 miles or more. Winter foray probabilities and distances are still higher. Foraying bighorn sheep may pass through habitat areas unsuitable for long term occupancy by bighorn sheep, and may cross anthropogenic or geographic features that are generally perceived as barriers to wildlife movement, such as rivers, highways, or residential development. The prohibition of domestic sheep allotments *within* bighorn sheep occupied habitat, of which there are none, is not an effective measure to prevent interspecies interaction and disease transmission to bighorn sheep. Domestic sheep grazing must be also prohibited in areas *near* bighorn occupied habitat where quantitative assessments indicate a risk of contact with foraying bighorn sheep.

A number of confirmed or suspected forays of bighorn sheep in the Rio Grande Gorge herd have been documented in recent years. Bighorn sheep from the herd have travelled north through the gorge to the Colorado border on several occasions, where they have been hazed or killed due to their proximity to domestic sheep. More recently, on approximately June 15/16, 2019, three bighorn sheep were reported in the area of a domestic sheep flock near Canjilon, NM, 35 miles directly west of the Rio Grande Gorge bridge. Canjilon is approximately 50 miles north of the Jemez herd, the other potential source of these bighorn sheep. One bighorn from that sighting was euthanized after being found with a group of domestics near the Canjilon Ranger Station, and approximately 2 weeks later a member of the public reported two bighorn sheep on Black Mesa along US Highway 285 south of Ojo Caliente. This was approximately 34 miles SW of the Rio Grande Gorge high bridge and 33 miles NE of the Jemez herd. These bighorn sheep have not been reported since. Finally, approximately three weeks ago a report was made of bighorn sheep sighted at Echo Amphitheater near the Ghost Ranch on the west side of US Highway 84. A herder overseeing domestic sheep on the ranch verified that he had seen a bighorn sheep in the area, but that bighorn sheep has not been located. The amphitheater is approximately 45 miles SW of the Rio Grande Gorge bridge, 10

miles SSW of Canjilon, and 40 miles north of the Jemez. These incidents demonstrate that the short distance between domestic sheep allotments on the Carson National Forest and the occupied habitat of the Rio Grande Gorge is not an effective barrier to interspecies contact, and that those allotments will continue to pose a significant risk to the Rio Grande Gorge herd as long as domestic sheep are authorized to graze there.

Guidance contained in the domestic sheep allotment AOIs demonstrates that the Carson National Forest is aware of the risks posed to the Rio Grande Gorge herd from the Santos and Servilleta allotments. These AOIs include instructions for herders to reduce straying, including alterations to sheep camp movement requirements, requirements for counts, bighorn observation reporting instructions, and other measures to reduce the likelihood of contact between domestic sheep and bighorn sheep. While these measures are not effective, they nonetheless indicate the known high risk the allotments pose to bighorn sheep.

Bighorn sheep in the Latir and Wheeler Peak Wilderness herds are isolated, and they occur at such density that there are significant concerns regarding habitat availability and condition, causing the New Mexico Department of Game and Fish to reduce the population through high rates of permitted hunting and translocations to other areas. Bighorn sheep occurring at high density relative to available winter range face not only an increased risk of starvation during the winter months, but also an elevated level of stress due to interspecific competition and general habitat degradation. These factors may increase the probability of foraying. Foraying bighorn sheep from Wilderness herds may contact the Rio Grande Gorge herd or domestic sheep on private lands.

To protect bighorn sheep in the Rio Grande Gorge and elsewhere, the Carson National Forest must acknowledge the ineffectiveness of BMPs, and must incorporate a plan standard reflecting the likelihood of, as well as the importance of, long distance movements of bighorn sheep outside of occupied habitat. FW-GRZ-S 4 for all alternatives should read *Domestic sheep grazing shall not be permitted unless quantitative assessments demonstrate a low risk of contact with bighorn sheep.* Quantitative assessments incorporating Best Available Science, including the Risk of Contact model are both feasible and necessary. Qualitative assessments are not appropriate given the Carson's record of repeatedly dismissing or ignoring known aspects of bighorn sheep biology and interspecies disease dynamics, including during this plan revision process.

Permit waivers are a valuable tool for Forest managers, and can be used to reallocate portions of the landscape to non-grazing resources, including water quality, soil health, and wildlife. In order to increase the security of bighorn sheep on the Carson National Forest, the Forest Service must incorporate into the Forest Plan guidance on permit waivers for resource protection. When permits are voluntarily waived for resource protection, those permits should not be reissued where continued grazing will affect the resource for which the permit was waived without first completing a NEPA assessment. In allowing permits to be waived for resource protection, the Forest Service can enable permittees to recoup expenses associated with allotment infrastructure and livestock operations while protecting critical resources affected by those operations. A standard for permit waivers may read: *Permits waived for resource protection shall not be reissued until a NEPA analysis is completed for the*

allotment(s) covered by the permit. On allotments with more than one permittee, partial waivers for resource protection will result in a reduction of livestock use proportional to those authorized in the waived permit. Increased use shall not be authorized until a NEPA assessment is completed.

Relief Requested: withdraw the ROD and EIS for the Forest Plan and issue a new decision that adequately addresses the concerns above; withdraw the ROD for the Regional Forester's Species of Conservation Concern and issue an new ROD for the species of conservation concern.

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 issuing grazing permits and making important grazing management decisions on allotments throughout the Forest without compliance with NEPA's environmental analysis or public participation requirements and by deferring all site-specific analysis to some to-be-completed-but-aspirational revision of the Forest's outdated AMPs.

A. Analysis of impacts 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.

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, which then refers back to the larger planning document when clearly the agency has no intention of actually completing the site-specific analysis and continues 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 Carson National Forest.

B. The Forest Service failed to adequately address trespass livestock.

The Forest Service continues to ignore the issue of trespass livestock. As we noted in our prior comments, this assumption is completely baseless and in fact, contrary to known information and the Forest Service largely ignored our concerns on this issue. Therefore the Forest Service must revise the 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.

C. The Forest Service is perpetuating the myth of sustainable livestock grazing.

In our prior comments (at page 2, attached as Appendix A), WWP asked the Forest Service to acknowledge that there is no way to conduct a sustainable and commercially viable livestock grazing operation in the arid southwest. If sustainable means simply that it can be done year after year, decade after decade, perhaps. But if "sustainable" is defined, as it is more commonly, to mean maintained at a steady level without depleting or exhausting natural or economic resources, public lands livestock operations fail to meet the bar. 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. Our concerns regarding this misstatement of fact and science was ignored.

We also noted (at pages 2 and 3 of our prior comments) that the analysis in the EIS briefly discussed the long history of livestock grazing in the Carson National Forest, but failed to acknowledge the long-lasting negative impacts livestock grazing has had on the forest. There was 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.[1] We have no idea what "maintenance of open space off-forest" refers to and asked 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 Forest Plan.

The revised plan did remove the inappropriate reference to "aeration through hoof action," but has otherwise not made sufficient changes to the Forest Plan in response to our concerns. The Forest Service continues to state that "[l]ivestock grazing today plays an essential role in providing ecosystem services."[2] This statement must be corrected to state that "livestock grazing permittees ***utilize*** the ecosystem services of the Carson 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.

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.

[1] Forest Plan at 118.
[2] Forest Plan at 118.

Relief Requested for above sections:

Remove all references to "sustainable livestock grazing." To address this significant concern, the Forest Service must apply the best available scientific information, 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 FEIS, ROD and Forest Plan are silent on this issue, as well as the capability of Forest Service lands to provide forage for livestock. This is a one 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.

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

Remove all statements that livestock grazing provides ecosystem services.

D. Range of Alternatives is inadequate

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 pages 4) we asked the Forest Service to consider an alternative that would authorize the **permanent retirement of grazing allotments** that are voluntarily waived by the permittee. The Forest Service has not actually responded to our comments on this topic. We therefore reiterate, the Forest Plan must 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

---

[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. Abbe*y, 719 F.3d 1035, 1050 (9th Cir. 2013).

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.

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.

III. Specific Recommendations for Forest Plan

WWP's recommended changes to the Draft Forest were ignored. Therefore, we include them again below the ***Relief Requested*** is that we ask that these changes are made through the Objection process. ~~Strikethrough~~ indicates our recommended deletion and ALL CAPS indicates our recommended addition to the text of the Forest Plan.

~~Sustainable~~ Rangelands and Livestock Grazing Desired Conditions **(FW-GRZ-DC)**

1 ~~Sustainable~~ rangelands provide forage for livestock grazing opportunities that contribute to agricultural businesses, local employment, livelihoods, as well as generational ties to the land.

2 Livestock grazing contributes to the long-term socioeconomic diversity and stability and the cultural identity of local communities.

3 Rangelands are resilient to disturbances and variations in the natural environment (e.g., fire, flood, climate variability).

4 Livestock grazing and associated management activities are ONLY PERMITTED WHERE compatible with ecological function and process (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.

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 and Shrub Riparian desired conditions.

7 Range infrastructure functions to maintain or improve livestock grazing and the condition of forest ecological and cultural resources.

~~Sustainable~~ Rangelands and Livestock Grazing Objectives **(FW-GRZ-O)**

1 Annually REMOVE, improve or maintain at least 6 - 10 existing range improvement structures for livestock grazing THAT ARE NO LONGER NECESSARY OR IN POOR OR NON-FUNCTIONAL CONDITION.

~~Sustainable~~ Rangelands and Livestock Grazing Guidelines **(FW-GRZ-G)**

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, permit renewal), to ~~sustain livestock grazing and~~ maintain ecological function and processes.

2 Livestock grazing within riparian management zones (e.g., along streams, around seeps, springs, lakes, and wetlands) ~~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 out of riparian management zones (e.g., along streams, around seeps, springs, lakes, and wetlands), to protect riparian ecological resources, unless necessary for resource enhancement or protection.

4 New range infrastructure (e.g., troughs, 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 the structures' footprint.

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

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

7 Vacant or understocked allotments should be made available FOR VOLUNTARY PERMIT RETIREMENT ~~to permitted livestock, to provide 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 Permit conversions to domestic sheep or goats should not be allowed within bighorn sheep occupied habitat, to mitigate the potential transfer of disease from domestic sheep to bighorn sheep.

Management Approaches for ~~Sustainable~~ Rangelands and Livestock Grazing

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 Carson and permit holders is key to improving rangeland and forest conditions for multiple uses, moving towards desired conditions, and contributing to the socioeconomic wellbeing of local communities. In addition, collaboration among stakeholders is important, including local communities; permit holders; CONSERVATION ORGANIZATIONS; Federal, State, county and local government entities.

2. Acknowledge the importance of livestock grazing ~~as a traditional and cultural practice that~~ TO NORTHERN NEW MEXICO FAMILIES ~~helps support the socioeconomic well-being of individual families within local communities, now and into the future~~.

3. Consider EMPHASIZING large-scale landscape management for restoring rangelands and the heterogeneity of native plant species, with an emphasis on grass, forb, and shrub communities~~, to promote livestock grazing capacity,~~ and encourage movement towards desired conditions of NFS lands.

4. Consider an adaptive management approach to manage rangelands in a manner that promotes socioeconomic wellbeing and stability of local communities, ecosystem resilience, sustainability, and species diversity, based on scientifically quantified changes to rangelands. An adaptive management approach is designed to provide more flexibility to grazing management, while improving or maintaining the health of rangelands. THE ADAPTIVE MANAGEMENT APPROACH SHOULD INCLUDE CONSIDERATION OF VOLUNTARY PERMIT RETIREMENT.

5. Invite association members, ~~and~~ individual permit holders, CONSERVATION ORGANIZATIONS, AND INTERESTED PARTIES, on range inspections, and conducting these inspections on days when most ~~permit holders~~ INVITED PARTIES can attend.

6. Actual levels of livestock use may vary due to annual fluctuations of individual livestock operations or ecological conditions, including nonuse for resource protection or personal convenience. Consider ~~not~~ reducing permit numbers based on actual use, including nonuse.

7. Facilitate a dialogue between the New Mexico Department of Game and Fish and permit holders about ungulates (e.g., elk, deer, bighorn sheep, and livestock) and the cumulative impacts on forest resources WITH AN EMPHASIS ON THE NEED TO PRIORTIZE FOREST SERVICE LANDS FOR WILDLIFE USE.

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.

Recommended Wilderness Management Area Desired Conditions **(MA-RWMA-DC)**

We are concerned with desired condition 5, which states: "Sustainable rangelands provide forage for livestock grazing opportunities." While livestock grazing may be legally acceptable use in recommended wilderness areas, this use should not be elevated to a primary management emphasis within the recommended wilderness area in the form of a desired condition and there is no science that would support the identification of livestock grazing as "sustainable."

Recommended wilderness areas do not exist for the purpose of providing grazing.

It is important that the Forest Service be able to implement management changes as needed (e.g. by eliminating grazing opportunities in areas where resource damage is occurring), ensuring that livestock grazing does not result in adverse impacts on forest resources.

With the current wording, it is not clear whether the rangelands are meant to be *managed* sustainably (i.e. without causing resource damage) or whether they are merely meant to provide livestock with a sustainable supply of forage (even if this results in some resource damage). To ensure that rangelands are *managed* sustainably, we suggest the following modification: eliminate desired condition 5 and ensure that all direction in the revised Forest Plan requires wilderness areas and recommended wilderness areas are managed in accordance with established wilderness objectives (36 CFR 293.7).

IV. Recommendations for Annual Operating Instructions

As we said in our prior comments (at pages 13-), 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 Carson National Forest. Therefore, we are again asking the Carson 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.

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.

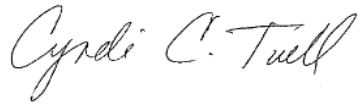
The Forest Service must therefore withdraw the Record of Decision, issue a new decision that selects an alternative that provides for the voluntary retirement of grazing allotments, reduces AUMs or eliminates livestock grazing in specific areas, allows vacant allotments to remain vacant, and provide 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.

Conclusion

Western Watersheds Project encourages the Forest Service to revise the existing environmental analysis to correct the deficiencies we have identified above. We look forward to reviewing the next step in this NEPA process for Forest Plan Revision.

Sincerely,



Cyndi Tuell
Arizona and New Mexico Director
Western Watersheds Project