Data Submitted (UTC 11): 11/1/2021 11:00:00 AM
First name: Cyndi
Last name: Tuell
Organization: Western Watersheds Project
Title: AZ and NM Director
Comments: Please see the attached Objection to the Cibola National Forest Plan ROD and EIS.

November 1, 2021

Forest Service Southwest Region ATTN: Objection Reviewing Officer 333 Broadway Blvd SE Albuquerque, NM 87102

Letter submitted via CARA:

https://cara.ecosystem-management.org/Public//CommentInput?Project=46268via email: objections-southwestern-regional-office@usda.gov

Re: Objection to the Cibola National Forest Land Management Plan and Environmental Impact Statement Record of Decision

Dear Objection Reviewing Officer:

The following Objection to the Cibola National Forest Land Management Plan Record of Decision (ROD) and Final Environmental Impact Statement (FEIS) is submitted on behalf of the members of Western Watersheds Project (WWP) who are concerned with the management of our public lands. WWP previously submitted comments for this project on November 7, 2019, and have included these comments as Appendix A. The legal notice for this decision was published on September 2, 2021 and this objection, filed November 1, 2021, is therefore timely.

This Objection is filed pursuant to, and in compliance with, 36 C.F.R. Part 218, Subparts A and B. All parties to this objection have filed timely, specific and substantive written comments in accordance with 36 C.F.R. 218(a).

As required by 36 C.F.R. [sect] 218.8(d), Objectors provide the following information:

1. The name and contact information for the Objector is listed below.

2. This Objection was written on behalf of Objector by Cyndi Tuell whose signature and contact

information are below.

3. Western Watersheds Project is the Objector. Cyndi Tuell is the Lead Objector for purposes of communication regarding the Objection.

Cyndi Tuell

Western Watersheds Project 738 N. 5th Ave, Suite 206

Tucson, AZ 85705

4. The project that is subject to this Objection is [ldquo]Cibola National Forest Plan.[rdquo] The Responsible Official is Steve Hattenbach, Forest Supervisor.

5. Objector submitted, timely, specific, and substantive comments during the Public Comment Period on November 7, 2019. All points and issues raised in this objection refer to issues raised in that comment letter or new information.

6. In the following Statement of Reasons, Objector provides the specific reasons why the decision is being appealed and the specific changes or suggested remedies that he seeks, along with the related evidence and rationale on why the decision violates applicable laws and regulations.

NOTICE OF OBJECTION

Pursuant to 36 C.F.R. [sect] 218, Western Watersheds Project is filing an Objection regarding the Cibola National Forest Plan.

INTRODUCTION

WWP is a nonprofit organization dedicated to protecting and restoring western watersheds and wildlife through education, public policy initiatives, and legal advocacy. With over 5,000 members and supporters throughout the United States, WWP actively works to protect and improve upland and riparian areas, water quality, fisheries, wildlife, and other natural resources and ecological values.

WWP[rsquo]s staff and members are concerned with the management of national forests and public lands throughout New Mexico, including the Cibola National Forest. We work throughout the West, advocating for watersheds, wildlife, and ecological integrity. The ongoing plan revision process affects our interest in the health and integrity of the terrestrial and riparian environments found in the Cibola National Forest. Our staff and members regularly visit the Cibola National Forest and enjoy the outstanding wildlife, wilderness, and

recreational values the Forest provides.

WWP is especially concerned with the impacts of livestock grazing on ecological integrity, wildlife, fisheries, and recreation. Across public lands and national forests in the West, grazing is ubiquitous, and it remains one of the primary commercial uses of the Forest. Too often, and as has occurred here, land managers do not adequately consider the environmental impacts of this widespread and highly extractive use; nor have federal land management agencies considered whether the environmental costs of public lands grazing outweigh the relatively insignificant economic benefits.

Unfortunately, the Forest Service has not adequately considered the environmental impacts of livestock grazing during this very important management plan revision process and instead has identified nearly the entire forest as available for livestock grazing for a period of time that is likely to span a generation, yet failed to analyze the impacts of this widespread commercial use of the forest. The Forest Service has chosen to defer the analysis of impacts caused by livestock authorizations forest-wide to some unidentified future time, has based its analysis on deeply flawed assumptions regarding the ability to

manage livestock, has failed to consider an adequate range of alternatives and has refused to consider recommended alternatives that would fit the purpose and need for the project, failed to use the best available science, and did not adequately address recommendations for specific changes to the language in the Plan[rsquo]s desired conditions and for Annual Operating Instructions.

Therefore, WWP Objects to Cibola National Forest Plan for the following reasons:

STATEMENT OF REASONS

I. Impacts to bighorn sheep must be further addressed.

In order to ensure the persistence of bighorn sheep, a Species of Conservation Concern, FW-STD-GR- 4 must be amended to exclude domestic sheep and goats, including those used for weed control purposes, from areas in and near bighorn sheep populations, where bighorn sheep may foray.

Domestic sheep and goats used as pack stock or for other commercial purposes must also be prohibited from entering areas in and near bighorn sheep habitat. The best available science, including quantitative risk models, must be utilized to ensure the disease risk to bighorn sheep from domestic sheep and goats is low.

Relief Requested: make the above noted changes to the Forest Plan language.

II. National Environmental Policy Act (NEPA) Violations

The Forest is violating the National Environmental Policy Act, 42 U.S.C. [sect]4321 et seq. and its implementing regulations, 40 C.F.R. [sect]1500 et seq., by issuing grazing permits and making important grazing management decisions on allotments throughout the Forest without compliance with NEPA[rsquo]s environmental analysis or public participation requirements and by deferring all site-specific analysis to some to-be-completed-but-aspirational revision of the Forest[rsquo]s outdated AMPs.

A. Analysis of impacts indefinitely deferred

WWP objects to the direction to continue to defer actual analysis of the impacts of authorizing livestock grazing, the dominant land use of the forest.

The Forest Service has illegally deferred the analysis of livestock grazing throughout the Forest ([ldquo][d]etailed analysis of potential negative impacts from grazing[hellip]is conducted a the project (allotment management planning) level[][rdquo] (2021 FEIS Appendix G at 18) and failed to use the best available science. WWP pointed out these violations in our prior comments (at page 3-4) and these problems were not remedied by the revision of the EIS. These violations are not remedied by the revision process but rather exacerbated by the clear direction to continue defer actual analysis on grazing permits (by refusing to identify any lands as suitable or unsuitable for livestock grazing as part of the Plan revision pr and the Forest Service[rsquo]s decision to highlight the historical use of the Forest for livestock grazing while largely ignoring the devastating impacts that historical grazing has had on the land and the unfeasible economics related to the livestock grazing industry. By focusing on the romantic notion of ranching families as a lifestyle choice and incorrectly describing the livestock grazing producers as traditional communities (they may be considered traditional industries, perhaps,

but not communities) despite the acknowledgment that this commercial activity is not economically viable (contributing just $4.4 million annually in labor income (2021 ROD at 3), but the costs of administering and managing livestock grazing permits is not disclosed). The Forest Service also tries to justify an increase in AUMs with the contradictory statement that [ldquo]this is a consideration for the opportunity to re-opening [sic] historically closed allotments specified as significant for traditional communal grazing uses.[rdquo] 2021 FEIS Appendix G at 57. It is unclear how [ldquo]historically closed[rdquo] allotments are now important for traditional communal grazing uses. Which communities exactly does this refer to?

Unfortunately, the Final EIS is the perfect example of the NEPA shell game whereby analysis is deferred from the larger planning document to yet to be conducted site-specific analysis, which then refers back to the larger planning document. Clearly, the agency has no intention of actually completing the site-specific analysis and continues to permit the underlying activity in the meantime. This is a clear violation of law and must be remedied before a final decision is implemented. The problems with deferring any action to site-specific analysis are manifold given the tremendous impact livestock grazing has had on the ecological conditions of the Cibola National Forest. As an example from the Forest Plan, the Forest Service acknowledges that drought conditions have resulted in at least a 15% reduction in the number of authorized livestock over that permitted since 2006.

2021 FEIS at

89. This thirteen year-old reduction in capacity, capability, and suitability is not reflected in the pending decision to continue to allow an excessive number of livestock to be permitted on the forest. Instead of continuing to [ldquo]manage grazing pressure on sensitive areas[rdquo] the Forest Service should be prohibiting grazing on sensitive areas. This failure to recognize and analyze a reduction in capacity by analyzing an alternative that would have reduced AUMs forest-wide by at least 15% is also a failure to analyze a range of reasonable alternatives.

B. The Forest Service failed to adequately address trespass livestock.

The Forest Service continues to ignore the issue of trespass livestock. As we noted in our prior comments (at page 4), this assumption is completely baseless and in fact, contrary to known information and the Forest Service must revise the Draft EIS to acknowledge and address the impacts of unauthorized grazing by permittees. In our prior comments we provided the government[rsquo]s own documentation of the inability of the Forest Service (and other land managers) to ensure livestock remain where they are authorized to be. We asked the Forest Service to disclose the level of unauthorized grazing that has occurred on throughout the forest over the past 10 years, including incidents that were handled [ldquo]informally,[rdquo] and including willful and non-willful incidents. The cumulative impact of unauthorized livestock grazing was undisclosed in the Draft EIS and remains undisclosed in the Final EIS.

The Forest Service[rsquo]s response to our concerns was to state that [ldquo][i]t is accurate that a majority of these informal interactions may not be documented; however, given the sheer volume of the authorized officer representative (district range conservationist) contact with livestock permittees, significant cases of non-compliance are normally the focus district range staff to achieve term grazing permit compliance.[rdquo] 2021 FEIS Appendix G at 60. While we realize non-compliance is not something the plan revision can address directly, it is something the Forest Service must accurately disclose and consider in its analysis and assumptions used for the analysis. Here, we have an acknowledgment that trespass or unauthorized livestock are a well-known problem on Forest Service managed lands, a

request that information and documentation related to trespass be included in the analysis, a refusal by the Forest Service to provide or consider this information, and therefore the Forest Service cannot rely upon this EIS as it relates to livestock grazing management because an important aspect of livestock grazing (ubiquitous trespass) was not considered.

This deficiency and incorrect assumption must be corrected.

Relief Requested for above sections:

Remove all references to [ldquo]sustainable livestock grazing.[rdquo]

Remove the statement that livestock grazing provides ecosystem services through aeration of the soil through hoof action.

Remove the statement that livestock grazing provides ecosystem services by maintaining open space off-forest.

C. Range of Alternatives is inadequate

The analysis of alternatives under the National Environmental Policy Act (NEPA) is the [ldquo]heart[rdquo] of an environmental impact statement (EIS).1 The Forest Service must [ldquo][r]igorously explore and objectively evaluate all reasonable alternatives[rdquo] to a proposed action.2 [ldquo]Without substantive, comparative environmental impact information regarding other possible courses of action, the ability of an EIS to inform agency deliberation and facilitate public involvement would be greatly degraded.[rdquo]3 Consistent with NEPA[rsquo]s basic policy objective to protect the environment, this includes more environmentally protective alternatives.4

An agency risks a finding that it has violated NEPA if it considers only the no action alternative and its primary, preferred alternatives, and ignores action alternatives suggested in public comments.5 Put simply, [ldquo][t]he existence of a viable but unexamined alternative renders an [EA] inadequate.[rdquo]6

In our prior comments (at pages 5) we asked the Forest Service to consider an alternative that would authorize the permanent retirement of grazing allotments that are voluntarily waived by the permittee. The Forest Service has not actually responded to our comments on this topic. It appears an attempt to respond was made at page 59 of Appendix G of the FEIS, but this response does not actually address our concerns. It appears there was at least one other issue/concern raised by WWP and others where the Forest Service has failed to actually address those issues/concerns in the FEIS and/or the Response to Comments. As just one example, see 2021 FEIS Appendix G at page 80. This appears to be a list of issues/concerns but they lack any agency response. However, this section is unclear and if there is some other explanation or clarification for this section, we[rsquo]d appreciate hearing it.

We therefore reiterate, the Forest Plan must allow permits to be waived back to the agency for permanent resource protection. The option of permanent voluntary retirement of permits and associated grazing privileges represents an equitable solution to wildlife conflicts with agricultural operations on public lands. It provides security to livestock producers facing declining economic returns, increasing price instability, a shrinking available workforce, and other challenges, and allows the Forest Service to redesignate lands to other uses, including wildlife habitat, recreation, and hunting. The permit waiver system represents the increasing public interest in maintaining natural systems and restoring native species, and allows land managers to facilitate the win-win resolution of grazing conflicts which impact not only native species, but also water quality and the recreational experience of users. Allotments already vacated for resource protection, either through Forest Service actions or through the voluntary relinquishment of grazing preference, must be closed.

The assertion that there is no legal alternative to grazing public land is false. It is disturbing and frankly deeply chilling to see a public agency, which is formally tasked with managing public resources belonging to and intended for the benefit all of the citizens of the United States of America so completely captured and directed by a single, industrial use of citizen owned resources. There is ample legal precedent for permanent retirement of industrial grazing on some public land areas through NEPA analysis (reflecting the will of the citizen owners of the land) and any number of other administrative policy and regulation applications on many public lands. Examples of where livestock can be excluded or retirement may be applicable include, but are not limited to: designation of administrative areas, recreational areas, where mining may and may not occur, archaeological areas, bighorn sheep habitat, protection for species listed under the endangered species act.

Relief Requested:

We again request the Forest Service consider an alternative that would authorize the permanent retirement of grazing allotments that are voluntarily waived by the permittee. The Forest Plan should allow permits to be waived back to the agency for permanent resource protection. The option of permanent voluntary retirement of permits and associated grazing privileges represents an equitable solution to wildlife conflicts with agricultural operations on public lands. It provides security to livestock producers facing declining economic returns, increasing price instability, a shrinking available workforce, and other challenges, and allows the Forest Service to redesignate lands to other uses, including wildlife habitat, recreation, and hunting. The permit waiver system represents the increasing public interest in maintaining natural systems and restoring native species, and allows land managers to facilitate the win-win resolution of grazing conflicts which impact not only native species, but also water quality and the recreational experience of users. Allotments already vacated for resource protection, either through Forest Service actions or through the voluntary relinquishment of grazing preference, must be closed.

D. The Forest Plan and ROD perpetuate the myth of [ldquo]sustainable livestock grazing.[rdquo]WWP again asks the Forest Service to acknowledge that there is no way to conduct a sustainable and commercially viable livestock grazing operation in the arid southwest and to remove all references to [ldquo]sustainable livestock grazing[rdquo] in the Forest Plan. As we noted in our prior comments (at pages 2-3 and 9-11), public lands grazing operates at a profound financial public deficit (economically unsustainable), has converted and degraded entire landscapes (ecologically unsustainable), converts thousands of gallons of potable water into sewage every year (hydrologically unsustainable), produces greenhouse gases at levels that exceed other forms of agriculture (climatically unsustainable), and results in a product that is demonstrably adverse to human health when ingested frequently or in high amounts (nutritionally unsustainable). Additionally, the reliance on removing top predators from the landscape as a way of making it safe for untended livestock is highly impactful on native wildlife species such as the Mexican gray wolf, coyote, cougar, and black bear.

The Forest Service did not respond to our concerns regarding this mis-statement of fact. The analysis in the FEIS briefly discusses the history of livestock grazing in the Cibola National Forest, but fails to acknowledge the long-lasting negative impacts livestock grazing has had on the forest and appears to attribute any ill-effects of livestock grazing to long-past unregulated grazing. 2021 FEIS at 114. There is no discussion of how recent and [ldquo]well-managed[rdquo] livestock grazing has contributed to and continues to exacerbate altered fire

regimes, invasive species, loss of species diversity, and degraded watersheds.

The Forest Service states that [ldquo][l]ivestock grazing today plays an essential role in providing ecosystem services (Forest Plan p. 90). This is completely incorrect and this statement must be corrected to state that [ldquo]livestock grazing permittees utilize the ecosystem services of the Cibola National Forest at a greatly reduced cost compared to those same services found on privately owned and managed lands.[rdquo] Similarly, the [ldquo]ecological benefits[rdquo] of livestock grazing are at the very least overstated, if not simply false. [ldquo]Increased aeration through hoof action[rdquo] is actually destruction of soil crusts and structure that leads to erosion; [ldquo]invasive plant control[rdquo] is more accurately described as invasive plant distribution; [ldquo]fine fuels reduction[rdquo] is removal of forage for wildlife as well as removal of plant cover that prevents erosion.9 We have no idea what [ldquo]maintenance of open space off-forest[rdquo] refers to and again ask the Forest Service to explain this concept, or at least provide some scientific reference for this and all of the hyperbolic statements found in both the Draft and Final EIS. To put it very clearly, livestock are not, and do not provide, ecosystem services. Livestock producers use ecosystem services to produce livestock. Finally, there is not a [ldquo]congressional mandate to allow grazing[,][rdquo] but there is congressional authority to consider issuing livestock permits.

The Land Management Plan also states that [ldquo]some ecological benefits from livestock grazing include aeration of the soil through hoof action[hellip][rdquo] 2021 FEIS at 114. This statement is untrue, contrary to the best available science, and notably, this statement has been removed from the Carson National Forest[rsquo]s management plan. The Forest Service must remove this statement and certainly cannot provide justification for including this statement in one Forest Plan while removing it from another. To include this statement in one Forest Plan and not in another is clearly an arbitrary and capricious decision.

The Forest Plan states that [ldquo][l]ivestock grazing plays an essential role in providing ecosystem services.[rdquo] 2021 FEIS at 114. This is completely incorrect and, as we stated in our prior comments (at page 2) this statement must be corrected to state that [ldquo]livestock grazing permittees utilize the ecosystem services of the Cibola National Forest at a greatly reduced cost compared to those same services found on privately owned and managed lands.[rdquo] To put it very clearly, livestock are not, and do not provide, ecosystem services. Livestock are not part of the ecosystem. Livestock producers use ecosystem services to produce livestock.

To say this is disappointing is an understatement. To say it is likely a violation of federal regulations is accurate. These gross misstatements of fact and law must be corrected.

Therefore, we strongly recommend, among other environmental considerations, that the decisions regarding the proposed forest plan specific to livestock operations take into account the need to address sustainability and to plan for the recovery and expanded habitat of all native predators. In that light, we ask the Cibola National Forest to revisit the livestock grazing section of the Forest Plan and EIS.

Relief Requested: To address this significant concern, the Forest Service must apply the best available scientific information, 36 C.F.R. [sect] 219.3, to determine which areas of the Forest are suitable for livestock grazing, and which are not. 36 C.F.R. [sect] 219.7(e)(1)(v). Unfortunately, the FEIS, ROD and Forest Plan are silent on this issue, as well as the capability of Forest Service lands to provide forage for livestock. This is a one primary example of a clear and direct failure of the Forest to apply the best available scientific information that must be remedied before the release of a final decision.

III. Specific Recommendations for Forest Plan

WWP[rsquo]s recommended changes to the Draft LRMP were ignored. Therefore, we include them again below the Relief Requested is that we ask that these changes are made through the Objection process. Strikethrough indicates our recommended deletion and ALL CAPS indicates our recommended addition to the text of the Forest Plan.

Desired Conditions (FW-DC-GR)

1. Sustainable rangelands provide forage for WILDLIFE AND livestock grazing opportunities that contribute to the agricultural business, local employment, traditional lifestyles, and generational ties to the land.

1. Livestock grazing contributes to the long-term socioeconomic diversity, stability, and cultural identity of local communities.

1. Rangelands are resilient to disturbances and variations in the natural environment (such as fire, flood, and climate variability).

1. Livestock grazing is ONLY PERMITTED WHERE compatible with ecological functions and processes (such as water infiltration, wildlife habitat, soil stability, and natural fire regimes). Livestock grazing is also compatible with the social resources of the national forest including designated areas (like wilderness).

1. Native plant communities support diverse age classes of shrubs, and vigorous, diverse, self- sustaining understories of grasses and forbs relative to site potential, while providing forage for WILDLIFE AND, WHERE APPROPRIATE, livestock and wildlife.

1. Wetland and riparian areas consist of native obligate wetland species and a diversity of riparian plant communities consistent with site potential and relative to riparian desired conditions.

Objectives (FW-OBJ-GR)

1. Remove, improve, or reconstruct at least 15 to 20 improvements annually (such as fences, water developments, and cattle guards) that are no longer necessary or in poor condition or to move toward desired conditions.

Standards (FW-STD-GR)

1. Livestock management shall be compatible with capacity and address ecological concerns (such as forage FOR WILDLIFE, invasive plants, at-risk species, soils, riparian health, and water quality) that are departed from desired conditions.

1. New or reconstructed fencing shall allow wildlife passage, except where specifically intended to exclude wildlife (like an elk exclosure fence) or to protect human health and safety.

1. New and reconstructed range improvements must be designed to prevent wildlife entrapment and provide safe egress for wildlife (for example, escape ramps in water troughs and cattle guards).

1. Grazing of domestic sheep or goats INCLUDING FOR VEGETATION MANAGEMENT OR WEED CONTROL shall not be authorized in areas occupied by bighorn sheep OR IN AND NEAR BIGHORN SHEEP POPULATIONS to mitigate the potential transfer of disease from domestic sheep to bighorn sheep.

Guidelines (FW-GDL-GR)

1. Forage use should be based on current and desired ecological conditions and livestock use as determined during planning cycles (such as annual operating instructions and permit renewal) AND WITH INPUT FROM INTERESTED PARTIES, INCLUDING CONSERVATION ORGANIZATIONS, to sustain livestock grazing and maintain ecological function and processes.

1. Livestock grazing SHALL BE PROHIBITED within riparian management zones should bemanaged IN ORDER to sustain proper stream channel morphology, floodplain function, and riparian vegetation desired conditions.

1. New livestock troughs, tanks, and holding facilities should SHALL be located away from riparian management zones to protect riparian ecological resources and to minimize long-term detrimental impacts, unless necessary for resource enhancement or protection.

1. New range infrastructure (such as troughs and tanks) should SHALL be designed to avoid long-term negative impacts to soil resources (like soil compaction and soil loss) to maintain hydrological function outside the structure[rsquo]s footprint.

1. Salting or mineral supplementation should SHALL not occur on or adjacent to areas that are especially sensitive to salt (such as at-risk plant species habitat, riparian areas, wetlands, or archeological sites) and where there is increased traffic from ungulates to protect these sites.

1. Restocking and management of grazing allotments following a major disturbance (such as fire or flood) should SHALL occur on a case-by-case basis after consideration of site-specific resource conditions.

1. Vacant or understocked allotments should be considered for VOLUNTARY PERMIT RETIREMENT livestock use with permitted livestock during times or events when other activeallotments are unavailable or require ecosystem recovery as a result of natural disturbances likewildfire or management activities such as vegetation restoration treatments.

1. Historically closed allotments (such as those near the Carnue and Las Huertas communities on Sandia Ranger District and the Chilili and Manzano communities on the Mountainair Ranger District) should be considered for VOLUNTARY PERMIT RENEWAL AND/OR new grazing authorization for local historic community grazing allotments or for local existing permittees in case of a need resulting from natural disturbances (for example, wildfire) or management activities (for example, vegetation restoration treatments). Site-specific environmental analysis conducted to consider reopening of these closed allotments for grazing should SHALL consider THE ENVIRONMENTAL IMAPCT OF THE PROPOSED USE ON PREVIOUSLY UNGRAZED AREAS, practicable boundaries for newly permitted grazing and consider minimizing conflicts with other uses, such as developed and undeveloped recreations sites, existing specials uses, transportation and utility infrastructure, and available water developments and access issues.

1. New grazing infrastructure should SHALL be designed to meet the scenic integrity objectives of the area.

Management Approaches (FW-MGAP-GR)

1. Cooperate, collaborate, and coordinate with permit holders AND INTERESTED PARTIES, INCLUDING CONSERVATION ORGANIZATIONS to respond to changing resource conditions. Cooperation, collaboration, and coordination among Cibola managers, INTERESTED PARTIES, and permit holders is key to improving rangeland and forest conditions for multiple uses, moving towards desired conditions, and contributing to the socio-economic well-being of local communities. In addition, collaboration among stakeholders is important, including local communities; permit holders; CONSERVATION ORGANIZATIONS, and Federal, State, county, and local government entities.

1. Acknowledge the importance of livestock grazing as a traditional and cultural practice that helps support the socioeconomic well-being of individual families within local communities.

1. CONSIDER EmphasizINGe large-scale landscape approaches and treatments for restoring rangelands and the use and perpetuation of a diversity of native plant species, with an emphasis on grass, forb, and shrub communities.

1. Implement adaptive management strategies to manage livestock grazing in a manner that promotes ecosystem resiliency, sustainability, and species diversity based on changes in range conditions, climate, and other resource conditions. The adaptive management strategy is to provide more flexibility to grazing management while improving or maintaining the health of rangelands. THE ADAPTIVE MANAGEMENT APPROACH SHOULD INCLUDE CONSIDERATION OF VOLUNTARY PERMIT RETIREMENT.

1. Consider accessible pass-through sections for recreationists (such as walk-through gates or self- closing gates) where designated trails intersect with allotment fences, unless they interfere with range management and resource protection.

1. Facilitate dialogue between the New Mexico Department of Game and Fish personnel and permit holders about ungulates (elk, deer, and livestock) and the cumulative impacts on national forest resources WITH AN EMPHASIS ON THE NEED TO PRIORTIZE FOREST SERVICE LANDS FOR WILDLIFE USE.

1. Adapt management strategies to promote cost effective use of range infrastructure that is balanced with forage values provided. THE ADAPTIVE MANAGEMENT APPROACH SHOULD INCLUDE CONSIDERATION OF VOLUNTARY PERMIT RETIREMENT.

IV. Recommendations for Annual Operating Instructions

As we said in our prior comments (at pages 10-12), in light of the challenges faced by the Mexican gray wolf recovery team and the wolf itself, WWP has previously submitted recommended Annual Operating Instructions (AOIs) for 2019 and all years thereafter to several forests and suggested the AOIs include Special Management Instructions for allotments located in suitable or occupied habitat for the Mexican gray wolf. No forest has yet modified the AOIs, even in areas where extensive livestock-conflicts have been documented and where these conflicts are causing excessive wolf mortality. We made this request with the hope of encouraging a more cooperative and successful partnership between the U.S. Forest Service, public lands users, and the U.S. Fish and Wildlife Service in the recovery of the Mexican gray wolf. We also made these recommendations to each forest through the Plan Revision process and again, are common-sense suggestions are being ignored.

By asking for these Special Management Instructions to be implemented as part of the AOIs throughout Region 3, we hope to reduce the impacts of livestock grazing to the highly endangered Mexican gray wolf, and these recommendations are appropriate to protect other predators as well. The Cibola National Forest[rsquo]s response to our recommended AOIs is to state that this is a site-specific management action or could be identified in an allotment management plan. 2021 FEIS Appendix G at

1. While this may or may not be accurate, there is nothing preventing the Forest Service from including management direction, in the form of a Management Approach, that directs how AOIs (and or AMPs) will reflect the presence of Mexican gray wolves.

Therefore, we are again asking the Cibola National Forest to include these recommendations as part of the Forest Plan revision process as a recommended Management Approach.

Relief Requested: we request that the following instructions are included in all AOIs for all allotments located within suitable or occupied Mexican gray wolf habitat:

Management Approach for AOIs

The Cibola National Forest includes Zone 1, 2, and 3 of the Mexican gray wolf recovery area and the wolves are known to exist in the Cibola National Forest. [ldquo]Best Practices[rdquo] for protecting livestock and grazing operations where wolves are present have been successful in reducing negative interactions between wolves and livestock. These best practices must be included in Annual Operating Instructions and Allotment Management plans, must be followed, and include:

1.
1. Removing, destroying, burying, or placing electric fencing around dead livestock discovered on allotments if carcasses would attract wolves into high use areas such as currently grazed meadows, salting grounds, water sources, or holding corrals.
2. Removing sick or injured livestock from grazing allotments to prevent them from being targeted by wolves.
3. Increasing range riding to provide a more consistent human presence around your cattle. This has proven to be one of the most effective means for reducing wolf-livestock interactions and depredation.

In case of discovery or notification of an active wolf den in an allotment (or within one mile of an allotment), these additional best practices must be followed:

1. Delay livestock turnout until July 1st. Using alternate grazing units (preferably 3 miles from an active den site) is also an effective strategy if livestock can be held on the alternate unit until after July 1st.
2. Avoid/delay allotment management activities (such as fence maintenance) near active wolf den sites between April 1st and July 1st.
3. Do not place salt or other livestock attractants within 3 miles of wolf den sites or rendezvous sites.
4. Check livestock twice per day when cattle are in a unit with an active wolf den or rendezvous site.

Any wolf control action must be initiated by the US Fish and Wildlife Service. There is nothing in your Grazing Permit, Allotment Management Plans (AMPs), or in these Annual Operation Instructions (AOI) that authorizes predator control.

Any wolf sightings, wolf/livestock interaction, or evidence of depredation should be immediately reported to the U.S. Fish and Wildlife Service, the U.S. Forest Service.

For this allotment, the permittee is aware:

* The allotment does include wolf habitat and the possibility of predator-livestock conflicts exists and will be an ongoing part of managing livestock on the allotment;
* The permittee has an obligation to comply with the Endangered Species Act, among all other federal laws;
* The Forest Service will provide conflict-reduction resources as they are developed;
* A grazing permit in non-use status shall not be allowed to increase allowable animal unit months when returning to use to help prevent livestock-wolf conflicts within established wolf pack home ranges
* The Forest Service has provided notification to the permittee regarding BMPs to minimize the potential for wolf-livestock, wolf-dog interactions
* Permittees must avoid or limit disturbance within 0.5 mile of known, active dens and rendezvous sites and must incorporate measures to avoid or mitigate impacts of ranch-related activities from April 1 to July 1;
* Permittees must bury or remove livestock carcasses within 24 hours of discovery;
* Permittees must implement specific best management practices to reduce livestock-wolf conflicts within or in proximity to established wolf pack home ranges, including, at a minimum, the removal of wolf attractants during

calving season, increased human presence during vulnerable periods, use of range-riders and diversionary and deterrent tools such as fladry fencing, airhorns, crackershells, etc.;
* Measures to reduce livestock-wolf conflicts, including a clause notifying the permittee of the potential for modification, cancellation, suspension, or temporary cessation of livestock activities to resolve livestock-wolf conflicts and reduce wolf mortality;
* Permittees are prohibited from using leg-hold traps to manage livestock predation on any allotments where Mexican gray wolves are known to be present;

All AOIs should include a notice to grazing permittees that they may take conservation non-use for the sake of promoting wolf recovery on these allotments, pursuant to the Forest Service regulations at 36

C.F.R. 222.3 Issuance of grazing and livestock use permits 36 CFR 222.3 Issuance of grazing and livestock use permits(C)(1)(iv)(D); Forest Service Handbook 2209.13(17.2) Nonuse for Resource Protection or Development.

We recommend the Forest Service notify permittees about issues related to livestock management and drought conditions include drought management recommendations, as related to wolf-livestock conflict, in AOIs. Drought management planning should take into consideration increased competition between wolves, native prey and livestock for forage and resources and the Forest Service should maintain an adequate supply of food for wildlife it intends to avoid livestock-wolf conflict.
Conclusion

Western Watersheds Project encourages the Forest Service to revise the existing environmental analysis to correct the deficiencies we have identified above. We look forward to reviewing the next step in this NEPA process for Forest Plan Revision.

Sincerely,

Cyndi Tuell

Arizona and New Mexico Director Western Watersheds Project