

April 14, 2024

USDA Forest Service

Mark Sando, Coyote Ranger District

HC 78 Box 1

Coyote, NM 87012-0001

Electronically via *Cara* Encino Vista Landscape Restoration Project #54965 on behalf of:

Juan Bautista Valdez Land Grant Advisory Group, a Working Committee by the Juan Bautista Land Grant (24 individuals); supported by the Cañones NM community land grant membership base (150 members); local governmental organizations (3 organizations); and collaborative & network organizations (24 organizations)

by Melissa Roxanne Velasquez, Executive Director (volunteer)

HC 84 Box 11A Cañones, NM 87516

CC: Juan Bautista Baldes (Valdez) Land Grant Board of Trustees; Cañones MDWCA; New Mexico Acequia Association; County of Rio Arriba

[I respectfully submit these comments regarding the U.S. Forest Service's proposed Encino Vista Landscape Restoration Project, an approximately 130,305-acre vegetation management project located on the Coyote and Cuba Ranger Districts of the Santa Fe National Forest. These comments are submitted in a timely manner. The responsible official is Mark Sando, District Ranger, Coyote Ranger District.]

Dear Mr. Sando,

I appreciate the opportunity to comment on the Encino Vista Landscape Project's recently released Environmental Assessment in the NEPA process. As you may be aware, this is the second comment submitted to the United States Department of Agriculture - Forest Service (USDA-FS) regarding this project. I also previously commented on behalf of our rural community in late 2019, during the pre-scoping phase of this project. To fully disclose, the entire community did not find that the comment period was sufficient to fully dissect the length

and technicality of the Environmental Assessment, or to provide the scientific and technical comment feedback in terms of “substantive formal comment”, as may be desired by the agency.

To provide you with a historical overview, the Juan Bautista Valdez Land Grant holds a significant place in the history of land distribution and settlement in the American Southwest. This land grant, awarded to Juan Bautista Valdez, exemplifies the complex interactions between colonial powers, indigenous populations, and individual settlers during the expansion of the United States into formerly Mexican territories.

In the early 19th century, the region that is now the American Southwest was part of the Mexican territory. Spanish colonization had established a strong presence in the area, and the land was inhabited by various indigenous communities. As the Mexican War of Independence concluded in 1821, Mexico gained sovereignty over the region.

The Juan Bautista Valdez Land Grant was awarded to Juan Bautista Valdez, of Spanish and indigenous descent. Valdez had established himself as a respected figure within the local community, having cultivated relationships with both indigenous groups and Mexican authorities. His knowledge of the land and his ability to navigate the bureaucratic processes made him a suitable candidate for receiving a land grant.

The process of awarding land grants during this period often involved negotiations with authorities, who often had to balance the interests of settlers like Valdez with the rights of indigenous communities who had long occupied the land. Valdez's grant was a relatively sizeable tract of land, reflecting his connections and influence within the community.

Juan Bautista Valdez began to settle on the land granted to him, leading to the establishment of a community and forest that would eventually bear his name. The settlement process was not without its challenges. Valdez had to navigate issues related to water rights, resource management, and interactions with neighboring indigenous groups. Over time, the settlement grew, attracting more settlers seeking new opportunities in the American Southwest.

In the change of Sovereignty, the history of the Juan Bautista Valdez Land Grant took a significant turn with the Mexican-American War (1846-1848). As a result of the Treaty of Guadalupe Hidalgo in 1848, the land on which the grant was situated became part of the United States. This change in sovereignty brought about new legal and political dynamics that would impact the residents of the land grant.

The Juan Bautista Valdez Land Grant stands as a testament to the intricate interplay between colonial powers, indigenous populations, and individual settlers during a transformative period in American history. It highlights the complexities of land ownership, cultural interactions, and the challenges of assimilating into new political systems. The descendants of those who settled in the area continue to honor their heritage and maintain a connection to the land's history.

The Juan Bautista Valdez Land Grant remains a historical marker of the shifting boundaries and cultural exchanges that characterized the American Southwest. Its story encapsulates the broader narrative of westward expansion, highlighting the experiences of both settlers and indigenous communities as they navigated a changing landscape of power and identity.

The Juan Bautista Valdez Land grant, (in addition to subsequent homestead settlements), are the foundational adobes of the modern-day rural villages of Cañones, Youngsville, (formerly know as Rito Encino), and Coyote; and the surrounding lands are homestead settlements of heirs that lie within the USDA-Forest Service national system (even though they have since been re-claimed). Unfortunately, many of the settlements were aggressively acquired by the Forest Service in its establishment and land grants and their respective settlements were largely marginalized. (Valdez 2016) (Velasquez 2023)

Today, the Juan Bautista Valdez Land Grant is considered a large stakeholder with numerous networks of partnerships regarding land management and remains active in its protection of the environment and the land (its heirs) serve as the steward of.

In this letter, I would like to address the following:

**(1) Tenets of the National Environmental Policy Act (NEPA):** It's evident that the Encino Vista Landscape Restoration Project overlooked crucial steps outlined in NEPA, hindering community participation in the shaping of the environmental assessment. NEPA's framework is designed to ensure informed decision-making and community empowerment through thorough transparent processes. The absence of local governance involvement during the preliminary phase raises significant concerns about the thoroughness of the project's review. The Juan Bautista Valdez Land Grant, for one classified in the Environmental Assessment as a non-governmental entity, even though it has political subdivision status under the State of New Mexico. (Justice 2024)

**(2) Violation of Government Mandates and Directives:** Executive Order 12898 underscores the importance of environmental justice and equitable public participation, particularly in minority and low-income communities like those in New Mexico. The failure to engage these communities directly contradicts both the executive order and the USDA's Environmental Justice Strategy. Accessible public documents and hearings are essential for fostering inclusivity and addressing environmental concerns effectively. (President 1994). USDA's Departmental Regulation directive adopted December 15, 1997 enforces the adoption to be integrated into programs and activities, including proposed projects. (USDA n.d.) Executive Order (EO) 14096 on "Revitalizing Our Nation's Commitment to Environmental Justice for All" advances the Federal government's efforts to deliver real, measurable progress on environmental justice. EO 14096 charges Federal agencies to exercise leadership and immediately strengthen their efforts to

address environmental injustice. The order makes clear that the pursuit of environmental justice is a duty of all executive branch agencies and that agencies should be taking actions now to incorporate this charge into their missions. (President, Strategic Planning to Advance Environmental Justice 2023). Finally, Executive Order 13985 further advances racial equity and support for underserved communities through the federal government. (President, The White House 2023).

Quoted directly from the Encino Vista Landscape Restoration Project Environmental Assessment,

*“The goal of environmental justice is for Federal agency decision-makers to meaningfully involve minority (typically 50% or more) and low-income populations in decision-making processes, and to identify impacts that are disproportionately high and adverse with respect to these populations and identify alternatives that would avoid or mitigate those impacts.”*

*“Section 8, Engagement with Members of Underserved Communities, requires federal agencies to consult with members of communities that have been historically underrepresented in the Federal Government and underserved by, or subject to discrimination in, Federal policies and programs. Traditional communities including federally recognized Tribes and Spanish Land Grants predate the establishment of the United States government. The language barrier created by the transition from Spanish and Native languages to English resulted in difficulty by traditional communities to assimilate to the new government. Consequently, these communities have experienced a degree of historical underservice by the federal government. This executive order seeks to remedy past failures and promote more engagement by the Forest Service with these communities.” (USFS 2024)*

**(3) Limited Consideration for Targeted Audience:** The demographics of Rio Arriba County highlight the predominantly rural, Hispanic/Latino, and low-income population affected by the project. Ignoring these communities' perspectives and needs during the scoping phase overlooks critical voices and perpetuates historical disparities in environmental decision-making. Effective engagement strategies must accommodate language barriers, technological limitations, and socioeconomic factors to ensure equitable participation.

**(4) Oversight of Rural Communities:** The failure to include rural and isolated communities during the scoping process directly contradicts NEPA's principles of comprehensive stakeholder engagement. By neglecting these communities, the project risks overlooking valuable insights and exacerbating existing disparities in resource allocation and environmental impact assessment. This past Spring, the USDA-FS hosted two open houses as part of its public outreach, (9) were documented to have attended, (7) of those sent on behalf of our community to attend.

**(5) Scope and Magnitude Concerns:** The expansive acreage and scope of the proposed treatments, particularly the Rx burning areas, warrant careful consideration, especially in

comparison to past projects. Robust public engagement and thorough environmental assessments are essential to evaluate the potential impacts on local ecosystems, waterways, and cultural resources.

**(6) Potential Impacts and Implications:** The project's potential to exacerbate flood risks and contribute to escaped fires underscores the need for meticulous planning and mitigation strategies. The health and well-being of nearby residents, as well as the preservation of sensitive environmental and cultural sites, must be prioritized throughout the project's lifecycle.

**(7) Need for Contingency Plans and Collaboration:** The absence of contingency plans and collaboration with relevant agencies raises significant concerns about the project's readiness to address unforeseen challenges. Emergency evacuation protocols are essential for safeguarding communities and ecosystems in the event of adverse outcomes. According to an article published by *Fordham* in November 20, 2023, there are significant Policy Shifts that call for a new set of guidelines for prescribed fires.

[As U.S. Forest Service prescribes more fire, rangers work to convince skeptical New Mexicans • Source New Mexico \(sourcenm.com\)](#)

“After last year’s disaster, the Forest Service paused burning nationwide for 90 days, and then issued [a new set of guidelines](#) for prescribed fire. On the ground, that [includes higher-level officials being present throughout the burn](#) and more contingency planning. Today, there is a bulldozer pre-positioned in case the fire escapes and fire lines need to be dug, and a fire truck known as Big Red cruising around in case of emergency. After burns, there is more monitoring.

The guidelines also emphasize the importance of building public support for prescribed fire, and in New Mexico there have been several community meetings ahead of this year’s burns. But the agency seems unlikely to stop burning because of public opinion.”

**(8) Scientific and Technical Modeling:** The absence of scientific and technical modeling and even catastrophic simulation models for such projects was not a consideration. The technical tools are available for these scenarios. The WRF-Fire physics model that allows users to model the growth of a wildland fire in response to environmental condition of terrain slope, fuel characteristics, and atmospheric conditions was never referenced, in fact there were no references to simulation models, or again, contingencies to address possible wildfire as a result of project action; even though according to fire history data; it is a probable risk,

[WRF-Fire: Wildland Fire Modeling | Research Applications Laboratory \(ucar.edu\)](#)

[WRF-Fire: Coupled Weather–Wildland Fire Modeling with the Weather Research and Forecasting Model | US Forest Service Research and Development \(usda.gov\)](#)

**(9) Need for Organizational Planning Partnerships and Agency Collaboration:** The absence of plans and collaboration with relevant agencies and organization that may provide tools, educational resources, and opportunities to shape the project were nonexistent. For example, a similar project carried out (Southwest Jemez Mountains Landscape Restoration Project) included over 50 planning partner organizations including native pueblos, colleges and universities, other governmental agencies, non-profits, environmental groups, and individuals.

[Santa Fe - Projects \(usda.gov\)](#).

**(10) Public Disclosure and Need for Landscape Restoration Projects:** The need for public disclosure of programs being launched by the USDA-FS is necessary, including the funding that is received, (refer to Exhibit A). Public disclosure fulfills legal and regulatory requirements, including those outlined in environmental laws such as the National Environmental Policy Act (NEPA). NEPA mandates the disclosure of environmental information and public involvement in federal agency decision-making processes, ensuring that environmental impacts are assessed, disclosed, and considered before project approval. Public disclosure builds trust and credibility between the USDA-FS and stakeholders by demonstrating a commitment to its own initiated projects.

[Confronting the Wildfire Crisis | US Forest Service \(usda.gov\)](#)

[USDA Announces \\$500 Million to Confront the Wildfire Crisis as Part of Investing in America Agenda | US Forest Service](#)

**(11) Risk of Escaped Fires:** Despite meticulous planning and implementation, there is always a risk that a prescribed fire could escape containment lines and become an uncontrolled wildfire. Weather conditions play a crucial role in determining the risk of fire escape during prescribed burning. Factors such as wind speed, direction, humidity levels, and temperature can influence fire behavior and the likelihood of containment. Sudden changes in weather conditions, such as unexpected gusts of wind, can increase the risk of fire escape. The type, quantity, and arrangement of fuel (vegetation) in the burn area can affect the risk of fire escape. Highly flammable fuels, such as dry grasses, dead vegetation, or dense shrubs, pose a greater risk than less combustible materials. Additionally, the presence of ladder fuels, which allow fire to climb from the forest floor into the tree canopy, can increase the potential for fire spread. The terrain and topography of the burn area can influence fire behavior and the likelihood of containment. Steep slopes, canyons, and valleys can create conditions that promote rapid fire spread and make containment efforts more challenging. Inaccessible areas may be difficult for firefighting crews to reach, increasing the risk of fire escape, (Exhibit B).

**(12) Lack of Monitoring of Slash and Pile Burns:** Monitoring allows fire managers to assess the environmental impacts of pile burns on ecosystems, water quality, and wildlife habitat. By

monitoring factors such as soil temperature, moisture levels, and vegetation response, managers can evaluate the ecological effects of burns and identify any potential risks or concerns that may require mitigation. Pile burns are often subject to regulatory requirements and permit conditions aimed at protecting public safety, natural resources, and air quality. Monitoring helps ensure compliance with these regulations by providing data to assess the effectiveness of control measures and mitigate risk, (Exhibit C).

## Exhibit A. Confronting the Wildfire Crisis

---



In January 2022, the Forest Service launched a robust, 10-year strategy to address the wildfire crisis in the places where it poses the most immediate threats to communities. The strategy, called "[Confronting the Wildfire Crisis: A Strategy for Protecting Communities and Improving Resilience in America's Forests](#)," ([leer en español](#)) combines a historic investment of congressional funding with years of scientific research and planning into a national effort that will dramatically increase the scale and pace of forest health treatments over the next decade. Through the strategy, the agency will work with states, Tribes and other partners to addresses wildfire risks to critical infrastructure, protect communities, and make forests more resilient.

In early 2023, the USDA Forest Service added [11 additional landscapes](#). This announcement followed a year of progress in collaborating with partners across 10 initial landscapes to address wildfire risk to infrastructure and communities.

**Year 3 – 2024 – nearly \$500 million investment expands critical work to reduce wildfire risk.**

Agriculture Secretary Tom Vilsack announced on [February 20, 2024](#) that the United States Department of Agriculture is investing nearly \$500 million to expand work on the USDA Forest Service's Wildfire Crisis Strategy to reduce wildfire risk to communities, critical infrastructure and natural resources from the nation's wildfire crisis.

Approximately \$400 million of the Inflation Reduction Act and Bipartisan Infrastructure Law funds will be allocated to ongoing efforts on the [21 priority landscapes](#) across the West. This work is beginning to reduce wildfire risk for some 550 communities, 2,500 miles of power lines and 1,800 watersheds.



An additional \$100 million will be allocated through a collaborative process with tribes, communities, and partners as part of new agency-established program – [the Collaborative Wildfire Risk Reduction Program](#). Inspired by past examples and the success of programs such as the Collaborative Forest Landscape Restoration Program, the new Collaborative Wildfire Risk Reduction Program expands work in high-risk wildfire areas outside the 21 priority landscapes.

These landscapes and efforts to expand the work under the Wildfire Crisis Strategy are determined using scientific research and analysis that considers the likelihood that an ignition could expose homes, communities, infrastructure, and natural resources to wildfire.

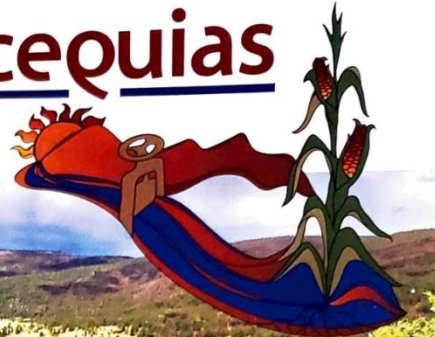
In 2023, the Forest Service and a wide-range of partners, communities, and tribes treated more than 4.3 million acres of hazardous fuels, including nearly two million acres of prescribed burning, on National Forest System lands across the nation - both are record highs in the agency's 119-year history and over a million acres more accomplished than the previous year, [wcs-landscapes2-graphics4.jpg \(1893x2400\) \(usda.gov\)](#).

## Exhibit B. Santa Fe National Forest 10-year Fire History

Year	Name of Fire	Total Acres Burned	Cause of Ignition
2023	Black Feather Fire	2,198	Lightning
2022	Hermits peak/Calf Canyon	341,471	Escaped prescribed burn
2021	Cuervito Fire	1,621	Lightning
2020	Medio	4,010	Lightning
2018	Venado	4,150	Lightning
2017	Cajete	1,412	Human, campfire
2017	Ojitos	3,306	Lightning
2017	Palmer	1,032	Fireworks
2017	Deer Creek	1,022	Lightning
2015	Commissary	2,536	Lightning
2014	Pino Fire	4,313	Lightning
2014	Diego	3,614	Lightning
	Total acres burned by wildfire ignited by escaped prescribed burns	387,076	
	Acres burned from other causes	29,214	
	Total Acres burned	416,290	

# Noticias de las Acequias

New Mexico *Acequia* Association • Spring 2024



The Acequia del Medio de Tramperos continues to be flooded, regularly impacting homes, farmland, and the acequia waterway. Photo by Christine Lujan

## Acequia Recovery after the Hermit's Peak Calf Canyon Fire: Part 1

By Paula Garcia, NMAA Executive Director

It has been nearly two years since the start of the largest fire in New Mexico history. On a windy, dry day, April 6th, 2022, the United States Forest Service (USFS) ignited the Hermit's Peak Fire. Just days later, the Calf Canyon Fire started when winds re-ignited smoldering slash piles from a USFS thinning project. The fires merged and on August 22nd, 2022, extreme winds drove the fire across a 15-mile run burning through tens of thousands of acres in a matter of hours. The Hermit's Peak-Calf Canyon fire scorched the parched forests of the eastern slope of the Sangre de Cristo mountains across nearly 350,000 acres before monsoon rains finally put out the fire. Hundreds of families lost homes, while thousands of families were evacuated for several weeks only to return home shaken by the loss of the beautiful forests where we were raised.

The summer rains that extinguished the fire were the start of the next chapter in the climate crisis for the area. With each rain, raging waters would bring burned soil and trees down the mountains into the valleys and rivers. Acequias were hit hard, with over 80 acequias damaged across 60 square miles in over a dozen watersheds. No words can describe the feeling of loss seeing acequias that took generations to build and maintain destroyed by flooding and "debris flows". After the flooding, some of them were barely recognizable with destroyed ditch banks, diversion structures, buried waterways, and broken/buried headgates. Some had extreme damage while many others had significant damage to make them inoperable.

We are still in that moment. We are still digging out from 2022 and 2023 floods.

Local acequia leaders and advocates like NMAA and High Water Mark (HWM), who works on contract with NMAA, have worked tirelessly with government agencies to restore the acequias, and some progress has been made. However, we are still in "debris removal" mode with dozens of acequias. Some were cleared of debris during the summer of 2023 (just over a dozen) and several of those have to be cleared again as soon as possible to enable the start of the irrigation season. Most acequias have not been cleaned or repaired yet and only a handful have completed designs for needed repairs. This is because disaster programs are not designed for the unique needs of acequias and the rollout of acequia support has been extremely challenging. Many years of hard work lie ahead.

It is too early to proclaim any definitive lessons learned. However, we can share some updates about how agencies and acequia leaders have worked together to make disaster programs more accessible to acequias. These agencies include the Federal Emergency Management Agency (FEMA), New Mexico Department of Homeland Security and Emergency Management (DHSEM), New Mexico Department of Transportation (NMDOT), USDA Natural Resource Conservation Service (NRCS), US Forest Service (USFS), the HPCC Claims Office, and others.

*continued on page 3*

The access to funds is beneficial for the USFS, and it can assist in implementing many programs that can successfully achieve the outlined goals of that funding. But are these rural communities considered the beneficiaries if they are absent from conversations? It is perhaps questionable if regulations and policies are being adhered to in the light of financial incentives to achieve targets and be deemed eligible for future funding.

Reverting back to 1994, President Clinton issued **Executive Order 12898 Federal Action to Address Environmental Justice in Minority Populations and Low Income Populations** in order to address environmental injustice, of which New Mexico, for one, has a long history. Key parts of the order (among many) direct federal agencies to:

**\*ensure greater public participation in minority communities and to improve research relating to the health and environment and environment of minority populations.**

**\*ensure that public documents notices and hearings relating to human health or the environment are concise, understandable, and readily accessible to the public,**

[12898.pdf \(archives.gov\)](#) [**\$5-5(c)**].

Although it remains unclear on whether USFS is taking an active approach in following the requirements of this order,

[The Environmental Justice Implications of Managing Hazardous Fuels on Federal Forest Lands \(usda.gov\)](#)

### **Tenets of Executive Order 12898**

Executive Order 12898 holds profound significance in environmental projects due to its focus on environmental justice. This order, issued by President Bill Clinton in 1994, was a landmark step towards addressing environmental inequities, particularly in minority and low-income communities. Here's why Executive Order 12898 is crucial:

**Addressing Environmental Injustice:** The order acknowledges the disproportionate burden of environmental hazards borne by minority and low-income populations. It highlights the need to rectify historical injustices where these communities have often been subjected to higher levels of disparity, fewer environmental amenities, and inadequate access to decision-making processes.

**Promoting Public Participation:** Executive Order 12898 emphasizes the importance of engaging affected communities in environmental decision-making processes. By ensuring greater public participation, the order seeks to empower communities to voice their concerns, contribute local knowledge, and influence outcomes that directly impact their health and well-being.

**Ensuring Equitable Access to Information:** The order mandates that public documents, notices, and hearings related to environmental health be concise, understandable, and readily accessible

to all. This provision aims to bridge information gaps and empower communities with the knowledge necessary to understand, assess, and respond to environmental issues affecting their neighborhoods.

**Integrating Environmental Justice into Policies and Programs:** Federal agencies are directed to identify and address, as appropriate, disproportionately high and adverse environmental effects on minority and low-income populations. This directive ensures that environmental justice considerations are woven into the fabric of government policies, programs, and decision-making processes.

**Incorporating Environmental Justice into Assessments:** The order requires federal agencies to incorporate environmental justice considerations into their assessments, including Environmental Assessments (EAs) and Environmental Impact Statements (EISs). By evaluating potential impacts on vulnerable communities and exploring mitigation options, agencies can minimize adverse effects and promote equitable outcomes.

**Enhancing Research and Outreach:** Executive Order 12898 underscores the importance of improving research related to the health and environment of minority populations. It also mandates agencies to provide necessary outreach to ensure that affected communities are informed and engaged throughout the decision-making process.

**Setting Performance Measures:** The order establishes specific agency performance measures to track progress in addressing environmental justice issues. By incorporating environmental justice evaluation into proposed activities and monitoring and reporting outcomes, agencies, such as USFS are held accountable for advancing environmental justice goals.

In summary, Executive Order 12898 represents a crucial step towards rectifying environmental injustices and promoting equity in environmental decision-making. By prioritizing the needs and voices of marginalized communities, this order helps to ensure that environmental projects uphold principles of fairness, inclusivity, and environmental sustainability.

### **Tenets of Executive Order 14096 Advance Environmental Justice**

Executive Order (EO) 14096 on Revitalizing Our Nation's Commitment to Environmental Justice for All advances the Federal government's efforts to deliver real, measurable progress on environmental justice. EO 14096 charges Federal agencies to exercise leadership and immediately strengthen their efforts to address environmental injustice. The order makes clear that the pursuit of environmental justice is a duty of all executive branch agencies and that agencies should be taking actions now to incorporate this charge into their missions.

[Strategic Planning to Advance Environmental Justice \(whitehouse.gov\)](https://www.whitehouse.gov)

## **Tenets of Executive Order 13985**

Delivering Equitable Outcomes Through Government Policies, Programs, and Activities (see p. 3-4 above).

[Executive Order on Further Advancing Racial Equity and Support for Underserved Communities Through The Federal Government | The White House](#)

**Further, the USDA's last published Environmental Justice Strategy** implements executive orders and sets out 2 important "Agency Performance Measures" under the USDA Directive 5600-002.

- 1. Identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations (Goal 4, table on p.20)**

and

- 2. Incorporate environmental justice evaluation into Environmental Assessments and Environmental Impact Statements as appropriate along with potential avoidance, minimization and mitigation options, and agencies will provide any necessary outreach. [Goal 4, table on p.20].**

[Environmental Justice | USDA](#)

**In Rio Arriba County, according to the most recent US Census Bureau statistics**, urbanization is 85% rural, 71% identify as Hispanic or Latino, 66.5% have access to broadband Internet, 18.2% held a Bachelor's degree from 2018-2022, and only 36% of adults at home have a primary language of English.

The Environmental Assessment, which is written in English, is not only foreign to a majority of the target audience, but it is also not comprehensible to those that may not possess a Bachelor's degree or any form of higher education, [U.S. Census Bureau QuickFacts: Rio Arriba County, New Mexico](#).

Cañones, for example, one of the target audiences, is a small rural community below the project area with less than one hundred residents, predominantly Spanish speaking. Its residents are ancestral and generational with small economies mostly sustained by living off the land, most of it predating Forest Services' acquiring of the land prior to 1905; and the Federal Forest Reserve system of 1891. It is a land based traditional hamlet, which is comprised of agricultural, ranching, farming, wood gathering, and natural artistry activities. Most students who attend college are among the first in their families to do so. In general, one could describe the community as a low income, minority population, albeit; with a rich history of land based

traditional practices and the know how of caring for the land and its people; ironically; a slogan USDA-FS has prided itself on since its inception.

I think it is not only mandatory, but necessary, to consider the target audiences and consider a more localized approach in distributing information to these audiences, especially in northern New Mexico's rural communities.

Furthermore, I think it is important to take note of the statistical analysis that is not presented in the response to comments document. How can the USDA-FS take the approach that there is no significant impact after reviewing public comments, if those public comments are (a). non-existent in quantifiable data, and (b). do not reflect the masses of the audiences. What is the threshold percentage of comments that should be received based on the population estimate of the area the proposed project may impact. No determination should be made if the data for that basis does not exist.

There is also the question of what is significant? How is this defined in a general sense, and a project-specific sense? Each major project should not be cookie cut, and/or copy and pasted, but should be tailored to its own individual scientific and technical data and associated analyses. We are not convinced that the appropriate scientific and technical data to make these determinations has been carried out thoroughly.

Fostering genuine dialogue and collaboration with affected communities is imperative for the success and sustainability of the Encino Vista Landscape Restoration Project. Upholding the principles of NEPA and government mandates is not only a legal requirement, but also a moral imperative, to ensure environmental justice and community well-being. But also, to reach a consensus and allow the USDA-FS to complete projects that may be (at the end of the day) necessary to prevent catastrophic wildfire.

## Environmental Assessment (Organizational Collaboration) Consensus Critique (Hyden 2024)

### **Best Available Science**

This environmental assessment does not utilize the best available science, for the following reasons:

The agency's assumptions that reducing tree densities and fuel loadings will result in less intense fire behavior is controversial and unproven.

Fuel treatments do not tend to reduce the occurrence of high severity fire in a changing climate with extreme fire weather overriding on-the-ground treatments.

Fuel reduction may actually exacerbate fire severity in many cases as such projects leave behind combustible slash through at least one dry season, usually more. Slash piles can also promote bark beetle outbreak.

When the tree canopy is opened up by aggressive thinning and too-frequent prescribed burns, wind can penetrate stands and carry fire into tree crowns.

While fire on the landscape can be ecologically beneficial, the Forest Service proposes to burn too much landscape per year and to repeat burns too often. Prescribed burns should be implemented at long intervals, so the understory can fully regenerate between burns.

Aggressive thinning operations, such as are proposed in the EVLRP, tend to dry out the soil and vegetation, because the forest floor is no longer adequately shaded. Such operations also compact and damage soils and introduce invasive and flammable weeds. Any thinning should be targeted, light-handed, and maintain a substantial forest canopy and relatively natural and abundant native understory that holds moisture into the ecosystem, instead of drying it out.

Instead of largely opening up the forest canopy and allowing soils and vegetation to dry out, the Forest Service should focus on maintaining moisture in the project area, which would make trees and forest more fire resistant and improve ecological function. Strategies for accomplishing this include protecting soils and mycorrhizal fungi from intense heat from pile burns, creating berms and dams to hold water into the forest, fencing out cows, planting native vegetation in riparian areas where needed, promoting beaver habitation, and decommissioning forest roads, which can cause water run-off and erosion.

Fire is a natural part of the ecosystem, so the focus for mitigating fire effects should be on protecting homes by fireproofing structures and the surrounding 100+ feet of landscape, instead of treating forest in the backcountry.



### **Condition-based approach**

The environmental assessment does not provide the specificity required by the National Environmental Policy Act (NEPA). The Forest Service should provide detailed, site-specific information regarding existing conditions and how the proposed action will affect forest resources including wildlife, wildlife habitat, streams and riparian areas.

Treatment parameters and methods for each vegetation type should be much more specific.

### **Potential for escaped prescribed burns**

In the past decade (2014-2023) three Forest Service prescribed burns resulted in a total of 387,076 acres of the Santa Fe National Forest burning, in three separate wildfires. During the same decade, 29,214 acres burned due to all other causes, including all other human-caused fires.

Despite these fires, and the severe impacts the fires had on communities, including several hundred homes burned and lives and livelihood severely affected, the Forest Service did not analyze the potential for escaped prescribed burns in the Preliminary Environmental Assessment, nor provide mitigations specific to the project. In fact, the potential for escaped prescribed burns was not mentioned in the entire Preliminary Environmental Assessment.

Prescribed burns are risky, and the Forest Service hasn't adequately addressed the issues specific to the EVLRP area. The agency is endangering our forest and communities by going forward with prescribed burns, without developing strategies specific to individual project areas, to avoid prescribed burn escapes in a warming climate.

The Forest Service does not have the agency capacity to safely implement 8,000 acres of prescribed burns per year during the EVLRP, and also implement many thousands of acres of burns in the implementation of other Santa Fe National Forest projects.

Broadcast prescribed burns should not be implemented in the spring due to the unpredictable spring winds in the Santa Fe National Forest. They should only be carried out in the fall and winter. Pile burns should only be implemented when substantial snow is on the ground.

Any unburned slash piles in the project area must be addressed, preferably by chipping or lop and scatter, before cutting any more trees.

## **Air Quality**

The smoke from Forest Service prescribed burns is creating very poor air quality at times, which is associated with serious health impacts for vulnerable populations. Such impacts include increased asthma, COPD, vascular and heart disease, immune system disorders and cognitive disorders. The Forest Service must do a Health Impact Assessment, or an equivalent, of the real-world effects on public health of the smoke they generate.

The smoke from burning 8,000 acres per year is far too much in relation to public health, especially considering other projects will also be producing large amounts of prescribed burn smoke. This amount of burning may cause serious health impacts to the public. Real-world health impacts must be considered.

## **Project Notice and Environmental Justice**

Public notice for the project has been insufficient. The notification of the scoping document was mailed to only 143 people. The agency issued no public news release, placed no legal notice in a newspaper, and contacted no news source to announce the project. This generated only 14 scoping comments.

Notice for the Preliminary Environmental Assessment has also been insufficient. Some news articles were placed, but only days before the comment deadline. Two poorly advertised open houses resulted in only 9 attendees, other than USFS personnel. There were no meetings held in which an overview of the Preliminary Environmental Assessment was presented to the public; instead, the agency used an open house format for answering attendees' questions.

The Forest Service also has a responsibility under its regulation, "Requirements for Public Participation," to provide opportunities for engagement about projects and encourage participation by low income and minority populations.

The project area contains largely a low-income rural population, and in many cases, English is not the primary language. Therefore, the outreach by the Forest Service to the local population would be expected to be much more, not less than that for projects affecting areas of average demographic characteristics.

## **Environmental Impact Statement (EIS)**

An EIS is required when a project has significant impacts on the human environment or on forest resources. This project clearly has significant impacts.

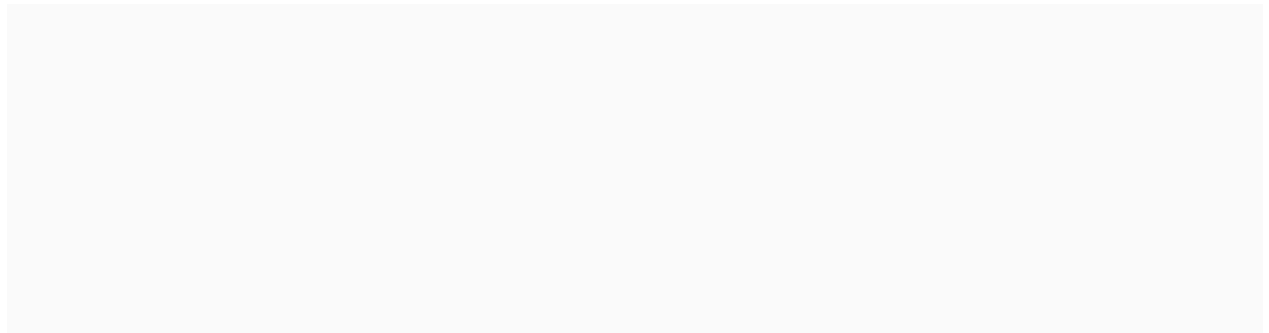
The Forest Service must complete an EIS for the project. It should include a conservation alternative that is developed with substantial input from conservation scientists, conservation organizations and the local community, and provide alternatives to aggressive logging, cutting and burning treatments.

A cost/benefit analysis should be completed to determine whether the benefits of widespread and aggressive tree cutting and prescribed burning outweigh the risks and costs. Costs include ecological costs and social costs.

---

**REFERENCES:**


Documented electronically.



I appreciated the opportunity to meet with you and the Santa Fe National Forest Supervisor and Deputy Forest Supervisor; staff; to discuss some of our concerns on April 11, 2024 during the comment period. The intention of this meeting was not to disregard the considerable work effort that has taken place by the USFS, but instead, to begin a dialogue of shared collaboration in the shaping of local projects that affect our local community.

Thank you for considering our comments as we request further review and detailed analyses via an Environmental Impact Statement.

Sincerely,

 Recoverable Signature

**X** Melissa-Roxanne Velasquez

Melissa Roxanne Velasquez

Signed by: trust\_

Juan Bautista Valdez Land Grant (Advisory Group)

[www.jbvlg.org](http://www.jbvlg.org)