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Comments: The New Mexico Land Grant Council submits the following objections to the final draft land management plan (and appendices, including EIS) for the Santa Fe 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 the 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. The Council has served as a cooperative agency on all three forests, including the Santa Fe National Forest. Further, the Council has encouraged the participation of land grants throughout northern and central New Mexico in the plan revision process.

As a cooperating agency and government working group member, 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 the inconsistency 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 commons.

Land grant communities did not choose to settlement 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: 332,594.48 acres of the Santa Fe National Forest are now U.S. Forest Service lands. The Carson and Santa Fe National Forests also share 52,169 acres of the Mora Land Grant, which was partitioned

before portions were purchased by the federal government between 1931 and 1955. 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).

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.

## Santa Fe

### Chapter 2. Forestwide Direction - Traditional Communities and Uses

The NMLGC recommends that the Santa Fe National Forest, within its plan, outside of the general narrative and historic background, recognize the land grant-merced history within the Santa Fe National Forest, especially considering the aforementioned acreages of former land grant common land within the forest lands managed by the Santa Fe National Forest. The US Forest Service began purchasing land grant common land that became part of the Santa Fe National Forest in 1934 and 1935, when it purchased the Juan de Gabaldon Land Grant (8,001 acres) from the Thomas Catron estate and the southern half of the Juan Jose Lobato Grant (72,935 acres) from William S. Jackson, a member of the Colorado State Supreme Court, who bought it from George Hill Howard, a land speculator. These and other purchases under the auspices of New Deal Programs continued and were complemented by the 1960s exchange for the Ca[ntilde][oacute]n de San Diego Grant (98,614 acres), bringing the total of former land grant lands within the Santa Fe National Forest to 332,594.48 acres. The USFS also purchased the remaining private land (~1,400 acres) within the Ca[ntilde][oacute]n de Chama (Skull Ranch), which were miniscule portion of the San Joaqui[acute]n del R[acute]jo de Chama Grant that was patented (1,422 acres of the 471,756 acre San Joaqui[acute]n del R[acute]jo de Chama Grant). Adding this acreage increases the total to nearly 334,000 acres of land.

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 pi[ntilde][oacute]n nuts, osh[acute] 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 Carson National Forest include: Abiqui[acute], Anton Chico, Ca[ntilde][oacute]n de San Diego, Juan Bautista Bald[eacute]s, Juan Jose Lobato, Las Truchas, San Joaqui[acute]n del R[acute]jo de Chama, San Miguel del Bado, Santa Cruz de la Ca[ntilde]ada, Mora, Santo Domingo de Cundi[acute], Sebasti[acute]n Mart[acute]n, and Tecolote.

Specific objections to the Santa Fe 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 Santa Fe National Forest Plan.

1. In general, the Council objects to the Northern New Mexico 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 gen[acute]zaro (full blooded Native American decent). The lack of separate recognition of these important, still existing communities, in the Northern New Mexico 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 Northern New Mexico 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 previously submitted New Mexico Land Grant Council Santa Fe National Forest 2019 Plan Comments.

1. Although the Council objects to the lack of a separate section for land grants-mercedes within the Northern New Mexico 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 18 of the Final Plan, recognized plan components, "should (1) provide a strategic and practical framework for managing the Santa Fe National Forest, (2) be applicable to the resources and issues of the forest, and (3) reflect the forest'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 Santa Fe 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 Santa Fe NF 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 Santa Fe 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 Santa Fe National Forest 2019 Plan Comments linked to this objection on pages 4 through 12-A.

2. The New Mexico Land Grant Council objects to the lack of a Desired Condition relating to a collaborative relationship between the Forest Service and Land Grant-Merced Communities that results in mutually beneficial educational programs. The National Forest language does speak to providing a space for educational opportunities with youth, but not in collaboration with land grant-merced and other traditional communities. As described on page 18 of the Final Plan "Desired Conditions describe the vision for the Santa Fe National Forest. They are the ecological, cultural, and socioeconomic aspirations toward which management of the land and resources of the plan area is directed." The Council argues that collaboration with longstanding adjacent communities dependent on National Forest lands and resources for educating local youth 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 tribes 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 Santa Fe National Forest 2019 Plan Comments linked to this objection on page 3 and 3-A.

3. The New Mexico Land Grant Council objects to the lack of a Desired Condition relating to mitigating negative impacts to traditional use resources and protecting access to those resources. The Santa Fe National Forest in their response (Trad023) to our official comments state that federal laws such as the 1872 Mining Law prohibit this type of Desired Condition calling the protection of traditional use resources and access. The Council disagrees with this analysis as the language offered by the Council could be tweaked to qualify the protection of those resources with language such as: "where possible and in accordance with applicable laws." As described on page 18 of the Final Plan "Desired Conditions describe the vision for the Santa Fe National Forest. They are the ecological, cultural, and socioeconomic aspirations toward which management of the land and resources of the plan area is directed." The Council argues that protection of traditional use resources and access to those 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 protection of traditional use resources and access 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 Santa Fe National Forest 2019 Plan Comments linked to this objection on page 3 and 3-A.

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 Santa Fe National Forest 2019 Plan Comments linked to this objection on pages 12 through 14-A.

1. The Council Objects to language in the FW-RURALH-G guideline 1, which qualifies availability of traditionally used products as being subordinate to plans components found in other sections of the plan. This appears to be prejudicial to traditional communities since no other uses in the plan receives similar treatment. Below is the specific guideline of concern:

1.

1. 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 the language in this guideline appears to purposely leave no room for the discretion with regard to traditional uses. 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 Plan can be improved by removing such prejudicial language that makes this guideline 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 Santa Fe National Forest 2019 Plan Comments linked to this objection on pages 12 and 12-A.

Additionally, the New Mexico Land Grant Council objects to the following portions of the Santa Fe 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 5, 11, 12, 13, 18, 19, and 20 of the New Mexico Land Grant Council Santa Fe 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. (page 2, 5, 11, 12, 13, 18, 19, 20, and 20-A of the New Mexico Land Grant Council Santa Fe National Forest 2019 Plan Comments, below).

1. Soil resources that support traditional, cultural and subsistence needs are available and sustainable. (page 1 of the New Mexico Land Grant Council Santa Fe National Forest 2019 Plan Comments, below).

2. Grazing, particularly communal grazing, especially those on historically closed allotments, should be restored and at least managed so no net loss of grazing occurs. (page 6, 7, 8, 9, and 12 of the New Mexico Land Grant

Council Santa Fe National Forest 2019 Plan Comments, below).

The Plan can be improved by protecting of culturally, socially and economically important traditional resources within the Santa Fe 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 Santa Fe National Forest 2019 Plan Comments linked to this objection.

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The New Mexico Land Grant Council raised the following issues regarding follow-up to their Forest Plan Comments:

Page 95 - Soil Resources - Desired Conditions for Soil Resources (FW-SOIL-DC)

2019 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.

Suggested new desired Condition 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: Page 107, Desired Conditions for Rural Historic Communities (FW-RURAL-DC)

Suggested Language for Desired Condition 2: Traditional forest-dependent rural communities existed prior to the establishment of National Forests in New Mexico. The Forest Service respects the traditional and cultural relationship these communities have had with the land and its resources, and will provide opportunities for meaningful access to forest resources for traditional uses (eg. livestock grazing, fuelwood gathering, acequias, and hunting) on NFS lands to sustain their communities and cultural identity.

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 are culturally relevant. Ties to Hassell Report Recommendation 46; Hurst Policy Memo paragraph 11

Suggested Language Desired Condition 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.

Comment: We suggest the following Desired Condition (FW-RURALH-DC 7). Traditional communities use of the forest should have equal footing with the other resource management priorities of the USFS. This was expressed in the Hassell Report (M.J. Hassell, author, 1968) and the Regional Forester William D. Hurst's 1972 Policy memo. (Hassell Report Recommendations 42b, 53; Hurst Policy Memo paragraphs 4, 11, 13, 17).

Suggested Desired Condition Language: Forest Service projects, programs and activities do not negatively impact traditional-use resources, or access to and use of traditional-use resources for community land grants, acequias, pueblos, tribes, livestock grazing associations or permittees.

## Chapter 2: Page 107, Objective for Rural Historic Communities (FW-RURAL-O)

Comment: As written, the Rural Historic Communities section of the plan has no objectives. Per the Santa Fe National Forest plan, "Objectives describe how the Santa Fe NF intends to move toward the desired conditions." (p.18) Objectives are an essential plan component that ensures that the USFS manages forest resources with the resource needs local, forest dependent land grant-merced communities in mind. Partnering with local forest dependent land grant-merced communities to manage forest resources will not only help the USFS manage resources for local communities, but will also produce a net-benefit to the larger public.

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)

Suggested Language: Objective 1. The Forest Service will meet with all active community land grants within or adjacent to the National Forest to negotiate agreements relating to access to traditional-use forest resources.

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)

Suggested Language: Objective 2. The Forest Service, in conjunction with the governing bodies of active community land grants, identifies religious and spiritual sites and areas of traditional use within the National Forest.

Comment: Land grant-merced communities dependence on forest resources predates the forest service administration of former common land and traditionally used lands. Because the authority for allowing forest products to be removed is supported by separate congressional acts and Forest Service Manual directives, the intent to allow for use of forest products is clear. (Ties to Hassell Report Recommendation 9; Hurst Policy Memo paragraph 11, 13, 17)

Suggested Language: Objective 3. The Forest Service, in coordination with the governing bodies of active community land grants, identifies forest resources important to traditional and cultural use.

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 leñtildejeros (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)

Suggested Language: Objective 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.

Comment: Mapping acequias, in conjunction with comisiones, mayordomos, regional acequia associations, soil and water conservation districts, perhaps with the assistance of the Office of the State Engineer and the Interstate Stream Commission, will benefit the USFS perspective and ability to manage for local water needs. (Ties to Hassell Report Recommendation 9; Hurst Policy Memo paragraph 4, 8, 9, 10, 11, 13, 18)

Suggested Language: Objective 5. The Forest Service, in coordination with acequia governing bodies and relevant state and local governments and political subdivisions, map acequia infrastructure located on forest system lands.

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.

Suggested Language: Objective 6. The Forest Service, in coordination with land grant governing bodies, will annually assess the maintenance needs of any shared infrastructure (fences, roads etc.). (Ties to Hassell Report Recommendations 9, 30; Hurst Policy Memo paragraphs 4, 8, 9, 10, 11, 13, 18)

Comment: The USFS continues to expand at the expense of community land grants (see Miranda Canyon purchase of former Cristóbal de la Serna Land Grant common land, 2012). 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). If the USFS does acquire former land grant common land, then the recommended Objective 7 is necessary. (Ties to Hassell Report Recommendations 34, 41, 52; Hurst Policy Memo paragraphs 4, 9, 11, 17)

Suggested Language: Objective 7. Within 5 years of acquiring any land within the historic/traditional use boundaries of an active community land grant the Forest Service will amend the Forest Land and Resource Management Plan to include traditional uses for land grant and acequia community users.

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)

Suggested Language: Objective 8. At least 70% of the workforce for forest and watershed restoration projects come from adjacent local forest dependent communities.

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* 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* University of New Mexico Press, 1985), 248; Mexico Mountain Range 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)

Suggested Language: Objective 9. The Forest Service will manage 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.

## Chapter 2: Page 107, Standard for Rural Historic Communities (FW-RURALS)

General Comment: As written, the Rural Historic Communities section of the plan has no standards. Per the Santa Fe National Forest draft Land Management Plan, standards are "technical design constraints that must be followed when an action is being taken to make progress toward desired conditions," (p.18) and are, therefore, essential plan components that ensure the resource interests of local, forest dependent land grant-merced communities are protected.

Comment: 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)

Suggested Language: Standard 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.

Comment: The protection of spiritual sites (calvarios, shrines, etc.) is important to the 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)

Suggested Language: Standard 2. Projects and activities do not adversely impact identified religious and spiritual sites or Forest resources important to traditional and cultural use.

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)(Ties to Hassell Report Recommendations 27; Hurst Policy Memo paragraph 15).

Suggested Language: Standard 3 Land Grant governing bodies are given the right of first refusal on grazing permits for vacant allotments within the patented or historical/traditional use boundaries of a land grant-merced.

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)

Suggested Language: Standard 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.

Comment: 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)

Suggested Language: Standard 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' traditional uses for the area for inclusion into the Forest Land and Resource Management Plan.

Comment: Land grants, acequias, and grazing associations / permittees have been a part of the planning process for the Carson, Cibola, and Santa Fe NFs 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 effected 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)

Suggested Language: Standard 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.

Comment: Land grants, acequias, and grazing associations / permittees have been a part of the planning process for the Carson, Cibola, and Santa Fe NFs 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 effected 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)

Suggested Language: Standard 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 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)

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

Suggested Language: Standard 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.

Comment: 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 "Supreme The 1854 Act establishing the Office of the Surveyor General of New law of the land." Mexico (10 Stat. 308) included a provision (section 8) that the Surveyor General decide under the laws, usages, and customs of the country before its the validity of grants " under the laws, usages and customs of the country before its cession to the United States." 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)

Suggested Language: Standard 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.

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)

Suggested Language: Standard 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.

Comment: 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)

Suggested Language: Standard 11: Forest Service collaborates with community land grant, acequia and tribal governing bodies to ensure that access is maintained on forest system roads critical to traditional use.

Comment: 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 heir-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)

Suggested Language: Standard 12. Coordinate with land grant governing bodies to develop a permitting process

for traditional use forest products.

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)

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

Chapter 2: Page 108, Guidelines for Rural Historic Communities (FW-RURAL-G)

Comment: Edit Guideline 1 - The NMLGC suggests the removal of the conditional phrasing of Guideline 1 ("except in areas with resource concerns or any areas otherwise restricted by standards or guidelines set forth in other sections of this plan") as it unnecessarily and unjustly subordinates traditional use of forest products to other resource considerations of the plan.

Comment: We propose a new guideline, Guideline 5, 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)

Suggested Language: Guideline 5. 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.

Comment: We propose a new guideline, Guideline 6. 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.

(FW-RURALH-G) (Ties to Hassell Report Recommendation 30; Hurst Policy Memo paragraphs 4, 10, 18)

Suggested Language: Guideline 6. The Forest Service will support the maintenance of infrastructure shared with community land grants based upon assessed needs and budget.

Comment: We propose a new guideline, Guideline 7. As demonstrated by the recent chaos caused by the injunction won by the Wild Earth Guardians, fuelwood is a socioeconomically and culturally important resource. Meeting the fuelwood demand of traditional communities helps poor and rural residents, the microeconomics of villagers that work as leñadores (wood haulers), and is sensitive to the traditional and culturally significant practice of harvesting fuelwood. (FW-RURALH-G) (Ties to Hassell Report Recommendation 9, 58, 59; Hurst Policy Memo paragraphs 4, 8, 9, 10, 14, 16)

Suggested Language: Guideline 7: 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.

Comment: We propose the creation of a new guideline, Guideline 8. 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).

Suggested Language: Guideline 8. 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.

Comment: We propose a new guideline, Guideline 9, which 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).

Suggested Language: Guideline 9 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)

Chapter 2: Page 108, Management Approaches for Rural Historic Communities (FW-RURAL-MA)

Comment: The wording of Management Approach 7 suggests that the "occupational and subsistence based activities" are not sensitive to environmental concerns and, if followed to the letter, may unnecessarily place this management approach junior to environmental concerns. (Ties to Hassell Report Recommendations 1, 2, 30;

Hurst Policy Memo paragraphs 4, 10, 18).

Recommended rewrite for Management Approach 7: Consider developing approaches for rural historic communities to continue to practice occupational- and subsistence-based activities that are sensitive to environmental and cultural concerns.

Suggested Language: Consult with land grant governing bodies to assess the impact of Forest Service programs, projects and activities on the cultural integrity of forest dependent nuevomexicano communities that are sensitive to traditional and subsistence based activities and consider environmental concerns.

Page 109, Rural Historic Communities - Management Approaches: New Management Approaches (FW-RURAL-MA)

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 paragraphs 7, 8, 9, 10, 11, 13, 18)

Suggested Language: Management Approach 12: Coordinate with land grant governing bodies to protect religious and spiritual sites and forest resources important to traditional and cultural use.

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 14, 16, 17a, 78; Hurst Policy Memo paragraphs 4, 5, 9, 14)

Suggested Language: Management Approach 14: When establishing priorities for projects on the Santa Fe National Forest choose those projects which will employ local people and/or contribute to the local economy while meeting resource management objectives.

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 15, 16; Hurst Policy Memo paragraphs 4, 5, 9, 14)

Suggested Language: Management Approach 15: When implementing projects (fence construction and

maintenance, trail construction, thinning projects, etc) hire local seasonal staff where practical or split projects into units small enough to be within the grasp of small local contractors

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 14, 16, 17a, 78; Hurst Policy Memo paragraphs 4, 5, 9, 14)

Suggested Language: Management Approach 16: When implementing projects that cannot be practically split into smaller jobs (road construction, buildings, etc.) require in the contract that a specified percentage of the labor be hired locally.

Comment: add Management Approach 17 to ensure that land grant and acequia governing bodies are included in site visits to understand and inform management actions on their former common land or land that affects their communities.(Ties to Hassell Report Recommendations 1b, 1c, 8, 14, 30, 44, 52, 66, 68; Hurst Policy Memo paragraphs 4, 8, 9, 10, 18)

Suggested Language: Local Ranger Districts make every effort to invite the appropriate land grant and/or acequia governing body(ies) on field trips related to the planning or implementation of projects and activities with the potential to impact traditional use resources, culturally and historically significant sites, adjacent community land grant common lands or community land grant and acequia infrastructure.

Comment: 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 heir-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 Recommendations 8, 59, 63, 64; Hurst Policy Memo paragraphs 4, 8, 9, 10, 14, 16)

Suggested Language: Management Approach 19: Coordinate with community land grant governing bodies to develop permitting and/or wood collection processes for fuelwood derived from former land grant common land.

Page 117 - Standards for Forest Products (FW- FORESTRY-S)

Recommend adding a new standard relating to removal of permit requirement for certain forest products collected for cultural and personal use.



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.

Suggested Language: 7. Collection of the culturally significant forest products of piñon nuts, tremolina sap, chapulín berries, and medicinal plants, in small quantities for personal traditional use shall not require a permit. Collection of these products for commercial purposes shall require a permit.

#### Page 118 - Guidelines for Forest Products (FW-FORESTRY-G)

Recommend adding a new guideline that directs management activities that result in the byproduct of fuelwood to include fuelwood collection opportunities for traditional and local communities.

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.

Suggested language: 4. When management activities result in generation of fuelwood, opportunities for collection by traditional and other local communities will be made available where appropriate.

#### Page 119 - Management Approaches for Forest Products (FW-FORESTRY-MA)

Recommend adding a new management approach relating to reasonable distances for local fuelwood collection opportunities.

Suggested Language: 10. Provide annual fuelwood collection opportunities for forest dependent communities, that are adjacent to the National Forest, within a reasonable distance

to the community.

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.

Recommend adding a new management approach relating to local community partnership blocks as a management tool.

Comments: 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.

Suggested Language: 11. Consider using fuelwood partnership blocks around traditional communities as both a restoration treatment option and a way to meet local fuelwood demands.