

New Mexico Land Grant Council Objection to the Cibola National Forest Final Land Management Plan

November 1, 2021

The New Mexico Land Grant Council submits the following objections to the final draft land management plan (and appendices, including EIS) for the Cibola National Forest. Since 2014, the New Mexico Land Grant Council has engaged with the three northern forests (Carson, Cibola and Santa Fe) in the plan revision process and participated in anticipation and in formation of the Planning Rule of 2012. The Council, with support from the Land Grant Studies Program at the University of New Mexico and the Merced Land Education and Conservation Trust (MLECT), and support from dozens of land grants, has arranged a number of listening sessions, which turned into MOUs, cost share agreements, and forest plan community collaboration. Additionally, Council staff has provided “Land Grant 101” sessions for new USFS employees of Region 3, as well as other education and outreach opportunities. The Council has served as a cooperative agency on all three forests, participating in and supporting the participation of land grants in the district collaboratives.

The Council has not wavered in its support of *protecting and restoring the traditional uses of the national forests by land grant-merced communities*. These traditional uses are of profound cultural, historical, social and economic importance to land grant heirs and the boards of trustees that represent their interests. It is paramount that this plan corrects the mistakes of the 1985-1986 forest plans, where little public engagement led to inconsistencies as many forest supervisors and districts rangers waived in their service to resource dependent communities that live amongst New Mexico’s national forests, of which thousands of acres are their former land grant common lands.

Land grant communities did not choose to settlement amongst national forest systems lands: by and large, their proximity to national forest lands is the result of the federal government purchasing thousands of acres of former land grant common land from the very speculators that unethically stole the land grant commons from our communities in the first place. More than *one million acres* became part of the public domain as a result of the 1897 U.S. Supreme Court’s *U.S. v. Sandoval* decision, which erred in determining that the common lands remained under the ownership disposition of the sovereign (first the Spanish Crown, then the Mexican Republic and ultimately the U.S. federal government). This decision overturned a ruling of the Court of Private Land Claims, which, in line with previous decisions by the U.S. Office of the Surveyor General for New Mexico, held that the common lands were the fee simple property of the land grants to which they were granted. Though some lands were regained by individual heirs as homesteads, the bulk of these lands were included in the newly created forest reserves.

By the 1920s and through the Great Depression, the federal government began aggressively purchasing land grant common lands from the very land speculators that dispossessed land grant communities. This accelerated during the New Deal, where lands were purchased by several federal agencies before ultimately being transferred to the U.S. Forest Service and included in growing national forests. The result: 75,705.38 acres of the Cibola National Forest are now U.S. Forest Service lands. Overall, including both lands taken under the *U.S. v. Sandoval* decision and those lost through speculation, well over 900,000 of land grant common lands are now forest system lands (more than 100,000 acres of common lands are managed by the BLM).

Below is a narrative that discusses our reasons for objecting to the final land and resource management plan as presented. Attached are notations to the Council's November 2019 comments that we believe were not met by the U.S. Forest Service in neither their final draft plan nor in their responses to our comments.

Cíbola National Forest

Chapter 2. Forestwide Direction – Traditional Communities and Uses

The NMLGC objects to the Cíbola National Forest Final Land and Resource Management Plan and maintains that within its plan, outside of the general narrative and historic background, recognize the land grant-*merced* history within the Cíbola National Forest, especially considering the aforementioned acreages of former land grant common land within the forest lands managed by the Cíbola National Forest. In the Sandia Ranger District (99,416 acres) of the Cíbola National Forest alone, 41,660.3 acres (including military withdrawals and special management areas) are the former land grant common land of the Cañón de Carnué (23,567.30 ac.) and San Antonio de las Huertas Land Grant (18,093 ac.). This does not include 26,064 acres of Town of Tomé Land Grant common land and 7,981.08 acres of Cebolleta Land Grant common land that are managed by the Cíbola National Forest, for a total of 75,705.38 acres.

Additionally, land grant-*merced* communities maintain an interest in forest system lands that surround those communities to meet their traditional use needs, including, but not limited to, firewood (including ocote), plants, herbs and nuts for consumption and medicinal purposes, including piñón nuts, oshá roots, building materials, including vigas and latillas and gravel and sand, etc. Land grants-*mercedes* that maintain an interest in forest systems lands managed by the Cíbola National Forest include: Town of Atrisco, Town of Cebolleta, Town of Cubero, Merced del Pueblo de Chililí, Town of Manzano, Town of Tajique, Town of Tomé and Town of Torreón.

Specific objections to the Cibola National Forest Final Resource Management Plan by the New Mexico Land Grant Council

The New Mexico Land Grant Council submits the following objections to the Cibola National Forest Plan.

1. In general, the Council objects to the Traditional Communities and Uses Section not including a separate section for Land Grant-Mercedes. The Council raised the importance of having a separate section relating to land grants-mercedes at the beginning and throughout the entire planning process. This is evidenced by official comments submitted by the throughout the process. The National Forest instead chose to include the incorporate land grants-mercedes into the Rural Historic Communities Section, which lumps all non-tribal communities together. Like tribal communities, Land Grant-Merced communities not only predate the establishment of the U.S. Forest Service but also the establishment of United States of America sovereignty over what is now the U.S. Southwest. Settlement of land grant-merced communities occurred over a period of at least 168 years prior to 1848, with most inhabitants being *mestizo* (mix of Native American and Spanish European descent) and *genízaro* (full blooded Native American decent). The lack of separate recognition of these important, still existing communities, in the Traditional Communities and Uses Section, denies historical accuracy and equity to these pre-existing

indigenous communities whose property rights are protected by the Treaty of Guadalupe Hidalgo. The Plan can be improved by establishing a separate sub-section for land grants-mercedes under the Traditional Communities and Uses Section, as previously suggested by the Council. For the demonstrated link between the Council's Objection and formally submitted substantive comments, please see the below, New Mexico Land Grant Council Cibola National Forest 2019 Plan Comments linked to this objection on pages 12 and 14.

2. Although the Council objects to the lack of a separate section for land grants-mercedes within the Traditional Communities and Uses Section, since land grants-mercedes are included under the Rural Historic Communities (RHC), the Council also objects to the fact that there are no Standards or Objectives for the RHC section found in the plan. According to page 13 of the Final Plan, recognized plan components, "should (1) provide a strategic and practical framework for managing the Cibola National Forest, (2) be applicable to the resources and issues of the Cibola, and (3) reflect the Cibola's distinctive roles and contributions." Standards and Objectives in the RHC Section would in fact provide a strategic and practical framework for accomplishing the Desired Conditions under the RHC Section. In addition, Standards and Objectives in the RHC section would be applicable to the resources used and issues faced by RHCs accessing and utilizing National Forest resources. Without Standards and Objectives it makes it difficult to determine the Cibola National Forest's distinctive roles and contributions in progressing towards the Desired Conditions found in the RHC Section of the Plan. Further, "Objectives describe how the Cibola intends to move toward the desired conditions" and "Standards are technical design constraints that must be followed when an action is being taken to make progress toward desired conditions." Therefore, the lack of these essential plan components in the Rural Historic Communities Section again raises questions about how the Cibola National Forest will work towards accomplishing desired conditions without any measurable objectives to gauge progress towards those Desired Conditions or any technical design constraints that will guide individual land management activities toward accomplishment of Desired Conditions. The Council throughout the planning process submitted multiple suggested objectives and standards that were tied specifically to identified desired conditions and other plan components. None of these suggested standards and objectives found their way into the final draft of the plan. The Plan can be improved by incorporating the previously suggested or similar Standards and Objectives made by the Council. For the demonstrated link between the Council's Objection and formally submitted substantive comments, please see the below, New Mexico Land Grant Council Cibola National Forest 2019 Plan Comments linked to this objection on pages 15-20.
3. The New Mexico Land Grant Council objects to the lack of a Desired Condition relating to the future desired condition of a collaborative relationship between the Forest Service and Land Grant-Merced Communities and Acequias that results in mutually beneficial projects. The National Forest rejected this suggestion made by the Council during the planning process on the grounds that the collaboration is an approach for accomplishing the desired conditions and is therefore included under management approaches. The Council objects to this response for two reasons. 1. Management Approaches are not official plan components and therefore are not binding with regard to the agency's need to follow or utilize them in managing National Forest lands or designing projects aimed at accomplishing Desired Conditions. 2. As described on page 13 of the Final Plan "Desired Conditions describe the aspirational vision for the Cibola National Forest. They are the ecological, cultural, and socioeconomic aspirations for management of the

land.” The Council argues that collaboration with longstanding adjacent communities dependent on National Forest lands and resources should be an aspirational vision of the National Forest and it is directly related to the ecological, cultural, and socioeconomic aspirations for management of the land. The Plan can be improved by incorporating the previously suggested or similar Desired Condition relating to collaboration with land grant-merced communities and Acequias made by the Council. For the demonstrated link between the Council’s Objection and formally submitted substantive comments, please see the below, New Mexico Land Grant Council Cibola National Forest 2019 Plan Comments linked to this objection on pages 5, 15 and 16.

4. The New Mexico Land Grant Council objects to non-inclusion of guidelines suggested by the Council to the 2019 Draft Plan, relating to: project specific analysis and mitigation of adverse impacts to traditionally used forest products; maintenance of shared infrastructure with land grant-merced government entities; local fuelwood collection opportunities; special use permits for land grant-merced communities when appropriate and allowable; and use of existing authorities to convey lands to meet certain community needs where appropriate (e.g. Small Tracts Act, etc). The Plan can be improved by incorporating the previously suggested or similar Guidelines relating to land grants-mercedes made by the Council. For the demonstrated link between the Council’s Objection and formally submitted substantive comments, please see the below, New Mexico Land Grant Council Cibola National Forest 2019 Plan Comments linked to this objection on pages 21-23.
5. The Council Objects to prejudicial language in the plan used for planning components that makes forest product uses (specifically for traditional uses and fuelwood collection) subordinate to other resources needs or planning components found in other sections of the Plan, particularly since no other use or section of the plan receives similar treatment. The following are examples of such language, with specifically concerning language highlighted in yellow:

FW-DC-FP – PAGE 92

1. Forest products (such as fuelwood, latillas, vigas, Christmas trees, herbs, medicinal plants, and piñon nuts) are available to businesses and individuals in a sustainable manner (forest products recover between collections) **where consistent** with other resource needs that also effectively contributes to watershed health and the restoration and maintenance of desired vegetation conditions.
3. Forest products that are a by-product of management activities (such as fuelwood) are available for personal use by the public **where consistent** with other resource needs.
5. Harvest of dead and dying trees for economic value **is consistent** with the desired conditions of wildlife habitat, soil productivity, scenic integrity objectives, and ecosystem functions.

FW-MGAP-FP – PAGE 93

4. Make fuelwood more available through public access within a project area, ***consistent with*** scenic integrity objectives providing some decked woody material along roads, or allowing collection within utility or road corridors that are being thinned or cleared.

FW-GDL-RHC – PAGE 101

1. Traditionally used products (such as fuelwood, latillas, vigas, piñon, osha, and clay) should be available on the national forest to rural historic communities, except in areas with resource concerns or in designated areas ***where such uses are not allowed or otherwise restricted by standards or guidelines set forth in other sections of this plan.***

In the Council’s review of the Plan we found no other instance where such mandatory language was applied to other uses or management activities outside of their individual section of the plan. While there are instances where scenic integrity is applied to other sections of the plan such as Wilderness, Wild and Scenic Rivers, and Inventoried Roadless Areas, language there states “Management activities should be consistent with scenic integrity.” The use of “should” implying that it is discretionary, whereas language relating to traditional uses and fuelwood appear to purposely leave no room for the “consistent” requirement to be discretionary. While there are examples of the unqualified “consistent” language found in other sections of the plan, it is specific to that given section with no language making the activity or use subservient to any other plan component or resource concern. The Cibola National Forest’s official response to the Council’s 2019 comment related to this issue as articulated in FS Response to Concern Statement 70 states “The stated concern that culturally significant products are subordinate to other resources is unfounded.” However, given the fact that no other plan component or resource use is treated in a similar way does raise point to validity of the concern raised. The Plan can be improved by removing such prejudicial language that makes cultural significant and traditional uses such as fuelwood collection subordinate to other plan components or resource uses. For the demonstrated link between the Council’s Objection and formally submitted substantive comments, please see the below, New Mexico Land Grant Council Cibola National Forest 2019 Plan Comments linked to this objection on pages 11, 18 and 21.

Additionally, the New Mexico Land Grant Council objects to the following portions of the Cibola National Forest Land and Resource Management Plan and maintains that the following areas of the plan be amended to ensure that forest resources important to land grant-*merced* communities are protected.

1. Plant communities of significant traditional and cultural use, such as oshá, poleo, oregano del campo, and other medicinal plants are protected and preserved, as are forest products such as timber, firewood (fuelwood), piñón nuts, vigas and latillas, trementina (sap), and capulín (chokecherry) berries. Native plant communities dominate the landscape and non-native and invasive species are non-existent or low in abundance and do not disrupt ecological functions (pages 2, 3, 9, 10 and 21 of New Mexico Land Grant Council Cibola National Forest 2019 Plan Comments, below).
2. Fuelwood collection opportunities, including fuelwood created as a byproduct of management activities, should be available for personal use by the public. We recommend restoring the 12,000-15,000 cord objective that was in the 2019 Cibola National Forest LRMP but was

excluded from the final plan (September 2021) (pages 11, 12, 16, 20, 21, 22, 24, and 25 of New Mexico Land Grant Council Cibola National Forest 2019 Plan Comments, below).

3. Vegetation characteristics are resilient to disturbances and climate change, and support favorable water flow, water quantity, and water quality (pages 2, 3 and 4 of New Mexico Land Grant Council Cibola National Forest 2019 Plan Comments, below).
4. Watershed treatment and restoration activities should be planned and implemented with the input of local land grant and acequia communities, including their boards of trustees (pages 2, 9, 10 and 18 of New Mexico Land Grant Council Cibola National Forest 2019 Plan Comments, below).
5. Vegetative cover contributes to plant and animal diversity and ecosystem function, facilitating soil health, including moisture infiltration, soil deposition and development and minimizes erosion (page 2 of New Mexico Land Grant Council Cibola National Forest 2019 Plan Comments, below).
6. Soil resources that support traditional, cultural and subsistence needs are available and sustainable (page 5 and 21 of New Mexico Land Grant Council Cibola National Forest 2019 Plan Comments, below).
7. Regarding fire, in both prescribed fire usage and in post wildfire restoration and recovery, areas and resources of critical cultural concern and traditional use should be considered in planning and land grant-merced boards of trustees should be consulted in both planning and implementation stages (page 6 of New Mexico Land Grant Council Cibola National Forest 2019 Plan Comments, below).
8. Grazing, particularly communal grazing, especially those on historically closed allotments, should be restored and at least managed so no net loss of grazing occurs (pages 7 and 8 of New Mexico Land Grant Council Cibola National Forest 2019 Plan Comments, below).

The Plan can be improved by protecting of culturally, socially and economically important traditional resources within the Cibola National Forest. For the demonstrated link between the Council's Objection and formally submitted substantive comments, please see the below, New Mexico Land Grant Council Cibola National Forest 2019 Plan Comments linked to this objection.

Forest Plan Revision Comments

Cibola Plan

Chapter 2. Forestwide Direction - Plant Community Species Composition

Page 27 - Plant Community Species Composition - Guideline (FW-GDL-SPC) -
Recommend adding a new Guideline (FW-GDL-SPC) regarding the protection of significant plant communities.

Suggested Language: *2. Management programs, projects and activities should account for significant plant communities (such as oshá, poleo, and orégano del campo) to protect and preserve their persistence.*

Comment: The protection of certain significant plant communities are vital to the cultural integrity of traditional communities that utilize certain plant species for traditional and cultural uses. Identification of significant plant communities during the project and activities planning phase should be done in dialogue with Traditional Communities to ensure that culturally relevant plant species are protected and preserved for future use.

Not Met. Medium-High Importance. see Concern Statement 62 of Forest Service Response.

Draft Plan Location: Page 28

Concern Statement 62:

FS Response - Concern Statement 62

Plan components address the stated concerns with equivalent language in “Vegetation,” “Water Resources,” “Sustainable Forestry and Forest Products,” “Terrestrial, Aquatic, and Botanical Species,” and “Traditional Communities and Uses” sections.

Chapter 2. Forestwide Direction - All Vegetation Types

Comment: It is important that the desired conditions for vegetation include a desired condition related to ecosystem resilience and adaptivity to disturbances.

Suggested Language: 6. *Vegetation characteristics (e.g., tree density, litter depth) support favorable water flow and quality.*

Comment: As the upper watersheds supplying water to downstream users it is important to include a desired condition related to the vegetation characteristics supporting water quantity and quality.

Suggested Language: 7. *Native plant communities dominate the landscape, while invasive species are nonexistent or low in abundance and do not disrupt ecological function.*

Comment: The current draft plan contains no reference to the importance of maintaining native plant communities and reducing or eliminating invasive species.

Suggested Language: 8. *Vegetative cover and litter are distributed across the soil surface in adequate amounts to limit erosion and contribute to soil deposition and development. Soil cover and herbaceous vegetation protect soil, facilitate moisture infiltration, and contribute to plant and animal diversity and ecosystem function.*

Not Met. see Concern Statement 51 of Forest Service Response.

Draft Plan Location: Page 29

FS Response - Concern Statement 51

While it has true that prescribed burning and mechanical treatments can have beneficial effect on certain species of wildlife and plants. There is also a fine line and balance to look for in this regard, too much fire and mechanical thinning can for instance create homogenous ecosystem as well as introduce exotics and invasives potentially drastically changing the landscape. According to Griffis et al. 2001 stand replacing wildfire appears to substantially increase the diversity of exotic plants. However, no treatments lead to a buildup of fuels and greater increase in a catastrophic wildfire. One study found the fire line intensity and fire behavior was greatly reduced decreasing the amount of tree mortality when both in combination or separately prescribed burning and mechanical thinning treatments were applied compared to a wildfire (Stephens and Moghaddas 2005). Therefore, a balanced approach to create a mosaic on the landscape is needed including both types of treatments in a variety of different applications given the project area.

Not Met. High Importance see Concern Statement 51 of Forest Service Response Draft Plan Location: Pages 28-29

Comment: It is important to include a desired condition that connects the relationship between forest vegetation and soil health.

Suggested Language: *9. The composition, structure, and function of vegetative conditions are resilient to the frequency, extent, and severity of disturbances, and climate variability.*

Comment: It is necessary to include a desired condition that addresses the importance of resilience of forest vegetation to climate change.

Suggested Language: *10. Vegetation provides a sustainable supply of timber and forest products, such as firewood, piñon nuts, vigas and latillas, herbs and forage.*

Comment: The current Cibola draft plan has no desired condition under All Vegetation Types that reflects the critical role that forest vegetation plays in providing resources for traditional use activities for tribal and land grant communities.

Suggested Language: *11. Habitats and refugia for rare, endemic, and culturally important species are intact, functioning, and sufficient for species persistence and recovery.*

Comment: Inclusion of this desired condition demonstrates a Forest Service management commitment to protecting and preserving culturally important vegetation species.

Page 28 - Standards (FW-STD-VEG) - Standard 4 - Recommend adding traditional use resources and cultural and historic resources to the list of items for protection during timber harvests.

Suggested language: *Timber harvest will be carried out consistent with the protection of soil, watershed, fish, wildlife, traditional use resources, cultural and historic resources, recreation and aesthetic resources.*

Comment: This is necessary since timber harvest activities have the potential to adversely impact traditional use resources (such as piñon nuts, medicinal herbs and other vegetation products) and cultural and historic resources (such as religious, archeological and cultural sites). Therefore explicit language calling for the protection of traditional use and cultural/historic resources should be included along with the other areas called out for protection as currently written in the draft plan.

Page 29 - All Vegetation Types Standards (FW-STD-VEG) - Standard 7 - Recommend rewriting this standard to protect all resource values as opposed to just recreation resource values.

Not Met. High Importance. see Concern 51 of Forest Service Response Draft Plan Location: 28-29 of Plan - SEE BELOW

Not Met. Medium Importance. Draft Plan Location: Page 29 - **NO FS RESPONSE**

Not Met. Medium Importance. Draft Plan Location: Page 29-30 - **NO FS RESPONSE**

FS Response - Concern Statement 51

While it has true that prescribed burning and mechanical treatments can have beneficial effect on certain species of wildlife and plants. There is also a fine line and balance to look for in this regard, too much fire and mechanical thinning can for instance create homogenous ecosystem as well as introduce exotics and invasives potentially drastically changing the landscape. According to Griffis et al. 2001 stand replacing wildfire appears to substantially increase the diversity of exotic plants. However, no treatments lead to a buildup of fuels and greater increase in a catastrophic wildfire. One study found the fire line intensity and fire behavior was greatly reduced decreasing the amount of tree mortality when both in combination or separately prescribed burning and mechanical thinning treatments were applied compared to a wildfire (Stephens and Moghaddas 2005). Therefore, a balanced approach to create a mosaic on the landscape is needed including both types of treatments in a variety of different applications given the project area.

Page 63 - Water Resources Features - Background and Description - Recommend that the beginning sentence be rewritten to include acequias.

Suggested Language: *"Water resource features include streams (perennial, intermittent and ephemeral), springs, wetlands, acequias, riparian areas and groundwater."*

Comment: Acequias are important water features throughout New Mexico and should be included in the Water Resources Features Background and Description section as well as in the Traditional Communities and Uses section.

Page 65 - Desired Conditions (FW-DC-WRF) - Desired Condition 3 - Recommend adding "and land grant" after tribal and before communities at the end of the sentence within the parenthesis.

Suggested Language: *"Riparian areas around all lakes, perennial and intermittent streams, springs, and open water wetlands contribute to healthy watersheds while providing for multiple uses (including, but not limited to, grazing, recreation, vegetation management, and traditional uses by tribal **and land grant** communities and acequia associations)."*

Comment: As traditional communities, like tribes and acequias, land grant community members have used common waters for traditional use purposes since prior to the establishment of the U.S. Forest Service.

Page 66 - Water Resources Features Standards (FW-STD-WRF) - Recommend adding a new standard relating to projects that withdraw surface or groundwater.

Suggested Language: *3. Projects that withdraw water from surface water features or groundwater must ensure that water is maintained at levels that will protect management uses and forest resources, including aquatic species, their habitats, and water quality, while not impacting the uses by traditional users, including land grant-merced communities and acequias.*

Comment: Inclusion of this standard is important as it protects other forest resources, species and traditional water uses during planned projects and activities.

Not Met. Low-Medium Importance. see Concern Statement 65 of Forest Service Response.

Draft Plan Location: Page 63 - SEE BELOW

Not Met. Also this condition was edited. Medium Importance. see Concern Statement 65 of Forest Service Response.

Draft Plan Location: Page 64

Not Met. High-Critically High Importance. see Concern Statement 65, 206 of Forest Service Response.

Draft Plan Location: Page 66

Not Met. Low-Medium Importance. see Concern Statement 65 of Forest Service Response. Draft Plan Location: Page 63

FS Response - Concern Statement 65

Acequias are an important water use and ecosystem service of healthy watersheds. Their presence and cultural importance are discussed in the Traditional Communities and Uses section. The aspect of water supply which supports acequias is part of the watershed and water resources sections. Protection of the headwaters that provide water for acequias is present in many proposed plan components. Water resource features and watersheds have desired conditions to ensure that these features are properly functioning with the attributes that are in satisfactory condition. Plan components are directed at improving, restoring, and maintain these features to ensure that the condition of watersheds and their components are contributing to high quality waters. Applicable suggestions have been addressed and modified in the plan; however, nonapplicable suggestions have not been adopted due to a sufficient plan direction in Water resource and traditional.

Chapter 2. Forestwide Direction - Soils

Page 69 - Desired Conditions (FW- DC-SOIL) - Recommend adding a new desired condition relating to the use of soils by traditional communities

Suggested Language: *8. Soil resources that support cultural and traditional needs (e.g., micaceous clay) as well as those that support traditional and subsistence economic needs (e.g. gravel and soils used for building materials, including but not limited to those used to build adobes and those for traditional plastering on adobe buildings) traditional communities are available and sustainable.*

Comment: Traditional land based communities (including federally recognized tribes and land grants) have for centuries relied on access to soils for traditional wares (i.e. pottery) and building materials. These resources are found within the former common lands of land grant communities or within adjacent traditional use areas.

Chapter 2. Forestwide Direction - Aquatic Species and Habitats

Page 74 - Management Approaches (FW-MGAP-AQSP) - Management Approach 1. Recommend rewriting this management approach to include

Suggested Language: *1. Work collaboratively with New Mexico Department of Game and Fish personnel, government institutions (local/State/Federal), to resolve conflicts that may exist between the management of nonnative sport fish and the persistence of native fish (see Federal-State Cooperation for Soil Conservation Act of December 22, 1944).*

Comment: By upholding partnerships with government institutions, such as land grant-mercedes, it will help to provide local knowledge of an aquatic habitat and how to efficiently approach resolving management conflicts between native and nonnative fish species. Local knowledge can be utilized to identify stretches of a river/stream that is best fit to hold and maintain a native fish species. Such as area, could consist of a natural barrier (which prevents nonnative fish species from impeding on native fish), an area that holds very minimal nonnative fish species, and areas that are on land-grant mercedes lands that can maintain a healthy native fish population. Such partnerships can aid in the growth of native fish species and resolve conflicts between native fish populations and nonnative fish populations.



Not Met. Critically Important. see Concern Statement 66 of Forest Service Response. - SEE BELOW

Draft Plan Location: Page 69



Suggested language only partially met. We should try to make our full recommendation and language change appear in the Final Plan. See Concern Statement 67 of Forest Service Response to Comments. SEE BELOW

Draft Plan Location: Page 71

FS Response - Concern statement 66

Desired conditions for “Federally Recognized Tribes” (FW-DC-FRT-3) and “Rural Historic Communities” (FW-DC-RHC-3) discuss micaceous clay as an important resource for cultural and traditional needs. The use of soil and rocks for building materials is also listed as a traditional use in the narrative of the “Traditional Communities and Uses” section. While this is not discussed again in the “Water Resources” section, the plan is meant to be read in its entirety as it is an interdisciplinary approach.

FS Response Concern Statement 67:

)Suggested edits to plan component FW-MGAP-AQSP-1: “Work collaboratively with New Mexico Department of Game and Fish personnel to resolve conflicts that may exist between the management of nonnative sport fish and the persistence of native fish.” As per Federal-State Cooperation for Soil Conservation Act of December 22, 1944 suggested edits would consist of the following: “Work collaboratively with New Mexico Department of Game and Fish personnel, government institutions (local, State, Federal), to resolve conflicts that may exist between the management of nonnative sport fish and the persistence of native fish.”

Chapter 2. Fire and Fuels

Page 88 - Guidelines (FW-GDL-FF) - Guideline 7. Recommend rewriting this guideline to include language referring to natural recovery process in areas affected by recurring or prolonged drought.

Suggested Language: *7. Post-Fire restoration and recovery should be provided where critical resource concerns merit rehabilitation for controlling the spread of invasive species, protecting areas of cultural concern, protecting critical or endangered species habitat, or protecting other highly valued resources such as drinking water, especially where recurring and prolonged drought has weakened the natural recovery process.*

Comment: Mentioning drought demonstrates that the SFNF is sensitive to and managing for the effects of climate change and recurring and prolonged drought when planning for post-fire restoration and recovery. (see Cooperative Forestry Assistance Act of July 1, 1978; Environmental Quality Act (1970); Federal Land Policy and Management Act of October 21, 1976) (see also, Federal-State Cooperation for Soil Conservation Act of December 22, 1944)

Page 88 - Management Approaches (FW-MGAP-FF) - Management Approach 1. Recommend rewriting this guideline to add the word “benefits” between “potential” and “challenges”.


Suggested Language: *1. Collaborate with stakeholders and partnering agencies early and often to successfully meet incident objectives. Educate internally and externally about the potential benefits, challenges, and tradeoffs of using wildland fire to meet resource objectives.*

Comments: Adding “benefits” is important to express the important role that fire (naturally occurring and prescribed) plays in maintaining healthy ecosystem function.


Page 89 - Management Approaches (FW-MGAP-FF) - Management Approach 12. Recommend rewriting this management approach as follows.

Suggested Language: Consider the scenic effects from prescribed fire during project planning and implementation but uphold the long-term effects and outcomes of enhancing the ecosystems’ health over all other short-term effects.


Comment: Although short-term effects from prescribed fire may visibly leave blackened and scorched vegetation it will enhance the long-term scenic integrity of the forest.

 Not Met. Medium-High Importance. might fall under Concern Statement 51 of Forest Service Response. SEE BELOW

Draft Plan Location: Page 87

 Not met but language is worded better to accommodate for LG. Might still want to add the word "benefit" might fall under Concern Statement 51. SEE BELOW

Draft Plan Location: Page 87

 This management approach was fully taken out. It helps our standing. see Concern Statement 51 of Forest Service Response
SEE BELOW.

Draft Plan Location: Page 87 and 88

FS Response - Concern Statement 51

While it has true that prescribed burning and mechanical treatments can have beneficial effect on certain species of wildlife and plants. There is also a fine line and balance to look for in this regard, too much fire and mechanical thinning can for instance create homogenous ecosystem as well as introduce exotics and invasives potentially drastically changing the landscape. According to Griffis et al. 2001 stand replacing wildfire appears to substantially increase the diversity of exotic plants. However, no treatments lead to a buildup of fuels and greater increase in a catastrophic wildfire. One study found the fire line intensity and fire behavior was greatly reduced decreasing the amount of tree mortality when both in combination or separately prescribed burning and mechanical thinning treatments were applied compared to a wildfire (Stephens and Moghaddas 2005). Therefore, a balanced approach to create a mosaic on the landscape is needed including both types of treatments in a variety of different applications given the project area.

Chapter 2. Forestwide Direction - Sustainable Rangelands and Livestock Grazing

Page 91 - Desired Conditions (FW-DC-GR) - Desired Conditions 4. - Recommend removing the second sentence completely or amending the entire desired condition so that it so that it relates to other uses in general.

Suggested Language: *4. Livestock grazing is compatible with ecological functions and processes (such as water infiltration, wildlife habitat, soil stability, and natural fire regimes) and with other uses of the national forest."*

Comment: It is not clear why the sentence about livestock grazing being compatible with social resources of the national forest has been inserted in this desired condition. This is unclear for several reasons. Social resources needs to be clearly defined in order to understand its purpose in this desired condition. This term is not defined elsewhere in the plan and it is unclear what a "social resource" is. Used as an adjective in this context, Merriam Webster defines social as "of or relating to human society". It mentions grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture." Therefore use of Wilderness as the example of a social resource is leads to further confusion.

Page 91 - Desired Conditions (FW-DC-GR) - New Desired Condition. - Recommend adding a new desired condition pertaining to communal livestock grazing opportunities.

Suggested Language: *"Opportunities for communal livestock grazing by land grant communities are supported and encouraged on National Forest system lands."*

Comment: Previous versions of the Cibola draft plan included communal grazing management areas aimed at providing new communal grazing opportunities for land

Not Met. see Concern Statement 175 of Forest Service Response. SEE BELOW

Draft Plan Location: Page 89

Not Met. HIGH Importance. Look at Concern Statement 175 of Forest Service Response. SEE BELOW

Draft Plan Location: Page 89

FS Response - Concern Statement 175

The plan recognizes the importance of rural historic communities which includes the "land grants-mercedes and acequia (community ditch) associations. These communities are associated with corporate entities that predate the establishment of the national forests and are subdivisions of New Mexico State government or are recognized by the State of New Mexico. These entities for the most part was established prior to the acquisition of New Mexico by the United States" (land management plan, chapter 2, "Traditional Communities and Uses," "Rural Historic Communities" section). The plan identifies specific desired conditions to ensure that these traditional uses are honored and recognized: "The uniqueness and values of rural historic communities and the traditional uses important for maintaining these cultures are recognized and valued as important"; "The long history and ties of rural historic communities and traditional uses (such as livestock grazing, fuelwood gathering, acequias, and hunting) to National Forest System lands and resources is understood and appreciated"; and "Forest resources important for cultural and traditional needs, as well as for subsistence practices and economic support (such as livestock grazing, acequias, and forest products) of rural historic communities are available and sustainable" (land management plan, chapter 2, "Traditional Communities and Uses," "Rural Historic Communities" section, desired conditions 1, 2, and 3)

In addition, the plan directs the Cibola National Forest to work with land grant communities: "Coordination with land grant and acequia governing bodies should occur at the early stages of planning and project design to include local perspectives, needs, concerns, and traditional knowledge" (land management plan, chapter 2, "Traditional Communities and Uses," "Rural Historic Communities" section, guideline 4), and further direct the Cibola to work with representatives of governing bodies of land grants: "Work with representatives of historic communities, governing bodies for land grants-mercedes, and acequia associations to understand their needs and build respectful, collaborative relationships; develop collaborative proposals and implement projects of mutual benefit across shared boundaries and with shared infrastructure (such as boundary fences and roads); develop ways of accomplishing mutually desired conditions and objectives; and collaborate in ecosystem restoration efforts" (land management plan, chapter 2, "Traditional Communities and Uses," "Rural Historic Communities" section, management approach 1).

It is also important to note that the plan specifically recognizes the need to consider new grazing authorizations to nearby land grant communities: "Historically closed allotments (such as those near the Cañón de Carnue and San Antonio de Las Huertas Land Grant communities on Sandia Ranger District and the Manzano, Torreón, Tajique, and Tomé Land Grant communities on the Mountainair Ranger District) should be considered for new grazing authorization for rural historic community grazing allotments" (land management plan, chapter 2, "Sustainable Rangelands and Livestock Grazing" section, guideline 8). The plan emphasizes the need to recognize the importance of livestock grazing to traditional communities and the need to work with all permit holders in achieving desired conditions and contributing to the socioeconomic well-being of local communities: "Cooperate, collaborate, and coordinate with permit holders to respond to changing resource conditions. Cooperation, collaboration, and coordination among Cibola managers and permit holders is key to improving rangeland and forest conditions for multiple uses, moving towards desired conditions, and contributing to the socioeconomic well-being of local communities. In addition, collaboration among stakeholders is important, including local communities; permit holders; and Federal, State, county, and local government entities" and "Acknowledge the importance of livestock grazing as a traditional and cultural practice that helps support the socioeconomic well-being of individual families within local communities" (land management plan, chapter 2, "Sustainable Rangelands and Livestock Grazing" section, management approaches 1 and 2).

grant communities. This communal grazing management areas were stripped from the draft plan and therefore a new Desired Condition and Objective is necessary to ensure the inclusion of this concept in the final version of management plan. In the past the Cibola National Forest has directly impacted land grant communities by restricting their ability to engage in traditional communal grazing practices. These grazing practices by land grant communities on the lands now comprising the closed allotments predated the establishment the Cibola National Forest. The Forest Service beginning in the 1940's systematically revoked communal grazing access and closed allotments adjacent to several land grant communities in the Sandia and Mountainair Ranger Districts. This had adverse impacts to the socio-economic stability of these communities. Inclusion of this new desired condition would demonstrate the Cibola National Forest's commitment valuing the uniqueness of rural historic communities and recognizing the important role traditional uses in the Cibola have for maintaining the culture of land grant-merced communities.

Page 91- Objectives (FW-OBJ-GR) - New Objective - Recommend adding a new Objective concerning communal livestock grazing opportunities.

Suggested Language: *2. Open at least two communal grazing allotments during the life of the plan."*

Comment: Provides a measurable objective for advancing the intention of Guideline 8. This will provide a measure for progress toward the Forest Service meeting the need for communal grazing areas adjacent to land grant-merced communities.

Not Met. High importance. Look at Concern Statement 175 of Forest Service Response - SEE BELOW

Draft Plan Location: Page 89

FS Response - Concern Statement 175

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In addition, the plan directs the Cibola National Forest to work with land grant communities: "Coordination with land grant and acequia governing bodies should occur at the early stages of planning and project design to include local perspectives, needs, concerns, and traditional knowledge" (land management plan, chapter 2, "Traditional Communities and Uses," "Rural Historic Communities" section, guideline 4), and further direct the Cibola to work with representatives of governing bodies of land grants: "Work with representatives of historic communities, governing bodies for land grants-mercedes, and acequia associations to understand their needs and build respectful, collaborative relationships; develop collaborative proposals and implement projects of mutual benefit across shared boundaries and with shared infrastructure (such as boundary fences and roads); develop ways of accomplishing mutually desired conditions and objectives; and collaborate in ecosystem restoration efforts" (land management plan, chapter 2, "Traditional Communities and Uses," "Rural Historic Communities" section, management approach 1).

It is also important to note that the plan specifically recognizes the need to consider new grazing authorizations to nearby land grant communities: "Historically closed allotments (such as those near the Cañón de Carnue and San Antonio de Las Huertas Land Grant communities on Sandia Ranger District and the Manzano, Torreón, Tajique, and Tomé Land Grant communities on the Mountainair Ranger District) should be considered for new grazing authorization for rural historic community grazing allotments" (land management plan, chapter 2, "Sustainable Rangelands and Livestock Grazing" section, guideline 8). The plan emphasizes the need to recognize the importance of livestock grazing to traditional communities and the need to work with all permit holders in achieving desired conditions and contributing to the socioeconomic well-being of local communities: "Cooperate, collaborate, and coordinate with permit holders to respond to changing resource conditions. Cooperation, collaboration, and coordination among Cibola managers and permit holders is key to improving rangeland and forest conditions for multiple uses, moving towards desired conditions, and contributing to the socioeconomic well-being of local communities. In addition, collaboration among stakeholders is important, including local communities; permit holders; and Federal, State, county, and local government entities" and "Acknowledge the importance of livestock grazing as a traditional and cultural practice that helps support the socioeconomic well-being of individual families within local communities" (land management plan, chapter 2, "Sustainable Rangelands and Livestock Grazing" section, management approaches 1 and 2).

Chapter 2 - Forestwide Direction - Sustainable Forestry and Forest Products

Page 93 - Sustainable Forestry and Forest Products - Desired Conditions (FW-DC-FP) - Desired Condition 1. - Recommend removing “where consistent with other resources needs” from the desired condition language.

Suggested Language: *1. Forest products (such as fuelwood, latillas, vigas, Christmas trees, herbs, medicinal plants, and pinyon nuts) are available to businesses and individuals in a sustainable manner (forest products recover between collections) that also effectively contributes to watershed health and the restoration and maintenance of desired vegetation conditions*

Comment: Including this language is not be necessary since desired conditions describe an aspirational state and therefore should not have qualifying conditions that are dependent on the relationship to other resource needs. Having this language can be interpreted as a bias against the use of forest products for traditional purposes since the use of such language is not found in the desired conditions for other resource uses.

Page 94 - Sustainable Forestry and Forest Products - Desired Conditions (FW-DC-FP) - Desired Condition 3. - Recommend removing “where consistent with other resources needs.” at the end of the sentence after “public”.

Suggested Language: *3. Forest products that are a by-product of management activities (such as fuelwood) are available for personal use by the public.*

Comment: It is unclear why making fuelwood generated as a by-product of management activities would be in conflict with other resource needs. Desired conditions describe an aspirational state and therefore should not contain conditional qualifiers such as this.

Not met see Concern Statement 175 of Forest Service Response. SEE ABOVE

Draft Plan Location: Page 91

Not Met. See Concern Statement 70 of Forest Service Response. SEE BELOW

Draft Plan Location: Page 92

Not Met. See Concern Statement 70 of Forest Service Response. SEE BELOW

Draft Plan Location: Page 92

FS Response - Concern Statement 70

All vegetation management is geared toward approaching desired conditions, including the reduction of overstocked stands.

The balancing of multiple resource needs is mentioned throughout the plan in multiple sections and does not imply that any particular resources takes precedence over another resource. The stated concern that culturally significant products are subordinate to other resources is unfounded.

As suggested, FW-DC-FP-6 was re-worded to state, "Unauthorized collection (such as unpermitted removal or collection) of permitted forest products does not occur."

Page 94 - Sustainable Forestry and Forest Products - Desired Conditions (FW-DC-FP) - Desired Condition 4. - Recommend removing “in balance with other resources needs and concerns” from between “employment” and “and provides wood products.”

Suggested Language: *4. Private and commercial timber harvest supplements other restoration and maintenance treatments at a scale that achieves landscape-level desired conditions and contributes to watershed restoration, function, and resilience; enhances wildlife habitat; creates opportunities for small and large businesses and employment and provides wood products.*

Comment: This conditional qualifier language is not necessary in a desired condition, as a DC is a description of an aspirational state. It should be assumed that small and large business and employment opportunities would only develop to the extent allowable by the Forest Service. The Forest Service would only present those opportunities when they are in balance with other resource needs and concerns.

Page 94 - Sustainable Forestry and Forest Products - Desired Conditions (FW-DC-FP) - Desired Condition 6. - Recommend amending the DC to replace the word “theft” with the term “unauthorized collection” with a description of what is meant by unauthorized collection in parenthesis.

Suggested Language: *Unauthorized collection (e.g. unpermitted removal or collection outside of permitted areas) of permitted forest products is rare.*

Comment: The term “unauthorized collection” is more palatable than “theft” considering that New Mexico has many communities that predate the establishment of the Forest Service, and that those communities for decades and centuries prior to the establishment of the National Forests in New Mexico exercised their ability to access forest products without need of a permit. Classification of use longstanding cultural practice as “theft” is unsettling for many who themselves hold the sentiment that it is the Forest Service who stole their land and right to access forest resources.

Page 94 - Sustainable Forestry and Forest Products - Standards (recommend adding new standard) (FW-STD-FP) - Recommend adding a standard relating to removal of permit requirement for certain forest products collected for cultural and personal use.

Suggested Language: *1. Collection of the culturally significant forest products of piñón nuts, trementina sap, chapulín berries, and medicinal plants, in small quantities for personal traditional use shall not require a permit.*

Comment: In order to help meet Desired Condition 6, it is important to exempt the permitting requirement for certain culturally significant forest products. The collection of these products for personal traditional use has been going on for centuries in a sustainable manner that has ensured the persistence of the forest products. Removing the requirement for permitting the collection of these products will go a long way to build

Not met. See Concern Statement 70 of Forest Service Response - SEE BELOW

Draft Plan Location: Page 92

Partially met. See Concern Statement 70 of Forest Service Response - SEE BELOW

Draft Plan Location: Page 92

Not Met. See Concern Statement 70 of Forest Service Responses. - SEE BELOW

Draft Plan Location: Page 92-93

FS Response - Concern Statement 70

All vegetation management is geared toward approaching desired conditions, including the reduction of overstocked stands. The balancing of multiple resource needs is mentioned throughout the plan in multiple sections and does not imply that any particular resources takes precedence over another resource. The stated concern that culturally significant products are subordinate to other resources is unfounded. As suggested, FW-DC-FP-6 was re-worded to state, "Unauthorized collection (such as unpermitted removal or collection) of permitted forest products does not occur."

goodwill with traditional communities. Permitting of these forest products for commercial use should be required.

Page 94 - Guideline (FW-GDL-FP) - Recommend adding a new guideline that directs management activities that result in the byproduct of fuelwood to include fuelwood collection opportunities for traditional and local communities.

Suggested language: *3. When management activities result in generation of fuelwood, opportunities for collection by traditional and other local communities will be made available where appropriate.*

Comment: This guideline is important because it provides direction to project managers to utilize fuelwood byproducts generated from management projects/activities for distribution to local communities. This would go a long way toward creating goodwill amount communities dependent on forest resources, like fuelwood, for their survival.

Page 94 - Management Approaches (FW-MGAP-FP) - Management Approach 4. - Recommend removing “consistent with scenic integrity objectives” from this management approach and replacing it with “by”.

Suggested Language: *4. Make fuelwood more available through public access within a project area by providing some decked woody material along roads, or allowing collection within utility or road corridors that are being thinned or cleared.*

Comment: The collection of fuelwood by the public in a project area would potentially only have minimal short-term impact on scenic integrity objectives, which would be outweighed by the long-term impact that removal of excess fuel loads from the forest would have in reducing the risk of catastrophic wildfires, thereby improving ecological health and protecting scenic integrity.

Page 94 - Management Approaches (FW-MGAP-FP) - Recommend adding a new management approach relating to reasonable distances for local fuelwood collection opportunities.

Suggested Language: *7. Provide annual fuelwood collection opportunities for forest dependent communities, that are adjacent to the National Forest, within a reasonable distance to the community.*

Comment: Providing annual fuelwood collection opportunities as near as practicable to local communities is critical, particularly for traditional communities that are still reliant on fuelwood as a primary heating source.

Page 94 - Management Approaches (FW-MGAP-FP) - Recommend adding a new management approach relating to local community partnership blocks as a management tool.

Not Met. See Concern Statement 70 of Forest Service Responses

Draft Plan Location: Page 93 - SEE BELOW

Not met. See Concern Statement 70 of FS Responses.

Draft Plan Location: Page 93 - SEE BELOW

Not Met. NEED TO PUSH. See Statement 70 of Forest Service Responses.

Draft Plan Location: Page 93 - SEE BELOW

Not Met. NEED TO PUSH FOR. See Concern Statement 70 of Forest Service Responses.

Draft Plan Location: Page 93 - SEE BELOW

FS Response - Concern Statement 70

All vegetation management is geared toward approaching desired conditions, including the reduction of overstocked stands.

The balancing of multiple resource needs is mentioned throughout the plan in multiple sections and does not imply that any particular resources takes precedence over another resource. The stated concern that culturally significant products are subordinate to other resources is unfounded.

As suggested, FW-DC-FP-6 was re-worded to state, "Unauthorized collection (such as unpermitted removal or collection) of permitted forest products does not occur."

Suggested Language: 8. *Consider using fuelwood partnership blocks around traditional communities as both a restoration treatment option and a way to meet local fuelwood demands.*

Comments: Partnership block projects in the Carson National Forest have proven to be quite successful as a restoration treatment tool, at meeting local fuelwood demands and strengthening relationships between the Forest Service and local communities.

Chapter 2. Forestwide Direction - Traditional Communities and Uses

Page 95-104 - Traditional communities and Uses: Recommend restructuring the Traditional Communities and Rural Historic Communities section so that Land Grant and Acequias are given their own section separate from Rural Historic Communities established after 1848.

Comment: There is a distinct difference between non-tribal communities that existed prior to 1848 and those established thereafter. Communities (land grants-mercedes) established prior to 1848 had property rights protected by the Treaty of Guadalupe Hidalgo. Those protected property rights included access to and use of the common lands surrounding land grant-merced communities and established water rights and easements for acequia infrastructure. Many of those properties granted to communities under the Spanish Crown or Mexican Government are now managed by the U.S. Forest Service as forest system lands. The Constitution of the State of New Mexico incorporated the protections of the Treaty of Guadalupe Hidalgo. Today both land grant-mercedes and acequias are recognized in state statute as political subdivisions. Land Grants-Mercedes governed by §49-1-1 and §49-4-1 NMSA 1978 are political subdivisions of the state with planning and zoning authority. Rural Historic Communities established after 1848 have no property or property rights claims under the Treaty of Guadalupe Hidalgo to any forest system lands in New Mexico. Therefore, while post 1848 Rural Historic Communities may have access and use desires for forest system lands they do not have valid rights claims established under a prior sovereign nation that predate the establishment of the Forest Service. As currently drafted the Cibola National Forest Draft Management Plan puts the pre-1848 and post-1848 communities all into the singular category of Rural Historic Communities. By doing so the Cibola National Forest is potentially infringing on the protected treaty rights of pre-1848 communities by empowering post 1848 communities with equal standing and status regarding access to and use of traditional resources. This is not an issue were pre and post 1848 communities do not have a competing interest but could become an issue in areas where there is scarcity of forest products in high demand.

Page 100 - Land Grants-Mercedes Communities and Acequias Background and Description - Recommend removing “staff” at the end of the last paragraph and inserting “the U.S.” between “administered by” and “Forest Service.”

Suggested Language: *“Many have former common lands now administered by the U.S. Forest Service.”*

Not Met. See Concern Statement 71, 172, 178 of Forest Service Responses.

Draft Plan Location: Page 93-102

Not met or completely edited out this part. See Concern Statement 71, 178 of Forest Service Responses.

Draft Plan Location: Page 93-102

FS Response - Concern Statement 71:

Edits have been incorporated into the final land management plan, see "Traditional Communities and Uses" and "Rural Historic Communities" section. FW-MGAP-FRT-7 addresses the incorporation of native language into signs, interpretive materials, etc., a standard is not warranted here, as site-specific discretion is required when considering language choice for interpretive materials. The acknowledgement that lands covered by claims rejected by the courts are incorporated into the Cibola is addressed by the updated language for the last paragraph of Rural Historic Communities introduction section, "The following plan components and management approaches apply to all rural historic communities, including land grants-mercedes, acequias, and other central New Mexico historic communities, when the term "rural historic community" is used [emphasis added]." No land grant common lands confirmed by Congress or the courts lie within the boundary of the Cibola National Forest (see response to concern statement 178). The Cibola does not have the authority to acquire lands outside of its boundary without an authorizing act of Congress. Only one community land grant- mercedes within the plan area of influence lies within the boundary of the Cibola National Forest, Canon de Carnue. Due to the steepness of the terrain adjacent to the grant boundary or in its general vicinity little if any of this land would be suitable for the siting of the facilities suggested in these proposed guidelines.

FS Response - Concern Statement 172:

The Treaty of Guadalupe Hidalgo does not obligate the Federal government to extend special rights or protections to land grant heirs separate from those enjoyed by all American citizens (GAO 2004). However, the status of land grant governing bodies and acequia associations as subdivisions of New Mexico state government with issues distinct from all members of rural historic communities requires plan components specific to those issues. Plan components specific land grant governing bodies and acequia associations in the Rural Historic Communities section are: Desired Condition FW-DC-RHC-5; Guidelines FW-GDL-RHC-3 and -4; and Management Approaches FW-MGAP-RHC-6, -12, and -13.

By the definition provided in Background and Description, Central New Mexico Historic Communities are those that predate the establishment of the Forest Reserves and National Forests that would come to make up the Cibola National Forest. While some of these communities were founded by persons from outside of New Mexico, others, such as Placita in the Magdalena District area of influence, and San Rafael in the Mount Taylor District area of influence, were founded by persons from other, older New Mexico communities (Robinson 1994:53-55; Wilson 1985:41-46). Descendants of New Mexico's pre-1848 citizens live in almost all Central New Mexico Historic Communities and are a majority or plurality in several. The Forest Service does not prejudice its recognition of community members' historic ties to the land based on their contemporary affiliation with a Spanish or Mexican era grant confirmed by Congress or the Federal courts or based on their race or national origin.

FS Response - Concern Statement 178:

Not applicable. The Cibola National Forest does not contain any acquired former community grant common lands. While lands claimed as common lands by three land grants- mercedes—San Mateo Springs (Santiago Duran y Chaves), San Antonio de las Huertas, and Canon de Carnue—have been incorporated into the Cibola National Forest through proclamation, the claims by those land grants-mercedes were rejected by the federal courts and returned to the public domain prior to their incorporation into the Cibola National Forest (Bowden 1969: 1300-1310; 1578-1590; 1722-1727). The Cibola in two instances has acquired through purchase community grant lands. However, in neither of these cases did the land acquired include common lands. On the Mount Taylor District the San Mateo Springs Grant Tract 2 was acquired in 1949. This 75.84-acre tract, located in Section 19, T13N, R7W, N.M.P.M., is spatially separated from the larger San Mateo Springs Grant and was an individual allotment, not common lands (Bowden 1969: 1589-1590). On the Sandia District, 7,461.34 acres of the Elena Gallegos Grant were acquired in 1978. While the Elena Gallegos Grant was a community grant, the grant contained no common lands, as the entire grant had been divided into individual allotments prior to 1846 (Bowden 1969: 1675-1681).

While the Cibola includes lands claimed as land grant common lands but where such claims were rejected by the courts, there is no evidence that the rejection of claims were made for the purpose of incorporating those lands into the National Forest System. The President of the United States was authorized to create forest reserves from the public domain by the General Provision Act of 1891, but the reserves that would make up the Cibola National Forest were designated 15 years later. The decision to confirm the San Mateo Spring Grant excluding the common lands between its current boundary and the boundary of the Bartolome Fernandez Land Grant was issued in 1895 (Bowden 1969:1588), but the Mount Taylor Forest Reserve that incorporated that land from the public domain was not proclaimed until 1906 (Baker et al. 1988:59). The decision to confirm the San Antonio de las Huertas Grant excluding the common lands encompassing the Sandia Mountains south of its boundary (the "Gallegos boundary") was made in 1899, while the Court of Private Land Claims denied Canon de Carnue Grant's claim to its common lands in 1894 (Bowden 1969:1309, 1727). The Manzano Forest Reserve, which incorporated both areas, was not proclaimed until 1906 (Baker et al. 1988:59).

Comment: It is more appropriate to list forest service lands as being administered by the agency rather than the staff of the agency.

Page 101- Land Grants-Mercedes Communities and Acequias Background:

Recommend adding within the text the State Statute for Land grant-merced communities as was done for Acequias. Wording would change on the first sentence of the second paragraph on page 101.

Suggested Language: *"Most land grants-mercedes are organized as political subdivision of the State of New Mexico (New Mexico Statutes Annotated 1978, sections 49-1-1 & 49-4-4)."*

Comment: Citing the appropriate governance statute for land grants that are political subdivisions is consistent with the citation of the Acequia governance statute later in the section. §49-1-1 NMSA 1978 is for land grants under the Land Grant General Provisions and §49-4-4 NMSA 1978 is for the Chilili Land Grant, which has its own separate statute.

Page 101- Rural Historic Communities- Land Grants-Mercedes Communities and Acequias- Background and Description: Recommend rewriting, for greater accuracy, the following sentence on page 101, second paragraph and second sentence: "Those that are not political subdivisions participate through the New Mexico Land Grant Council, which is a state agency that represents the interest of all New Mexican land grant-mercedes."

Suggested Language: *"The New Mexico Land Grant Council is a state agency that serves as a liaison between land grants and the federal, state and local governments."*

Comment: The original text is slightly incorrect. The New Mexico Land Grant Council does not typically work directly with land grant-merced communities that are not political subdivision unless it relates to them seeking to become a political subdivision. However the Council does represent the broader interests of land grants-mercedes from throughout the state.

Page 102 – Rural Historic Communities - Desired Conditions (FW-DC-RHC) - Desired Condition 1.

Comment: Unlike other Rural historic communities, and like American Indian tribes, land grant-merced communities predate the establishment of forest reserves, the founding of the US Forest Service, and homesteads that created non-American Indian and non-nuevomexicano settlements. Many land grants even predate the founding of the United States of America and forest system lands grew at the expense of land grants through the acquisition of former land grant common lands. Land grant-merced communities' traditional use of forest resources should be considered apart from these non-American Indian, non-nuevomexicano communities (Ties to Hassell Report Recommendation 1; Hurst Policy Memo paragraph 17).

Partially met. Not too important but might want description more accurate. see Concern Statement 71 of Forest Service Response

Draft Plan Location: Page 98-100 - SEE BELOW

Not Met. IMPORTANT ? see Concern Statement 71, 178 of Forest Service Response

Draft Plan Location: Page 93-102 - SEE BELOW

FS Response - Concern Statement 71:

Edits have been incorporated into the final land management plan, see "Traditional Communities and Uses" and "Rural Historic Communities" section. FW-MGAP-FRT-7 addresses the incorporation of native language into signs, interpretive materials, etc., a standard is not warranted here, as site-specific discretion is required when considering language choice for interpretive materials. The acknowledgement that lands covered by claims rejected by the courts are incorporated into the Cibola is addressed by the updated language for the last paragraph of Rural Historic Communities introduction section, "The following plan components and management approaches apply to all rural historic communities, including land grants-mercedes, acequias, and other central New Mexico historic communities, when the term "rural historic community" is used [emphasis added]." No land grant common lands confirmed by Congress or the courts lie within the boundary of the Cibola National Forest (see response to concern statement 178). The Cibola does not have the authority to acquire lands outside of its boundary without an authorizing act of Congress. Only one community land grant- mercedes within the plan area of influence lies within the boundary of the Cibola National Forest, Canon de Carnue. Due to the steepness of the terrain adjacent to the grant boundary or in its general vicinity little if any of this land would be suitable for the siting of the facilities suggested in these proposed guidelines.

FS Response - Concern Statement 178:

Not applicable. The Cibola National Forest does not contain any acquired former community grant common lands. While lands claimed as common lands by three land grants- mercedes—San Mateo Springs (Santiago Duran y Chaves), San Antonio de las Huertas, and Canon de Carnue—have been incorporated into the Cibola National Forest through proclamation, the claims by those land grants-mercedes were rejected by the federal courts and returned to the public domain prior to their incorporation into the Cibola National Forest (Bowden 1969: 1300-1310; 1578-1590; 1722-1727). The Cibola in two instances has acquired through purchase community grant lands. However, in neither of these cases did the land acquired include common lands. On the Mount Taylor District the San Mateo Springs Grant Tract 2 was acquired in 1949. This 75.84-acre tract, located in Section 19, T13N, R7W, N.M.P.M., is spatially separated from the larger San Mateo Springs Grant and was an individual allotment, not common lands (Bowden 1969: 1589-1590). On the Sandia District, 7,461.34 acres of the Elena Gallegos Grant were acquired in 1978. While the Elena Gallegos Grant was a community grant, the grant contained no common lands, as the entire grant had been divided into individual allotments prior to 1846 (Bowden 1969: 1675-1681).

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Page 102 – Rural Historic Communities - Desired Conditions (FW-DC-RHC) - Desired Condition 2.

Comment: The Cibola National Forest should recognize that the CNF grew at the expense of land grant communities. For example, The Sandia Ranger District is 99,416 acres, including military withdrawals and special management areas. Total Forest Service lands deriving from former land grant commons are 41,660.3 acres, meaning ~42% of Sandia Ranger District lands are former San Antonio de las Huertas and Cañon de Carnué common lands.

Page 102 – Rural Historic Communities - Desired Conditions (FW-DC-RHC) - Desired Condition 3.

Comment: We support this desired condition to ensure land grant heirs have meaningful access to sustainable culturally and traditionally significant forest resources.

Page 102 – Rural Historic Communities - Desired Conditions (FW-DC-RHC) - Desired Condition 4. Recommend rewriting this desired condition to more specifically targeted toward land grant communities.

Suggested Language: *The cultural and traditional needs of Land Grant communities are valued and traditional users have access to their sacred sites, traditional cultural properties, and other locations of traditional use (e.g. those used for individual and group ceremonies, traditional activities, and the collection of forest products).*

Comment: Unlike other *Rural historic communities*, and like American Indian tribes, land grant-merced communities predate the establishment of forest reserves, the founding of the US Forest Service, and homesteads that created non-American Indian and non-nuevomexicano settlements. Many land grants even predate the founding of the United States of America and forest system lands grew at the expense of land grants through the acquisition of former land grant common lands. Land grant-merced communities' traditional use of forest resources should be considered apart from these non-American Indian, non-nuevomexicano communities (Ties to Hassell Report Recommendation 1; Hurst Policy Memo paragraph 17).

Page 102 – Rural Historic Communities - Desired Conditions (FW-DC-RHC) - Desired Condition 6. - Recommend amending the language to engagement of land grants communities.

Suggested Language: *6. The Forest provides a setting and culturally relevant programs in collaboration with Land Grant communities and Tribes for educating youth in culture, history, and land stewardship, and for exchanging information between elders and youth.*

Comment: We recommend that the forest service collaborates with land grant communities, particularly duly elected boards of trustees, to ensure that these intergenerational educational exchanges and culturally relevant. Ties to Hassell Report Recommendation 46; Hurst Policy Memo paragraph 11.

Not met. Low-Medium importance. see Concern Statement 71 and 178. - SEE BELOW

Draft Plan Location: Page 100-101

Not Met. Medium Importance. see Concern Statement 71,173, 176 of Forest Service Response. SEE BELOW

Draft Plan Location: Page 100-101

Partially Met. Medium-High importance. see Concern Statement 71 and 173. SEE BELOW

Draft Plan Location: Page 100-101

FS Response - Concern Statement 71:

Edits have been incorporated into the final land management plan, see "Traditional Communities and Uses" and "Rural Historic Communities" section. FW-MGAP-FRT-7 addresses the incorporation of native language into signs, interpretive materials, etc., a standard is not warranted here, as site-specific discretion is required when considering language choice for interpretive materials. The acknowledgement that lands covered by claims rejected by the courts are incorporated into the Cibola is addressed by the updated language for the last paragraph of Rural Historic Communities introduction section, "The following plan components and management approaches apply to all rural historic communities, including land grants-mercedes, acequias, and other central New Mexico historic communities, when the term "rural historic community" is used [emphasis added]." No land grant common lands confirmed by Congress or the courts lie within the boundary of the Cibola National Forest (see response to concern statement 178). The Cibola does not have the authority to acquire lands outside of its boundary without an authorizing act of Congress. Only one community land grant- mercedes within the plan area of influence lies within the boundary of the Cibola National Forest, Canon de Carnue. Due to the steepness of the terrain adjacent to the grant boundary or in its general vicinity little if any of this land would be suitable for the siting of the facilities suggested in these proposed guidelines.

FS Response - Concern Statement 173

Collaboration is an approach for accomplishing the desired condition, and is addressed in Rural Historic Communities, Management Approaches FW-MGAP-RHC-4 and 6. Collaboration is a management approach. Collaboration associated with access is addressed in Rural Historic Communities, Management Approaches FW-MGAP-RHC-13 and -15. As worded, the recommended Desired Condition is an approach for accomplishing the desired conditions. It is addressed by Rural Historic Communities, Management Approaches, FW-MGAP-RHC-1, -3, -11, and -14. Access issues are addressed in Sustainable Rangelands and Livestock Grazing, Guideline FW- GDL-GR-8 and Management Approach FW-MGAP-GR-1; and Rural Historic Communities, Guidelines FW-GDL-RHC-1 and -3, and Management Approaches FW-MGAP-RHC-13 and -15. The requirement to afford land grants- mercedes , acequia associations, livestock associations, and permittees the opportunity to participate in plan revision or amendment is already required by 36CFR 219.4(a)(1)(i), (iii), and (iv).

FS Response - Concern Statement 176

The Forest Service does not prejudice its recognition of the need for the collection of traditionally used forest products by members of rural historic communities based on their contemporary affiliation with a Spanish or Mexican era grant confirmed by Congress or the Federal courts. In this guideline, the language referring to restrictions imposed by standards or guidelines required by other sections of the plan must be retained because those restrictions can exceed those imposed by existing law and regulation. The restrictions imposed by other plan components do not "trump" existing laws and regulations, as plan components that are inconsistent with existing laws and regulations are prohibited, 36CFR 219.1(f).

FS Response - Concern Statement 178:

Not applicable. The Cibola National Forest does not contain any acquired former community grant common lands. While lands claimed as common lands by three land grants- mercedes—San Mateo Springs (Santiago Duran y Chaves), San Antonio de las Huertas, and Canon de Carnue—have been incorporated into the Cibola National Forest through proclamation, the claims by those land grants-mercedes were rejected by the federal courts and returned to the public domain prior to their incorporation into the Cibola National Forest (Bowden 1969: 1300-1310; 1578-1590; 1722-1727). The Cibola in two instances has acquired through purchase community grant lands. However, in neither of these cases did the land acquired include common lands. On the Mount Taylor District the San Mateo Springs Grant Tract 2 was acquired in 1949. This 75.84-acre tract, located in Section 19, T13N, R7W, N.M.P.M., is spatially separated from the larger San Mateo Springs Grant and was an individual allotment, not common lands (Bowden 1969: 1589-1590). On the Sandia District, 7,461.34 acres of the Elena Gallegos Grant were acquired in 1978. While the Elena Gallegos Grant was a community grant, the grant contained no common lands, as the entire grant had been divided into individual allotments prior to 1846 (Bowden 1969: 1675-1681).

While the Cibola includes lands claimed as land grant common lands but where such claims were rejected by the courts, there is no evidence that the rejection of claims were made for the purpose of incorporating those lands into the National Forest System. The President of the United States was authorized to create forest reserves from the public domain by the General Provision Act of 1891, but the reserves that would make up the Cibola National Forest were designated 15 years later. The decision to confirm the San Mateo Spring Grant excluding the common lands between its current boundary and the boundary of the Bartolome Fernandez Land Grant was issued in 1895 (Bowden 1969:1588), but the Mount Taylor Forest Reserve that incorporated that land from the public domain was not proclaimed until 1906 (Baker et al. 1988:59). The decision to confirm the San Antonio de las Huertas Grant excluding the common lands encompassing the Sandia Mountains south of its boundary (the "Gallegos boundary") was made in 1899, while the Court of Private Land Claims denied Canon de Carnue Grant's claim to its common lands in 1894 (Bowden 1969:1309, 1727). The Manzano Forest Reserve, which incorporated both areas, was not proclaimed until 1906 (Baker et al. 1988:59).

Page 102- Rural Historic Communities- Desired Conditions: Recommend a new Desired Condition on the relationship between land grants and acequias and the Forest Service.

Suggested Language: 7. *Land Grant Communities and Acequias have a collaborative relationship with Forest Service that allows for meaningful dialogue and project partnerships that result in mutually beneficial projects and activities.*

Comment: Inclusion of a desired condition that focuses on positive relationships between land grants, acequias and the Forest Service is a very desirable goal for all parties.

Page 102- Rural Historic Communities- Desired Conditions: Recommend a new Desired Condition relating to grazing as a traditional use.

Suggested Language: 8. *The Forest Service manages forage resources for fluctuations to ensure that there is no net loss in grazing capacity within the historic/traditional use boundaries of land grants or on grazing allotments affecting communities associated with land grants.*

Comment: Grazing has been a shrinking part of the local economy for decades arguably because of a systematic effort on the part of the USFS to reduce the dependence of local land grant on resources that they historically depended on. By example, free-use permits on the Santa Fe NF were reduced from 217 (two-hundred seventeen) in 1940 to 0 (zero) in 1980 (see William deBuys, *Enchantment and Exploitation: The Life and Hard Times of a New Mexico Mountain Range* (Albuquerque: University of New Mexico Press, 1985), 248; free-use permits in the Carson National Forest were reduced from 461 (four hundred and sixty one) in 1940 to zero (0) in 1980 (William deBuys, *Enchantment and Exploitation: The Life and Hard Times of a New Mexico Mountain Range* (Albuquerque: University of New Mexico Press, 1985), 248; free use permits figures on the Cibola are not immediately available, but heirs and forest service documents demonstrate the systematic removal of community grazing allotments from local land grants, citing access to local labor markets as a justification for removing access to forest resource dependent and traditional land grant communities (Ties to Hassell Report Recommendations 27, 42b; Hurst Policy Memo paragraph 15)

Page 103 - Rural Historic Communities- Objectives (FW-OBJ-RHC) - Recommend adding new objective concerning meeting with land grant communities.

Suggested Language: 2. *The Forest Service will meet annually with active community land grants within or adjacent to the National Forest.*

Comment: The Council recommends adding an objective that requires meetings with interested land grant-merced governing boards to discuss their community access and natural resources needs and or mutually beneficial projects across shared boundaries. (Ties to Hassell Report Recommendations 42a, 42b, 46, 57, 63, 64; Hurst Policy Memo paragraphs 8, 9, 11, 13, 14, 15, 16, 18)

Not Met. High Importance. see Concern Statement 71 and 173 of Forest Service Response - SEE BELOW

Draft Plan Location: Page 100-101

Not Met. High Importance. see Concern Statement 71 and 173 of Forest Service Response. - SEE BELOW

Draft Plan Location: Page 100-101

Not Met. Edited out the objective section. CRITICAL Importance. see Concern Statement 71, 173, 177, 256 of Forest Service Response

SEE BELOW - Draft Plan Location: Page 100-101

FS Response - Concern Statement 71:

Edits have been incorporated into the final land management plan, see "Traditional Communities and Uses" and "Rural Historic Communities" section. FW-MGAP-FRT-7 addresses the incorporation of native language into signs, interpretive materials, etc., a standard is not warranted here, as site-specific discretion is required when considering language choice for interpretive materials. The acknowledgement that lands covered by claims rejected by the courts are incorporated into the Cibola is addressed by the updated language for the last paragraph of Rural Historic Communities introduction section, "The following plan components and management approaches apply to all rural historic communities, including land grants-mercedes, acequias, and other central New Mexico historic communities, when the term "rural historic community" is used [emphasis added]." No land grant common lands confirmed by Congress or the courts lie within the boundary of the Cibola National Forest (see response to concern statement 178). The Cibola does not have the authority to acquire lands outside of its boundary without an authorizing act of Congress. Only one community land grant- mercedes within the plan area of influence lies within the boundary of the Cibola National Forest, Canon de Carnue. Due to the steepness of the terrain adjacent to the grant boundary or in its general vicinity little if any of this land would be suitable for the siting of the facilities suggested in these proposed guidelines.

FS Response - Concern Statement 173

Collaboration is an approach for accomplishing the desired condition, and is addressed in Rural Historic Communities, Management Approaches FW-MGAP-RHC-4 and 6. Collaboration is a management approach. Collaboration associated with access is addressed in Rural Historic Communities, Management Approaches FW-MGAP-RHC-13 and -15. As worded, the recommended Desired Condition is an approach for accomplishing the desired conditions. It is addressed by Rural Historic Communities, Management Approaches, FW-MGAP-RHC-1, -3, -11, and -14. Access issues are addressed in Sustainable Rangelands and Livestock Grazing, Guideline FW- GDL-GR-8 and Management Approach FW-MGAP-GR-1; and Rural Historic Communities, Guidelines FW-GDL-RHC-1 and -3, and Management Approaches FW-MGAP-RHC-13 and -15. The requirement to afford land grants- mercedes , acequia associations, livestock associations, and permittees the opportunity to participate in plan revision or amendment is already required by 36CFR 219.4(a)(1)(i), (iii), and (iv).

FS Response - Concern Statement 177:

The Cibola does not agree that annual meetings are necessary to achieve progress toward the desired conditions. Rural Historic Communities guideline FW-GDL-RHC-4 addresses coordination with governing bodies during project planning and design. Guideline FW-GDL-RHC-2 addresses the need to consider spiritually or culturally important places during project planning. The locations of spiritually or cultural important places that are historic properties, including traditional cultural properties are protected from public disclosure by the Federal government, 36CFR 296.18. A standard that prohibits adverse impacts to places of religious significance or areas of traditional and cultural use would be in conflict with Federal law. The Cibola prioritizes the protection of places of significance to rural historic communities, including historic properties, as reflected in Rural Historic Communities, guideline FW-GDL-RHC-2, and Cultural and Historic Resources, standard FW-STD-CHR- 1. However, there are cases where places cannot be protected when undertakings are required to proceed under federal law (for example, the 1872 Mining Law) or where the impact to a place or property is deemed by administrative decision to be less than the benefit provided by the undertaking. In these cases, if the place is a historic property (including a traditional cultural properties), the Cibola is required to work with governing bodies or representative organizations that identify as consulting parties in the resolution of adverse effects under 36CFR 800.6.

FS Response Concern Statement 256:

The Cibola does not agree that annual meetings are necessary to achieve progress toward the desired conditions. Rural Historic Communities, Guideline FW-GDL-RHC-4 addresses the need to coordinate with governing bodies as part of project planning. The use of meetings to facilitate desired conditions is stipulated in Management Approaches FW-MGAP-RHC-3, and cooperation to accomplish shared stewardship and address issues of resource and access needs are addressed in FW-MGAP-RHC-1, 2, 13, and 14.

Page 103 - Rural Historic Communities- Objectives (FW-OBJ-RHC) - Recommend adding a new objective concerning setting goals for meeting with land grants to identify religious and spiritual sites and areas of traditional use.

Suggested Language: 3. *The Forest Service, in conjunction with the governing bodies of active community land grants, identifies religious and spiritual sites and areas of traditional use for at least 1 land grant annually during the life plan within the National Forest.*

Comment: Certain areas within the Forest may contain resources or sites of spiritual significance that land grant communities would not want to publicize to the general public in order to protect the resource/site. (Ties to Hassell Report Recommendation 1; Hurst Policy Memo paragraph 7, 8, 9, 10, 11, 13, 17, 18).

Page 103 - Rural Historic Communities- Objectives (FW-OBJ-RHC) - Recommend adding the additional 2 objectives:

Suggested Language: 4. *Fuelwood products derived from issuance of fuelwood permits (green and dead and down) along with forest restoration programs, projects and activities meet at least 90% of the local fuel wood demand.*

Comment: As demonstrated by the recent chaos caused by the injunction won by the Wild Earth Guardians, fuelwood is a socio-economically and culturally important resource. Meeting the fuelwood demand of traditional communities helps poor and rural residents, the micro-economics of villagers that work as *leñeros* (woodhaulers), and is sensitive to the traditional and culturally significant practice of harvesting fuelwood. (Ties to Hassell Report Recommendations 9, 58, 59; Hurst Policy Memo 16)

Suggested Language: 5. *The Forest Service, in coordination with land grant governing bodies, will annually assess the maintenance needs of any shared infrastructure (fences, roads etc.).*

Comment: Land grants and the USFS share miles of common boundaries, much of it deriving from the growth of USFS through both the rejection of legitimate claims during the adjudication process (which made these lands part of the public domain, to be incorporated into the national forest) and through the purchase of former land grant common lands from speculators that dispossessed communities of their patrimony. Working with these communities for the mutual benefit of FS and land grant lands may employ members of communities in desperate need for such opportunities and will aid the forest service in providing local knowledge and familiarity with the landscape that only locals have, while also easing the budget constraints of USFS. (Ties to Hassell Report Recommendations 9, 30; Hurst Policy Memo paragraphs 4, 8, 9, 10, 11, 13, 18)

Page 103 - Rural Historic Communities - Standards - As written, the Rural Historic Communities section of the plan has no standards. Per the Cibola National Forest draft Land Management Plan, standards are “technical design constraints that must be

Not met. Edited out the objection section. CRITICAL Importance. See Concern Statement 71, 173, 177, 256 of Forest Service Response.

Draft Plan Location: Page 100-101

Objection: 2019 Cibola draft Fores Plan included the following Objective relating to fuelwood, which was removed from 2021 Final CNF - FLMP FW-OBJ-RHC 1 - On average, provide 12,000 to 15,000 cords of fuelwood annually through the issuance of fuelwood permits." (2019 draft CNF-LMP, p.103)

Not met. Edited out the objection section. CRITICAL Importance. See Concern Statement 71, 173, 177, 256 of Forest Service Response.

Draft Plan Location: Page 100-101

Not Met. Critically High Importance. see Concern Statement 71, 173, 176 of Forest Service Response.

Draft Plan Location: Page 100-101

FS Response - Concern Statement 71:

Edits have been incorporated into the final land management plan, see "Traditional Communities and Uses" and "Rural Historic Communities" section. FW-MGAP-FRT-7 addresses the incorporation of native language into signs, interpretive materials, etc., a standard is not warranted here, as site-specific discretion is required when considering language choice for interpretive materials. The acknowledgement that lands covered by claims rejected by the courts are incorporated into the Cibola is addressed by the updated language for the last paragraph of Rural Historic Communities introduction section, "The following plan components and management approaches apply to all rural historic communities, including land grants-mercedes, acequias, and other central New Mexico historic communities, when the term "rural historic community" is used [emphasis added]." No land grant common lands confirmed by Congress or the courts lie within the boundary of the Cibola National Forest (see response to concern statement 178). The Cibola does not have the authority to acquire lands outside of its boundary without an authorizing act of Congress. Only one community land grant- mercedes within the plan area of influence lies within the boundary of the Cibola National Forest, Canon de Carnue. Due to the steepness of the terrain adjacent to the grant boundary or in its general vicinity little if any of this land would be suitable for the siting of the facilities suggested in these proposed guidelines.

FS Response - Concern Statement 173

Collaboration is an approach for accomplishing the desired condition, and is addressed in Rural Historic Communities, Management Approaches FW-MGAP-RHC-4 and 6. Collaboration is a management approach. Collaboration associated with access is addressed in Rural Historic Communities, Management Approaches FW-MGAP-RHC-13 and -15. As worded, the recommended Desired Condition is an approach for accomplishing the desired conditions. It is addressed by Rural Historic Communities, Management Approaches, FW-MGAP-RHC-1, -3, -11, and -14. Access issues are addressed in Sustainable Rangelands and Livestock Grazing, Guideline FW- GDL-GR-8 and Management Approach FW-MGAP-GR-1; and Rural Historic Communities, Guidelines FW-GDL-RHC-1 and -3, and Management Approaches FW-MGAP-RHC-13 and -15. The requirement to afford land grants- mercedes , acequia associations, livestock associations, and permittees the opportunity to participate in plan revision or amendment is already required by 36CFR 219.4(a)(1)(i), (iii), and (iv).

FS Response - Concern Statement 177:

The Cibola does not agree that annual meetings are necessary to achieve progress toward the desired conditions. Rural Historic Communities guideline FW-GDL-RHC-4 addresses coordination with governing bodies during project planning and design. Guideline FW-GDL-RHC-2 addresses the need to consider spiritually or culturally important places during project planning. The locations of spiritually or cultural important places that are historic properties, including traditional cultural properties are protected from public disclosure by the Federal government, 36CFR 296.18. A standard that prohibits adverse impacts to places of religious significance or areas of traditional and cultural use would be in conflict with Federal law. The Cibola prioritizes the protection of places of significance to rural historic communities, including historic properties, as reflected in Rural Historic Communities, guideline FW-GDL-RHC-2, and Cultural and Historic Resources, standard FW-STD-CHR- 1. However, there are cases where places cannot be protected when undertakings are required to proceed under federal law (for example, the 1872 Mining Law) or where the impact to a place or property is deemed by administrative decision to be less than the benefit provided by the undertaking. In these cases, if the place is a historic property (including a traditional cultural properties), the Cibola is required to work with governing bodies or representative organizations that identify as consulting parties in the resolution of adverse effects under 36CFR 800.6.

FS Response Concern Statement 256:

The Cibola does not agree that annual meetings are necessary to achieve progress toward the desired conditions. Rural Historic Communities, Guideline FW-GDL-RHC-4 addresses the need to coordinate with governing bodies as part of project planning. The use of meetings to facilitate desired conditions is stipulated in Management Approaches FW-MGAP-RHC-3, and cooperation to accomplish shared stewardship and address issues of resource and access needs are addressed in FW-MGAP-RHC-1, 2, 13, and 14.

followed when an action is being taken to make progress toward desired conditions,” (p.14) and are, therefore, essential plan components that ensure the resource interests of local, forest dependent land grant-merced communities are protected. Below are recommendations for inclusion of Standards for the Rural Historic Communities Section.

Page 103 - Standards for Rural Historic Communities (FW-RHC-S): Recommend that guideline 4 be reworded and added as a new standard.

Suggested Language: *1. Projects, programs and activities near land grant communities and acequias shall seek input from the relevant land grant and acequia governing bodies early in the stages of planning and protect design to include local perspectives, needs, concerns and traditional knowledge.”*

Comment: It is important to include this as a standard to ensure that all projects, programs, and activities near land grant communities and acequias are aware of and include in project planning and design.

Page 103 - Standards for Rural Historic Communities (FW-RHC-S): Recommend adding the following 14 additional Standards:

Suggested Language: *2. The Forest Service meets periodically with governing bodies of active community land grants and acequias adjacent to/within the National Forest to discuss access to and management of forest resources.*

Comment: We recommend that the forest service collaborates with land grant communities, particularly duly elected boards of trustees to access resource needs of their communities. (Ties to Hassell Report Recommendations 1b, 1c, 42b, 44, 52, 68, 78; Hurst Policy Memo paragraphs 4, 9, 10, 14, 18).

Suggested Language: *3. Projects and activities do not adversely impact identified religious and spiritual sites or Forest resources important to traditional and cultural use.*

Comment: The protection of spiritual sites (calvarios, shrines, etc.) is important to maintaining the cultural integrity of forest dependent land grant communities. Additionally, certain areas within the Forest may contain resources or sites of spiritual significance that land grant communities would not want to publicize to the general public in order to protect the resource/site. (Ties to Hassell 1; Hurst Policy Memo paragraph 7, 8, 9, 11, 13, 17, 18).

Suggested Language: *4. Land Grant governing bodies are given the option to establish communal grazing permits for newly vacant allotments within the patented or historical/traditional use boundaries of a land grant-merced.*

Comment: Grazing has been a shrinking part of the local economy for decades arguably because of a systematic effort on the part of the USFS to reduce the dependence of local land grant on resources that they historically depended on. By example, free-use permits on the Santa Fe NF were reduced from 217 (two-hundred seventeen) in 1940 to 0 (zero) in 1980 (see William deBuys, Enchantment and

Not Met. Critically High Importance. see Concern Statement 71 and 173. also don't know where this guideline went or got deleted.

Draft Plan Location: Page 100-101

Not Met. Critically high importance. There is not a Standards section in part of this plan. see Concern Statement 71, 173, 176, 177, 179, 256, 257 of Forest Service Response. Draft Plan Location: Page 100-101

Not Met. Critically high importance. There is not a Standards section in part of this plan. see Concern Statement 71.

FS Response - Concern Statement 71:

Edits have been incorporated into the final land management plan, see "Traditional Communities and Uses" and "Rural Historic Communities" section. FW-MGAP-FRT-7 addresses the incorporation of native language into signs, interpretive materials, etc., a standard is not warranted here, as site-specific discretion is required when considering language choice for interpretive materials. The acknowledgement that lands covered by claims rejected by the courts are incorporated into the Cibola is addressed by the updated language for the last paragraph of Rural Historic Communities introduction section, "The following plan components and management approaches apply to all rural historic communities, including land grants-mercedes, acequias, and other central New Mexico historic communities, when the term "rural historic community" is used [emphasis added]." No land grant common lands confirmed by Congress or the courts lie within the boundary of the Cibola National Forest (see response to concern statement 178). The Cibola does not have the authority to acquire lands outside of its boundary without an authorizing act of Congress. Only one community land grant- mercedes within the plan area of influence lies within the boundary of the Cibola National Forest, Canon de Carnue. Due to the steepness of the terrain adjacent to the grant boundary or in its general vicinity little if any of this land would be suitable for the siting of the facilities suggested in these proposed guidelines.

FS Response - Concern Statement 173

Collaboration is an approach for accomplishing the desired condition, and is addressed in Rural Historic Communities, Management Approaches FW-MGAP-RHC-4 and 6. Collaboration is a management approach. Collaboration associated with access is addressed in Rural Historic Communities, Management Approaches FW-MGAP-RHC-13 and -15. As worded, the recommended Desired Condition is an approach for accomplishing the desired conditions. It is addressed by Rural Historic Communities, Management Approaches, FW-MGAP-RHC-1, -3, -11, and -14. Access issues are addressed in Sustainable Rangelands and Livestock Grazing, Guideline FW- GDL-GR-8 and Management Approach FW-MGAP-GR-1; and Rural Historic Communities, Guidelines FW-GDL-RHC-1 and -3, and Management Approaches FW-MGAP-RHC-13 and -15. The requirement to afford land grants- mercedes , acequia associations, livestock associations, and permittees the opportunity to participate in plan revision or amendment is already required by 36CFR 219.4(a)(1)(i), (iii), and (iv).

FS Response - Concern Statement 176:

The Forest Service does not prejudice its recognition of the need for the collection of traditionally used forest products by members of rural historic communities based on their contemporary affiliation with a Spanish or Mexican era grant confirmed by Congress or the Federal courts. In this guideline, the language referring to restrictions imposed by standards or guidelines required by other sections of the plan must be retained because those restrictions can exceed those imposed by existing law and regulation. The restrictions imposed by other plan components do not "trump" existing laws and regulations, as plan components that are inconsistent with existing laws and regulations are prohibited, 36CFR 219.1(f).

FS Response - Concern Statement 177:

The Cibola does not agree that annual meetings are necessary to achieve progress toward the desired conditions. Rural Historic Communities guideline FW-GDL-RHC-4 addresses coordination with governing bodies during project planning and design. Guideline FW-GDL-RHC-2 addresses the need to consider spiritually or culturally important places during project planning. The locations of spiritually or cultural important places that are historic properties, including traditional cultural properties are protected from public disclosure by the Federal government, 36CFR 296.18. A standard that prohibits adverse impacts to places of religious significance or areas of traditional and cultural use would be in conflict with Federal law. The Cibola prioritizes the protection of places of significance to rural historic communities, including historic properties, as reflected in Rural Historic Communities, guideline FW-GDL-RHC-2, and Cultural and Historic Resources, standard FW-STD-CHR- 1. However, there are cases where places cannot be protected when undertakings are required to proceed under federal law (for example, the 1872 Mining Law) or where the impact to a place or property is deemed by administrative decision to be less than the benefit provided by the undertaking. In these cases, if the place is a historic property (including a traditional cultural properties), the Cibola is required to work with governing bodies or representative organizations that identify as consulting parties in the resolution of adverse effects under 36CFR 800.6.

FS Response - Concern Statement 179:

No standards are included in this section because the Cibola did not identify any issues where mandatory constraints on project and activity decision-making were warranted relative to rural historic communities. This is addressed by Rural Historic Communities Management Approaches FW-MGAP-RHC-1, 3, and 4. A guideline is not warranted here, as site-specific conditions should be considered to determine whether it is in the best interest of the Federal government and the government representatives of rural historic communities (land grant governing bodies, acequia associations, municipalities, counties) to enter into shared stewardship agreements for fences, roads, and other infrastructure that may service multiple jurisdictions.

FS Response Concern Statement 256:

The Cibola does not agree that annual meetings are necessary to achieve progress toward the desired conditions. Rural Historic Communities, Guideline FW-GDL-RHC-4 addresses the need to coordinate with governing bodies as part of project planning. The use of meetings to facilitate desired conditions is stipulated in Management Approaches FW-MGAP-RHC-3, and cooperation to accomplish shared stewardship and address issues of resource and access needs are addressed in FW-MGAP-RHC-1, 2, 13, and 14.

FS Response - Concern Statement 257:

Not all projects are of a scale, scope, or nature that would warrant coordination with governing bodies in every instance of project planning. Coordination stipulated as a guideline to ensure that it is meaningful and that coordination efforts are focused on those undertakings of importance and concern to land grants- mercedes and acequia associations. Not appropriate as a standard. Standards are mandatory constraints on project and activity decision-making (36CFR 219.7(e)(1)(iii)), and not all projects may warrant meetings with governing bodies; see response to comments 466-69 and 466-73. Addressed by Rural Historic Communities Management Approaches FW-MGAP-RHC-1, -3, and -4. A standard is not warranted here, as it is not always in the best interest of the Federal government, or the government representatives of rural historic communities (land grant governing bodies, acequia associations, municipalities, counties), to collaborate to maintain fences, roads, and other infrastructure that may service multiple jurisdictions.

Exploitation: The Life and Hard Times of a New Mexico Mountain Range (Albuquerque: University of New Mexico Press, 1985), 248; free-use permits in the Carson National Forest were reduced from 461 (four hundred and sixty one) in 1940 to zero (0) in 1980 (William deBuys, Enchantment and Exploitation: The Life and Hard Times of a New Mexico Mountain Range (Albuquerque: University of New Mexico Press, 1985), 248; free use permits figures on the Cibola are not immediately available, but heirs and forest service documents demonstrate the systematic removal of community grazing allotments from local land grants, citing access to local labor markets as a justification for removing access to forest resource dependent and traditional land grant communities (Ties to Hassell Report Recommendations 27, 42b; Hurst Policy Memo paragraph 15)(Ties to Hassell Report Recommendations 27; Hurst Policy Memo paragraph 15).

Suggested Language: 5. *When a shared infrastructure assessment determines a need for maintenance or improvement the Forest Service shall work collaboratively with the appropriate land grant governing body(ies) to address the need.*

Comment: Land grants and the USFS share miles of common boundaries, much of it deriving from the growth of USFS through both the rejection of legitimate claims during the adjudication process (which made these lands part of the public domain, to be incorporated into the national forest) and through the purchase of former land grant common lands from speculators that dispossessed communities of their patrimony. Working with these communities for the mutual benefit of FS and land grant lands may employ members of communities in desperate need for such opportunities and will aid the forest service in providing local knowledge and familiarity with the landscape that only locals have, while also easing the budget constraints of USFS. (Ties to Hassell Report Recommendations 34, 41; Hurst Policy Memo Paragraphs 4, 9, 10, 14, 18)

Suggested Language: 6. *Prior to acquiring former land grant common land the Forest Service shall meet with the appropriate governing bodies of any active community land grants and acequias within the acquisition area in order to determine the communities' traditional use needs for the area..*

Comment: The USFS continues to expand at the expense of community land grants (see Miranda Canyon purchase of former Cristóbal de la Serna Land Grant common land, 2012), an action that also threatens watersheds that feed acequia communities. We recommend that the USFS ceases acquiring former land grant common land, particularly land that from active community land grants as this land is most often seized from land grants through spurious means (both illegal and extra legal). (Ties to Hassell Report Recommendation 30; Hurst Policy Memo paragraphs 4, 10, 18)

Suggested Language: 7. *As Forest Land and Resource Management Plans are implemented the Forest Service shall consult with community land grant and acequia governing bodies and with livestock grazing associations and permittees to maintain continued access to traditional resources.*

Not Met. Critically high importance. There is not a Standards section in part of this plan. see Concern Statement 71, 173, 176, 179 of Forest Service Response

Draft Plan Location: Page 100-101

FS Response - Concern Statement 71:

Edits have been incorporated into the final land management plan, see "Traditional Communities and Uses" and "Rural Historic Communities" section. FW-MGAP-FRT-7 addresses the incorporation of native language into signs, interpretive materials, etc., a standard is not warranted here, as site-specific

discretion is required when considering language choice for interpretive materials. The acknowledgement that lands covered by claims rejected by the courts are incorporated into the Cibola is addressed by the updated language for the last paragraph of Rural Historic Communities introduction section, "The following plan components and management approaches apply to all rural historic communities, including land grants-mercedes, acequias, and other central New Mexico historic communities, when the term "rural historic community" is used [emphasis added]." No land grant common lands confirmed by Congress or the courts lie within the boundary of the Cibola National Forest (see response to concern statement 178). The Cibola does not have the authority to acquire lands outside of its boundary without an authorizing act of Congress. Only one community land grant- mercedes within the plan area of influence lies within the boundary of the Cibola National Forest, Canon de Carnue. Due to the steepness of the terrain adjacent to the grant boundary or in its general vicinity little if any of this land would be suitable for the siting of the facilities suggested in these proposed guidelines.

FS Response - Concern Statement 173

Collaboration is an approach for accomplishing the desired condition, and is addressed in Rural Historic Communities, Management Approaches FW-MGAP-RHC-4 and 6. Collaboration is a management approach. Collaboration associated with access is addressed in Rural Historic Communities, Management Approaches FW-MGAP-RHC-13 and -15. As worded, the recommended Desired Condition is an approach for accomplishing the desired conditions. It is addressed by Rural Historic Communities, Management Approaches, FW-MGAP-RHC-1, -3, -11, and -14. Access issues are addressed in Sustainable Rangelands and Livestock Grazing, Guideline FW- GDL-GR-8 and Management Approach FW-MGAP-GR-1; and Rural Historic Communities, Guidelines FW-GDL-RHC-1 and -3, and Management Approaches FW-MGAP-RHC-13 and -15. The requirement to afford land grants- mercedes , acequia associations, livestock associations, and permittees the opportunity to participate in plan revision or amendment is already required by 36CFR 219.4(a)(1)(i), (iii), and (iv).

FS Response - Concern Statement 176:

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FS Response - Concern Statement 179:

No standards are included in this section because the Cibola did not identify any issues where mandatory constraints on project and activity decision-making were warranted relative to rural historic communities. This is addressed by Rural Historic Communities Management Approaches FW-MGAP-RHC-1, 3, and 4. A guideline is not warranted here, as site-specific conditions should be considered to determine whether it is in the best interest of the Federal government and the government representatives of rural historic communities (land grant governing bodies, acequia associations, municipalities, counties) to enter into shared stewardship agreements for fences, roads, and other infrastructure that may service multiple jurisdictions.

Comment: Land grants, acequias, and grazing associations / permittees have been a part of the planning process for the Cibola National Forest for more than four years, strengthening the plan and advocating for the resource needs of their local communities. Maintaining these collaborative relationships between the FS and these associations (land grants, acequias, and livestock associations) will be paramount in implementing the plan for the benefit of local communities that are most affected by the management of the resources that surround their local communities, particularly those that are a part of their stolen patrimony. (Ties to Hassell Report Recommendations 42b, 42c; Hurst Policy Memo Paragraphs 4, 10, 13, 14, 15, 16, 18).

Suggested Language: 8. *When Forest Land and Resource Management Plans are revised, updated, or amended the Forest Service shall consult with community land grant and acequia governing bodies and with livestock grazing associations and permittees to ensure access to traditional resources important to these forest dependent communities.*

Comment: Land grants and acequias have been a part of the planning process for the Cibola NF for more than four years, strengthening the plan and advocating for the resource needs of their local communities. Maintaining these collaborative relationships between the FS and these associations (land grants, acequias, and livestock associations) will be paramount in implementing the plan for the benefit of local communities that are most affected by the management of the resources that surround their local communities, particularly those that are a part of their stolen patrimony. (Ties to Hassell Report Recommendations 42b, 42c; Hurst Policy Memo Paragraphs 4, 10, 13, 14, 15, 16, 18)

Suggested Language: 9. *All Forest Service signage for forest system lands within or adjacent to historical/traditional use boundaries of community land grants, pueblos and tribes should be written in native languages (i.e., Spanish, Tanoan, Keres, Athabaskan) as well as in English. Signage should include traditional names for these areas as identified in consultation with local communities, as well as names currently found on Forest Service maps and other literature. All relevant applications, informational brochures, pamphlets, and other Forest Service literature should be presented in English, Spanish and native languages to ensure equal access to all local traditional use communities.*

Comment: Members of both federally recognized tribes and other Indian nations, land grant heirs, whose bloodlines include significant genizaro (detrribalized and Hispanicized indians) ancestors, have a historic connection to the landscape that is unique to the southwest and should be valued through sentiment and action. The publication of documents, the increase of signage in native languages, including Spanish, will not only assist these communities in retaining their cultural integrity and recovering a culture that was lost or stolen, but will increase their access to forest resources. (Ties to Hassell Report Recommendations 43, 72; Hurst Policy Memo Paragraphs 8, 10, 11, 18)

Suggested Language: 10. *Forest Service manages for prior existing uses recognized under public laws, memorandums of understanding or agreements established prior to*

Not Met. Critically high importance. There is not a Standards section in part of this plan. see Concern Statement 71, 173, 179 of Forest Service Response

Draft Plan Location: Page 100-101

FS Response - Concern Statement 71:

Edits have been incorporated into the final land management plan, see “Traditional Communities and Uses” and “Rural Historic Communities” section. FW-MGAP-FRT-7 addresses the incorporation of native language into signs, interpretive materials, etc., a standard is not warranted here, as site-specific

discretion is required when considering language choice for interpretive materials. The acknowledgement that lands covered by claims rejected by the courts are incorporated into the Cibola is addressed by the updated language for the last paragraph of Rural Historic Communities introduction section, “The following plan components and management approaches apply to all rural historic communities, including land grants-mercedes, acequias, and other central New Mexico historic communities, when the term “rural historic community” is used [emphasis added].” No land grant common lands confirmed by Congress or the courts lie within the boundary of the Cibola National Forest (see response to concern statement 178). The Cibola does not have the authority to acquire lands outside of its boundary without an authorizing act of Congress. Only one community land grant- mercedes within the plan area of influence lies within the boundary of the Cibola National Forest, Canon de Carnue. Due to the steepness of the terrain adjacent to the grant boundary or in its general vicinity little if any of this land would be suitable for the siting of the facilities suggested in these proposed guidelines.

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FS Response - Concern Statement 179:

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the Forest Service acquisition and management of former community land grant common lands.

Comment: Land grants are protected foremost by international treaty law. The Treaty of Guadalupe Hidalgo explicitly protected the property rights of land grant heirs (Articles XIII and X); the Protocol of Queretaro affirm these protections; the Supremacy Clause of the U.S. Constitution (Article VI) affirmed that international treaties such as the Treaty of Guadalupe Hidalgo, which was affirmed by the Protocol of Queretaro, are the “Supreme law of the land.” The 1854 Act establishing the Office of the Surveyor General of New Mexico (10 Stat. 308) included a provision (section 8) that the Surveyor General decide the validity of grants “under the laws, usages, and customs of the country before its cession to the United States.” This provides the legal basis for the land grant ejido to be protected as common land. Later federal laws, MOUs and agreements include, but are not limited to, Public Law 39, Public Law 419, February 23, 1932 - Color of Title Claims in New Mexico. (Ties to Hassell Report Recommendations 52; Hurst Policy Memo Paragraphs 9, 10).

Suggested Language: *11. Forest Service will utilize wood generated from forest restoration and utility easement maintenance projects to help meet fuelwood needs of adjacent local forest dependent communities.*

Comment: The USFS has a great opportunity to help meet the fuelwood demand of the local forest dependent populations, especially land grant communities, when clearing rights-of-way, easements, etc. The chaos caused by the injunction won by the Wild Earth Guardians demonstrated not only the volatility of the fuelwood issue, but also the real dependence of land grant communities on this resource. (Ties to Hassell Report Recommendation 9, 58, 59; Hurst Policy Memo paragraph 4, 8, 10, 16, 18)

Suggested Language: *12. Forest Service collaborates with community land grant and acequia governing bodies to ensure that access is maintained on forest system roads critical to traditional use.*

Comment: We recommend this standard as it ensures that the Forest Service meets with interested land grant-merced and acequia governing boards and tribal governing bodies to discuss their community access and natural resources needs and or mutually beneficial projects across shared boundaries. (Ties to Hassell Report Recommendations 65, 66; Hurst Policy Memo paragraphs, 8, 9, 10, 11, 12, 13, 18)

Suggested Language: *13. Coordinate with land grant governing bodies to develop a permitting process for traditional use forest products.*

Comment: Land grants are political subdivisions of the State of New Mexico, duly elected by their membership, and represent the needs of their local communities. They possess the on the ground knowledge necessary to ensure that fuelwood permitting will be successful and equitable, representing the interests of heir-members of community land grants who are dependent on forest products for both economic and cultural reasons. They are uniquely positioned to work with the USFS to meet the fuelwood

Not Met. Critically high importance. There is not a Standards section in part of this plan. see Concern Statement 71, 173, 176, 179 of Forest Service Response

Draft Plan Location: Page 100-101

FS Response - Concern Statement 71:

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FS Response - Concern Statement 176:

The Forest Service does not prejudice its recognition of the need for the collection of traditionally used forest products by members of rural historic communities based on their contemporary affiliation with a Spanish or Mexican era grant confirmed by Congress or the Federal courts. In this guideline, the language referring to restrictions imposed by standards or guidelines required by other sections of the plan must be retained because those restrictions can exceed those imposed by existing law and regulation. The restrictions imposed by other plan components do not “trump” existing laws and regulations, as plan components that are inconsistent with existing laws and regulations are prohibited, 36CFR 219.1(f).

FS Response - Concern Statement 179:

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needs of their local communities through a locally informed permitting process. (Ties to Hassell Report recommendation 9, 10, 63b, 68; Hurst Policy Memo paragraphs 4, 10, 13, 14, 16, 18; Desired Conditions 1, 2, 3, 4, 5, 6, 7, 10, 11).

Suggested Language: *14. The Forest Service consults with grazing permittees when planning and prioritizing programs, projects and activities that may impact livestock grazing.*

Comment: Grazing has been a shrinking part of the local economy for decades arguably because of a systematic effort on the part of the USFS to reduce the dependence of local land grant on resources that they have historically depended on. For grazing to remain a viable economic practice and a meaningful cultural one, grazing permittees must be a part of the process. (Ties to Hassell Report Recommendation 23; Hurst Policy Memo paragraph 15).

Suggested Language: *15. At least 70% of the workforce for forest and watershed restoration projects come from adjacent local forest dependent communities.*

Comment: Land grant communities local economies are dependent on access to USFS managed lands, including former land grant common land. Local contractors that are likely to hire local laborers often cannot compete with larger companies that win these federal bids and local laborers that are more often than not land grant heirs are excluded from workforces that are restoring their community land grants former land grant common land. This objective would work to ensure that whether a contractor is local, regional, or national, local laborers have the opportunity to work on these projects, bringing their local knowledge of the landscape into restoration projects, thus benefiting the local economy and the restoration project itself. (Ties to Hassell Report Recommendations 17a, 78; Hurst Policy Memo paragraphs 4, 9, 10, 14).

Page 103 - Guidelines for Rural Historic Communities (FW-RHC-G) - Guideline 1 - Recommend rewriting this guideline to be specific to land grants and to strike redundant language.

Suggested Language: *1. Traditionally used products (e.g., fuelwood, latillas, vigas, piñon, osha, and clay) should be available on the national forest to rural historic communities in a manner consistent with applicable laws and regulations..*

Comment: Traditional use resources should be available and allowed to be collected throughout the National Forest as the types of traditionally used products vary widely. Collection of traditional use resources would obviously be limited to any specific restrictions governing the portion of the forest where they are harvested. The Forest Management Plan cannot trump existing laws and regulations therefore this additional restriction language is not necessary. In addition, as currently written it unnecessarily and unjustly subordinates traditional use of forest products to other resource considerations of the plan.

Page 103 - Guidelines for Rural Historic Communities (FW-RHC-G) -Recommend adding the following 5 guidelines to the Rural Historic Communities Section:

Not Met. Critically high importance. There is not a Standards section in part of this plan. see Concern Statement 71, 173, 179 of Forest Service Response

Draft Plan Location: Page 100-101

Not Met. High importance. Language seems hurtful to LG traditional uses. See Concern Statement 71, 176 of Forest Service Response

Draft Plan Location: Page 101

Not Met. High-Critical Importance. See Concern Comment 71, 173, 176 of Forest Service Response

Draft Plan Location: Page 101

FS Response - Concern Statement 71:

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Collaboration is an approach for accomplishing the desired condition, and is addressed in Rural Historic Communities, Management Approaches FW-MGAP-RHC-4 and 6. Collaboration is a management approach. Collaboration associated with access is addressed in Rural Historic Communities, Management Approaches FW-MGAP-RHC-13 and -15. As worded, the recommended Desired Condition is an approach for accomplishing the desired conditions. It is addressed by Rural Historic Communities, Management Approaches, FW-MGAP-RHC-1, -3, -11, and -14. Access issues are addressed in Sustainable Rangelands and Livestock Grazing, Guideline FW- GDL-GR-8 and Management Approach FW-MGAP-GR-1; and Rural Historic Communities, Guidelines FW-GDL-RHC-1 and -3, and Management Approaches FW-MGAP-RHC-13 and -15. The requirement to afford land grants- mercedes , acequia associations, livestock associations, and permittees the opportunity to participate in plan revision or amendment is already required by 36CFR 219.4(a)(1)(i), (iii), and (iv).

FS Response - Concern Statement 176:

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FS Response - Concern Statement 179:

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Suggested Language: 5. *Management activities should be analyzed and mitigated to prevent or minimize adverse impacts to forest resources important for cultural and traditional needs of rural historic communities.*

Comment: To ensure that Land grant-merced communities dependence on forest resources, which predates the forest service administration of former common land and traditionally used lands, is recognized in management activities and projects on former common land and within the traditional use areas adjacent to land grant communities. (Ties to Hassell Report Recommendation 9; Hurst Policy Memo paragraph 11, 13, 17)

Suggested Language: 6. *The Forest Service will support the maintenance of infrastructure shared with community land grants based upon assessed needs and budget.*

Comment: Land grants and the USFS share miles of common boundaries, much of it deriving from the growth of USFS through both the rejection of legitimate claims during the adjudication process (which made these lands part of the public domain, to be incorporated into the national forest) and through the purchase of former land grant common lands from speculators that dispossessed communities of their patrimony. Working with these communities for the mutual benefit of FS and land grant lands may employ members of communities in desperate need for such opportunities and will aid the forest service in providing local knowledge and familiarity with the landscape that only locals have, while also easing the budget constraints of USFS. (Ties to Hassell Report Recommendation 30; Hurst Policy Memo paragraphs 4, 10, 18).

Suggested Language: 7. *The Forest Service will provide local fuelwood collection opportunities (green and dead and down) to meet the demand of traditional forest dependent communities on an annual basis.*

Comment: As demonstrated by the recent chaos caused by the injunction won by the Wild Earth Guardians, fuelwood is a socio-economically and culturally important resource. Meeting the fuelwood demand of traditional communities helps poor and rural residents, the micro-economics of villagers that work as *leñeros* (woodhaulers), and is sensitive to the traditional and culturally significant practice of harvesting fuelwood. (Ties to Hassell Report Recommendation 9, 58, 59; Hurst Policy Memo paragraphs 4, 8, 9, 10, 14, 16)

Suggested Language: 8. *Forest Service works with community land grant associated forest dependent communities which are surrounded by federal lands and which have little or no vacant land for community facilities and uses (i.e. cemeteries, dumps, community water, wastewater, community centers) to issue and maintain special use permits for such uses when doing so is in the best interest of public health, safety and general welfare.*

Comment: Unlike other *Rural historic communities*, and like American Indian tribes, land grant-merced communities predate the establishment of forest reserves, the

Draft Plan Location: Page 101

FS Response - Concern Statement 71:

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founding of the US Forest Service, and homesteads that created non-American Indian and non-nuevomexicano settlements. Many land grants even predate the founding of the United States of America and forest system lands grew at the expense of land grants through the acquisition of former land grant common lands. This has landlocked land grant communities and they lack vacant land on which to locate or build important community facilities that support the general welfare of the community. (Ties to Hassell Report Recommendation 50; Hurst Policy Memo paragraphs 4, 9, 13, 18).

Suggested Language: 9. Forest Service will work with existing authorities (i.e. Public Law 39, February 23, 1932- Color of Title Claims in New Mexico, Small Tracts Act) to convey land or provide block easements for community land grant associated cemeteries, and other culturally significant sites (i.e. moradas, chapels, churches)

Comment: Will ensure that the USFS to responds to the cultural needs of land-locked land grant communities, many of whom are deprived of necessary vacant land because of the federal acquisition of common land. (Ties to Hassell Report Recommendations 50, 51, 73; Hurst Policy Memo paragraphs 4, 7, 8, 9, 10, 11, 13, 17, 18).

Not Met. High-Critical Importance. See Concern Comment 71 and 173 of Forest Service Response

Draft Plan Location: Page 101

UNSURE. Critically High Importance. see Concern Statement 8 of Forest Service Response

Draft Plan Location: Page 135-139

FS Response - Concern Statement 71:

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thereby the subsequent inclusion of Recommend Wilderness Management Areas as part of the Cibola National Forest Draft Land Management Plan

Page 139 - Recommended Wilderness Areas - Additional Wilderness Comments

1. The Council opposes the designation of Wilderness Expansions 3 (D4_ADJ2), 4 (D4_ADJ7) and 5 (D4_ADJ8) on the west side of the Manzano Mountains as labeled on the Alternative C Map. From our understanding, these areas are being considered for wilderness due to limited access that has caused issues with management of the land. However, The Town of Tome Land Grant is in the process of purchasing lands that would help provide access to our heirs and the general public to the west side of the Manzano Mountains. Access on the western side of the Manzanos is limited, this designation will further limit access to the forest by Land Grant heirs. JFK Park has been closed and this has adversely affected Town of Tomé Land Grant heirs and the general public. Recommend these parcels not be designated for management as Recommended Wilderness Areas but rather remain as they are currently managed under the general rules for non-designated forest system lands.
2. The Council is opposed to Manzano Wilderness Expansion (D4_ADJ4) proposed in Alternative 4. We understand that this is not in the preferred alternative however, this expansion cuts into the historic boundaries of Tajique and Torreon Land Grant which would impact any possibility of CFRP projects near Tajique Creek or by the Gross Kelley Allotment. This is also an area for communal grazing which we strongly advocate for. This area would also not allow these communities to create trails and roads to access areas that have traditional herbs or areas for fuelwood. This area also includes where the traditional Tajique Acequia point of diversion that has not been utilized in recent years due to drought conditions however if conditions improve management as a Wilderness could hamper efforts to utilize the acequia. Lastly land grant heirs and the community at large utilize motorized vehicles and mechanized equipment to access and practice traditional uses on this portion of the Forest.
3. The Council is opposed to the Sandia Wilderness Expansion2 (D5_ADJ9) proposed in Alternative 4. We understand that this is not in the preferred alternative however, this expansion cuts into the historic boundaries of Canon de Carnue Land Grant. This area is where the land grant collects traditional herbs that grow in abundance. This is also a fuelwood collection area for the land grant. The Land Grant if given the opportunity would like to do future youth projects, including CRFP in that area. They are also interested in purchasing this land if management is an issue for the FS.

Page 141. Standards (FW-STD-WSR)

Citation: Standard 5 - "Valid existing rights shall continue to be exercised."

Comment - A list of "valid existing rights" should be given to land-grant communities bordering the rivers eligible for Wild and Scenic designation. Las Huertas and Tajique Creeks are WSR eligible and land surrounding these creeks are Recommended Wilderness Areas. These designations would change the valid existing rights to the land and water. These rights include motorized vehicle use to access the resources of the land that many rural communities depend on. Ensure that the "valid existing rights" and WSR and Wilderness criteria do not contradict. Communities near the Tajique Creek would be vulnerable to flood events, particularly after a catastrophic wildfire, when catchments to prevent flood debris would be

UNSURE. Critically High Importance. see Concern Statement 8 of Forest Service Response

Draft Plan Location: Page 135-139

Not Met. High Importance. See Concern Comment 181 of Forest Service Response

NEW SECTION IN PLAN:
Now Standards for Eligible Wild and Scenic Rivers
MA-STD-WSR

Draft Plan Location: Page 189

FS Response - Concern Statement 8

Some commenters opposed all or some of the recommended wilderness areas included in alternative C. Some commenters suggested that additional recommended wilderness areas not be included in alternative C be considered. (77-1; 86-7, 8, 9; 350-1; 388-1; 410-1; 427-9; 433-4; 456-7; 466-98, 99, 100; 978-6) The Cibola carefully considered existing uses and excluded areas with conflict that included any uses incompatible for managing that area as recommended wilderness (final EIS, appendix C, "Analysis Criteria" section). The Cibola has also responded to further input received on the draft environmental impact statement to ensure recommended wilderness would not conflict with current economic uses (see response to concern statement 163). In order to further inform the Cibola's recommended wilderness in the preferred alternative, the interdisciplinary team invites commenters to specifically identify any site-specific conflicts with managing the recommended wilderness area in alternative C.

FS Response - Concern Statement 181:

Because the areas recommended eligible as wild and scenic rivers, or recommended for designation as wilderness, do not fall within acquired land grant common lands, land grants do not have valid existing rights regarding these lands as conceived by the New Mexico Land Grant Association. Regardless, these areas have been identified as areas of traditional use by members of land grant communities. However, the wild and scenic river eligibility recommendations for Tajique Creek and Las Huertas Creek do not place additional restrictions on motorized access to these areas beyond those already in place under current Travel Management rules. Motorized travel is already prohibited under Travel Management rules in the area adjacent to Tajique Creek recommended for wilderness designation in alternatives B and D. Wild and scenic eligibility will not restrict standard channel stabilization methods during burned area emergency response such as the placement of straw bale barriers in side channels, or directional falling of trees. Very large permanent impoundments would be prohibited along Las Huertas Creek. Most of the reach of Tajique Creek above the land grant community is not wild and scenic river eligible and even large impoundments could be considered along this reach. However, burned area emergency response has moved away from channel treatments in favor landscape treatments, which have been found to be more effective at addressing flooding and erosion (Robichaud et al. 2014). Recommending Las Huertas as wild and scenic river eligible would not further limit the ability to conduct landscape treatments of burned areas beyond restrictions already in place in Sandia Wilderness. Recommending areas adjacent to Tajique Creek as wilderness, however, could limit the landscape treatments that could be applied in those areas.

prohibited as stopping the free flow of the river. In the case of Las Huertas Creek, a WSR would “cherry-stem” the existing wilderness, extending the potentially impact that a catastrophic wildfire will have on a community already vulnerable because an overgrown existing wilderness.

Page 211. Appendix A: Proposed Probable and Possible Future Actions

Page 216-217: Possible Management Actions- Rural Historic Communities: Recommend the addition to these possible management actions as follows.

- Coordinate with community land grant governing bodies and acequia associations when developing protection measures and access for traditional use areas, traditional cultural properties, and other affiliated historic properties of significance to these entities and their constituent communities.
- Work with governing bodies for land grants-mercedes and acequia associations to incorporate Spanish language interpretive materials into signage to highlight the Hispanic culture as part of the landscape and surrounding areas.
- Work with land grant-merced and acequias to create a forest wide map of locations and historic boundaries within Cibola NF system lands.
- Programs, projects & activities aimed at providing access to forest resources for traditional uses (i.e. NEPA clearance for acequias improvements and designating fuelwood collection areas) are planned well enough in advance so as not to cause delays in implementation.

Comment: The above language are important and critical next steps along with some of the others in this appendix we encourage the Forest Service to follow through on these actions in order to meet plan components and foster continuous relationships with rural historic communities.

Partially Met.
High Importance.

Draft Plan Location: Page 213-214

Partially met. these two were not incorporated into the plan.

Draft Plan Location: Page 213-214

High Importance.