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Comments: The New Mexico Land Grant Council submits the attached objections to the final draft land management plan (and appendices, including EIS) for the Cibola National Forest.

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 settle 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).ii 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. Cibola National Forest Chapter 2. Forestwide Direction - Traditional Communities and Uses The NMLGC objects to the Cibola 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 Cibola National Forest, especially considering the aforementioned acreages of former land grant common land within the forest lands managed by the Cibola National Forest. In the Sandia Ranger District (99,416 acres) of the Cibola National Forest alone, 41,660.3 acres (including military withdrawals and special management areas) are the former land grant

common land of the Cañon de Carnuel (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 Tom Land Grant common land and 7,981.08 acres of Cebolleta Land Grant common land that are managed by the Cibola 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 piñon nuts, osha 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 Cibola National Forest include: Town of Atrisco, Town of Cebolleta, Town of Cubero, Merced del Pueblo de Chilili, Town of Manzano, Town of Taji, Town of Tom 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 their 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 921. 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 93v 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 1011. 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 osha, poleo, oregano del campo, and other medicinal plants are protected and preserved, as are forest products such as timber, firewood (fuelwood), piñon nuts, vigas and latillas, trementina (sap), and capulin (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 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. The New Mexico Land Grant Council raised the following issues regarding follow-up to their 2019 Draft Forest Plan Comments:

Plant Community Species Composition Guideline FW-GDL-SPC2019 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.

Concerns not met in the Forest Service Response to Comments, Concern Statement 62

Suggested Guideline: FW-GDL-SPC: A new Guideline should be added regarding the protection of significant plant communities.

1. Management programs, projects and activities should account for significant plant communities (such as osha, poleo, and oregano del campo) to protect and preserve their persistence.

Chapter 2. Forestwide Direction all Vegetation Types2019 Comment: It is important that desired conditions for vegetation include a desired condition related to ecosystem resilience and adaptivity to disturbances. 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. Concerns not met in the Forest Service Response to Comments, Concern Statement 51 Suggested Language: 6. vegetation characteristics (e.g. tree density, litter depth) support favorable water flow and quality. Chapter 2. Forestwide Direction all Vegetation Types 2019 Comments: The current draft plan contains no reference to the importance of maintaining native plant communities and reducing or eliminating invasive species. Concerns not met in the Forest Service response to comments, concern statement 51 Suggested Language: 7. Native plant communities dominate the landscape while invasive species are nonexistent or low in abundance and do not disrupt ecological function. Chapter 2. Forestwide Direction all Vegetation Types 2019 Comment: It is important to include a desired condition that connects the relationship between forest vegetation and soil health. Concerns not met in the Forest Service response to comments, concern statement 51 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. Chapter 2. Forestwide Direction All Vegetation Types 2019 Comment: It is necessary to include a desired condition that addresses the importance of resilience of forest vegetation to climate change. Concerns not met in the forest service response to comments, concern statement 51 Suggested Language: 9. The composition, structure, and function of vegetative conditions are resilient to the frequency, extent, and severity of disturbances, and climate variability Chapter 2. Forestwide Direction All Vegetation Types 2019 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. Concerns not met in the forest service response to comments, concern statement 51 Suggested Language 10. Vegetation provides a sustainable supply of timber and forest products, such as firewood, pinon nuts, vigas and latillas, herbs and forage. Chapter 2. Forestwide Direction on All Vegetation Types 2019 Comment: Inclusion of this desired condition demonstrates a Forest Service management commitment to protecting and preserving culturally important vegetation species. Concerns not met in the forest service response to comments, concern statement 51 Suggested Language 11. Habitats and refugia for rare, endemic, and culturally important species are intact, functioning, and sufficient for species persistence and recovery. Chapter 2. Forestwide Direction on all Vegetation Types 2019 Comment: Its necessary to add traditional property and historical resources to the list of protection measures since timber harvest activities have the potential to adversely impact traditional use resources (such as pinon 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. The Forest Service did not respond to this comment see draft plan page 29. Suggested Standard FW-STD-VEG-Standard 4 and Standard 7: 4. Recommend adding traditional use resources and cultural and historic resources to the list of items for protection during timber harvests. 7. Recommend rewriting this standard to protect all resource values as opposed to just recreation resource values 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 Chapter 2. Page 63 - Water Resources Background and Description 2019 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. Concerns not met in the forest service response to comments, concern statement 65 Suggestion: Draft Forest Plan page 63 - Water Features-Background and Description - Recommend that the beginning sentence be re-written to include acequias. Suggested Language: Water resource features include streams (perennial, intermittent, and ephemeral), springs, wetlands, acequias, riparian areas and groundwater Chapter 2. Page 65 - Desired Condition 3 - FW-DC-WRF 2019 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 Concerns not met in the forest service response to comments, concern statement 65 Suggestion: Draft Forest Plan Page 65 - 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 poen 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. Chapter 2. Page 66 Water Resource Features Standards FW-STD-WRF2019 Comment: Inclusion of this standard is important as it protects other forest resources, species and traditional water uses during planned projects and activities. Suggestion: Draft Plan Concern Statement 65 - Water Resources 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. Chapter 2. Forestwide Direction - Soils - Desired Conditions FW-DC-SOIL2019 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. Suggestion: Draft Plan Concern statement 66 - 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.

Chapter 2. Forestwide Direction - Aquatic Species and Habitats

2019 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.

Suggestion: Draft Plan Concern Statement 67. Page 74-Management Approaches (FW-MGAP-AQSP)-Management Approach 1. Recommended rewriting this management approach.

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).

Chapter 2 - Fire and Fuels - Guideline 7

2019 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 2, 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).

Suggestion - Draft Plan Concern Statement 51. Page 88 Guidelines (FW-GDL-FF)-Guideline 7. Recommend re-writing 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 processes.

Chapter 2. Fire and Fuels - Management Approach 1

2019 Comment: Adding "benefits" is important to express the important role that fire (naturally occurring and prescribed) plays in maintaining healthy ecosystem function.

Suggestion - Draft Plan Concern statement 51. Page 88-Management Approaches (FW-FW-MGAP-FF) - Management Approach 1. Recommend rewriting this guidance to add the word "benefits" between "potential" and "challenges".

Suggested Language - 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.

Chapter 2 - Fire and Fuels Management Approach 12. Management Approach 12 was taken out between comment and objection. See Concern statement 51

2019 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.

Suggestion: Recommend rewriting the approach

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.

Chapter 2 - Forestwide Direction - Sustainable Rangelands and Livestock Grazing

2019 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 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.

Suggestion: Draft Plan Concern statement 175

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."

Chapter 2 - Grazing Desired Condition Addition

2019 Comment: Previous versions of the Cibola draft plan included communal grazing management areas aimed at providing new communal grazing opportunities for land 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.

Suggestion: Draft Plan Concern Statement 175

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

Chapter 2 - Add a new communal grazing objective

2019 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.

Suggestion: Draft Plan Page 91 and Concern Statement 175 - 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."

Chapter 2 - Sustainable Forestry and Forest Products Desired Condition 1

2019 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.

Suggestion - Draft Plan Page 93 and Concern Statement 70 - Sustainable Forestry and Forest Products - Desired Conditions (FW-DCFP) - 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.

Chapter 2 - Sustainable Forestry and Forest Products Desired Condition 3

2019 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.

Suggestion: Draft Plan Page 94 and Concern Response 70. - 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: 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 goodwill with traditional communities. Permitting of these forest products for commercial use should be required.

Chapter 2 - Sustainable Forestry and Forest Products - Desired Condition 4

2019 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.

Suggestion: Draft Plan page 94 and Concern Statement 70: Sustainable Forestry and Forest Products - Desired Conditions (FW-DCFP) - Desired Condition 4. - Recommend removing "[i]n balance with other resources needs and concerns" from between "[i]mployment" and "[i]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.

Chapter 2 Sustainable Forestry and Forest Products Desired Condition 6

2019 Comment: The term "[i]unauthorized collection" is more palatable than "[i]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 [ldquo]theft[rdquo] 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.

Suggestion: Draft Plan page 94 and Concern Statement 70: Sustainable Forestry and Forest Products - Desired Conditions (FW-DCFP) - Desired Condition 6. - Recommend amending the DC to replace the word [ldquo]theft[rdquo] with the term [ldquo]unauthorized collection[rdquo] 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.

Chapter 2 - Sustainable Forestry and Forest Products - Standards

2019 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 goodwill with traditional communities. Permitting of these forest products for commercial use should be required.

Suggestion: Draft Plan page 94 and Concern Statement 70. 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 piñon nuts, trementina sap, chapul berries, and medicinal plants, in small quantities for personal traditional use shall not require a permit.

Chapter 2 - Sustainable Forestry and Forest Products - a new guideline

2019 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.

Suggestion: Draft Plan page 94 and Concern Statement 70. 3. When management activities result in generation of fuelwood, opportunities for collection by traditional and other local communities will be made available where appropriate.

Chapter 2 - Sustainable Forestry and Forest Products - Management Approach 4

2019 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.

Suggestion: Draft Plan page 94 and Concern Statement 70. Page 94 - Management Approaches (FW-MGAP-FP) - Management Approach 4. - Recommend removing [Idquo]consistent with scenic integrity objectives[rddquo] from this management approach and replacing it with by[rddquo].

Chapter 2 - Sustainable Forestry and Forest Products - A new Management Approach - Fuelwood Collection

2019 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.

Suggestion: Draft Plan Page 94 and Concern Statement 70. 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.

Chapter 2 Sustainable Forestry and Forest Products - a new management approach - local community fuelwood partnership blocks

2019 Comment: 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.

Suggestion: Draft Plan page 94 and Concern Statement 70. Management Approaches (FW-MGAP-FP) - Recommend adding a new management approach relating to local community partnership blocks as a management tool.

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.

Chapter 2 - Traditional and Cultural Uses - give land grants and acequias separate section

2019 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 [sect]49-1-1 and [sect]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.

Suggestion: Draft Plan pages 95-104 and Concern Statements 171, 172, 178 - 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.

Traditional Communities and Uses - suggested change

2019 Comment: It is more appropriate to list forest service lands as being administered by the agency rather than the staff of the agency.

Suggestion: Daft Plan Page 100 and Concern Statements 171, 172, and 178- Land Grants-Mercedes Communities and Acequias Background and Description - Recommend removing [ldquo]staff[rdquo] at the end of the last paragraph and inserting [ldquo]the U.S.[rdquo] between [ldquo]administered by[rdquo] and [ldquo]Forest Service.[rdquo]

Suggested Language: "Many have former common lands now administered by the U.S.Forest Service.[rdquo]

Rural Historic Communities - Land Grant-Mercedes Communities and Acequias-Background and Description

2019 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.

Suggestion: Page 101 and Concern Statement 71- 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: [ldquo]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.[rdquo]

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.[rdquo]

Rural Historic Communities - Desired Condition 1

2019 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).

Concern: The Forest Service did not address this issue - Page 102 and Concern Statement 71, 178 [ndash] Rural Historic Communities - Desired Conditions (FW-DC-RHC) - Desired Condition 1

Rural Historic Communities - Desired Condition 2

2019 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 Ca[ntilde]jon de Carnu[eacute] common lands Concern: Page 102 and concern statements

Concern: Page 102 and Concern Statements 71 and 178. Issue not resolved.

Rural and Historic Communities - Desired Condition 4

2019 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).

Suggestion: Draft Plan page 102 and concern statements 71, 173, 176. Rural Historic Communities - Desired Conditions (FW-DC-RHC) - Desired Condition 4. Recommend rewriting this desired condition to more specifically targeted toward land grant communities.

Rural and Historic Communities - Desired Condition 6

2019 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.

Suggestion: Draft Plan Page 102 and Concern Statements 71, 173, 176, and 178 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.

Rural and Historic Communities - Add a new desired condition on the relationship between land grants and acequias and the Forest Service

2019 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.

Suggestion: Draft Plan page 102 and Concern Statements 71 and 173. 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.

Rural and Historic Communities - Add a new desired condition relating grazing to traditional Use

2019 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)

Suggestion: Draft Plan page 102 and Concern Statements 71 and 173

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.

Rural and Historic Communities - Add a new objective concerning meeting with Land Grant Communities

2019 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)

Suggestion: Draft Plan Page 103 and Concern Statements 71, 173, 177, and 256. Rural Historic Communities- Objectives (FW-OBJ-RHC) - Recommend adding new objective concerning meeting with land grant communities.

Rural Historic Communities - Add an objective concerning setting goals for meetings with land grants

2019 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).

Suggestion: Draft Plan page 103 and Concern Statements 71, 173, 177, and 256. 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.

Rural Historic Communities - Add two objectives for fuelwood gathering.

2019 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 le[n]tilde]eros (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).

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)

Suggestion: Draft Plan page 103 and Concern Statements 71, 173, 177, and 256. 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. 5. The Forest Service, in coordination with land grant governingbodies, will annually assess the maintenance needs of any shared infrastructure (fences, roads etc.).

Concern: The Fuelwood objective was removed from the plan between comment and objection.

Rural Historic Communities - Guideline 4 needs to be brought to a standard

2019 Comment: As written, the Rural Historic Communities section of the plan has no standards. Per the Cibola National Forest draft Land Management Plan, standards are [ldquo]technical design constraints that must be followed when an action is being taken to make progress toward desired conditions,[rdquo] (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. 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.

Suggestion: Draft plan page 103 and Concern Statements 71, 173, 176. 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.[rdquo]

Rural Historic Communities - Add 14 Standards - Draft Plan Page 103 and Concern Statement 71, 173, 176, 177, 179, 256, 257

1. 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. (Draft Plan Page 103 and

2019 Comments: 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).

2. Projects and activities do not adversely impact identified religious and spiritual sites or Forest resources important to traditional and cultural use. (Draft Plan page 103 and Concern Statements 71, 173, 177, 179, 256, and 257

2019 Comments: 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).

3. 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

2019 Comments: 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)(Ties to Hassell Report recommendations 27; Hurst Policy Memo paragraph 15).

4. 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.

2019 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)

5. 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[rsquo] traditional use needs for the area.

2019 Comments: The USFS continues to expand at the expense of community land grants (see Miranda Canyon purchase of former Crist[acute]bal 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).

6. 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.

2019 Comments: 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).

7. 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.

2019 Comments: 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)

8. 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.

2019 Comments: Members of both federally recognized tribes and other Indian nations, land grant heirs, whose bloodlines include significant genizaro (detribalized 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)

9. Forest Service manages for prior existing uses recognized under public laws, memorandums of understanding or agreements established prior to the Forest Service acquisition and management of former community land grant common lands.

2019 Comments: 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 [ldquo]Supreme law of the land.[rdquo] 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 [ldquo]under the laws, usages, and customs of the country before its cession to the United States.[rdquo] 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).

10. 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.

2019 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)

11. 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.

2019 Comments: 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)

12. Coordinate with land grant governing bodies to develop a permitting process for traditional use forest products.

2019 Comments: 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 their 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 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).

13. The Forest Service consults with grazing permittees when planning and prioritizing programs, projects and activities that may impact livestock grazing.

2019 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).

14. At least 70% of the workforce for forest and watershed restoration projects come from adjacent local forest dependent communities.

2019 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).

Rural Historic Communities - Guideline 1

2019 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.

Suggestion: Draft Plan Page 103 and Concern Statements 71 and 176. Guideline 1 - Recommend rewriting this guideline to be specific to land grants and to strike redundant language.

Suggested Language: 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.

Rural Historic Communities - Add Five Guidelines - Draft Plan Page 103 and Concern Statements 71, 173, and 176

1. 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.

2019 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)

2. The Forest Service will support the maintenance of infrastructure shared with community land grants based upon assessed needs and budget.

2019 Comments: 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).

3. 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.

2019 Comments: 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 le[ntilde]jeros (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)

4. 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.

2019 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. 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)

5. 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).

2019 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)

Recommended Wilderness - Draft Plan Page 139 and Concern Statement 8

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 Tom[acute] 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.

Wild and Scenic River Standard 5 - Draft Plan page 141, Concern Statement 181 - Vaild existing rights shall continue to be exercised.

2019 Comment: A list of [ldquo]valid existing rights[rdquo] 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 [ldquo]valid existing rights[rdquo] 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 prohibited as stopping the free flow of the river. In the case of Las Huertas Creek, a WSR would [ldquo]cherry-stem[rdquo] the existing wilderness, extending the potentially impact that a catastrophic wildfire will have on a community already

vulnerable because an overgrown existing wilderness.

Rural and Historic Communities - Proposed Probable and Possible Actions and Possible Management Actions -
Add Specific possible Management Actions (Draft plan page 211, 216-217)

Recommended additions to possible Management Actions:

- * 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.

2019 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.