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The Otero Soil & Water Conservation District (SWCD) offers these comments respecting the "Lincoln National Forest Draft Land Management Plan" ("Draft Plan") released for public comment in August 2021.

Otero SWCD is a political subdivision of the State of New Mexico. Otero SWCD was organized under the New Mexico Soil and Water Conservation District Act and was chartered by the New Mexico Secretary of State in 1940.

Otero SWCD's boundaries are generally contiguous with those of Otero County, New Mexico. The Sacramento Ranger District ("Sacramento District") of the Lincoln National Forest ("LNF") is encompassed almost entirely within the Otero SWCD's boundaries.

Otero SWCD is a "cooperating agency" of the LNF and has closely followed the LNF's development of the Draft Plan.

LNF prepared the Draft Plan in compliance with, inter alia, with the National Forest Management Act of 1976 and the US Forest Services' 2012 Land and Resources Management Rule ("2012 Rule.")

The Draft Plan is intended to replace the current LNF "Land and Resource Management Plan," originally adopted in 1986, as subsequently amended ("Current Plan.")

Otero SWCD's comments here relate specifically to LNF's proposal in the Draft Plan to recommend to Congress that three parcels of LNF-administered land, totaling some 18,320 acres, within the Sacramento District, be added to the National Wilderness System ("Wilderness System".) The Wilderness System was established by the 1964 Wilderness Act ("1964 Act."), as were the criteria to determine whether additional lands qualify for inclusion.

In the Current Plan, LNF made no recommendation respecting Congressional designation of Sacramento District lands as "Wilderness." LNF explains that when the Current Plan was developed, it was not required to consider making such a recommendation, but that it is doing so now, in the Draft Plan, because the 2012 Rule added the requirement that it consider whether such a recommendation is warranted.

It must be emphasized that although the Draft Plan's "Wilderness" proposal is described as a recommendation," and even though Congress, alone, has the authority to include those parcels in the Wilderness System, the Draft Plan makes clear that once the Draft Plan becomes final, the LNF will begin managing the three parcels as if they were part of the Wilderness System until Congress either accepts or rejects the LNF's recommendation. Among other things, this means that all use of mechanized equipment must immediately cease on those parcels except in the most limited circumstances.

Otero SWCD respectfully submits that LNF's recommendation that the three parcels being designated as "Wilderness"

- 1) in fact, is not justified under the criteria established in the 1964 Act;

- 2) would needlessly interfere with LNF's ability to most effectively carry out its' responsibilities to manage the lands under its' supervision in the public interest;

3) would needlessly interfere with the ability of Otero SWCD and the Natural Resources Conservation Service ("NRCS") to carry out their own statutory responsibilities to work with local ranchers to conserve natural resources while supporting agriculture as the economic base of local communities; and

4) would increase the likelihood that the affected ranches will cease to be economically viable, and thus that the land base of those ranches will be fragmented, which possibility must be identified and considered in compliance with the National Environmental Policy Act ("NEPA") before the Draft Plan can be finalized.

THE THREE PARCELS ARE NOT "WILDERNESS."

The three parcels (designated "SBD 52," "SBD 58," and "SBD 60" in the Draft Plan) include all or part of six separate grazing allotments along the eastern edge of the Sacramento District. They form part of the long, east-trending slope that stretches from the crest of the Sacramento Mountains to the Pecos River Valley. Cattle grazing was the basis on which the area was first settled by non-native Americans beginning in 1870s and remains the foundation of the local economy. The six grazing allotments are part of the land base for ranches that were established a hundred or more years ago. In a number of cases, several generations of the same families have lived on, and made their living from, those ranches.

Unsurprisingly, although the families that operate those ranches have shown themselves to have been excellent stewards, their long occupation and use of the land has left its mark. As the ranchers, themselves, have documented in photographs, and as NRCS's records confirm, the three parcels reflect extensive evidence of the ranchers' presence, including roads, fences, pens, water wells, dirt tanks, trick tanks, pipelines, drinkers, etc. Some of such structures are higher than the surrounding vegetation and are visible from considerable distances.

Further, the physical record of human activity on the land is not limited to ranching. There are, for example, actively maintained, permanent county roads immediately adjacent to, and even crossing, the proposed "Wilderness." Also, one of the parcels contains an abandoned mine shaft and tailings, and another holds a capped oil well, drilling pad and gravel access road.

Thus, there is simply no basis in fact for the conclusion that "there is little or no evidence of human impact on the landscape," that "improvements are rare or scattered," or that "the presence or appearance of improvements does not detract from apparent naturalness."

The affected ranchers need make no apologies for their land-use practices. Nevertheless, the three parcels are in no sense the "Edenic" places, "untouched and untrammelled by the works of man," that Congress, in the 1964 Act, sought to protect. They are, rather, pieces of a larger, working, productive landscape, in which man and nature have coexisted for generations.

LNF SHOULD NOT ABDICATE ITS' MANAGEMENT RESPONSIBILITIES.

Although the LNF has received comments during the planning process that urge it to recommend that as much of the forest as possible be designated as "Wilderness," the LNF has not cited any evidence that there is any appreciable demand among members of the public to actually visit the forest to partake of "opportunities for solitude or primitive or unconfined types of recreation" beyond those opportunities which the forest already provides. It is thus an open question whether the proposed "Wilderness" designation of the three parcels at issue here would generate even one additional visitor to the forest.

In any event, it seems clear that those urging the creation of more "Wilderness" aren't primarily motivated by a desire to see more human visitation. Rather, they are doing so in furtherance of an agenda that aims to depopulate the forest as much as possible and shift the LNF's management philosophy in a way that

deemphasizes meeting human needs and is directed more toward a romantic vision of allowing an idealized nature to take its course. While there may be places in this country where such a prescription can reasonably be applied, the Sacramento District of the LNF is not one of them.

Tellingly, a previous LNF Supervisor publicly stated that every square inch of the Sacramento District qualifies as Wildland-Urban Interface. To the same point, it has been observed that the Sacramento District is very likely the most urbanized Forest Service unit west of the Mississippi River. The Sacramento District has too many inholdings, too much infrastructure, and too large a human population to permit a hands-off approach to its management.

The possible results of relying too heavily on "nature" to "manage" the forest were demonstrated most vividly in 2012, in the LNF's Smokey Bear Ranger District, when lightning ignited a fire in a remote area of the White Mountain Wilderness. Under the rules pertaining to wilderness fires, that small blaze, the "Little Bear Fire," was allowed to run its course until it unexpectedly blew up, escaped the wilderness boundaries, and ultimately grew to become the most destructive wildfire in the history of the State of New Mexico. The lesson of Little Bear about the dangers that come with "letting nature take its course" are seared into the memory of many residents of this part of New Mexico.

Nor is the threat of wildfire the only risk that requires active forest management. The LNF faces a whole spectrum of threats to a whole spectrum of values. The threats include, for example, those posed by flooding, drought, infestation by invasive plant and animal species, brush encroachment, insect and disease infestations, soil erosion, and vandalism and other forms of illicit human activity. The values at risk include, but are not limited to, human life and property, infrastructure, hydrological function, soil structure and productivity, biodiversity, aesthetics, recreational opportunities, and timber and agricultural production.

The LNF cannot expect that the romantic conception of "nature" will always provide an answer to all of the kinds of problems it will face. Indeed, many of these problems are caused, or at least made worse, by actual natural extremes, including, particularly, extremes of weather. And, unfortunately, weather extremes are expected to become both more intense and more frequent as a consequence of climate change.

To its credit, the LNF, in the Draft Plan, generally seems to be moving toward a more reality-based, pro-active, flexible, and "adaptive" approach to management, which it will need if it is to successfully cope with the array of challenges, both known and, as yet, unknown, which it will face going forward. Given this general approach, its recommendation, without good cause, that the three parcels be designated as "Wilderness," thus limiting its own management options, is totally wrong-headed.

WILDERNESS DESIGNATION WILL UNDERMINE THE ABILITY OF Otero SWCD AND NRCS TO PERFORM THEIR OWN STATUTORY RESPONSIBILITIES.

Beginning at least as far back as the Agricultural Adjustment Act of 1933, and in multiple enactments since, it has been Congress' clearly expressed intent to promote the conservation and wise use of natural resources in the production of food and fiber in the US. The goals of this effort are to help assure a reliable and affordable food supply for the Nation's people by helping agricultural producers to operate as efficiently and sustainably as possible, and by supporting the local communities that both support agriculture and depend on agriculture for their economic survival.

The Otero SWCD and the local NRCS office, respectively, are the agents through which the State of New Mexico and US Department of Agriculture implement, in Otero County, the Federal-State partnership that has evolved over the years to carry out Congress' intent. To this end, Otero SWCD, for over 80 years, has helped to recruit

Otero County farmers and ranchers interested in taking advantage of the opportunities to benefit from such technical and financial support as Congress has authorized from time to time through, first, the Soil Conservation Service, and now, the NRCS.

The six ranches affected by the LNF's proposed "Wilderness" recommendation have each participated in such programs. A resource management plan has been prepared for each ranch and is on file in the USDA Service Center in Alamogordo. Those files document all of the practices and improvements recommended, agreed to, and funded as part of each individual management plan. In every case where a practice or improvement was or is to be implemented on Forest Service land, the LNF's Range Specialists were consulted and LNF's prior agreement was secured.

These comprehensive records fully support the presentation made by the affected ranchers that, contrary to the claim that the three parcels show little or no evidence of human impact, extensive improvements have been made, and are very visible, on those parcels. The LNF personnel involved in the preparation of the Draft Plan are invited to confirm the ranchers' presentation by reviewing the records for themselves.

In addition to the substantial investments which the ranchers themselves have made and continue to make in improvements on their grazing allotments, the records for the six ranches show that not less than \$547,000 of federal cost-share was invested in improvements on those allotments since 2003, and that another \$330,000 of federal cost-share has been committed to those allotments but not yet spent.

Because the proposed "Wildness" designation of the three parcels would prohibit the use of mechanized equipment to maintain the improvements already made there, the ranchers, who committed to perform such maintenance when they accepted the federal cost-share, would almost certainly be unable to perform, and the improvements themselves would fall into disuse and disrepair. Should this happen, federal monies would have been wasted.

Likewise, without the ability to use mechanized equipment to install new improvements, few, if any, new improvements would be made, and the additional federal cost-share would be cancelled. The loss, in those circumstances, would be of the benefits which the cancelled improvements would have provided, not only to grazing operations, but to wildlife as well.

It might be argued that some maintenance of some existing improvements might still be accomplished using non-mechanized means, and that it might also still be possible to install some new improvements using such means. A little thought, however, (or, better yet, a little real-life experience with mules and hand-tools,) should be sufficient to answer any such claims.

Likewise, the argument that the LNF would retain the discretion to waive the prohibition on the use of mechanized equipment in designated "Wilderness" is of no avail because no meaningful investments are likely ever to be made in reliance on that possibility.

In any event, given that the LNF must have agreed in advance to the implementation of any new practice or improvement on any grazing allotment, there simply is no good reason why it needs to retain the discretion to later refuse to allow the use of mechanized equipment to maintain that practice or improvement. The original authorization to proceed, by necessary implication, can only reasonably be understood as including the authorization to maintain.

WILDERNESS DESIGNATION COULD LEAD TO RANCH FAILURE AND SUBDIVISION. NEPA REQUIRES THAT THESE POSSIBILITIES BE EVALUATED.

Otero SWCD cannot say, and is unwilling to guess, whether the proposed "Wilderness" designation of their allotments would prove to be "the straw that broke the camel's back" for any of the six ranches.

However, we do predict, with absolute certainty, that the proposed designation would make an already very tough business even tougher by reducing the ranches' ability to fully utilize the grazing potential of their allotments, and by reducing or eliminating entirely the value of those allotments as collateral in securing credit.

We also believe that the LNF is required under the National Environmental Policy Act to recognize the possibility that the proposed designation could possibly lead to the failure of one or more of the ranches as viable business units, and to consider the possible "downstream" consequences of any such failure(s).

Clearly, the families who (possibly, for generations) have lived on and operated the failed ranches would feel the effects, as would their neighbors and the communities of which they are a part. Full and part-time employees, suppliers, creditors, and local taxing authorities could also suffer.

There is also a further possible consequence that history teaches is sufficiently probable to occur, and could have sufficiently large negative impacts, that it cannot be ignored; namely, that the failure of one or more ranches could trigger subdivision of the base acreage and fragmentation of land ownership. The problems created by the breakup of old ranches throughout the West are well documented and include loss or degradation of the very environmental and aesthetic values that the "wilderness" designation is meant to protect.

The Otero SWCD submits that along with other likely negative consequences, the potential fragmentation of the landscape resulting from the proposed "Wilderness" designation must be considered and factored into the LNF's decision before the LNF proceeds further with such designation.