



ADMINISTRATION

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May 4, 2022

Travis Moseley
Forest Supervisor Lincoln National Forest
3463 Las Palomas Road
Alamogordo, NM 88310

RE: Grazing Year 2022 Annual Operating Instructions for the Sacramento Grazing Association

Dear Mr. Moseley,

Recently, the Otero Cattleman's Association (OCCA), in a letter, brought to our attention a concerning situation regarding the Sacramento Grazing Association (SGA). Our understanding is that the Lincoln National Forest (LNF) through Annual Operating Instructions (AOIs) recently lowered the number of livestock that the SGA are allowed to graze upon their lawful grazing allotment to a number that will not sustain their livelihood and likely lead to bankruptcy.

Based on an April 26, 2022 letter from the New Mexico State University (NMSU) Range Improvement Task Force, it appears that the Grazing Year (GY) 2022 AOIs for the SGA were developed based on an inappropriate use of field data and misapplication of science. While we understand that AOIs are not typically subject to appeal or mediation, in this instance it appears that there is a genuine and material issue in dispute. Further, the reduction in herd mandated by the AOI is so significant that for all intents and purposes it amounts to a permit cancellation. It is in the interest of all parties that these issues be addressed through alternative resolution or mediation in order to avoid costly litigation.

The Board of County Commissioners (BOCC) of Otero County considers themselves an interested party and stakeholder in this matter. Ranching is an integral part of Otero County's customs and culture, as well as being a County economic interest. After reviewing the AOIs, it is clear your team failed to review, consider and identify conflicts between Otero County policies and the AOI process. The Otero County Comprehensive Plan (last updated in 2020), the Otero County Environmental Planning and Review Ordinance, and the Otero County Land Use Ordinance, all set forth the County's position on many of the issues considered in the AOI process. Nevertheless, the USFS again failed to address these issues or even request a coordination meeting with us to work out potential conflicts.

The BOCC believe that decisions to reduce or suspend grazing should be informed by an appropriate quantitative assessment of long-term and short-term trends in rangeland conditions. If, after consultation with the state and county, the federal agency decides to reduce, suspend, close, or modify an allotment due to documented harmful wildlife impacts, a suitable alternative allotment (if it exists), properly authorized pursuant to the National Environmental Policy Act (NEPA), must be made available to the displaced operator prior to adjustment of the original allotment. In order to fully implement this policy, USFS must have alternative allotments properly authorized under relevant planning documents. This ensures that suspensions or modification of grazing permits will not result in a net loss of Animal Unit Months (AUMs) and that appropriate alternative allotments are available.

Federal land management agencies' decisions to reduce or close allotments should only be based upon a full and complete administrative review and analysis, including a complete review under the provisions of NEPA. The decision process must include opportunities for state, county, livestock grazing permittees, and other stakeholders to provide input. Allotments should not be closed due to a pending NEPA review without allowing authorized use of the allotment pending a final decision, or the use of an equivalent amount of forage at reasonably equivalent cost to compliant operators. The AOIs in this instance does not meet this standard and is scientifically challenged by experts at NMSU.

Federal land management agencies must give interested state agencies and counties an opportunity to fully participate in or provide input to grazing permit actions – prior to their initiation. Among other things, states and counties should be able to participate in: generalized review of livestock operations on federal lands; any assessment of grazing conditions as part of a federal planning process; review of past compliance of the operator with grazing allotment conditions; and individual allotment reviews. Grazing permit decisions should not be finalized until after this opportunity for meaningful consultation with the states, local governments, and the affected permittees.

We respectfully request that the USFS conduct a reevaluation of the SGA GY2022 AOIs based on the concerns raised by the NMSU Range Improvement Task Force. The decisions made by the USFS impact the Otero County economy, businesses, and families. Consequently, we request that you recognize this is bigger than a simple exercise in bureaucracy and red tape.

We would appreciate hearing back from you before May 12, 2022.

Sincerely,

**BOARD OF COUNTY COMMISIONERS
OF OTERO COUNTY NEW MEXICO**

Vickie Marquardt, Chairman

Gerald Matherly, Vice-Chair

Couy Griffin, Commissioner