

Testimony of

Michael Lucero

Before the

U.S. House of Representatives Committee on Natural Resources

Subcommittee on Public Lands and Environmental Regulation

Oversight Hearing on

Threats, Intimidation and Bullying by Federal Land Management Agencies, Part II

On July 24, 2014

Mr. Chairman and members of the committee, thank you for allowing me to tell you what is going on in New Mexico at the hands of the U.S. Forest Service and the U.S. Fish & Wildlife Service.

My name is Michael Lucero, I was born and raised in New Mexico. I am an allotment owner in the Santa Fe National Forest, as is my father. I currently serve on two boards; the Jemez Valley School Board of Education and the Union Board at work.

My family and I ranch on the Santa Fe National Forest, and have for many generations. My Great Grandfather started off on foot with 1000 head of sheep when the Forest Service was not even in existence. This was then passed down to my grandparents, then to my father.

Our allotment originally started as the San Diego Land Grant which eventually was taken by the government and became Forest Service land. Land grants were issued to settlers by the king of Spain when the land was part of Mexico. The land was taken from us to create the bureaucracy in place today. Now that government is driving us completely from the land.

We feel that the government has taken away and are still trying to take away what is rightfully ours, from our grazing rights to our water rights. It seems that every year it gets more difficult to continue with our way of life and keep our heritage alive as the government is continually putting obstacles in our path.

My mother's family was driven out of the logging business when the Spotted Owl became an endangered species. They left the valley that they grew up in to find work elsewhere.

Since the drought took over New Mexico, the Forest Service has used the "drought" to reduce our herd numbers. We always did as we were asked and cut our herds. Even though we cut our numbers for a particular year, we still paid the full payment due for the permit. When we looked at the drought maps and the formula they were using with the Forest Service, we were able to prove to them that their formula was incorrect. We were then allowed to come in with full numbers for our herds. Now that that issue has been resolved, here we are again with another issue, an endangered species threatening to shut us down.

Two years ago in 2011, our range conservationist gave us a handout which talked about the New Mexico Meadow Jumping Mouse. In that meeting he stated that if it was listed, that it would be the end of grazing on Forest Service Lands.

This mouse hibernates about nine months a year and requires a 24 inch stubble height of dense grass. If we were not already providing the appropriate conditions, how can they mouse be there?

Another puzzling fact is that the mouse can apparently detect property lines. The proposed critical habitat goes right to the fence line to the Valles Caldera National Preserve and stops.

That was all we heard on the issue until the fall of 2013. The comment period in the Federal Register would open and the Forest Service told us how important it was to comment. That being said we did make comments when the notice was posted in the Federal Register. We then were called into another meeting with the Forest Service where they told us that they had no control over what was going happen if it was listed.

The local ranchers had many questions about the New Mexico Meadow Jumping Mouse, like where it was found. How many were found? What would be done to protect it and where it would be done? The Forest Service had no answers about the mouse. They told us that the Fish & Wildlife Service made all those decisions.

We then asked the Forest Service to call a meeting with the Forest Service and the Fish & Wildlife Service. In that meeting the Fish & Wildlife Service told us that the listing of the mouse would not affect grazing and that the Fish & Wildlife Service had not told the Forest Service to put up fences of any kind; we were told that all the Fish & Wildlife Service does is list the species.

The Forest Service was present at this meeting. Eric Hines from the Fish & Wildlife Service told us that we would still have our opportunity to be involved in a Section 7 consultation. We asked the Forest Service about that and they had no clue what we were talking about. All this being said we have been in the dark since day one.

The science used to list the mouse is disputable. Why are there no lists of areas that were studied? And if there is a list, why was it not provided to us when we asked for it? In the meeting with the Forest Service, they stated that the only reason for the fence was to avoid being sued by the WildEarth Guardians.

Comment [KB1]: Are you talking about the science to put up the fence? Or the science to list the mouse?

Why is the Forest Service making these decisions that will affect the local economy, the ranching industry and the culture, and well being of rural communities? It appears that they are not taking into account the local comments on these issues based on a lawsuit by a non-governmental party.

Since when is America not a democratic country? Why is the federal government not giving every citizen its due process on issues that affect so many different aspects of their lives? In every meeting with the Forest Service, they are always telling us that we are closer to NO RANCHING ON FOREST SERVICE LANDS! When we asked how we can work out a compromise with the Forest Service on issues like this, the Forest Service personnel always answer, "It's not me, I was told that this is the way the upper staff wants it."

I personally asked about alternatives fencing us off water and then out of our pastures but always hit road blocks, such as, no money or more studies needed. But somehow there is now money to build fences? At about \$20 per linear foot, where did the money come from and why now, when we have been asking for alternatives for the past year. The expense of putting up this fence does not make sense since we only graze our cattle two months out of the year in these areas.

We were told in the meeting with the Forest Service and Fish & Wildlife Service that nothing would be done without first the NEPA process and a meeting with all of the ranchers and the Forest Service to come up with a plan together. Next thing we hear is that they are going to put up an eight foot fence spanning 117 acres to keep animals and humans out of the critical habitat for the mouse. That is just my allotment. There are 10 others who are being similar affected. Seems that we skipped a couple of steps and their words are just empty promises. Moving forward like this is a clear picture of GOVERNMENT BULLYING. They tell us one thing and do the opposite. They are never truthful with us and we are living in constant fear of what comes next.

After the media got involved around the 4th of July camping season, the Forest Service changed their tune. They are now proposing a five foot fence covering the same area that may impact dispersed camping. Why are we told about an eight foot fence and two weeks later it becomes a five foot fence? Why are humans and wildlife, particularly elk, not harmful to the mouse?

The money being used to erect these fences is from taxpayers. That being said, it appears that the Forest Service is using my tax dollars to fence my family and numerous other families OUT OF BUSINESS! Tell me how that makes sense? Why would our concerns and comments not be heard, when we have been using these lands since it was our ancestors Land Grant?

Every time that there are compromises to be made, it is always us, the ranchers, who have to compromise on our end. We are told that if we do not compromise and agree with the decisions being made by the Forest Service that we risk losing our grazing allotments.

How are we supposed to work with the Forest Service when we all know that they do not listen to our concerns? We want to work with the Forest Service for the benefit of us all. It is in our best interest to take care of the land and help manage it properly. If we were not managing properly, then how is it that my family has been in business for over 100 years? It's because we love the land and our tradition and hope to pass it down for many generations to come.

I feel that Agriculture is very important to America, if you've seen the price of beef in the grocery stores lately, the more they cut herds the higher the price goes up for all American People.

I don't get how the environmental groups work with the Federal Government; what gives them so much power that they dictate what the Federal Government does with other people that use government lands? If you look at the WildEarth Guardians website, it states exactly what the US Forest Service is going to do.

They want to protect one endangered species and do everything in their power to get it done, they don't take into consideration that land management is so important for example: the Spotted Owl that was listed years ago. Many people (most of my family) from the logging industry lost their jobs which caused them to move out of the area to find work.

Through the years, now from the lack of managing the land correctly the Santa Fe National Forest is over grown and we have had several forest fires with so much fuel they are out of control and the American Tax Payers spend so much more money on these forest fires than they would have if the land was managed properly. People would still have jobs. The Spotted Owl would not have a burned forest and not only that species, but all the other listed species on the Endangered Species List. In the ecosystem how do you protect one species and through it off for the other endangered species?

Fencing off the river would dramatically affect our culture, economy, and our local community. Our local community businesses thrive on the business generated by ranchers, campers, fishermen, hunters and hikers. If we fence off all of the proposed rivers, it would have a detrimental effect on these local businesses.

I don't understand how people from other states get jobs at these federal agencies that don't understand the way you manage a ranch in New Mexico. The way we manage a ranch in Northern New Mexico is completely different than you would manage a ranch in a place like Wyoming or Montana.

The ranchers in this area don't have a lot of money; there are not a lot of big cattle operations like everyone think they are. I bought my own cattle and allotments and I bought it for a reason. It was an investment to put my two kids through college and so I could have something to hand over to my children that they have known their whole lives. My father inherited his small operation from my Grandpa, which helps pay for my elderly Grandmother's care: medical insurance, daily caretaker, and anything she may need. Because of these cows, grandma is not in a state paid or federal paid nursing home. This is how we take care of her, it's how our community works; this is a part of what we do as a ranching family and community.

It saddens me to sit in a meeting where the head Forest Ranger (Linda Riddle) is telling us "I could care less if they got rid of all the cows on the Forest that would make my job that much easier."

This statement coming from a federal government employee! Robert Trujillo, Deputy Director of the USFS stated in a local newspaper that he feels that the forest is overgrazed, however if the USFS was to pull the allotment management records, it would show that this is and never has been the case. The areas used by the ranchers are NOT OVERGRAZED! We have never been in violation of the federal regulations governing ranching.

The opposite is true for the Forest Service personnel because they are not following the federal regulation that says they are to protect the heritage and culture of ranching families that are allotment owners on the USFS. The federal regulation states that they are to always get input from the allotment owners when making decisions that would affect them.

Rumors are floating in our communities that the Forest Service is planning to use eminent domain to obtain private land that is within what is believed to be jumping mouse areas. We cannot document them, but this is the fear we are living under.

The government and environmental groups are making it almost impossible for us to do what we love (our culture/heritage). In my opinion cattlemen are the care takers of the land, if it wasn't for cattle grazing these lands we wouldn't have an environment for a jumping mouse or most other creatures. We are the ones who manage the lands and wildlife also benefit from our watering systems.

The media has accurately shown how our land looks. This is how we have taken care of this land, a part of our culture is an understanding that you have to take care of the land, in order for the land to take care you.

We are trying to do the right thing, but what we see for doing the right thing is we better go along with this or you are going to lose your permits! Ultimately the government is losing its caretaker, because that's what we do.

Thank you for your time. We pray that you can help us.

Timeline on New Mexico Meadow Jumping Mouse

- February 27, 2014- Official meeting about the NMNJM, the Forest Service told us they were going to start the NEPA process
- March 4, 2014- The Forest Service told us NO NEPA; Forest Service talked about the fence and taking 300 feet on each side of the river
- March 28, 2014- Forest Service sent letter on mouse fencing
- April 2, 2014- We called a meeting with the Forest Service to ask questions
- April 8, 2014- Meeting with the Forest Service; we looked at other options, but no money
- April 9, 2014- Meeting in El Rito NM with Cal Joyner; NO ANSWERS
- April 25, 2014- Meeting with the Forest Service and Fish and Wildlife Service
- May 9, 2014- Forest Service sends letter retracting the March 28, 2014 letter
- June 25, 2014- Meeting with the Forest Service; they showed us a map of fencing areas and they told us about categorical exclusion
- July 2, 2014- Forest Service and Fish & Wildlife cancelled meeting
- July 10, 2014- Received comment notices from Forest Service



United States
Department of
Agriculture

Forest
Service

Santa Fe National Forest

Jemez Ranger District
051 Woodsy Lane
P.O. Box 150
Jemez Springs, New Mexico 87025
PH 575-829-3535 FAX 575-829-3223

File Code: 1900

Date: May 09, 2014

Dear Friends and Neighbors of the Jemez Ranger District:

On April 7, 2014 I sent you a scoping letter and report describing a proposed riparian improvement project along the upper Rio Cebolla where it crosses Forest Road #376. The documents incorrectly state that the purpose of the proposed project is to improve habitat for the New Mexico meadow jumping mouse. I apologize for this error and for the confusion it has caused our dedicated partners, our grazing permittees and anyone else with an interest in natural resource management on the Jemez District. By this letter and my authority as acting Jemez District Ranger, I hereby retract the scoping letter and associated report.

The purpose of the Rio Cebolla project, originally developed by New Mexico Trout, Albuquerque Wildlife Federation, and the Santa Fe National Forest, was to restore a once blue-ribbon trout fishery and popular recreation area, the Rio Cebolla, from Forest Road #376 to the confluence of the Rio de las Vacas. The Nature Conservancy had included the trout project in a 2012 proposal to the National Fish and Wildlife Foundation, with a budget for supplies and an information kiosk for the Rio Grande Water Fund. The 2012 proposal was not funded, and a new proposal submitted in 2013 is still pending.

I very much appreciate the thoughtful comments that many of you sent in response to my April 7th letter. I have read them all, and I will consider them as we move forward. The Santa Fe National Forest will re-develop the project in close collaboration with our grazing permittees, partners and those of you interested in the management of our National Forests. Once that occurs, a scoping letter will be sent out and we look forward to your comments at that time.

Sincerely,

JACOB S. LUBERA
Acting District Ranger, Jemez RD

cc: Maria T. Garcia
Joe Norrell
Jon T. Williams





United States
Department of
Agriculture

Forest
Service

Santa Fe National Forest

Jemez Ranger District
051 Woodsy Lane
P.O. Box 150
Jemez Springs, New Mexico 87025
PH 575-829-3535 FAX 575-829-3223

File Code: 2510

Date: 3/28/2014

Dear Friends and Neighbors:

The Jemez Ranger District of the Santa Fe National Forest is proposing a riparian improvement project along the upper Rio Cebolla where it crosses Forest Road 376. The purpose of the project is to improve habitat for the New Mexico meadow jumping mouse. The enclosed attachment describes the project's details.

This project has been selected by the committee who are providing leadership in organizing the Rio Grande Water Source Protection Fund. It is the Phase 1 public demonstration area for restoration of Southwestern montane riparian ecosystems. The committee members are from The Nature Conservancy, the New Mexico Forest Industry Association, and New Mexico State Forestry (retired). Funding to implement has been provided by The Nature Conservancy.

We request your comments on this project. To be most helpful, please send your comments by 30 days from mailing. Please send electronic comments to comments-southwestern-santafe-jemez@fs.fed.us with "Rio Cebolla" in the subject line. Acceptable electronic formats are .pdf, .txt, .doc, .rtf, or other formats readable with Microsoft Word. Mail your comments to: District Ranger, Jemez Ranger District, P.O. Box 150, Jemez Springs, NM 87025. Comments may be hand-delivered to this address from 8:00 am to 4:30 pm, Monday through Friday excluding Federal holidays. To submit oral comments, please call Jeremy Marshall at (575) 829-3535 to arrange an appointment.

I also want to take the opportunity to let you know of changes in the notice, comment, and appeal procedures as they pertain to categorical exclusions. These changes took effect on March 5, 2014.

On January 17, 2014, the President signed into law the Consolidated Appropriations Act of 2014 (Pub. L. No.113-76). Section 431 of that Act directs that the 1992 and 2012 legislation establishing the 36 CFR 215 (post-decisional appeals) and 36 CFR 218 (pre-decisional objections) processes "shall not apply to any project or activity implementing a land and resource management plan ... that is categorically excluded ... under the National Environmental Policy Act [NEPA]." On February 7, 2014, the President signed into law the Agricultural Act of 2014 (Farm Bill) (Pub. L. No.113-79). Section 8006 of the 2014 Farm Bill repealed the Appeals Reform Act (ARA) (Pub. L. No. 102-381). The ARA's implementing regulation was 36 CFR 215. The 2014 Farm Bill also directs that the pre-decisional objection process established in the



Consolidated Appropriation Act of 2012 shall not be applicable to categorically excluded projects or activities.

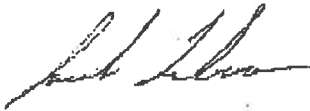
As a result of these two statutes, the Forest Service will no longer offer notice, comment and appeal opportunities pursuant to 36 CFR 215 for categorically excluded projects. Since I have not made a decision on the project or published a legal notice of the decision memo in the newspaper of record, I cannot offer appeal opportunities for this project.

These legislative changes and new direction do not limit the public's ability to comment on Forest Service projects and activities. The Forest Service will continue to offer public involvement opportunities for categorically excluded projects (such as this scoping notice) as provided for in its NEPA procedures found in 36 CFR 220. The Forest Service will continue to provide notice, comment and pre-decisional objections as provided for in 36 CFR 218 for proposed projects and activities that are documented with an environmental assessment or environmental impact statement.

For technical questions on the Rio Cebolla project, please contact Jeremy Marshall at (505) 829-3535. For questions related to the NEPA procedures, please call Julie Bain, Forest NEPA Coordinator, at (505) 438-5443.

I look forward to your comments on this project.

Sincerely,



Jacob Lubera
District Ranger

Enclosure

Upper Rio Cebolla Riparian Improvement Project – Nature Conservancy Grant

Purpose and Need

The purpose of this project is to improve habitat for the New Mexico meadow jumping mouse (*Zapus hudsonius luteus*). There is a need for stable stream banks having taller grass and riparian vegetation.

This project has been selected by the committee who are providing leadership in organizing the Rio Grande Water Source Protection Fund as the Phase 1 public demonstration area for restoration of Southwestern montane riparian ecosystems. The committee members are from The Nature Conservancy, the New Mexico Forest Industry Association, and New Mexico State Forestry (retired). Funding to implement has been provided by The Nature Conservancy.

Location

This project is located on the upper Rio Cebolla, in the wet meadow near the bottomless-arch crossing on Forest Road 376 (T19N, R2E, Sec 29, NW ¼ ¼). See the appendix for a map.

Existing Condition

The stream banks in the project area are not stable. The channel lacks sedges, willows, and grasses that hold the banks in place and prevent erosion. Without the stabilizing influence of the riparian vegetation, the stream “downcuts” and widens. Once the stream is lower than the meadow, it is cut off from the floodplain. This means that the vegetation along the bank does not receive the flood water that helps sustain it. Wider streams are also warmer and usually do not support high-quality cold water fisheries.

The project area lacks the tall grasses and sedges – at least two feet high – that compose the habitat for the New Mexico meadow jumping mouse (Figure 1). Elk and livestock have unlimited access to the area, which means that the grasses, willows, and sedges are continuously grazed. The construction of the Lake Fork corral’s gate and fencing make it difficult for a permittee to corral or disperse cows, and the fencing does not prevent ungulates from grazing the riparian area.

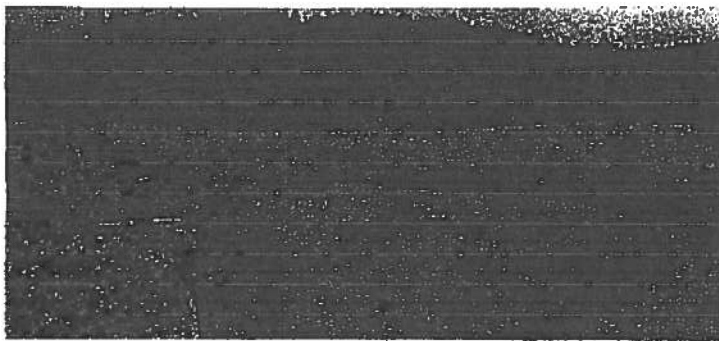


Figure 1. Lack of tall grasses, sedges, and woody vegetation in the project area.

Desired Condition

The following desired conditions are taken from the Santa Fe National Forest Plan (1987, as amended):

- Livestock impacts on soil and water quality will be reduced due to improved range management. Riparian areas will also be enhanced through direct improvement projects. (p. 13)
- Identify and protect wetlands and floodplains. (p. 20)
- Plan and design activities and management strategies specifically for soil and water resources improvement where watershed condition is unsatisfactory. (p. 75)
- Work toward improving unsatisfactory watershed condition to a satisfactory state on those acres that can be cost effectively improved. This should be accomplished through a combination of structural methods and management strategies, such as road closures, satisfactory allotment plans, or ORV restrictions. (p. 76)
- Give preferential consideration to resources dependent on riparian areas over other resources when conflicts among uses arise. (p.79)
- Manage habitat to maintain viable populations of wildlife and fish species and improve habitat for selected species. Coordinate habitat management with other resource activities. (replacement page 19)
- Identify, protect and enhance habitat that contains threatened, endangered, and sensitive species of plants and animals to contribute toward the goal of species recovery. (replacement page 19)

Proposed Action

To stabilize the stream banks and reduce the grazing pressure in the project area, forest staff in conjunction with the committee members, propose the following actions:

1. Build exclosures to limit ungulate access to the riparian area and simultaneously facilitate the permittees' movement of cattle (Figure 5).

An exclosure is a structure that would keep ungulates out of the wet meadow. Keeping ungulates out promotes riparian vegetation by removing grazing, and improves stream bank stability by removing trampling. One side of the exclosure would eliminate all ungulates –

cattle and elk - and the other side would eliminate livestock grazing only. This design will allow us to quantify the level of forage used by elk. Limiting the grazing that occurs in the enclosures should promote the riparian habitat required by the New Mexico meadow jumping mouse.

Fence materials would be hauled in on existing roads. Post-holes would be dug using a machine-operated auger or manually with a posthole digger.

2. Move the corral, associated fencing, and gates to tie in with the proposed riparian enclosures and facilitate the movement of livestock.

Installing the enclosures will necessitate new infrastructure to effectively manage livestock. Figures 2 - 4 show the proposed locations of the new corral infrastructure. Building a new gate would be done with a backhoe and an auger. The work would occur when the soil is dry enough to prevent rutting.

3. Place post vanes and rocks in the stream.

Post vane and rock structures would be placed in the stream to augment meanders and slow the force of water hitting banks, which causes erosion. Materials would be hauled as close to the site as possible by truck. Posts would be pounded directly in the stream bed manually, then rocks would be manually placed behind the vanes. Installing these structures would not take place during high flows.

4. Plant native riparian vegetation within the enclosures.

Planting native riparian vegetation would accelerate the stream's recovery and provide a seed source for new plants. Riparian vegetation planted would include, but not be limited to, willow, alder, aspen, sedges, and rushes. The plantings would be done with manual labor and under the supervision of a qualified biologist or watershed specialist.

Categorical Exclusion

We anticipate this project will be categorically excluded from documentation in an environmental assessment or an environmental impact statement under the following category:

Restoring wetlands, streams, riparian areas or other water bodies by removing, replacing, or modifying water control structures such as, but not limited to, dams, levees, dikes, ditches, culverts, pipes, drainage tiles, valves, gates, and fencing, to allow waters to flow into natural channels and floodplains and restore natural flow regimes to the extent practicable where valid existing rights or special use authorizations are not unilaterally altered or canceled. (36 CFR 220.6 (e)(18))

This category is appropriate because the proposed action is to modify or replace structures that are expected to restore natural flow regimes. Preliminary analysis indicates that there are no significant effects to extraordinary circumstances. This proposal is consistent with the Santa Fe National Forest Plan.

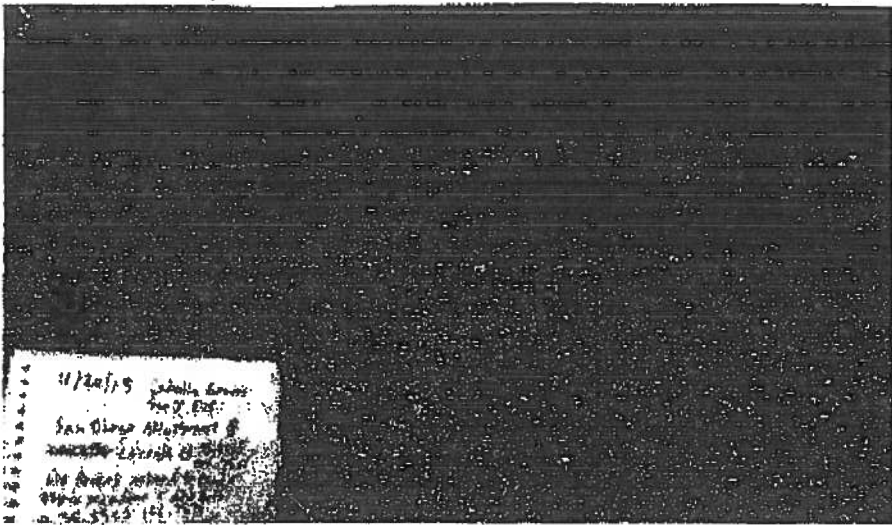


Figure 2. Proposed location of new gate shown above.

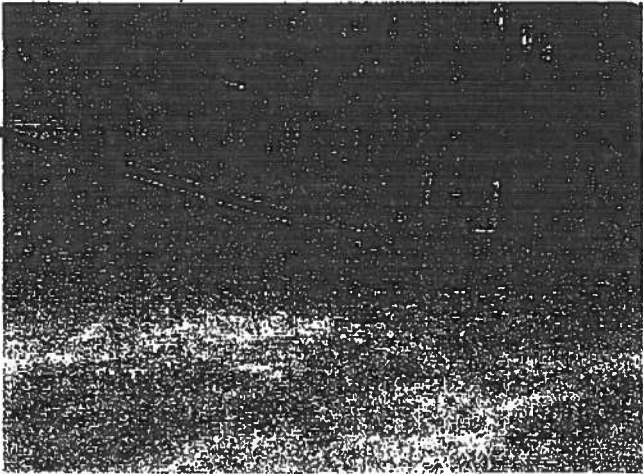


Figure 3. Location where some new fencing would be constructed shown above.

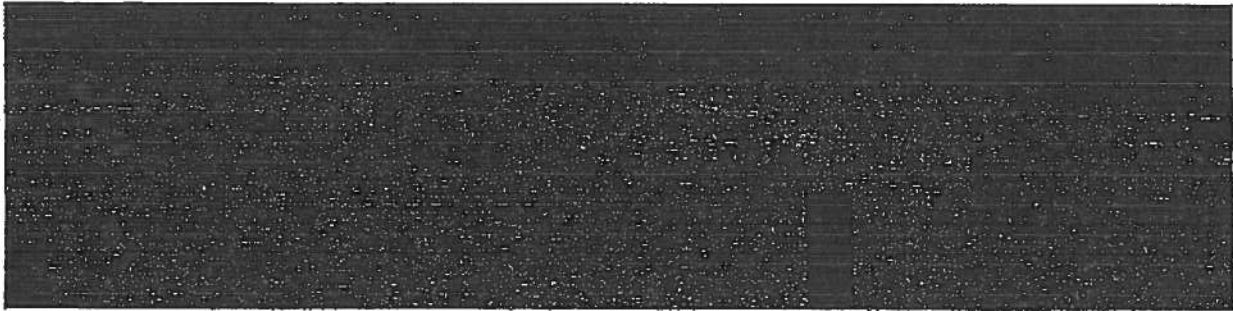


Figure 4. Existing gate to be removed and the approximate location fence that will stretch across the meadow and tie-in with the corral.

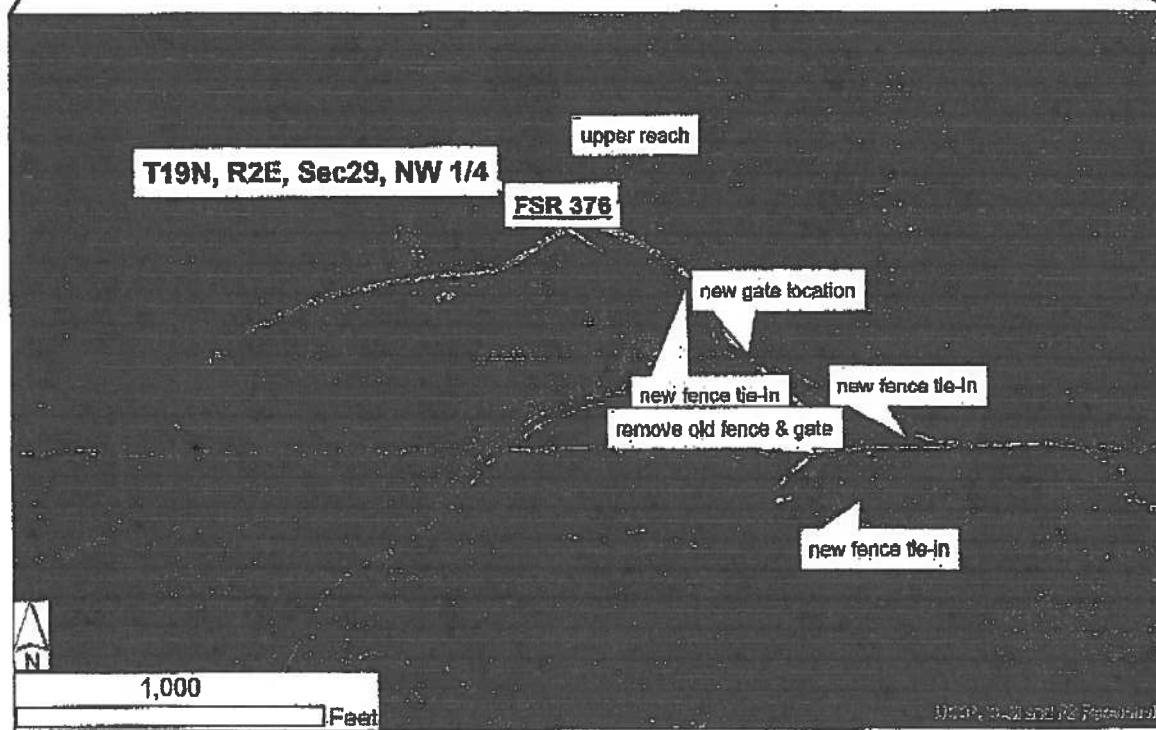


Figure 5. Map of proposed actions.

New Mexico Cattle Growers
Att Kerew.

Thursday, April 03, 2014
John Young Hernandez
P.O. 971, Cuba New Mexico
87013
PH: 575-751-6023 Cell
E-Mail john_hernandez53@yahoo.com

Reference: Letter from Jemez Ranger District (dated 3/28/2014)

Jemez Ranger District
Jacob Lubera District Ranger.

Dear Mr. Lubera:

I am in receipt of a letter signed and mailed out to "Grazing Permittees" on your Ranger District. Attached is my hand written comments in detail concerning this letter. I am a former US. Forest Service employee and needless to say in my entire career, nothing like this would have ever been sent out by me or gotten to my desk for my signature.

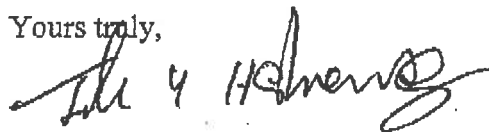
Because of this document being sent out by you (the buck stops with you) it has caused a lot of extra work on the part of the Forest Service Staff, as well as needlessly "Stirring" up the Permittees (this is a very sensitive subject and should be treated as such) and surrounding committees. All this could have been avoided if the proper channels of communication were followed.

You have at your disposal Jim Eaton, Range staff for the Santa Fe National Forest. Use him! And a screw up like this will not happen in the future. While I do not agree with him on a number of issues he has your backside covered and if you would have run this document by him first you would have been covered.

To close, I want you to know that any and all proposals are just that: "proposals" not to be sent out to the general public. You not only sent out a proposal from the Nature Conservancy you signed your name to it as though the "proposal" was that of the Santa Fe Forest. These Proposals are not to be shared with the general public until the proposal is looked at and deemed feasible.

Last, I believe you have validated numerous federal laws, like HIPPA, please note you or your staff does not have my permission to share any proposals with the general public without my permission.

Yours truly,



John Young Hernandez

Thursday, April 03, 2014
John Young Hernandez
P.O. 971, Cuba New Mexico
87013
PH: 575-751-6023 Cell
E-Mail john_hernandez53@yahoo.com

Reference: Letter from Jemez Ranger District (dated 3/28/2014)

Santa Fe National Forest
Maria Garcia; Forest Supervisor.

Dear Ms. Garcia:

I am in receipt of a letter signed and mailed out to "Grazing Permittees" by your staff members; (Jemez Ranger District, signed by District Ranger Jacob Lubera). Attached is my hand written comments in detail concerning this letter. I am a former US. Forest Service employee and needless to say in my entire career, nothing like this would have ever been sent out by me or gotten to my desk for my signature. I believe this is an embarrassment to you and other staff to have this kind of work sent out representing the Santa Fe National Forest.

Because of this document being sent out a lot of extra work on the part of other staff is now having to be done to correct the information contained in this document; as well as needlessly "Stirring" up the Permittees (this is a very sensitive subject and should be treated as such) and surrounding committees. All this could have been avoided if your staff members followed the proper channels of communication.

You have at your disposal Jim Eaton, Range staff for the Cuba Ranger District. Use him! And a screw up like this will not happen in the future. While I do not agree with him on a number of issues he has your backside covered and if your staff would have run this document by him first you would have been covered.

To close, I want you to know that any and all proposals are just that: "proposals" not to be sent out to the general public. Your staff not only sent out a proposal from the Nature Conservancy they signed it as though it was the district's proposal.

Last, I believe your staff has violated numerous federal laws, like HIPPA, please note you or your staff does not have my permission to share any proposals with the general public without my permission until they have been discussed and thought out fully. I hope I can confidently discuss matters with you and your staff at any time without having the fear these matters are not being kept confidential.

Yours truly,


John Young Hernandez

Comments of John Y Hernandez

04/03/2014

Feels a day should be set aside for public comment where they can verbally comment and our forest employees should write - employees should be bilingual and able to capture comments from different languages namely Spanish

Feels letter sent 3/28/2014 discriminates against minority and aged Spanish and Native American speakers due to technical verbiage/legalise.

Requests Range or delegated authority to be present on day they (the public comes in for comment.)

Requests all permittees with allotments that have or are adjacent to critical habitats for threatened and Endangered Species that that namely the New Mexico Meadow Jumping Mouse receive all material/letters pertaining to projects, proposed actions, meetings, scoping letters as of few examples. Hand copy is requested of all material due to lack of technical or computer literacy of many permittees.

Feels letter dated 3/28/2014 should not have included proposal of nature Conservancy and Range Staff should have been included in Proposed Action before scoping

Proposals should not go out for public scoping (3rd party proposals)

Proposal sent out shows the purpose and need is to improve habitat for NMMJM so the categorical exclusion used (Restoring wetlands) has a different purpose.

John Y. Hernandez
Permittive Use's allotment
(Former Range Con for
U.S. Forest)



United States
Department of
Agriculture

Forest
Service

Santa Fe National Forest

Cuba Ranger District
P.O. Box 130
Cuba, New Mexico 87013
PH 575-289-3264

File Code: 1950

Date: 07/09/2014

Dear Friends and Neighbors:

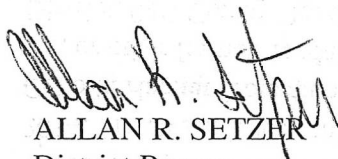
The Jemez Ranger District of the Santa Fe National Forest is proposing a project along the upper Rio Cebolla where it crosses Forest Road 376. The purpose of the project is to improve habitat for the New Mexico meadow jumping mouse. The enclosed attachment describes the project's details. The responsible official for the project is the Jemez District Ranger, but Allan Setzer, Cuba District Ranger will take the lead on the project.

We request your comments on this project. To be most helpful, please send your comments by August 10, 2014. Please send electronic comments to comments-southwestern-santafe-cuba@fs.fed.us with "Rio Cebolla Habitat Protection Project" in the subject line. Acceptable electronic formats are .pdf, .txt, .doc, .rtf, or other formats readable with Microsoft Word. Mail your comments to: Allan Setzer, Cuba Ranger District, 04B County Road 11, Cuba, NM 87013). Comments may be hand-delivered to this address from 8:00 am to 4:30 pm, Monday through Friday excluding Federal holidays. To submit oral comments, please call Allan Setzer at (575) 289-3264 to arrange an appointment. Project documents are available for review at the Jemez Ranger District, or on the forest's website at: <http://www.fs.usda.gov/projects/santafe/landmanagement/projects>.

For technical questions on the Lower Rio Cebolla Occupied Habitat Improvement Project, please contact Jim Eaton at (575) 289-3264. For questions related to the NEPA procedures, please call Alberta D. Maez, District NEPA Coordinator, at (505) 425-3534.

I look forward to your comments on this project.

Sincerely,


ALLAN R. SETZER
District Ranger

cc: Alberta Maez



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Lower Rio Cebolla Occupied Habitat Improvement Project

Purpose and Need

The purpose of this project is to improve the quality of occupied New Mexico meadow jumping mouse habitat in the Lower Rio Cebolla. This protection is needed because the New Mexico meadow jumping mouse (*Zapus hudsonius luteus*) was listed as an endangered species under the Endangered Species Act, which means Federal agencies must ensure that any action they fund, authorize, or carry out is not likely to jeopardize the continued existence of any listed species. Actions also cannot result in the destruction or adverse modification of designated critical habitat of these species. In the listing notice dated June 10, 2014, the US Fish and Wildlife Service found that livestock grazing has the potential to jeopardize the species.

Location

This project is located on the Lower Rio Cebolla, in the wet meadow near the bottomless-arch crossing on Forest Road 376 (T19N, R2E, Sec 29) (Figure 1). The project area is within the San Diego Allotment. The allotment is composed of 101,817 acres with 74,114 acres of National Forest System land open to grazing.

Existing Condition

The New Mexico meadow jumping mouse has exceptionally specialized habitat requirements to support its life-history needs and maintain adequate population sizes. Habitat requirements are characterized by tall (24 inches), dense riparian herbaceous vegetation (plants with no woody tissue) primarily composed of sedges and forbs (broad-leafed herbaceous plants). This suitable habitat is found only when wetland vegetation associated with perennial flowing water achieves its full growth potential. This vegetation is important for the New Mexico meadow jumping mouse because it provides vital food sources (insects and seeds), as well as the structural material for building nests that are used for shelter from predators.

The vegetation in the project area does not meet the specialized habitat requirements just described. Because the project area is not fenced, permitted livestock grazing occurs. Dispersed camping, another activity which has the potential to cause bare ground and remove vegetation, is not prohibited in the project area.

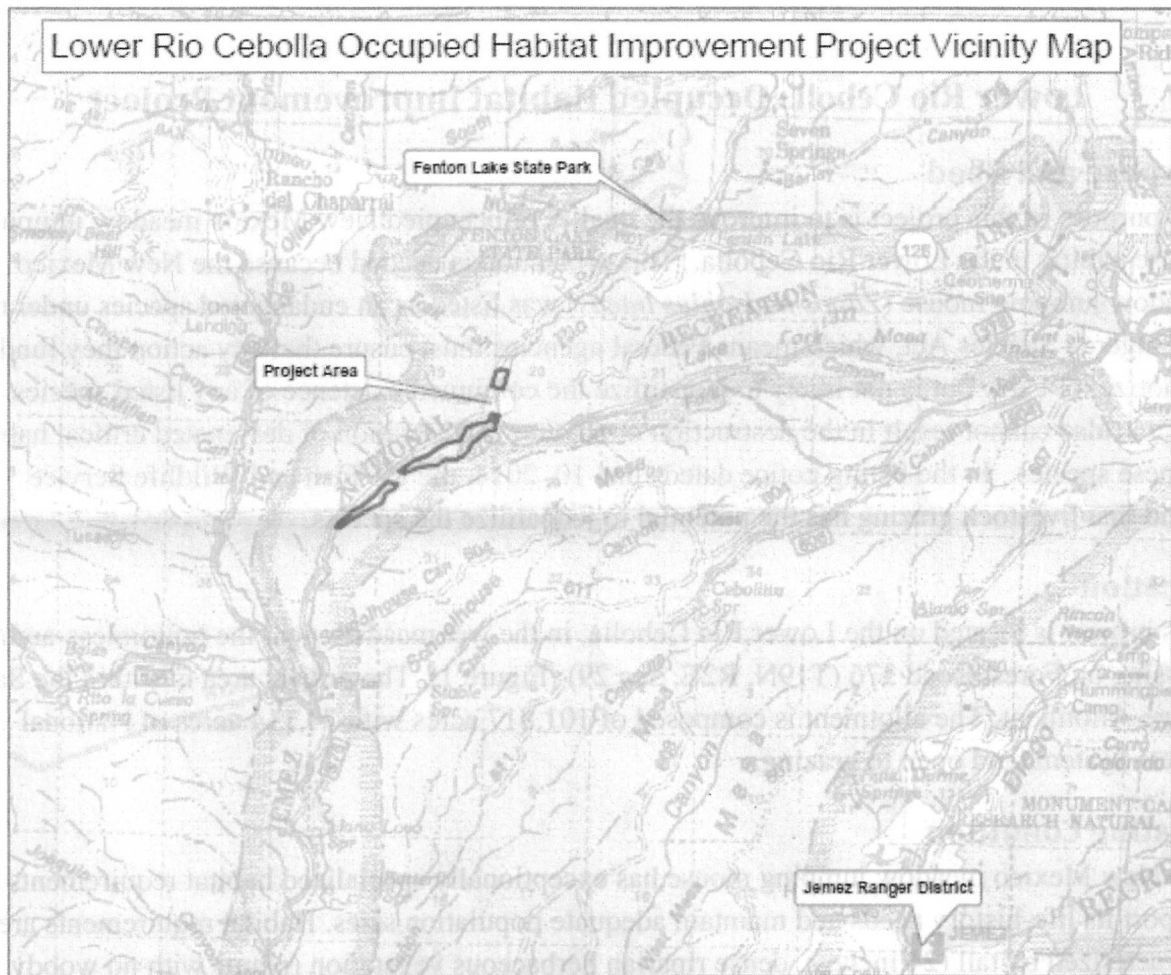


Figure 1. Lower Rio Cebolla Occupied Habitat Improvement Project Vicinity Map

Desired Condition

The following desired conditions are taken from the Santa Fe National Forest Plan (1987, as amended):

- Identify, protect and enhance habitat that contains threatened, endangered, and sensitive species of plants and animals to contribute toward the goal of species recovery. (replacement page 19)
- Manage habitat to maintain viable populations of wildlife and fish species and improve habitat for selected species. Coordinate habitat management with other resource activities. (replacement page 19)

In addition, the Endangered Species Act requires Federal agencies to ensure that any action they fund, authorize, or carry out is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of designated critical habitat of such species. Continuing to allow grazing or dispersed camping in the mouse's occupied habitat would not meet the intent of the Endangered Species Act.

Proposed Action

To improve the New Mexico meadow jumping mouse's occupied habitat, the Jemez Ranger District proposes to:

1. Construct four enclosures of different sizes that would enclose approximately 120 acres on the perimeter of occupied New Mexico meadow jumping mouse habitat in the project area (Figure 1). An enclosure is a structure that would keep livestock out of the wet meadow, which would promote riparian vegetation growth by removing grazing. The enclosures would be built of 5-foot pipe fence with cables. These fences would prevent livestock grazing but allow other wildlife access to the riparian area. Fences would be built as soon as possible.
2. Prepare a closure order to keep recreationists from dispersed camping in the occupied habitat. The closure order would be prepared as soon as possible.
3. Monitor the enclosures to determine if they are effective at keeping grazing and dispersed camping from occurring in the occupied habitat.

Management Direction

The Santa Fe National Forest Plan includes both forest-wide prescriptions and standards and guidelines for management areas. The Lower Rio Cebolla Habitat Protection Project lies within Management Area X. This project is consistent with the Santa Fe National Forest Plan.

- MANAGEMENT AREA X - JEMEZ NATIONAL RECREATION AREA - Jemez National Recreation Area was developed to “conserve, protect, and restore the ecological, cultural, religious, and wildlife resource values for which the JNRA was designated”, as required by the JNRA Act.

The most relevant provisions in the JNRA Act are as follows:

- Particular emphasis is placed on the conservation and protections of wildlife resources, including species listed as sensitive by the Forest Service; and compliance with all applicable Federal and State Laws relating to wildlife including the Endangered Species Act of 1973.

Categorical Exclusion

We anticipate this project will be categorically excluded from documentation in an environmental assessment or an environmental impact statement under the following category:

(6) Timber stand and/or wildlife habitat improvement activities that do not include the use of herbicides or do not require more than 1 mile of low standard road construction. (36 CFR 220.6(e)(6))

This category is appropriate because the proposed action is to improve New Mexico meadow jumping mouse habitat by allowing its habitat, the riparian vegetation, to reach its full growth. Preliminary analysis indicates that there are extraordinary circumstances that would result in significant effects.

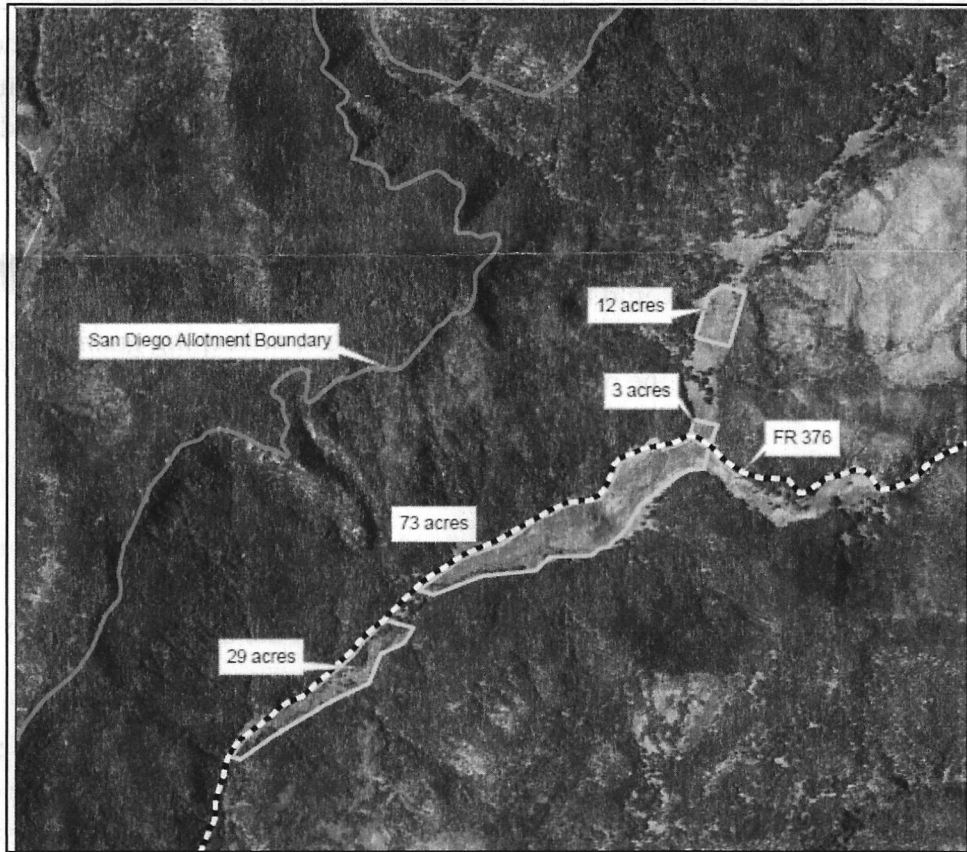


Figure 2. Map of Proposed Exclosures in the Lower Rio Cebolla Occupied Habitat Improvement Project Area.