



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 7, 2019

Forest Planning Team
Carson National Forest
208 Cruz Alta Rd.
Taos, NM 8757

Letter submitted via carsonplan@fs.fed.us

Re: Comments on the Carson National Forest Draft Land Management Plan and Draft Environmental Impact Statement

Dear Carson Forest Planning Team:

Thank you for the opportunity to comment on the Carson National Forest's Draft Revised Management Plan (draft plan) and Draft Environmental Impact Statement (DEIS).

While WWP appreciates the opportunity to comment on the DEIS for the Carson National Forest, we are disappointed that the Santa Fe, Carson, and Cibola National Forests chose to initiate the public comment period for their draft plans and DEISs concurrently, with all three sets of comments having the same deadline. This decision may significantly impede public comment and is inconsistent with the 2012 planning rule's emphasis on the importance of meaningfully involving the public throughout the plan revision process.¹

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.

¹ See 77 Fed. Reg. 21162, 21178 (Apr. 9, 2012) (describing the rule's "transparent and collaborative approach to planning")

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, however, 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.

WWP 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. 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.

WWP notes, with great dismay, that the Forest Service has chosen to play on the emotional appeal and false romantic narrative of the “traditional” or “western” way of life that livestock grazing producers embrace, in abject denial of the realities and long history of degradation of livestock grazing in southwestern forests. The quotes found at the beginning of the “Sustainable Rangelands and Livestock Grazing” section of the Draft LRMP² expose the Forest Service’s true approach to managing livestock grazing on the Carson National Forest: ignore the best available science and rely upon the emotional pull of the “rural lifestyle” when making land management decisions. This approach turns a blind eye to the current degraded ecological conditions of the Carson National Forest that have resulted from generations of livestock grazing exploitation on this forest.

The analysis in the DEIS briefly discusses the long history of livestock grazing in the Carson 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.³ We have no idea what “maintenance of open space off-forest” refers to and 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 Draft LRMP. The Forest Service states that “[l]ivestock grazing today plays an essential role in providing ecosystem

² Draft Land and Resource Management Plan at 105.

³ *Id.*

services.”⁴ This is completely incorrect and 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 say this is disappointing is an understatement. To say it is likely a violation of federal regulations is accurate.

Therefore, we strongly recommend, among other environmental considerations, that the decisions regarding the proposed forest plan specific to livestock operations take into account the need to address sustainability and to plan for the recovery and expanded habitat of all native predators. In that light, we ask the Carson National Forest to revisit the livestock grazing section of the Draft LRMP and DEIS.

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 DEIS and Draft LRMP 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.

A. National Environmental Policy Act 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.

Analysis of impacts indefinitely deferred

The Forest Service is illegally deferring long-overdue analysis and failing to use the best available science and ignoring known and available information.

These violations are not remedied by the revision process but rather exacerbated by the clear direction to continue defer actual analysis on grazing permits:

Project-level analysis would cover changes to authorized grazing through term grazing permits (subject to forest wide standards and guidelines); allotment management plans; and annual operating instructions.⁵

Unfortunately, the DEIS 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, 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

⁴ *Id.*

⁵ Draft EIS, Vol. 1 at 22.

the tremendous impact livestock grazing has had on the ecological conditions of the Carson National Forest.

Assumptions used for the analysis of impacts are flawed

The Forest Service does not discuss two important issues related to the analysis of the impacts of livestock grazing. In the DEIS section identifying the assumptions used for rangeland management the DEIS is silent on how Animal Unit Months (AUMs) are calculated and is also silent on the important issue of trespass.⁶ Because this important information is missing, the Forest Service must revise the Draft EIS to acknowledge and address the impacts of unauthorized grazing by permittees, as well as disclose how AUMs are calculated.

In 2016, the Government Accounting Office identified actions needed by federal agencies to improve the tracking and deterrence efforts on this front.⁷ This 2016 GAO report found that the frequency and extent of unauthorized livestock grazing on Forest Service lands is largely unknown because agencies “prefer to handle most incidents informally” with a phone call and these violations of law are not recorded, and yet despite this vast underreporting of livestock grazing violations the report indicates 1,500 incidents of unauthorized grazing where formal action was taken between 2010 and 2014, with more than 600 incidents reported on Forest Service lands and a large number of those occurring in Region 3.⁸ With this information in mind, the Forest Service should, for this project, disclose the level of unauthorized grazing that has occurred on this allotment over the past 10 years, including incidents that were handled “informally,” including willful and non-willful incidents. The cumulative impact of unauthorized livestock grazing is undisclosed in this EA and this deficiency must be corrected.

For calculating Animal Unit Months (AUMs), wherein the animal unit is defined as one mature cow and her nursing calf, the Forest Service should use the well-known that the average livestock weight, which is in excess of 1,300 pounds.⁹

These missing assumptions are critical for the impacts analysis in all alternatives. Therefore, the Forest Service must take a step back, revise the assumptions and analysis, and provide the public with an opportunity to review and comment upon the new analysis.

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).¹⁰ The Forest Service must “[r]igorously explore and objectively evaluate all reasonable alternatives” to a proposed action.¹¹ “Without substantive, comparative environmental impact information regarding other possible courses of action, the ability of an EIS to

⁶ Draft EIS, Vol. 1 at 285.

⁷ See Appendix A, GAO Report to the Committee on Natural Resources, House of Representatives: Unauthorized Grazing: Actions Needed to Improve Tracking and Deterrence Efforts.

⁸ *Id.* at 1, 57-58.

⁹ See Livestock Slaughter, USDA, National Agricultural Statistics Service, June 2019.

¹⁰ 40 C.F.R. § 1502.14.

¹¹ *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”).

inform agency deliberation and facilitate public involvement would be greatly degraded.”¹² Consistent with NEPA’s basic policy objective to protect the environment, this includes more environmentally protective alternatives.¹³

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.¹⁴ Put simply, “[t]he existence of a viable but unexamined alternative renders an [EA] inadequate.”¹⁵

There is no requirement for any changes in grazing management to occur until site-specific Allotment Management Plans (AMPs) are created or revised. No alternatives propose any interim management prescriptions for livestock grazing even though the DEIS is replete with references to current grazing practices responsible for conditions that are far below the current or proposed desired conditions.

WWP has not found any chart or table that discloses the number of AUMs authorized under each alternative. This information must be provided. However, WWP notes that the number of authorized livestock has decreased since 2004 and is significantly lower (57,571 in 2014 for cattle, 8,463 for sheep) than the number of permitted livestock (77,818 in 2014 for cattle, 16,568 for sheep).¹⁶ Therefore, the Forest Service should have included at least one alternative that would have significantly reduced the number of AUMs authorized forest-wide.

The Forest Service also should have considered an alternative that would authorize the permanent retirement of grazing allotments that are voluntarily waived by the permittee. 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 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.

B. Bighorn Sheep

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**

¹² *New Mexico ex rel. Richardson v. BLM*, 565 F.3d 683, 708 (10th Cir. 2009).

¹³ 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”).

¹⁴ *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).

¹⁵ *Western Watersheds Project v. Abbey*, 719 F.3d 1035, 1050 (9th Cir. 2013).

¹⁶ Draft LRMP Vol. 1 at 281.

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 foraging. Foraging 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.

C. Climate Change

The Carson draft plan and DEIS do address climate change.¹⁷ However, the discussion is scattered. There is no comprehensive section concerning climate change in either the draft plan or DEIS. The piecemeal approach to the issue of climate change makes it difficult to develop an understanding of how the Forest Service is planning to address climate change and how climate change is likely to impact the forest. It also makes it difficult to determine what gaps exist in the Carson's climate-related management direction and environmental analysis. The Forest Service should address these shortcomings in the final plan and final EIS to ensure that the big-picture context on climate change is clearly delineated and available to guide forest management.

The Forest Service should include a climate alternative or significantly improve its climate analysis for the existing alternatives. Relying on management approaches to address climate management challenges is ineffective because management approaches are not enforceable and may never actually be implemented. Actual enforceable plan components and corresponding monitoring indicators are needed to effectively address climate change, and they must be included in the final plan.

NEPA expressly calls on agencies to provide for intergenerational equity, stating that it is intended to “fulfill the responsibilities of each generation as trustee of the environment for succeeding generations.”¹⁸ This is particularly relevant with respect to climate change, given its long-lasting impacts. The Forest Service Planning Handbooks moreover explain that forest plan components should be developed through a forward looking, future-based viewpoint.¹⁹

The Forest Service has repeatedly acknowledged and committed to using the lands it manages to effectively address climate change impacts and sequester carbon. For example, the Forest Service Global Change Research Strategy states that forests “play an important role in reducing the buildup of greenhouse gases in the atmosphere by sequestering carbon.”²⁰ In the same document, the Forest Service commits to identifying best management practices that will increase carbon sequestration while supporting ecosystem health.²¹

The USFS National Roadmap for Responding to Climate Change also addresses the

¹⁷ “Adapting to changing climate patterns is addressed throughout this plan, indirectly through desired conditions in the form of functional ecosystems and resilient landscapes, and directly through management approaches and the monitoring plan where appropriate. This plan is designed around strategies that are responsive to an uncertain and changing climate, including maintaining and restoring resilient native ecosystems; adaptive management; anticipating increased disturbance; increasing water conservation and planning for reduced supply; and anticipating increased recreational use (increased number of summer visitors and extended summer season of use).” Draft Plan at 16.

¹⁸ 42 U.S.C. 4331(b)(1).

¹⁹ FSH 1909.12, § 23.11 (“In light of possible changes in species composition under the effects of climate change and with a focus on restoration, the Agency designs plan components to provide ecological conditions to sustain functional ecosystems based on a future viewpoint.”).

²⁰ The Forest Service Global Change Research Strategy, 5, 2009-2019.

²¹ *Id.*

importance of climate change adaptation and mitigation in national forests. It identifies several adaptive management strategies that the Forest Service will use, including building resistance to climate-related stressors, increasing ecosystem resilience, and when necessary, facilitating large-scale ecological transitions.²² Carbon sequestration is the primary mitigation strategy of the Forest Service, which has committed to “[p]romoting the uptake of atmospheric carbon by forests and the storage of carbon.”²³ The Forest Service also developed a Climate Change Performance Scorecard that each National Forest must complete annually.²⁴

There is insufficient analysis of the impacts of managed decisions on the environment *in light of the compounding impacts of climate change*. For example, given the likelihood of hotter and dryer conditions in the southwest, how will this project exacerbate the already alarming impacts associated with the impacts of climate change on game species, threatened and endangered species, or special status species? How will livestock grazing related fencing and infrastructure further fragment the landscape and how will this impact species already harmed by the rapid on-the-ground changes associated with climate change? How does climate change affect what the Forest Service considers suitable range for livestock? These questions have not been asked nor answered.

The incomplete consideration of climate change in the draft plan and DEIS is inconsistent both with the requirements of NEPA and Forest Service policy. More is needed to ensure that the Forest Service complies with applicable requirements and appropriately considers climate impacts, the forest’s ability to mitigate climate change (e.g. by carbon sequestration), and the forest’s level of resilience and ability to adapt to climate-related stressors.

We recommend that the Forest Service include a section on climate change in the draft plan that describes climate change impacts on the forest, explains how the Forest Service plans to address climate change (including climate mitigation, adaptation, and resilience), and cross-references all plan components that concern climate change. If the Forest Service is concerned about creating redundancy in the forest plan, the agency could include either a table that lists the plan component code without the text or all of the climate-related plan components in an appendix to the draft plan.

The Carson should also include a comprehensive section on climate change in the final EIS. The analysis should describe current and expected climate impacts in the Carson National Forest and explain how the various alternatives would address climate change. Climate impacts should be described in detail, including impacts on temperature, precipitation patterns, drought, wildfire, water resources, vegetation, species and habitat, insect infestations, disease, and invasive species. In addition to information about ecological impacts related to climate change, socioeconomic impacts and impacts on human activity in the Carson National Forest should be described in detail.

D. Specific Recommendations for Changes to the Draft LRMP²⁵

²² USFS National Roadmap for Responding to Climate Change, 19-20 (2010).

²³ *Id.*

²⁴ See USFS, *Performance Scorecard for Implementing the Forest Service Climate Change Strategy*, <https://www.fs.fed.us/climatechange/advisor/scorecard.html> (with links to the scorecard and related materials).

²⁵ Please note that WWP provides specific recommendations for bighorn sheep in the section above.

WWP's recommended changes to the Draft LRMP are below. ~~Strikethrough~~ indicates our recommended deletion and ALL CAPS indicates our recommended addition to the text.

~~Sustainable~~ Rangelands and Livestock Grazing Desired Conditions (FW-GRZ-DC)²⁶

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)²⁷

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)²⁸

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.

²⁶ Draft LRMP at 106.

²⁷ *Id.*

²⁸ Draft LRMP at 107.

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 Grazing²⁹

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.

²⁹ Draft LRMP at 107-108.

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 PRIORITIZE 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)³⁰

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).

³⁰ Draft LRMP at 158.

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 AOIs throughout Region 3, we hope to reduce the impacts of livestock grazing to the highly endangered Mexican gray wolf, and these recommendations are appropriate to protect other predators as well. Therefore, we are asking the Carson 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.

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.

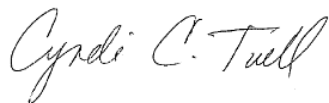
All AOIs should include a notice to grazing permittees that they may take conservation non-use for the sake of reducing livestock-predator conflicts on these allotments, pursuant to the Forest Service regulations at 36 C.F.R. 222.3 Issuance of grazing and livestock use permits 36 CFR 222.3 Issuance of 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.

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,

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

Cyndi Tuell
Arizona and New Mexico Director
Western Watersheds Project