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First name: Craig  
Last name: Jolly  
Organization:  
Title:  
Comments: USDA-Forest Service Southwest Region

ATTN: Objection Reviewing Officer

As a prior commenter in the Santa Fe National Forest Plan Revision process, I hereby formally object to the Santa Fe National Forest's Plan Draft Decision, as recorded by Responsible Official Debbie Cress.

The grounds of my objection are as follows:

A. Failure to Consider a Decreased AUM Alternative

In spite of the Santa Fe National Forest's own ample data showing a long list of ongoing ecologically deleterious effects from its current grazing program, all four grazing "alternatives" presented and "considered" in the Plan's Draft EIS were functionally identical. In spite of explicitly voiced public request for decreased grazing, no decreased AUM alternative was ever considered in the Plan process. The Forest's argument against this is that, since it uses "adaptive management", there is no need to consider such a decreased AUM alternative. This argument is fallacious on two counts. First, because a Forest Plan is expressly intended to create a strategic vision that responds to current assessed field conditions and the full range of public opinion, and not solely to one local socioeconomic interest. In this respect the Forest Plan is negligent, having ignored both its own ecological assessment and substantial public opinion requesting decreased grazing in its express rejection of any consideration of a decreased AUM alternative. Secondly, to cite its "adaptive management" as the blanket reason why there is no need for a decreased AUM alternative again not only expressly ignores public request for such an alternative, but blatantly ignores the fact that the many degraded soil, grassland, riparian, and water-related ecological conditions and indicators catalogued in the Forest's Ecological Assessment, as well as the Forest's frank acknowledgment of its degraded and substandard range infrastructure, have occurred directly under this very same "adaptive management". If "adaptive management" has failed to prevent and correct this degradation under the existing plan, which current and trending conditions show it has, then the argument this Forest makes that this same "adaptive management" will create improved ecological field conditions under an increase of AUM is worse than specious; it is irrational.

The SFNF's decision to increase its grazing by 6% disregards essentially every ecological metric and indicator the Forest itself has catalogued in its own ecological assessments. The Forest has explicitly acknowledged that its grasslands are trending away from desired conditions. The Forest has explicitly acknowledged that cattle are a threat to more than half of the species on its At-Risk species list (20 of 36). The Forest has explicitly acknowledged the ongoing riparian damage cattle cause in what in the Southwest Region is an ever more fragile ERU. The Forest has explicitly acknowledged the damage caused by cattle-caused erosion and turbidity in Forest waterways. The Forest has explicitly acknowledged the ongoing pathogen contamination by prodigious quantities of uncontained manure and urine produced by Forest-permitted cattle and introduced into the Forest's waterways both directly and through runoff[mdash]waterways that are the watersheds and water sources for more than a million people downstream. The Forest has explicitly acknowledged that its current range fencing is inadequate and derelict and that it does not have the resources to properly address this. The Forest has explicitly acknowledged that as a result of its current sub-regulation range infrastructure, out-of-allotment and trespass cattle are a serious and ongoing problem. The Forest has explicitly acknowledged the prodigious water consumption demands of livestock on the Forest, and the extensive taxpayer funded infrastructure required to provide this same water in locales where there currently is none, to lure cattle away from riparian habitat. The Forest has explicitly acknowledged that drought has compelled it to reduce its permitted stocking numbers in

recent years. And the Forest has explicitly acknowledged that the BASI climate change data all shows a trend on this Forest towards increased temperatures, decreased rainfall and snowfall, decreased water availability, and increased stressors on its lands[mdash]the very stressors that are driving the same Forest's Plan commitment to wildfire fuel reductions.

And yet, contrary to all of the Forest's own explicitly acknowledged evidence of the current grazing program's failure to protect the Forest's grassland, riparian, alpine, and other fragile and deteriorating ERU's from the decline wrought by cattle; contrary to all current BASI climatological data showing beyond a shadow of a doubt that the region in which this Forest is sited, currently in a state of ongoing extreme drought, is slated for increasing extremes of heat and drought; and contrary to reason itself, the SFNF has chosen to increase its cattle AUM by 6%, thus demonstrating that on this Forest science and data mean nothing, and that the Forest remains fully in the service of a small livestock interest. As such, the grazing "Alternatives" it presented were never legitimate "alternatives" at all, but a *fait accompli* for, at minimum, the status quo.

This has also been the tenor of the Forest's official responses to essentially every comment I have made[mdash]one of grudging acknowledgement under compulsion, or defensive dismissal, always with a bias in the service of grazing. As a case in point: It was only through my own comments that this Forest finally grudgingly acknowledged the risks of grazing to its At-Risk Species, as the very last item listed in its "Changes from draft Plan and DEIS to final Plan and FEIS" in its Draft Record of Decision, (p. 30): "Modified the analysis of ground disturbances with relation to at-risk species to acknowledge adverse impacts related to grazing." That an entire Draft EIS could ever have been written that failed to acknowledge this truth defies belief, given how thoroughly the Forest's Ecological Assessment documented this prior to the draft EIS.

I would further like to point out that simply changing the wording of the EIS at the eleventh hour to finally explicitly acknowledge "the adverse impacts [of ground disturbances with relation to at-risk species] related to grazing"[mdash]an acknowledgment of monumental and central import to the question of the efficacy and effects of the current grazing program[mdash]without then returning to the Draft EIS and Plan and rethinking the very basis of the proposed alternatives, which had previously not incorporated that acknowledgment, is hardly sufficient. An eleventh hour acknowledgment like this is itself grounds for a full reconsideration of the very premises on which all four functionally identical grazing alternatives were based, which this Forest failed to undertake.

I therefore request that the Regional Forester review my own Draft EIS comments and the Santa Fe National Forest's specious rationale for failing to include a decreased AUM alternative, and that unless the SFNF can provide new and compelling evidence for believing that its ecological assessment data justifies its decision to increase AUM in the new plan, and provide the formula by which it arrived at numbers for this increase in AUM, that this Forest be compelled to acknowledge the reality of its own ecological assessments and EIS and adjust its AUM downward.

## 2. Southwest Region 3 and Santa Fe National Forest Willful Delay on FOIA Requests Relevant to the Operations and Efficacy of the SFNF Range Program's "Adaptive Management" Model

On November 22, 2019, I submitted a FOIA request (eventually assigned Case # 2020-FS-R3-01008-F) to the Santa Fe National Forest. The nature and grounds for this are explained in the text below, excerpted from the letter I submitted to Senator Heinrich on January 12, 2021, after fourteen months later still having received no responsive records from my request:

On November 22, 2019, I submitted a Freedom of Information Request (Case # 2020-FS-R3-01008-F) to the Santa Fe National Forest, requesting copies of standard documents (Environmental Assessments, Allotment Management Plans, Annual Operating Instructions, and Monitoring Reports) relating to that Forest's oversight of its grazing program, precipitated by my own repeated personal experiences in the Pecos-Las Vegas, Espanola,

and Jemez Ranger Districts showing this Forest's repeated failures to properly monitor the cattle on the public land it oversees. These personal experiences have included repeated incidents of Santa Fe National Forest-permitted cattle outside their designated allotments in the closed Santa Fe Municipal Watershed, SFNF-permitted cattle outside their designated allotments on the slopes of the Santa Fe Ski Basin and in the road leading to it (a serious traffic hazard), and cattle from the SFNF Caja del Rio allotment crossing the Rio Grande during low water and trespassing in fragile riparian habitat on Bandelier National Monument lands within White Rock Canyon, where I frequently hike.

My November 22, 2019, records request was further precipitated by my close examination of documents from a previous narrower FOIA request, from which it became clear to me that the Santa Fe National Forest had been particularly egregiously negligent in its required monitoring of its grazing program on the Espanola District, which is the district surrounding Santa Fe, where I live. The FOIA I submitted is therefore intended to ascertain just how widely this monitoring failure extends throughout the Santa Fe National Forest as a whole. Given that, as a lifelong hiker, angler, and naturalist, I am a regular user of these public lands, and given that these cattle I am repeatedly encountering outside their permitted allotments have direct impacts on both my recreational experience and on fragile populations of many of the threatened and endangered species of the fish, birds, animals, and plants I travel into the backcountry to observe, I believe that this FOIA request of very straightforward records related to the Santa Fe National Forest's basic management of its grazing program is fully within the public interest and within the parameters of the law.

Six months after submitting my FOIA request, on June 29, 2020, I was informed that the Santa Fe National Forest had completed its collection of responsive records and that these had been forwarded to the USFS Region 3 FOIA office in Albuquerque for review. After waiting yet another four more months for these documents, to no avail, I contacted the USFS Region 3 FOIA office in October, 2020, and was informed that, although nearly a full year had passed since my request, and although the Santa Fe National Forest itself had completed its collection of the requested documents a full four months before, it would be several more months before the Regional Office would be releasing them to me.

Given that Federal Law stipulates that Freedom of Information Act requests be fulfilled within twenty working days; given that it has now been nearly fourteen months since my November 22, 2019, FOIA request, without my receipt of a single document; given that it is only through access to these very standard and run-of-the-mill operating and monitoring documents (none of which should require any redaction) that the public can determine whether this Forest is in fact meeting its legal monitoring obligations; and given that the Forest Service's more than a year of foot-dragging on this FOIA has allowed another entire grazing on the SFNF to pass without my access to these documents, I respectfully request that Senator Heinrich be made aware of these egregious (and, I believe, obstructionist) delays, which have continued for more than a year now and are still ongoing, in the fulfillment of what is a very straightforward FOIA request. I further request that he intervene in the immediate release of these documents.

On January 10, 2021 I submitted a second FOIA request (eventually assigned Case # 2021-FS-R3-01831-F) to the Santa Fe National Forest. The substance of this request was identical to my earlier FOIA, but this time for the period that had elapsed since my earlier FOIA, so that I would have a complete data set for the elapsed year as well, to append to the initial data set when I finally received it.

As is clear from the account I provided Senator Heinrich, the purpose of these requests was, per my FOIA rights as a citizen and taxpayer seeking a clearer understanding of the operation of a Federal agency, to view actual Santa Fe National Forest grazing program data detailing the execution and efficacy of the monitoring practices upon which its highly touted "adaptive management program" hinges. My working hypothesis, based upon my own numerous field experiences of out-of-allotment cattle, unmaintained and downed fencing on active allotments, and a preliminary FOIA five years ago which showed egregious Forest failures to apply penalties to non-compliant permittees and large-scale failures in required monitoring and record-keeping on the Espanola

District, was and remains that the careful, timely, and comprehensive monitoring upon which the Forest's so-called "adaptive management" rests, was not in fact happening in any careful, timely, or comprehensive way. Since the Forest's grazing program is predicated entirely upon monitoring and adjustment for its "adaptive management" model's proper functioning, establishing its proper functioning, or its improper functioning, is in both the Forest's and the public's interest as it considers alternatives in its new Forest Plan. If it is indeed the case that its "adaptive management" model is such only on paper, and has and is failing in the field and in the Ranger District Offices, then this Forest needs to honestly acknowledge this, assess its actual resources and practices, and adjust its Plan AUM numbers downward to match reality, and not simply lip-service rhetoric.

As noted above, I submitted FOIA request #2020-FS-R3-01008-F to the SFNF on November 22, 2019. Since Federal law mandates a twenty day fulfillment time for FOIA requests, I had every expectation that I would thus have the responsive records, all of which are standard required Forest records, with ample time to assess the data, which[mdash]if significant problems with the Forest's were in fact revealed[mdash]could then be used to inform the Forest and public while the Plan Revision was still in process. Note that November 22, 2019, is just three weeks shy of two full years ago. I have just today, October 30, received the very first responsive documents from this request (and these only partial), in an envelope from the Regional Forester's Office postmarked October 25, 2022[mdash]this after a two-year wait and after not just one, but two constituent intervention requests through Senator Heinrich's office.

I have also, in the very same mail today, received my first responsive documents (again, only partial), from the Santa Fe National Forest for FOIA # 2021-FS-R3-01831-F, with an accompanying letter from Forest Supervisor Cress dated October 22, 2021--this ten months after my original FOIA request, and again only after two constituent intervention requests to Senator Heinrich's office. Most troubling is that the email I received October 27 (Wednesday of this week) notifying me that these responsive records were finally being partially released was sent from Erin Barton, SFNF Forest Planner, and copies in Jennifer Cramer, SFNF Forest Planner. That these two individuals, as leads in the Forest Plan Revision who are well aware of my grazing-related concerns and comments throughout this Forest Plan process, should also have had oversight of the FOIA release of these grazing-related records, is a clear conflict of interest, since the delay in the release of these records for ten months time, in violation of the Federal 20-day requirement, until just days before the Plan Objection deadline of November 1, effectively prevents me from examining them in time to introduce any evidence they may contain into my Objection, and their names on this email makes them legal party to this delay. Finally, I note with yet further additional concern that, according to Ms. Barton's bio on the SFNF FPR Core Team Biographies web page, she is none other than the Socioeconomic Lead (under which category grazing falls) on the Forest Plan Revision Team, and that her last position before joining the FPR team was as a "Sustainable Grazing intern". That an FPR Lead team member with such a clear grazing bias should have been involved at all in the release (or, rather, protracted and ongoing failure of release) of these grazing records, and that her name and Jennifer Cramer's name are on this very email, are, I believe, clear evidence that this Forest has engaged in collusion to delay legally mandated FOIA records release in the service of preventing grazing-related objections to their Plan before the Objection deadline.

I therefore assert that, given the failures of both the Santa Fe National Forest and the Southwestern Region to fulfill my two relevant FOIAs, not only within the legally mandated 20 days, but even to this day, after a ten-month and counting delay for one FOIA and a two year and counting delay for the other, and given the apparent roles of two of the Forest Planners in this process of non-release, I have been intentionally, unethically, and unlawfully prevented from timely access to Forest Grazing Program records, with the intention of preventing me from introducing key evidence from those records of the failure of the Forest's "Adaptive Management" process, upon which its increased AUM is predicated, into this Plan Revision process and explicitly into this Objection.

I thus request a delay in this Forest's Forest Plan Decision until such time as these two FOIAs are completed in full and I and the public have had a chance to review all the responsive records for failures and anomalies. I further request an ethics investigation into what roles the two aforementioned Lead Forest Planners, Ms. Barton

and Ms. Cramer, have had in the ongoing delay in fulfillment of these two FOIAs, which I allege they saw as a threat to their Plan's pro-grazing stance.

### 3. Santa Fe National Forest Supervisor Bias and Conflict of Interest

The Draft Record of Decision is signed by recently appointed Santa Fe National Supervisor Debbie Cress. As was made public knowledge in an interview Ms. Cress gave to the Santa Fe New Mexican after she assumed this role ([https://www.santafenewmexican.com/news/local\\_news/santa-fe-national-forests-new-supervisor-living-the-dream/article\\_3c2235c6-b8af-11eb-b99e-23ef64678051.html](https://www.santafenewmexican.com/news/local_news/santa-fe-national-forests-new-supervisor-living-the-dream/article_3c2235c6-b8af-11eb-b99e-23ef64678051.html)), she is "[a] New Mexico State University graduate with a degree in Range Science" and "comes from a family of farmers and ranchers in southern New Mexico". This is patently not the CV of a Forest employee who has even a semblance of objectivity in a New Mexico grazing issue—and if her family are current or past permit holders on public lands, she has a direct conflict of interest. Since this Record of Decision currently appears in her name, and she is in no way positioned to make an objective judgment on a decision of such sweeping import as increasing a New Mexico National Forest's AUM in its new Forest Plan, I hereby request that Supervisor Cress immediately recuse herself from her signatory approval position on this Plan and that this Decision and its ROD revert to the Southwest Region; Forester.

In further support of this, I refer to p. 26 in the Draft ROD, which, again, is in her name, and which, under "Livestock Grazing", reads: Some conservation groups want the elimination or reduction of livestock grazing and want additional standards and guidelines to ensure that management moves livestock grazing toward desired conditions. There is strong support for continued grazing from some traditional communities, permittees, and grazing associations. Supporting comments expressed concern that the Plan does not sustainably protect on-forest grazing and requests stronger protective language.

The very framing of this speaks to the bias to which I refer. I would here draw explicit attention to the fact that it is not simply "[s]ome conservation groups" that "want the elimination or reduction of livestock grazing and want additional standards and guidelines to ensure that management moves livestock grazing toward desired conditions." To frame this as such is to sweepingly discount the fact that it is actually unique living individuals who sent each of those so-called form letters, and that these are always signed by those same individuals. To summarily lump these together as faceless "conservation groups" is to cavalierly dismiss the individuality of each of those citizens and taxpayers with the simple broad brush of a stock phrase distilling them into an ostensibly narrow interest group, rather than the individual voices of the citizens and taxpayers this Forest is actually legally answerable to. These are National, not local, Forests, legally subject to national, and not merely local, interests, and every citizen has the right to be duly heard and acknowledged as an individual voice and not simply lumped together into some amorphous blob.

That this framing is plainly biased is confirmed by the fact that the opposing position is not lumped together as simply "grazing advocates", but instead effectively personalized ("traditional communities, permittees, and grazing associations"). I would further point out that, while "conservation groups are said to simply "want the elimination or reduction of livestock grazing and want additional standards and guidelines to ensure that management moves livestock grazing toward desired conditions" [*italics and underlining mine*], "traditional communities, permittees, and grazing associations" have "strong support". Again, there is clear bias in this very framing and phrasing. Why does the position of the "conservation groups" not also have "strong support"? I suspect (and may well FOIA the same) that the vast majority of comments received spoke against the Forest Plan's grazing elements rather than for them, and thus the use of the phrase "strong support" to describe only one side of the issue is patently biased and misleading.

Finally, I would point out that my own comments regarding the grazing program, which marshaled substantial evidence for a reduction in grazing AUM on the Forest, were submitted wholly as an individual and not as part of any "conservation group". Thus, the phrasing above, implying that the only comments received that criticized the

grazing program were from "conservation groups", is factually wrong. As such, it again displays a blatant bias and attempt to frame one position[mdash]that of critics of the grazing program[mdash]as coming from nameless, faceless "groups" rather than our own local New Mexican "traditional communities" and "permittees"[mdash]in both of which groups, I will again point out, Ms. Cress counts herself.

So I reiterate. For reasons of situational bias and conflict of interest, further supported by rhetorically skewed and factually incorrect language in her Draft Record of Decision, I request that Supervisor Cress recuse herself from her signatory approval position as Responsible Official on this Plan and that this Decision revert fully to the Southwest Regional Forester.

4. Finally, I have a final ground for objection, again calling into question the default assumption in this Plan for an increase in AUM of a functional monitoring program. Since it involves confidential information and potential Santa Fe National Forest employee criminality, I would prefer to relay this objection and related information directly to the Regional Forester[mdash]preferably, in a brief phone conversation. I can be contacted by any of the means below to arrange the most appropriate way to share this confidential information with the Regional Forester.