

December 2, 2017

James Melonas
Santa Fe National Forest Supervisor
11 Forest Lane,
Santa Fe, NM 87508

Re: Request to suspend or cancel the V Double Slash Grazing Permit #10-554-2.

Dear Mr. Melonas,

The V Double Slash Grazing Permit (Allotment 326) has been flagrantly and willfully violated for many successive years. Lack of compliance and enforcement of the V Doubleslash Cattle Co. (permittee) rotation schedule is reason "to suspend or cancel the permit in whole or in part" from 2231.62c - Violation of Terms and Conditions of Grazing Permit as detailed in FSM 2200 - Range Management Chapter 2230 - Grazing And Livestock Use Permit System.

Issues:

The permittee has not rotated his cattle in accordance with the Annual Operating Instructions, 2017 Grazing Season Rotation Schedule, a pattern that has been repeated for many years. His prescribed use for the Los Griegos/Watershed is from June 6 - 23, and August 15 - Sept. 30. And his prescribed use for North/Jemez Falls/Banco Bonito is from June 24 - Aug. 15. This rotation schedule is not being complied with as cattle herds have been observed in the Vallecitos de Los Indios and Sierra Los Pinos (SLP) areas from April to November. [Table 1.1 Summary of V Double Slash Range Analysis]

Many cattle are not tagged and branded making it difficult to identify whose cattle they belong to in order to report estrays. This is in violation of Term Grazing Permit Part 2, Range and Livestock Management, Section 8(g) [Reference FSM 2230].

Forest Service personnel have NOT monitored or enforced the rotation provisions as defined in Table 1.1 Summary of V Double Slash Range Analysis. Wetland/riparian areas and pasture land in Sierra Los Pinos and the Jemez Falls area have been damaged due to excessive and uncontrolled livestock use. (See photos of the riparian damage in the Jemez Falls allotment-pg 3).

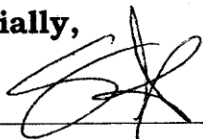
Cattle are far too numerous to be fenced out of the large private areas of Vallecitos de Los Indios (estimated at 960 acres/27,000 ft. perimeter) that are penetrated by open Forest Service roads. The cattle regularly break down fences and roam Forest Road 10 and FR 134. The dangers presented to over 200 residents (including children) far outweigh the financial advantage to one single irresponsible permittee especially since the permittee does not obey the permit rules and since the U.S. Forest Service does not correct and enforce the regulations required by them to do so. It would therefore seem that the Forest Service is liable for any incidents resulting from these increased encounters with cattle. (See Attachment A)

Private property destruction, roadway travel hazards, personal safety and health risks from cattle and excessive manure deposits on trails and environmental degradation create risks from extended and concentrated grazing by cattle that are allowed to access areas not in compliance with the routing plan and not monitored or controlled by the permittee or Forest Service personnel. Regulatory documents charge the Forest Service to control permittee's use of these grazing lands. The Forest Service is and has consistently failed to be responsible in executing its duty to regulate this permit for many years.

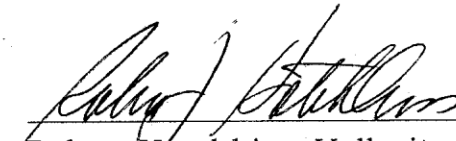
Abuse of the routing plan is a violation and must be remedied as set forth in the FSM 2200 - Range Management Chapter 2230 - Grazing And Livestock Use Permit System. Failure of the Forest Service to monitor and correct violations of grazing permits is an offense to taxpayers. Because Forest Service personnel have failed to enforce the rotation provisions, we are including our Congressional representatives on the distribution for this letter.

We would like to request the opportunity to attend the permit review session. Your timely response to this complaint is appreciated.

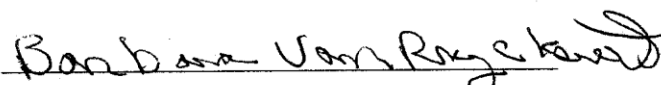
Cordially,



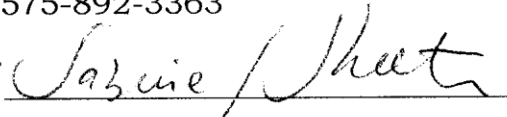
Suzanne Star, SLP resident
575-829-3323



Robert Hotchkiss, Vallecitos resident
575-892-3363



Barbara Van Ruyckevelt, SLP resident
575- 829-4569



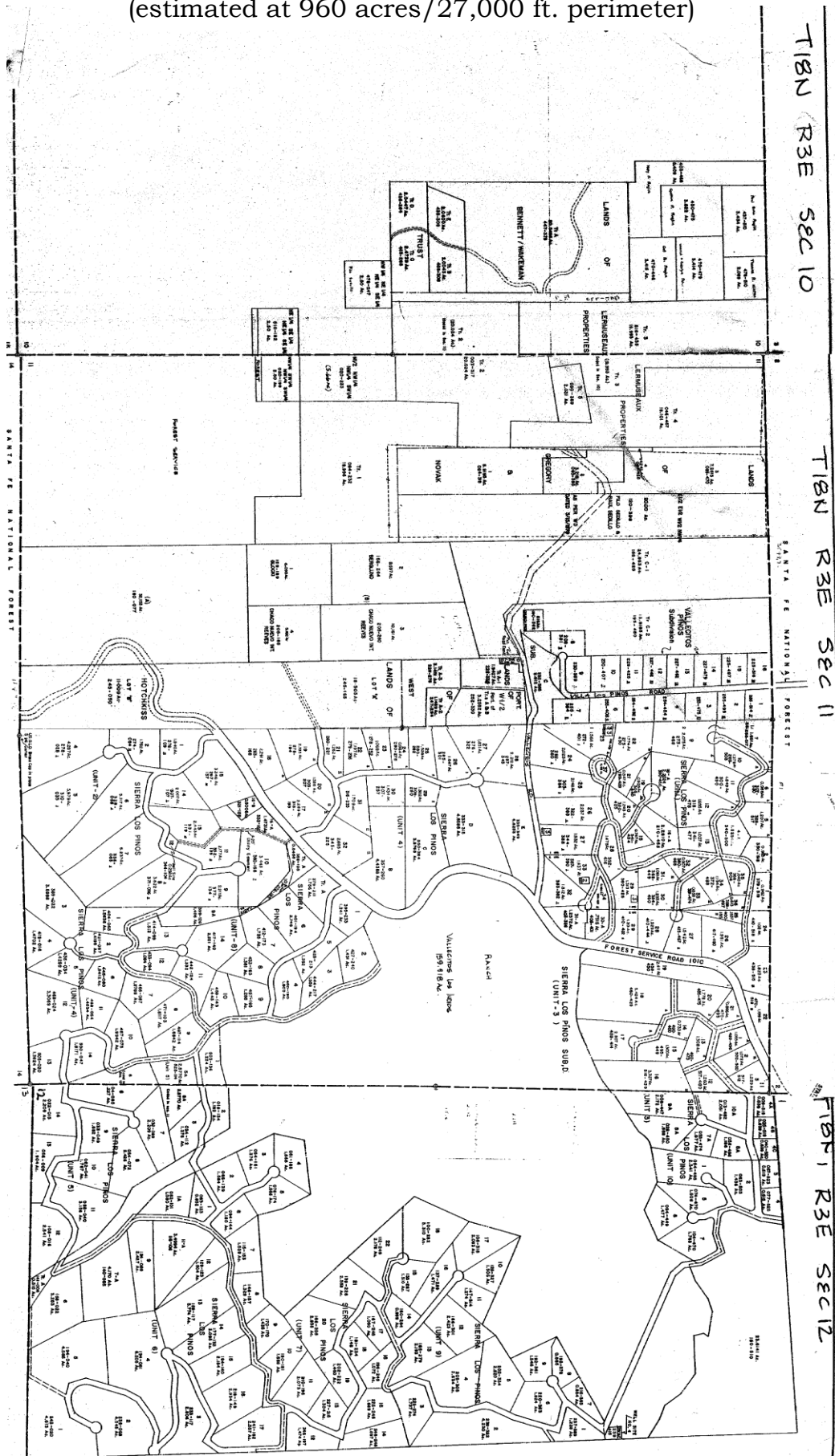
Brad & Sabine Shurter, SLP residents
575-829-3000

cc: William Eaton, Acting Range Staff
Mathew Chavez, Range Conservationist
Brian Riley, SFNF Jemez District Ranger
Christine Bishop, Program Manager
Joseph Holloway, Legal Counsel, NM Livestock Bureau
Representative Ben Ray Luján
U.S. Senator Tom Udall
U.S. Senator Martin Heinrich

Environmental damage to the wetland and riparian Jemez Falls area



[Attachment A]- Vallecitos de Los Indios
(estimated at 960 acres/27,000 ft. perimeter)



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United States
Department of
Agriculture

Forest
Service

Santa Fe National Forest

Supervisor's Office
11 Forest Lane
Santa Fe, NM 87508
505-438-5300
Fax: 505-438-5390

File Code: 2230

Date: December 22, 2017

Ms. Star, Ms. Van Ruyckevelt, Mr. Hotchkiss, and Mr. and Mrs. Shurter
56 Ashley Lane
Jemez Springs, NM 87025-9535

Thank you for taking interest in the Santa Fe National Forest; particularly management of permitted livestock grazing on the V Double Slash Allotment, Jemez Ranger District. In your correspondence dated December 2, 2017, you raised a number of relevant concerns regarding the management of permitted livestock grazing on the V-Double Slash Allotment which is the portion of the district immediately adjacent to your residences.

Your first issue of concern was that the permittee has not properly rotated his livestock to their proper pastures as per his Annual Operating Instructions (AOI). Forest Service personnel have monitored for compliance on a number of occasions throughout the recent grazing season. At these times, checks were made for cattle grazing outside the authorized area or the agreed upon pasture rotation. In addressing this issue, we follow a prescribed process in which we first notify the permittee (preferably in writing) of the noncompliance issues and then give him a reasonable amount of time and the opportunity to correct the problem. This issue of non-compliance is best remedied during the on-going grazing season through timely notification to the district ranger (date, type and number of animals, specific location). Adherence to the agreed upon pasture rotations will be emphasized to the permittee at the next annual AOI meeting.

Your second issue of concern was that there were many cattle on the allotment that were not branded or tagged. District personnel have never, upon inspection, observed any mature cattle that were not branded on the allotment. It is likely, however, that you've seen a number of cattle without Forest Service ear tags. The district is currently working with the permittees to get all livestock on the allotment tagged.

The third issue of concern is livestock impacts to the riparian area near the Jemez Falls. We were not aware of these impacts so thank you for bringing them to our attention. We will investigate further to determine if these impacts are still occurring (we noted the photo was dated from 2011) and if so address them accordingly.

The fourth issue of concern is that "cattle are far too numerous to be fenced out of the large private areas of Vallecitos de los Indios." The Forest Service determines the number of cattle permitted to graze on an allotment based on the length of time they can be sustainably grazed on the allotment. The State of New Mexico is a fence out state and it is a landowners' responsibility to build a fence adequate to exclude cattle from their property (New Mexico Statutes Annotated, Chapter 30. Article 8. 77-16-1).

In the closing of your letter, you stated that you would like to request the opportunity to attend a permit review session. It is not the Forest Service's Policy to open up permit renewal or Annual Operating Instructions discussions with permittees to the public. However, when this Allotment's National Environmental Policy Act (NEPA) compliance is reanalyzed in 2-3 years, we will put you on the scoping list and solicit your input into the NEPA process.

Thank you for your interest and concerns regarding permitted livestock grazing on the Santa Fe National Forest. I look forward to working with you in the future.

Sincerely,

Joseph Manell, Deputy FS

Per **JAMES E. MELONAS**
Forest Supervisor

January 5, 2018

Mr. James E. Melonas
Forest Supervisor
11 Forest Lane
Santa Fe, NM 87508

Dear Mr. Melonas,

You suggest in your letter that SFNF management *expects* compliance from the permittee of the V Double Slash Allotment and adherence to the grazing rotation schedule.

Compliance requires SFNF personnel not only "monitor", but *take action* on violations. It's unfortunate that monitoring and compliance was not acted upon when the Los Griegos /Watershed rotation ended on Sept. 30, 2017 and I had to call Brian Riley in December to initiate compliance. See photo on page 2 of cattle on Bootzin's meadow in December, months after the herd should have been moved. (14 head were seen on FR 10 before moving into the meadow.)

The impact of the damage to riparian areas has been escalating in the Jemez Falls area and in SLP and the Vallecitos del los Indios. If personnel were monitoring and reporting, you would have been aware of this situation in 2011.

Questions that remain unanswered:

- If cattle are allowed to roam at will, does this also give the permittee permissions to trespass on private land (fenced or unfenced) with motorized vehicles or horseback to move the cattle?
- Is the permittee allowed to remove private fencing to access or move cattle?
- From experience, and confirmation from another grazing permittee, any number of cattle or a single bull can take down a compliant SFNF fence. Who is responsible to repair/pay for the damage to private fences and property/livestock should this happen?

According to research on the NEPA multi-step grazing permit renewal process, after the application, there is a rangeland health assessment, then a more detailed report (NEPA) where a course of action is based on staff input and public comment and a decision is made to either renew the grazing permit, modify it or recommend some other action.

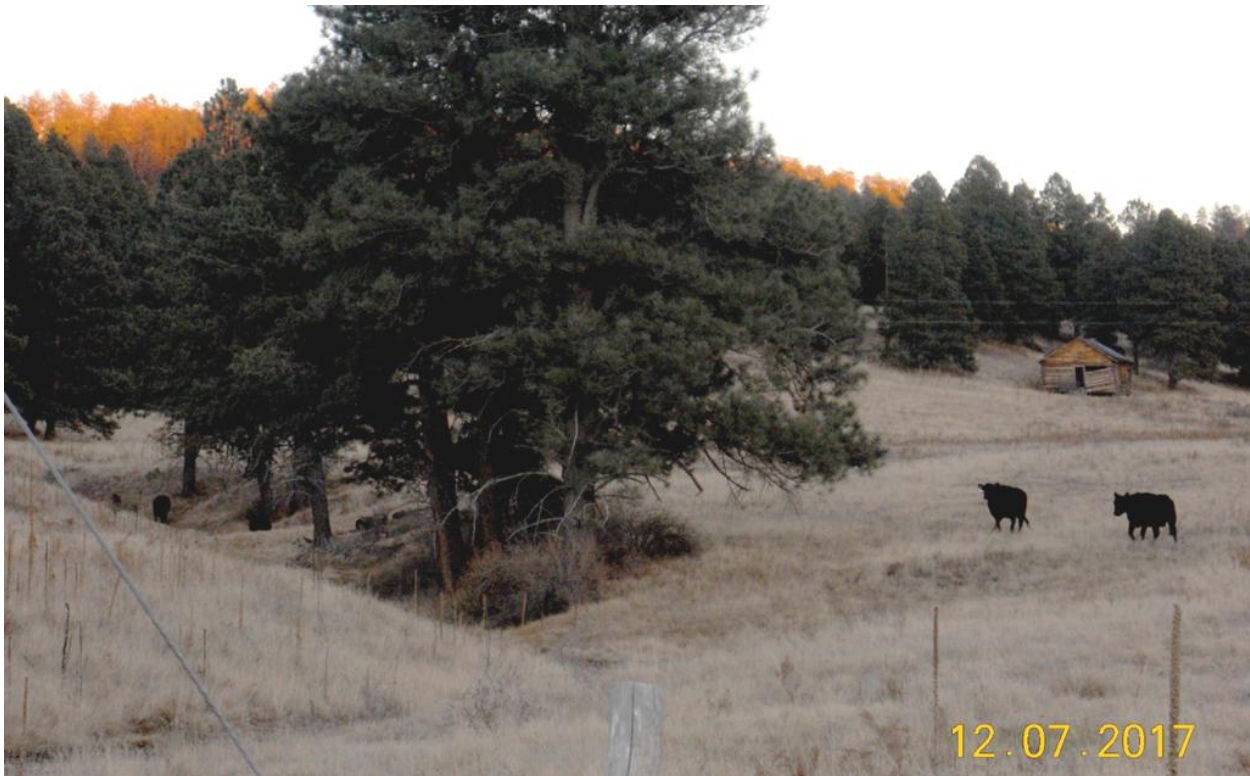
I believe that the NEPA process requires adjustments when there have been environmental impacts that invalidate past benchmarks of forage, soil productivity and water resources in some of the rotation pastures and fencing damage due to recent fire and thinning/logging activities.

We have submitted our concerns in advance of the renewal process to put the SFNF management on notice of our issues with the permittee and request that these issues be put in the 326 allotment file. Because there have been substantial impairments of the pastures since the allotment plan of 2008 we are concerned why the NEPA process and public comment to ensure site specific reanalysis will be deferred 2-3 years by your administration.

We would appreciate if you would please send us as soon as available, the new annual operating instructions, and what rangeland health assessment is being used to prove that the 326 allotment is meeting specific standards and guidelines to qualify for a grazing permit renewal and how we can access the monitoring files.

Cordially,

Suzanne Star
056 Ashley Lane
Jemez Springs, NM 87025
505-309-0121



Note: Of the two cows on the right, *in the enlarged electronic version of this photo*, one adult cow has a white ear tag, the other has no tag.