

COPY

December 6, 2018

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

Re: Violations of the V Double Slash, Vallecitos, & San Diego 2018 grazing permits.

Dear Mr. Melonas,

On December 2, 2017, we sent a written complaint to your office of violations occurring on the V Double Slash (V//) allotment (326). Our concerns were ignored, and the grazing permit was renewed despite the lack of pasture fencing and enforcement of the pasture rotation schedule.

The U. S. Forest Service (FS) and the V//, have been in noncompliance violating permit conditions. Brian Riley, Jemez District Ranger has acknowledged the issues, however he offered no assurance that there may be any significant changes for the 2019 grazing season. We are committed to holding the U.S. Forest Service and the permittee(s) accountable to the law.

Summary of 2018 Permit Violations

Lack of sufficient perimeter boundary fencing and cattle guard improvements

During the 2018 grazing season, cattle from 3 different allotments commingled and trespassed onto unauthorized pastures and private land due to lack of adequate pasture fencing. Effectively, there were no pastures due to damaged fencing and ineffective cattle guards.

- The Los Griegos pasture has no west boundary fencing. The Jemez Falls pasture has no east boundary fencing. (pg.6) The FS cannot effectively administer a permit rotation schedule when "pastures" don't have perimeter boundary fencing. The private landowners of Vallecitos De Los Indios and Sierra Los Pinos Property Owner's Association (SLPPOA) are not responsible to construct perimeter pasture boundary fencing for the FS or the permittees.
- The issue of fence damage and neglect by the FS and permittees was acknowledged by Mr. Riley in an October 16, 2018 email. Until October, excuses ranged from gates being left open, and fences being cut or damage due to fallen trees. (Addendum A)
- The FS 2012 Notice of Non Compliance (NONC) acknowledged the need to restore the allotment boundary fencing. In 2018 the grazing permits of the V//, Vallecitos, and San Diego allotments were renewed despite damaged or nonexistent pasture boundary fencing or cattle guard cleanout-- permit obligations of the FS, the permittees and the NMDOT, violating section V. Maintenance and Improvements of the 2018 Annual Operating Instructions (AOI).
- Cattle were encountered on State Hwy 4 and FR 10 during the 2018 grazing season due to lack of fencing and ineffective cattle guards. Cattle that roam outside their designated boundaries onto public highways and public roads endanger the public and in violation of N.M. Stat. Ann. § 66-7-363. (Addendum B)

- There is no cattle guard at the Amber Way east entrance to SLPPOA at State Hwy. 4 and the cattle guard at State Hwy. 4 and FR 10 has not been maintained and does not deter cattle traffic. (pg. 5)

The lack of proper maintenance of range improvements is a violation of the terms and conditions of the grazing permit. (*Term Grazing Permit Part 2 – Section 8(i)*).

Lack of monitoring and enforcement of pasture rotation

A rancher, who is not in compliance with his permit and applies for a renewal, makes a false claim against the government.

- Over 25 emails, calls and/or photos were sent to Mr. Riley's office from May 5 through November 11, 2018 documenting cattle out of designated pastures. (Addendum C)
- The V// has 2 NONC's for failure to follow the AOI stating significant and repeat violations of Part 2 Section 8(d); the pasture rotation violations were not remedied.
- FS personnel did not enforce the 2018 rotation requirements as defined in the Rotation Schedule of the 2018 AOI. Cattle from 3 different allotments commingled and trespassed from May 5 through November 11, 2018 onto unauthorized pastures and private land. When Vallecitos cattle were reported in the V// Jemez Falls pasture in August 2018, there was no known action taken by the FS or the permittee and the cattle continued to drift into unauthorized pastures and private land until November 11, 2018– 42 days past the removal date for cattle to be in any V// pasture surrounding the Vallecitos De Los Indios/SLPPOA private land.

Lack of environmental analysis

There was no analysis of the environmental conditions of the V// allotment prior to the 2018 grazing season however problems were known to exist:

- Endangered species issues noted in the Biological Assessment of 2017 exist in the allotment areas. *Biological Assessment, Allotments grazed within the range of the Jemez Mountains salamander, Jemez Ranger District, NM. Habitats- Table 4*
- The 2011 Las Conchas, 2017 Cajete wildfires and yearly logging activities have caused considerable damage to fencing and little has been done to repair these areas by FS, NMDOT or the permittee(s). These issues are required to be analyzed before re-stocking the allotments. *FSH 2209.13 – Grazing Permit Administration Handbook, Section 19.2 – Considerations for Re-stocking and Management of Grazing Allotments Post Wildfire and Other Disturbances.*
- Wetland/riparian areas in the Jemez Falls area have been damaged due to excessive, uncontrolled and continual livestock use. Cattle have trespassed the riparian area the entire 2018 grazing season with no known monitoring or enforcement. Pasture rotation is imperative to preserve these fragile areas and cattle can be fenced out and watered by artificial means as is being done in other surrounding pastures. (Addendum D)

FS and NMDOT failure to comply with AMP and AOI terms and conditions.

If the FS, NMDOT and the permittees do not comply with the Allotment Management Plan (AMP), the AOI and the permit obligations, they are violating government policy and abusing

public trust. Subservience to cattle interests and current lack of contract enforcement is not acceptable and is an offense to taxpayers.

- Many cattle are not tagged and branded; violating the *Term Grazing Permit Part 2, Range and Livestock Management, Section 8(g) [Reference FSM 2230]*.
- The permittee hasn't complied with and the FS hasn't enforced the requirements to maintain all range improvements as specified in Table 1 of the 2018 Term Grazing Permit.
- Logging contracts that tear down fencing without restoring them cost the permittee, the FS and taxpayers dollars.

If we cannot rely on the FS to effectively manage allotments, and the FS, NMDOT and permittee(s) continue to violate permit regulations, and grazing practices do not conform to legal guidelines, allotments must be suspended or cancelled. *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.*

We request that these issues be remedied before the 2019 grazing season and that this letter be filed in the V//, Vallecitos and San Diego allotment files for future reference.

Cordially,

Suzanne Star, SLP resident

Sabine Shurter, SLP resident

Barbara Van Ruyckevelt, SLP resident

Brad Shurter, SLP resident

This document is filed on <http://www.cmslppoa.org> for public information.

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
The Honorable Ben Ray Luján, U.S. Representative
The Honorable Tom Udall, U.S. Senator
The Honorable Martin Heinrich, U.S. Senator
Larry Maynard, NMDOT, P.E. District Six Engineer

Addendum A - Fence damage/ineffective cattle guards



**Oct. 21, 2018
Fence Line A**

Collapsed fence
Vallecitos allotment
north boundary pasture

Cow out of pasture in V//
Jemez Falls pasture



**Oct. 21, 2018
Fence Line A**

No fencing at the FR 10
cattle guard and perimeter
boundary of the V// and
Vallecitos allotments



Oct 16, 2018

Fence line down at
Jemez Falls east boundary
V//Jemez Falls allotment.

NOTE: Trees lie *beneath*
the wires. Cattle have
pushed over the fence.



Oct. 28, 2018
Cattle guard off Hwy 4

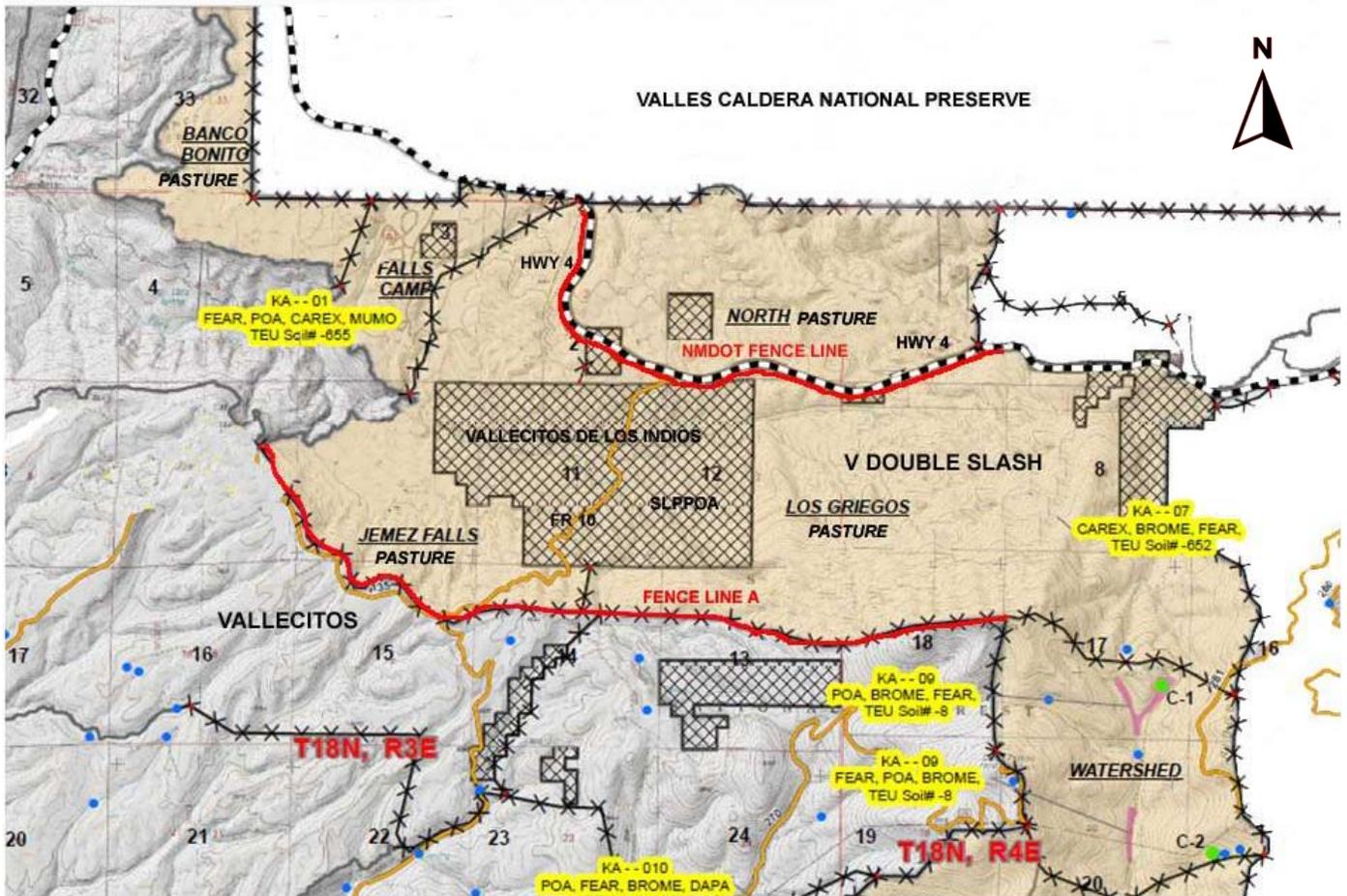
Partially filled-in
cattle guard at main
entrance to SLPPOA
Hwy 4/FR 10



Oct. 28, 2018
No cattle guard off Hwy 4

East entrance to
SLPPOA on Amber Way

Damaged or Nonexistent Required Allotment Improvements (Red)



NOTE: No west pasture boundary fencing for the Los Griegos pasture - private landowners are not responsible to create pasture boundary fence.

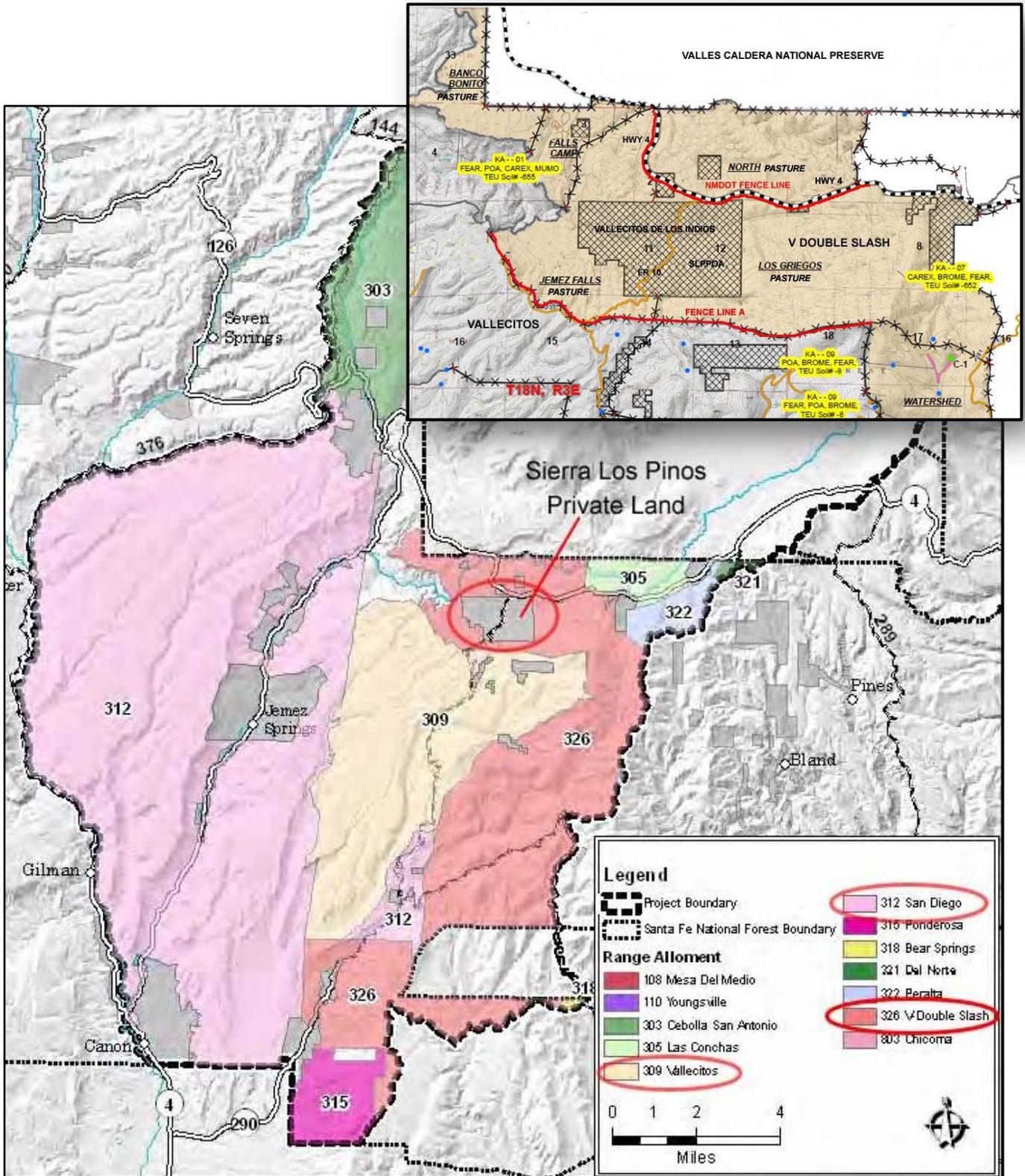
NOTE: No east pasture boundary fencing for the Jemez Falls pasture - private landowners are not responsible to create pasture boundary fence.

NMDOT Fence Line Missing and/or damaged fence bordering the southern boundary of the North pasture due to fire and lack of maintenance on state Hwy 4 and ineffective cattle guards at Hwy 4/ FR 10 and Hwy 4/Amber Lane entrances to SLPPDA.

FENCE LINE A Vallecitos allotment north boundary fencing damage due to lack of maintenance and logging activities.

Legend	
X—X—X	Pasture boundary fencing
	Private property
	Vallecitos Allotment
	V Double Slash (V//) Allotment

Grazing allotments surrounding Vallecitos De Los Indios and Sierra Los Pinos



Addendum B - Cattle on Hwy 4 / FR 10



June 23, 2018

Cattle on Hwy 4
mm 34-35
White ear tags

Out of designated
pasture



June 24, 2018

Cattle on Hwy 4 near
Cajete Fire logging area
White ear tags

Out of designated
pasture



Oct. 16 2018

Cattle on FR 10
Green ear tags

Out of designated
pasture

Addendum C- Mixed tagged cattle out of 2018 designated pastures



May 5, 2018

Cattle on private land
of SLPPOA
White ear tag

Out of designated
pasture



June 24, 2018

Cattle on private land
of SLPPOA
Mixed color ear tags

Additional Reports:

- June 17
- June 19
- June 30

Out of designated
pasture



July 15, 2018

Cattle on Vallecitos
private land
White ear tags

Additional Reports:

- July 5
- July 10
- July 17
- July 19
- July 21

Out of designated
pasture



Aug 28, 2018

Vallecitos cattle in V//
Jemez Falls allotment
Green ear tags

Additional Reports:
Aug. 26

Out of designated
pasture



Sept 18, 2018

Cattle on private land
of SLPPOA
Green ear tags

Additional Reports:
Sept 14
Sept 19
Sept 20
Sept 25

Out of designated
pasture



Oct. 10, 2018

Cattle broke into private
pasture in SLPPOA
Green ear tags

Out of designated
pasture



Oct.16, 2018

Cattle on private land
of SLPPOA
Green ear tags

Additional Reports:
Oct. 20
Oct. 22

Out of designated
pasture



Oct. 29, 2018

Cow on Ashley Lane
in SLPPOA
Yellow ear tag

Out of designated
pasture

Email sent to FS - Cattle straddling both sides of Hwy 4 at 4:45pm.
MM 33 on Hwy 4 -- reported to 911.

Nov. 7, 2018

911 Call
to remove cattle
from Hwy 4

Email sent to FS- 4 - 5 cows, which were to be removed from the
Sierra Los Pinos area by September 30, 2018, at MM 34 on Hwy 4.

Nov. 11, 2018
911 Call
to remove cattle
from Hwy 4

Addendum D-Riparian Damage



July, 9, 2018

Oct. 16, 2018

