



United States  
Department of  
Agriculture

Forest  
Service

Sacramento Ranger District

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**File Code:** 1950  
**Date:** August 2, 2017

## **Designated Opportunity to Comment on the New Mexico Meadow Jumping Mouse Habitat Improvement Projects Proposal on the Agua Chiquita Grazing Allotment**

Dear Forest Stakeholder:

The Sacramento Ranger District of the Lincoln National Forest is proposing to construct habitat improvement projects on the Agua Chiquita Grazing Allotment to aid in the protection of New Mexico meadow jumping mouse (NMMJM) critical habitat. There is a need to address the federal listing of the NMMJM as an endangered species and to be in conformance with the Lincoln National Forest Land and Resource Management Plan (Forest Plan). Standards and Guidelines in the Forest Plan for Federal and State Threatened and Endangered (T&E) Species include: protect and manage essential and critical habitats of threatened, endangered, and sensitive species through ensuring that legal and biological requirements of designated plant and animal species are met; identify, protect and enhance existing and potential habitat of all T&E and sensitive species; and activities likely to cause disturbance, including public use, will be prohibited in the vicinity of any essential habitat for T&E species (USDA FS 1986<sup>1</sup>). The current status of the NMMJM shows it has a high risk of extinction without active conservation (USDI FWS 2014<sup>2</sup>). The purpose of the proposal is to protect and improve the NMMJM habitat within the Agua Chiquita Grazing Allotment by reducing impacts from grazing and recreation, which decrease the cover and food essential for the continued survival of the NMMJM, while continuing to allow for livestock grazing and recreational activities. The project areas are located within the Agua Chiquita Grazing Allotment (Figure 1) in Otero County, New Mexico.

The Agua Chiquita Grazing Allotment is located within:

Township 18 South, Ranges 12, 13, and 14 East

Township 19 South, Ranges 12, and 13 East

This project announcement letter serves to initiate comments and scoping, “an early and open process for determining the scope of issues to be addressed” (40 CFR 1501.7). Scoping is not limited to a single point in time; we will continue to accept and consider comments until an implementation decision is made. The purpose of scoping is to provide an opportunity for the public to provide early and meaningful comments on a proposed action prior to a decision being made by the responsible official. Public comments received in response to this solicitation will help the responsible official identify issues to be addressed in the environmental analysis for this

<sup>1</sup> U.S. Department of Agriculture, Forest Service (USDA FS). 1986. Lincoln National Forest Land and Resource Management Plan. [Alamogordo, NM]: USDA, Forest Service, Lincoln National Forest.

<sup>2</sup> U.S. Department of the Interior, Fish and Wildlife Service (USDA FWS). 2014. Fish and Wildlife Service. 2014. Final status review and assessment of the New Mexico meadow jumping mouse (*Zapus hudsonius luteus*). Prepared by the Listing Review Team, Albuquerque, New Mexico. 148 pp.



proposal.

## Background

*New Mexico meadow jumping mouse:* The NMMJM was proposed as an endangered species with critical habitat in June, 2013; it was then listed as endangered in June, 2014 and the critical habitat for was designated in March, 2016. The Agua Chiquita Grazing Allotment contains critical habitat<sup>3</sup> and occupied critical habitat<sup>4</sup> in the Agua Chiquita drainage (Figure 1). The NMMJM utilizes riparian areas and nearby upland habitat. Riparian habitat is used for foraging and upland habitat is used for nesting. The species requires tall and dense herbaceous riparian vegetation for survival.

Temporary electric fencing has been in place on the Lincoln National Forest during the livestock grazing season (May-October) since 2014 to protect portions of NMMJM occupied critical habitat. During and after the 2016 grazing season, the fencing has covered portions of critical habitat, as well as the occupied critical habitat. The temporary fencing provides protection to the critical habitat for the NMMJM and allows for continuation of livestock grazing in the affected pasture within the Agua Chiquita Grazing Allotment. The grazing permit holder on the Agua Chiquita Grazing Allotment was able to inform the Forest Service how the temporary fences were working over the 2016 season, and what changes they requested to make them less problematic for their management. The suggestions over the 2016 grazing season that allowed for adequate protection of the NMMJM helped guide the current proposal for long-term fencing.

*Why it is important to improve NMMJM habitat:* The downward decline of the NMMJM indicates a problem with the habitat it relies upon, in this case riparian habitat. Riparian habitat encompasses the area at the interface between a body of water and the uplands that contains water loving plants like rushes, sedges and willows, such as the edge of a stream. Riparian habitat benefits a multitude of species, as well as improving water quality and increasing water quantity. Riparian vegetation needs to be able to grow to a sufficient height to provide these benefits and to be able to produce seeds to maintain and expand. Some of the beneficial functions a healthy riparian system provides include:

- Riparian vegetation stabilizes streambanks by holding the soil and protecting it from erosion;
- Riparian vegetation decreases the water temperature by shading the water, which helps aquatic species and reduces the amount of water loss through evaporation;
- Riparian vegetation improves water quality by reducing sediment in the water, thus reducing erosion and trapping upland sediment before it reaches the waterbody;
- Riparian vegetation reduces downstream flooding by slowing flows and allowing more water to infiltrate soils instead of flowing rapidly downstream, this quality also increases

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<sup>3</sup> Critical Habitat: geographic areas that contain physical and biological features essential to the conservation of the species

<sup>4</sup> Occupied critical habitat: geographic areas that were occupied by the species at the time of listing that contain physical and biological features essential to the conservation of the species.

groundwater recharge and allows the area to provide downstream water for longer durations during dry periods;

- Riparian vegetation provides vital habitat for a large diversity of wildlife and plant species;
- Riparian areas act as migration corridors for a variety of wildlife species;
- Riparian areas make up a small amount of habitat, but almost all species benefit from it; and
- Riparian vegetation provides nutrients for aquatic and upland species.

### **Description of Proposed Actions**

The Lincoln National Forest is proposing to replace the temporary exclosure fencing that was completed for the 2016 and 2017 grazing season with permanent exclosure fencing, construct additional livestock handling facilities<sup>5</sup>, and to develop additional water for livestock and wildlife within the Agua Chiquita Grazing Allotment to reduce impacts on occupied habitat and designated critical habitat for the NMMJM. A closure order for exclosures fenced with electric fencing would be included as part of the proposal to protect human health and safety, by reducing the risk of electric shock to forest users, and to reduce impacts to the critical habitat from vehicles. The closure order would be lifted when the electric fence gets replaced with permanent fence.

The exclosure fencing on the Agua Chiquita Allotment would be constructed along portions of NMMJM critical habitat within the Agua Chiquita drainage (Figure 2). The fencing would follow the footprint of the temporary fencing from the 2016 and 2017 grazing season.

Approximately 25 acres are currently excluded along Agua Chiquita in existing exclosures. Approximately 22 additional acres would be fenced under this proposal, which is less than 0.01% of the 28,840 acres of federal land within the allotment; therefore a reduction in livestock numbers was not considered necessary. The rest of the critical habitat is within a riparian pasture and the livestock use within that pasture is managed under the Annual Operating Instructions and Allotment Management Plan. The fencing would allow livestock access to water, or to neighboring pastures, through the use of strategically placed water/access lanes where the livestock could cross the stream channel. Large rocks or other structures may be used to allow cattle to access the stream, but deter vehicles in locations where water lanes border a road. Water lanes would be reinforced with rock or other materials to reduce erosion when necessary. The exclosure fencing would be a combination of 4 strand barbed wire fencing, pipe fencing and eight-foot tall elk fencing. Areas fenced with barbed wire may be upgraded to pipe fencing overtime as funding becomes available. The fencing would exclude the riparian area along with small portions of upland habitat from livestock grazing; areas with elk fencing would exclude both livestock and elk. The amount of upland habitat included varied by location due to topographical constraints, roads or other features. Electric fencing would be used temporarily until long-term fencing could be built. The exclosure fencing would include gates to remove livestock in the event of accidental entry. The permanent exclosure fencing would also prevent vehicle entry into the excluded areas reducing impacts from dispersed recreation to the riparian

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<sup>5</sup> Livestock handling facilities: corrals and traps for gathering and working livestock

habitat. The enclosure fencing would not close any designated roads or trails.

The grazing permit holder gave the Forest Service a proposal of desired projects including handling facilities and additional waters, which they felt would help their operation manage around the NMMJM critical habitat. The projects proposed by the grazing permit holder will be included and considered in the analysis. Livestock handling facilities and water developments would be constructed in locations compatible with the grazing permit holder's needs and the Forest Service requirements. These projects would encourage more livestock use outside of critical habitat and riparian areas in general, and give the grazing permit holder more management flexibility. The locations of the proposed handling facilities and water developments would be determined in coordination with the grazing permit holder.

The fencing, handling facilities and water developments would be constructed by Forest Service personnel or by hired contractors. Trees would be removed within the pathway of a fenceline or facility, or to reduce hazards during construction. The projects would be built using mechanized equipment, non-mechanized equipment and ground labor. The fencing built within critical habitat would have construction restrictions on timing and equipment/ vehicle use to reduce impacts to the habitat. The fencing, facilities, and water developments would be built in accordance to any necessary restrictions and design features. Participation from the grazing permit holder would be requested and encouraged on all projects. The grazing permit holder's preference for water development and handling facility placement, design, and order for construction would be taken into consideration and followed as closely as possible.

The closure order would be issued for all electric fenced areas to protect human health and safety by reducing the risk of electric shock and to prevent forest users from taking down the fence to drive and camp within the exclosures. When the permanent fence is completed in place of the electric fence, the closure order would be lifted because the risk of electric shock would be removed and forest users would not be able to remove the fence and drive into fenced areas. The closure order would not close any authorized roads or trails and would include exceptions such as hunters retrieving game animals on foot, the grazing permit holder removing cattle from the exclosures, and any Federal, State or local officer, or member of an organized rescue or firefighting force engaged in the performance of an official duty.

Information regarding these actions can be obtained from the Sacramento Ranger District in Cloudcroft, New Mexico: Ciara Cusack, NEPA Planner, #4 Lost Lodge, Cloudcroft, NM 88317; 575-682-2551; [ccusack@fs.fed.us](mailto:ccusack@fs.fed.us); or on the Lincoln National Forest projects website – <https://www.fs.usda.gov/project/?project=51273>

## **How to Submit Comments**

This solicitation serves as a designated opportunity for public comment. This project proposal is subject to 36 CFR 218 subparts A and B. Reviewers should clearly articulate their support, concerns and contentions related to the project proposal. Comments should be within the scope of the proposed action, have a direct relationship to the proposed action, and must include supporting reasons for the responsible official to consider (36 CFR 218.2).

Specific written comments (36 CFR 218.2) on the proposed project will be accepted for 30

calendar days following publication of the official notice in the *Alamogordo Daily News*, i.e., the newspaper of record for the Sacramento Ranger District. The publication is expected on August 11, 2017. If the comment period ends on a Saturday, Sunday, or Federal holiday, comments will be accepted until the end of the next Federal working day. The publication date in the *Alamogordo Daily News* is the exclusive means for calculating the comment period. Those wishing to comment should not rely upon dates or timeframe information provided by any other source. Failing to submit timely and specific comments can affect a reviewer's ability to participate in subsequent administrative or judicial review. All oral comments and any written comments submitted outside this or another designated opportunity for public comment will be considered but will not establish objection eligibility.

Other requirements to be eligible to submit an objection are defined by 36 CFR 218.25 (a)(3) and include name, postal address, title of the project, and verification of identity of the individual or entity who authored the comments upon request. Individual members of an entity must submit their own individual comments in order to have eligibility to object as an individual. A timely submission will be determined as outlined in 36 CFR 218.25 (a)(4). It is the responsibility of the sender to ensure timely receipt of any comments submitted.

Anyone submitting comments are asked to provide their name and postal mailing address so that they can be added to the project mailing list. Input received in response to this solicitation, including the names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that, under the FOIA, confidentiality may be granted in only limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the requester is denied; the agency will return the submission and notify the requestor that the comments may be resubmitted with or without name and address within seven days. Comments submitted anonymously will be considered; however, anonymous comments will not provide the Agency with the ability to provide the respondent with subsequent environmental documents.

Specific written comments including attachments may be submitted by email in word (.doc), rich text format (.rtf), text (.txt), hypertext markup language (.html), or portable document format (.pdf) to: **comments-southwestern-lincoln-sacramento@fs.fed.us** and include "NMMJM Habitat Projects-Agua Chiquita" in the subject line. Comments must have an identifiable name attached or verification of identity will be required. A scanned signature may serve as verification on electronic comments.

Written comments may also be faxed to 575.682.3394, or submitted by mail or in person (Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays) to:

Elizabeth Humphrey, District Ranger  
C/o Ciara Cusack  
Sacramento Ranger District

PO Box 288, #4 Lost Lodge Rd.  
Cloudcroft, NM 88317

### Next Steps

The Sacramento Ranger District will prepare a draft environmental assessment (EA) to analyze the impacts of the proposed projects; the scope of the issues being addressed in the analysis will be guided by the comments received from this scoping letter. Suggestions and comments received from this letter will help guide the development of any alternatives. When the draft EA is completed, it will be released for a 30 day designated comment period. All stakeholders that received this letter and anyone else that asks to be on the mailing list will receive notification when the draft EA is available for review and comment. A legal notice will be published in the *Alamogordo Daily News* to notify the stakeholders of the beginning of the designated comment period.

After comments on the draft EA are fully considered, the EA will be finalized and a finding of no significant impact (FONSI) and draft decision document (decision notice) will be prepared. The final EA, FONSI, and draft decision are subject to the predecisional administrative review process (objection process) pursuant to 36 CFR 218, subparts A and B. The responsible official, will notify those that previously commented of the opportunity to object on the final EA, FONSI, and draft decision.

Objections will only be accepted from those who have previously submitted specific written comments regarding these proposed projects during a designated opportunity for public comment in accordance with 36 CFR 218.5(a). Issues raised in objections must be based on previously submitted, timely, specifically written comments regarding this proposed project unless based on new information arising after the designated comment opportunities.

Thank you for your interest in the Lincoln National Forest.

Sincerely,



ELIZABETH A. HUMPHREY

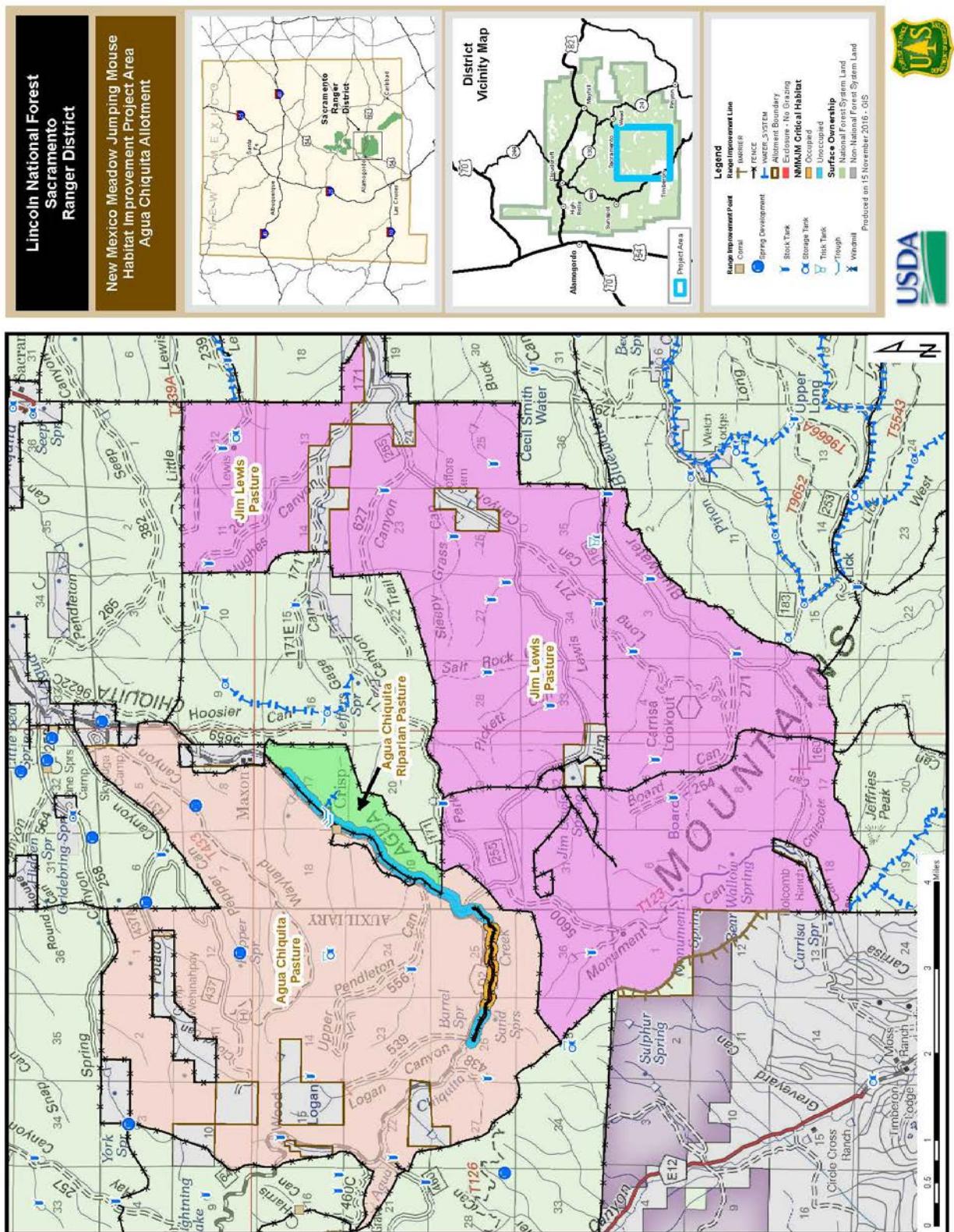
*Acting for* District Ranger

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*Figure 1. Project Area Map of the Agua Chiquita Allotment that displays the New Mexico meadow jumping mouse critical habitat in blue and occupied critical habitat in orange, as well as the existing range improvement projects and pastures.*

