

Comments for the Lincoln National Forest Draft Land Management Plan

As president of the Lincoln National Forest Allotment Owners Association, I have been elected to submit comments addressing concerns of our members for the Lincoln National Forest Draft Land Management Plan. Our members have an important vested interest in the decisions that this plan will provide, and our concerns by our forest-wide users is of great importance to us.

To begin with, on page 9 (top paragraph), the term “permittees” is used, and it is used throughout the plan and the Draft Environmental Impact Statement instead of the term “allotment owners.” Permittees is a term used by the forest service that means the permit holder can graze their cattle on a designated forest service allotment while using the forest service guidelines and dictates. An allotment owner is a permit holder that has a grazing allotment using forest land that is tied to their private land as a split-estate ownership for grazing given by the original deed to the private land. The deed plus other Acts of Congress grant an ownership right for the forage, water, and right-of-way for the animals but not for the underlying land which is held by the United States. The Act of 1866 as amended by the Act of 1870 and 1872 (16 Stat 218, 17 Stat 91), and construed with the Grazing Rights Act of 1875 (18 Stat 481), was an explicit recognition of surface ownership rights to grazing land. These Acts along with others showing the grazing right ownership were not cited in preparing this plan, and the forest must recognize them.

The first paragraph on page 5 should be the first paragraph under the “Description of the Plan Area” which is on page 3. This paragraph is more comprehensive of the area’s usage whereas the other paragraphs are more specific. It also encompasses the residents and allotment owners who stay on the land sometimes for generations whereas the emphasis on recreation described earlier in the section is for recreationists who come-and-go which is important for the economy but do not respect the forest whereas the residents do. Additionally, the residents’ comments should be given more weight because on a daily basis they are impacted the most heavily by the plan.

Climate change is mentioned numerous times throughout the Plan, however, on page 5 the last paragraph shows that climate change is nothing new. It states that it began around 6000 B.C. Therefore, adapting for it has been ongoing since then, and our members are willing to work with the rapidly changing current climate so that the forest and livestock will benefit each other.

On page 11 under At-Risk Species first bullet, “There is a need for plan components that support ecological conditions that contribute to the recovery and conservation of federally listed species (threatened and endangered), maintaining stable to increasing populations of the species of conservation concern, and maintaining common and abundant species.” The baseline (as mentioned in the second bullet) and progress toward achieving desired results should be incorporated in the plan to show if the actions taken actually are achieving the desired results using further scientific research. This is the most important component. Additionally, on page 315 of the DEIS, we find that “Protecting these species would help maintain or restore ecological conditions, but it could limit the intensity of grazing on allotments where at-risk species are found.” This reason seems to be the driving force behind many of the “environmental” groups that do not

have a thorough understanding of the fully functioning forest. The at-risk species are at risk for a reason usually not fully associated with grazing, but it is mainly the only thing that the forest can control. Drought, predators, past forest personnel decisions, flooding, etc. can be other factors. Livestock grazers do not need to be a victim of this discrimination. However, this premise could be tested on a small scale to see if the actions actually bring the desired result. Adding to this, on page 54, an additional Riparian Area Guideline should be added to scientifically reevaluate the continuing need to consider if at-risk species should retain their status with the restrictions of usage that they gained through their listing.

On page 62, the last sentence says “For species of conservation concern, habitat management and compatible multiple uses will be accomplished in such a way that ensures those species’ persistence on the Lincoln, per the 2012 Planning Rule.” How can any plan or action **ensure** a species persistence? This may be a goal but may not be achievable based on acts of nature. The forest service needs to be realistic.

Also on page 11 the second bullet under Social and Economic Conditions, and Multiple Uses, it must be remembered that New Mexico water rights belong to those who put the water to beneficial use. These rights can be declared or undeclared, but the first user for the water has the priority and preference usage. This is usually the homesteader and the forest livestock owner whose livestock grazed the forest which established the grazing allotments. (These are some of the valid and existing rights mentioned in the plan elsewhere.)

As stated on page 242 in the DEIS, “The goal of management activities on “public land” is to improve the conditions of the landscape to provide for a healthy, resilient ecosystem. Overall, the activities should improve ecological conditions of the native wildlife in these lands.” Forest users want this, but there are many factors to consider especially because many previous forest service actions have affected the current forest condition which needs to be brought back to desired conditions. The desired conditions are also needed by allotment owners to provide adequate forage for their livestock and especially with the increasing numbers of wildlife.

Beaver in the Lincoln National Forest are mentioned on page 51. Historically they may have been found in the Smoky Bear District, but we cannot find evidence of them in the other two districts, and it has been unlawful to kill them since 1898.

On page 65 under Terrestrial Species and Habitats Objectives, it specifies water developments for wildlife. All water developments should be dual purpose to provide for all animals that use the forest to avoid animal cruelty. Any allotment user that has water available for their livestock also provides water to all wildlife in the area. They are not restrictive. The forest service should also not be restrictive especially since water is scarce in many areas of the forest. On page 100 under objective 01, it should be made more clear that water features should be dual purpose. The use of the word “or” related to “wildlife or livestock” should not give confusion. On page 208 regarding Objectives for Terrestrial Species and Habitats for achieving desired resource conditions and objectives, the emphasis is to improve the habitat for wildlife. Livestock also use the forest and

must be considered when making these improvements. It should read wildlife and livestock even though it includes dual purpose later in the sentence.

The top of page 75 does not list elk as a nonnative invasive species. It may be because of the economic drivers related to the elk, but the current Rocky Mountain Elk is a much larger animal than the Miriams elk that was native. The current elk population was introduced in the late 1960's, and it affects the forest differently than the previous elk species. The large numbers of the elk also consume a great deal of the forage that allotment owners previously had available for their livestock. Their large size also makes them problematic in trying to maintain fences for the allotments. Their numbers need to be controlled better through hunting.

07 on page 102 and #7 on page 218 under Range, the text says "Facilitate dialogue between the New Mexico Department of Game and Fish (NMDGF) and livestock producers about ungulates (elk, deer, and livestock) and the cumulative impacts on forest resources." This dialogue should be a three-way dialogue between NMDGF, livestock producers, and the forest service. The two-way dialogues are always unproductive. The large herds of elk are a big concern for allotment owners.

On page 86, 209 under Collaboration, Partnerships, Education, and Relationships Objectives, a fifth Objective should be added to "educate the public, particularly youth, about the benefits of producing forest products and the benefits to the forest of livestock grazing and hunting and how these promote conservation of the forest. This area is lacking in so many education programs, and it leaves a big gap in the public understanding the values of these activities instead of only hearing the negative side which is so prevalent these days. Balanced education is important to help give a real understanding of all the forest activities and their contributions to forest health. This lack of understanding and education has led to prejudice against livestock grazing which is unfounded.

Recreationists' abusive ATV and motorcycle usage is detrimental to the health of the forest and forage on the allotments. 06 on page 107 should include rules and regulations on recreational activities including ATV and motorcycle usage. To go along with that, on page 109 03, the use of the word "Discourage" is not strong enough! Motorized off trail usage should be prohibited, and consequences should be specified. The use of non-motorized user-created routes by ATVs and motorcycles is causing extensive erosion on many allotments so that historically used routes are unusable or problematic now.

Executive Order 11644 on page 240 requires the federal agencies to develop and implement procedures that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, etc. Off-road users are of great concern to those who care for the land such as allotment owners. Many are responsible users, but erosion in many areas on allotments has been caused by these users. They basically have not been able to be controlled, but this should a vital part of the plan.

It is always of concern when government agencies desire to extend their reach and power by acquiring more land. This seems to be a goal on page 120 and 121 and 222 although other reasons may be given at the time. Even though interested stakeholders may want to be involved in this, they should not actively be sought. This section seems to be a desire for an incremental land grab and is inappropriate for this forest with large allotments and other land holdings already acquired.

Of particular concern to the allotment owners in the pursuit of more area devoted to wilderness. Wilderness is an impractical dream idea that is not compatible with historical and customary usage. According to page 136 04, a wilderness is to have an unmodified and natural landscape. The Lincoln National Forest was settled since the late 1800's, and this has contributed to modified lands that have provided a living for the early settlers through today. Current visitors would not really gain any experiences that are not already available to them if any additional areas were designated as a wilderness. Also as stated in this document, most of the forest has grazing allotments on it, and any infrastructure that is maintained causes some disturbance. On the next page, 197, under Approaches 04, the expectation is to use non-motorized and non-mechanized practices and minimize structural development. It is unrealistic to have these expectations on an allotment owner by imposing a wilderness designation on the useful forest lands and by giving them priority treatment. Management treatments to improve ecosystem composition, structure, and diversity; which would improve the overall apparent naturalness of the area would not be available, and would not contribute to forest health. Additional wilderness designations would also contribute to an incremental land grab; therefore, no new wilderness designations should be recommended.

Additionally, on page 223 under Management Approaches, many of the approaches show that the public is known for abusing the forest and are hard to control. Therefore, it is better not to designate additional land as wilderness.

Decommissioning roads in inventoried roadless areas seems like aggressive action because the roads may need to be used for emergencies with the public, livestock handling, allotment maintenance, hunting activities, etc. Other decommissioning such as in Alternate B on page 31 in the DEIS say that resource damage would be limited by including a guideline for roads constructed for projects to be closed to public access and rehabilitated once the project is complete, unless required for operation or maintenance. This is desirable, however, in practicality small vehicles such as motorcycles and ATVs often do not abide guidelines and go wherever they choose which leads to excessive erosion in the forest. Objective 2 under Roads on page 210 calls for decommissioning roads. This sounds reasonable IF it is agreed to by those using the road and will not adversely affect the allotment user.

The desired conditions for wilderness study areas on pages 146 and 147 are similar to what we should find in most places and allotments in the forest. The main difference is that there is a restriction on motorized usage. While this restriction for the public at large is realistic, it is unrealistic and too restrictive for effective livestock management which does not damage the land. Some of the standards listed on page 147 have exceptions because the standard is unrealistic to

achieve beneficial forest health. On page 148 09 the guideline does seem to allow motorized usage, but infrastructure construction, maintenance, and repair should also be included. On page 97 in the DEIS, it makes me wonder what would change, if anything, to change the wilderness study area to a wilderness.

Under Range on page 218 Management approach 1, it states “Lincoln National Forest land managers cooperate, collaborate, and coordinate with livestock producers and stakeholders etc.” After livestock producers, it should include “the land environmental stewards.” Those who use the land and care for it so that it can take care of their cattle using the forest allotments are the land environmental stewards. It should read “Lincoln National Forest land managers cooperate, collaborate, and coordinate with livestock producers—the land environmental stewards and stakeholders etc.”

Comments on the Draft Environmental Impact Statement Volume 1

The 5 alternatives are compared on pages S-1 and S-2. Although these alternatives have many similarities, there should be leeway in essentially mixing and matching desirable qualities from each of the alternatives without having to settle on one totally. For example Alternative B has a number of good qualities, but other elements of the other alternatives would be more suitable to achieve the desired results for all of the stakeholders.

Alternative A has worked fairly well for many years although more clarification in some areas would be helpful to meet desired conditions. Forage and vegetation are emphasized to bring the forest to a level where it provides for the local economy, forest health, and without infringing on current rights of forest users, but it will take longer.

Alternative B introduces some changes that can provide for greater forest health by using methods to move toward desired conditions more effectively while maintaining forage and vegetation for the local economy. Under Economics on page 32, it says “Grazing would continue at current levels, but plan direction would provide additional protection for sensitive natural resources, including riparian areas.” The plan should emphasize measures to offer similar water resources to the allotment owner while maintaining the rancher’s valid, existing rights. It is often assumed that grazing is detrimental to riparian areas, and the forest service plans protection in the form of fencing out cattle but not other species. If riparian areas are observed on private lands with grazing, it is often seen that grazing has not adversely affected those riparian areas.

The additional wilderness designations are unnecessary and should not be considered because the areas to be included will restrict excessively the use of those areas and infringe on the ability to manage the areas as effectively as they need to be by the forest as well as the allotment owner. For example, no motorized access is unreasonable in caring for the land (limited might be reasonable but not any is unreasonable), vegetation overgrowth making the land unproductive and prone to wildfires would occur; solitude and communing with nature is already available in these

areas. Some people just like the idea or the sound of wilderness, but it is impractical for the above reasons in this forest.

In the DEIS on page 38, the Elements Specific to Alternative C are poor considering the fact that desired conditions on the forest could not be met by reducing the available acres for mechanical treatment, and the number of acres for recommended wilderness amounts to only a land grab of grazing allotments without actually providing anything that cannot already be achieved currently in the forest. In fact the large designation would be detrimental to the forest because of lack of ability to properly care for the areas. The forest is a natural resource that is meant to be used and cared for. This alternative is not compatible with that.

Alternative D has very little difference from other alternatives as many projects for forest and wildlife health are already being done.

Alternative E is a more logical alternative for using the natural resources of the forest for more users' opportunities. It especially recommends less wilderness designation than all alternatives besides A. This is a more logical approach although NO additional wilderness designations would have more benefits for forest management and access to the land. It also promotes recreational uses at developed recreation sites (page 274). This would help to preserve the forest allotments on a larger scale rather than with disbursed camping, but the motorcycles and ATVs would still take a toll on the ecosystem.

On page 52 there seems to be a desire on the part of the forest to acquire private lands. It gives the impression that private land owners are unable or may be unwilling to meet the forest needs by their ownership. Forced or dictated or condemnation proceedings to achieve this is unacceptable and should never be considered for private property or the split-estate grazing allotment ownership. Private property rights are essential for a good functioning society.

On page 75 livestock grazing which impacts allotment owners is always considered when dealing with a listed species. There are many other aspects that need to be considered regarding viability of a listed species, and these should also be taken into consideration. Other aspects can be moisture availability including rain for plants, flooding, drought, seasonal lack of water, temperature fluctuations, composition of soils, tree cover or lack, wildlife influences, invasive plants and animals, etc. Responsible livestock grazing generally has minimal effect on many compatible species. It must also be remembered that grazing and overgrazing are not the same. Under the allotment permit system grazing numbers are kept compatible with forage conditions.

On page 142 impacts on vegetation from livestock grazing are listed in a negative way at the top of the page. Some benefits of livestock grazing are given later, but these should always be balanced. For example, the potential for nonnative, invasive plant and seed dispersal is given, but livestock also disperse beneficial plants and seeds.

On pages 142 and 166 under the positive effects of livestock grazing it says that grazing can help protect rangeland from impacts by nonnative species, such as feral horses and pigs, and native species, such as elk. It must be remembered that the current elk that are currently present in the Lincoln NF are an introduced nonnative species. Then on page 222 in the list of introduced game species, elk are not mentioned. On page 310 deer and elk are mentioned as native ungulates. These errors should be corrected.

As is seen on page 267 “Past management has resulted in an abundance of smaller and younger trees across the landscape, a buildup of fuels, and the occurrence of more continuous fuels than were historically present.” Therefore, it is important to have fuels treatment to bring the forest to a more healthy condition and to prevent catastrophic fires that we see happening in other areas. Grazing allotments will be improved with these treatments and should be carried out.

On pages 312 and 315, it mentions that “Treated allotments would likely be rested during restoration, thus removing the availability of authorized AUMs” a “Prescribed wildfire is likely to lead to removal of livestock for a longer period.” In a situation like this, the forest service should provide alternate pasture until the treated area can be utilized. This could be in vacant allotments. Also on this page, riparian restoration is mentioned. This can be difficult in times of drought.

Final Comments

In conclusion, although the Draft Forest Plan has selected Alternative B, some sections should be considered from another alternative. The alternative for wilderness selection would be better addressed in alternate A with no additional designations or a second best would be alternate E so that fewer acres would be encumbered without adequate viability to manage the area.

These concerns of residents using grazing allotments in the Lincoln NF should be considered because our goal is to protect the forest so that it will provide for the livestock that benefit the forest. This two-way street of responsible grazing is vital to forest health in working to achieve desired results while maintaining our valid, existing rights.