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First name: Bryan

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Organization:

Title:

Comments: Bryan Andrada: Edited Comments

Please see the attached document for the revised/edited comments. I just noticed that I sent you the unedited version earlier today. Please accept this document in lieu of the one I sent previously.

Sincerely,

Bryan Andrada

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Cibola National Forest Mountain Ranger Districts

Comment Form for use with

Preliminary Draft Plan, Wilderness Process Paper, and all maps

Document Reviewed (draft plan, wilderness process paper, map)Resource SectionPage #Line #Comment
Cibola National Forest Revision PlanIntroduction120-29 The planning process has been less transparent than previous plans I have been invited to comment on. The process described in lines 24-29 circumvented the primary purpose of seeking public comment for developing a plan the represents the majority of the interested public for their particular areas. The partners described were handpicked and unilaterally selected to represent large blocks of the surrounding communities under fraudulent pretense.

These groups did absolutely nothing to reach out to the communities and garner the input of the areas they purported to represent. I correspond and visit with hundreds of public land users throughout the state including all the Cibola areas currently under consideration. I have yet to find one person that was contacted or provided an opportunity to participate in the process. In fact the public was told in one of the public meetings that the members of the cooperating agencies, and landscape teams were required to sign a Memorandum of Understanding that the teams would not disclose the content or discussions regarding the plan until the draft was complete. Please substantiate the unscientific proclamation beginning on line 28 that the "approach has been instrumental in engaging with the broader public..." The use of words like "instrumental" implies a significant increase of public involvement was actually measured by some kind of standards. Otherwise remove the fluff promotional propaganda. From my perspective the approach was instrumental in disengaging the public and filtered out a good portion of the real public concerns.

at one of the I was only able to attend two of the various meeting scheduled around the state and I was very disturbed as to how the second meeting I attended was conducted. In my opinion they are contrary to reality.

Introduction 1325-31The bullet regarding "Multiple Use" and the use of the term needs to comply with the Multiple Surface Use Act. In 1955 under the Multiple Surface Use Act codified at 30 U.S.C. § 612(b), Congress directed that: "Rights under any mining claim hereafter located under the mining laws of the United States shall be subject, prior to issuance of patent therefor, to the right of the United States to manage and dispose of the vegetative surface resources thereof and to manage other surface resources thereof (except mineral deposits subject to location under the Mining laws of the United States). Any such mining claim shall also be subject, prior to issuance of patent therefor, to the right of the United States, its permittees, and licensees, to use so much of the surface thereof as may be necessary for such purposes or for access to adjacent land: Provided, however, That any use of the surface of any such mining claim by the United States, its permittees or licensees, shall be such as not to

endanger or materially interfere with prospecting, mining or processing operations or uses reasonably incident thereto..."

Introduction 141-2 Maintenance of infrastructure is almost non-existent compared to previous management practices. Failure to maintain and closing existing roads is a major cause of unnecessary erosion.

Intro 15 & 16 23-35 The introduction and plan in general seems to disregard the distinctions set forth regarding standard and guidelines. It seems that codified and case law in many cases have been disregarded or considered to be guidelines where items not supported or reinforced by law get elevated to a standards category.

Chapter 1 22 & 237-29

1-2

Cibola past performance and management of current wilderness areas as well as the interface zones has not been very good.

Recently there was in excess of 25 families that have had their lives permanently changed as a direct result of restricting access to and prohibiting responsible selective harvest of the natural resources on public land (Doghead Fire.) The USFS closed and continues to close roads that access what was once a very thick stand of Ponderosa Pine and tons of firewood etc. In their so-called effort to address a problem created when they stopped thinning the overgrowth, they provided the Isleta Pueblo with a machine called a Masticator that supposedly mows and mulches huge trees. They were actually trying to reduce a fire hazard with this machine when they lit the forest on fire. Ten times as much carbon went into the air than would have been released if we would have converted that wasted energy to frame and heat our homes. Man "The Public" made a significant contribution to its so-called carbon footprint studied during this management process. One needs to question whether these catastrophic fires are calculated into carbon footprint considerations written into this report. As for environment and habitat. USFS and various environmental groups tend to think of man as a species that is distinct and apart from what is known as nature or the environment. We are just as much a part of nature and the environment as the spotted owl. We are the only members of nature that give a damn about other species. Why isn't the Forest Service considering the habitat and lively hood of the human race?

Chapter 21 352 Closing an existing road does not make an area roadless. The previously mentioned Multiple Surface Act, RS 2477, and other laws and statutes must be taken into consideration during the review process. It is exclusively incumbent upon the US government to acknowledge the rights of the miners and prospectors under the Mining Act of 1866 as amended in 1872.

Appendix D Alternate A is the only proposed plan that fully complies with The Americans with Disabilities Act because it changes nothing. When you update or upgrade a public facility the Agency must also make accommodations and improvements to bring existing facilities into compliance with the Act.

Alternate A is the only proposed plan that fully complies with the 1872 Mining Act. Withdrawing areas from mineral entry through Wilderness recommendation or other Administrative should first consider whether there are active mining claims within the recommended area. The 1872 Mining Act does not require the claimant participate in public comment planning efforts to keep their claims. It is incumbent upon the Government to ensure compliance and avoid interference with the prospector and miner on public land.

Alternate A is the only proposed plan that fully complies with Multiple Use and Sustained Yield Act of 1976. Withdrawing areas, closing roads, and recommending historical mining district to be designated as wilderness reduces rather than sustaining the yield of resources. Areas are being preserved until they burn down instead restoring responsible harvesting as required by the Act.

Alternate A is the only proposed plan that fully complies with the Mining and Mineral Policy Act of 1970. The act declares that it is the continuing policy of the Federal Government to foster and encourage private enterprise in the development of a stable domestic minerals industry and the orderly and economic development of domestic mineral resources.

Alternate A is the only proposed plan that fully complies with The Federal Land Policy and Management Act of

1976. The act reiterates that the 1970 Mining and Minerals Policy Act shall be implemented and directs that public lands be managed in a manner which recognizes the Nation's need for domestic sources of minerals and other resources.

Alternate A is the only proposed plan that fully complies with the fifth amendment of the Constitution. In addition to providing us the right to keep our mouths shut it prohibits the taking of property without just compensation. A mining claim is considered real property belonging the person holding the claim in accordance with the 1872 Act. Any action that will hinder or prohibit a person from working his claim essentially amounts to taking of property without compensation.

General Comments It appears the page numbers, sections, etc. have been revised from the previous format. That made it hard to bring previous comments forward and reference to the revised pages/sections etc. I am resubmitting comments I felt were worth repeating.

The fact that you are attempting to render more that 60% of the public land off limits to vehicles constitutes a blatant disregard for Americans with disabilities and a direct violation of the Americans with Disabilities Act. I have never considered myself disabled but the extreme limitations placed upon the public land renders The National Forest (a public facility) inaccessible due to excessive distances that is beyond my physical ability to walk. There are others that have much greater disabilities than I and I will seek them out to explore the possibility of class action assertions of our rights. Under Title III (of the ADA,) no individual may be discriminated against on the basis of disability with regards to the full and equal enjoyment of the goods, services, facilities, or accommodations of any place of "public accommodation" by any person who owns, leases, or operates a place of "public accommodation". "Public accommodations" include most places of lodging (such as inns and hotels), recreation, transportation, education, and dining, along with stores, care providers, and places of public displays. Below is an example of what USFS should be doing more of, not less, with our tax dollars.

The US Forest is a Public Facility and the US government should always be the shining example for other to follow.

Management AreasNot Sure D3_5K7 and D3_5K7.b are not roadless. There are several roads that cross through these sections. BLM has designated the area as containing locatable minerals. There is ranching that occurs in the area. There is hunting and many other types of recreational activities that occur on a regular basis throughout the area. The recommended (designated for normal intents and purposes) area when accounting for the roads, ranching and recreational activities leave way less than 5,000 undisturbed acres and the sections therefore do not meet the criteria and requirement for wilderness designation.

D3_ADJ9 and D3_ADJ10 are both less than 5,000 acres and should not be recommended. Historically, valuable silver deposits have been discovered in the vicinity and great potential exist for other locatable minerals to be discovered. It would be a violation of acts cited previously in my comments above.

D3_5K6 Has several roads and mineralization. After accounting for the roads there is not a total of 5,000 Acres available for designation.

D3_5K5 Has several roads and mineralization. The existence of patented mining properties and claims is a clear indicator of the mineralization. After accounting for the roads there is not a total of 5,000 Acres available for designation.

D3_5K1 Has several roads crossing throughout the entire area. Numerous valuable minerals have been proven on the existing and past mining claims. Designating this area will be a direct violation of the Multiple Use and Sustained Yield Act of 1960, the Federal Lands Policy and Management Act of 1976, the 1970 Mining and Minerals Policy Act, and RS2477. It is a further infringement on the rights of current mining claim holder who have exercised their due diligence in accordance with the 1872 Mining Act to maintain and hold their claims. The existence of patented mining properties and active mining claims is a clear indicator of the mineralization. The areas has virtually hundreds of abandoned adits, shafts and prospect that are worth reevaluating as a result changed market conditions. After accounting for the roads, active mining claims, ranching and numerous recreational activities that occur on a regular basis this area is clearly not a candidate for wilderness

consideration. Additionally there is not a total of 5,000 acres without the previously described improvements with the area.

D3_5K3 Has several roads and mineralization. The existence of patented mining properties and claims is a clear indicator of the mineralization. After accounting for the roads there is not a total of 5,000 Acres available for designation. Furthermore there is not a distinct boundary drawn on the map that separate D3_5K5 and D3_5K3. D3_Lang Has several roads and mineralization. The existence of patented mining properties and claims is a clear indicator of the mineralization. After accounting for the roads there is not a total of 5,000 Acres available for designation. Langmuir Research Site was originally established to research weather patterns and storm activity. In clandestine fashion it has grown exponentially in size and range. Apparently the research activity has expanded well beyond the original scope. The Public has been left uninformed regarding these changes to public land. It is hard to discern what Research site boundaries are and what are proposed. It is hard to comment on the planned intentions when they are obscured in this fashion.

Due to the limited availability of time to complete my comments I must say in general the same conditions described for the Magdalena Districts exist in all the other areas being considered under this plan. Consider these previous comments to apply to those areas as well as they may apply.

General Comments Continued The plan and the Travel Management plan that Preceded this 20 year plan was manipulated to such an extent that the true public opinion has been filtered and amended to misrepresent public support of a predetermined plan without public involvement under secrecy of dark. I watched as the forest service manipulated a person into rescinding his original public comments regarding the Travel Management Plan. This was all based on a promise that top directors would take care of him individually instead of having his original comments go on record. The last meeting I attend I did not get to hear the public comments nor did I get to express my comments and concerns to the group.

The meeting was micromanaged by separating everybody into groups. The meeting facilitators would engage in dialogue with the groups and cherry pick verbal comments and place them on a flip chart. I handed my very specific hand written comment and asked the people at the "Management Areas" table to accept and consider my comments. When they presented the comments they received none of my comments were mentioned to the group. We were then told at the close of the meeting that the flip charts would become the documents of record for the public comments received that night. It was a total misrepresentation of public interest.