



*Rio Arriba County  
Office of the County Manager*

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**James J. Martinez**  
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**COUNTY MANAGER**  
**Lucía F. Sánchez**

**DEPUTY MANAGER**  
**Matthew T. Casados**

*Via Certified Mail and Electronic Mail*

Michiko Martin Regional Forester  
U. S. Forest Service, Southwestern Region  
333 Broadway SE  
Albuquerque, NM 87102

Ben Ray Lujan, U.S. Senator  
498 Russell Senate Office Building  
Washington, DC 20510

August 4, 2022

**Re: Notice of Challenge to: Carson National Forest, by Rio Arriba County  
Requesting a Senate/Congressional Hearing**

Dear Honorable Senator Lujan and Regional Forester Martin,

Greetings, Rio Arriba County (County) has been placed in a position to “Challenge” the current Final Record of Decision-Carson Nation Forest Plan (CNFP) released on July 8, 2022. Rio Arriba County as a “Stakeholder” participated in the entire process from scoping to Commenting and the Objection Process of the CNFP.

The objection process of the CNFP, under the supervision of the Southwest Region 3 Regional Forester failed to respond and resolve Rio Arriba’s “Comments and Objections” as required under 36 CFR § 219.56 and § 219.57. Therefore violating the process used to achieve a “Final Record of Decision for the “CNFP”.

The County is statutorily responsible for the *safety, welfare* and promoting the *prosperity* of its citizen within the County (including land owned by the United States); pursuant to **The Legislature of the State of New Mexico, through Statute: Section 4-37-1 NMSA 1978, delegated the responsibility to local government units to adopt regulations designed to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of its citizenry.** And, **Section 4-37-2 —Areas in which county ordinances are effective. County ordinances are effective within the boundaries of the county, including privately owned land or land owned by the United States.**

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The County also "Finds" that the violation of process and the CFNP is in direct conflict with **The National Environmental Protection Act (NEPA)** (P.L. 91-190. See specifically: *Title 1, Sec. 101, (b) In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may — preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice: achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities.); **And; Federal Civil Rights Laws" and polices pursuant to Title VI** (Federally Assisted Programs), Executive Order 13166 "Improving Access to Services for persons with limited English Proficiency, "65 FR 50121-50122; and U.S Department of Justice, Policy Guidance Document", "Enforcement of Title VI of the Civil Rights Act of 1964- National Origin Discrimination Against Persons With Limited English Proficiency" (65 FR50123-50125), and "DR 4330-002, Nondiscrimination in Programs and Activities Receiving Federal Financial Assistance from USDA (March 3, 1999)". **And; Code of Federal Regulations, 36 CFR 219: Planning, Subpart A: National Forest System Land and Resource Management Planning regarding the plan for sustainability.***

Sustainability for Rio Arriba County residents means being able to live in harmony with neighbors, contribute to the culture, their local economy and remain self-sufficient on the landscape as they have for over 500+ years. Sustainability for County residents' is complex and deeply rooted in their traditional way of life as farmers, ranchers, conservationists and stewards of these lands as they have demonstrated for generations. The sustainability of these land-based people depends on the ability to work and manage these lands in cooperation with other local, Tribal, State and Federal land managers. It is imperative that the logging industry return and the grazing programs be sustained. Management of the State's wildlife must also be addressed. We already know the catastrophic impacts of an un-thinned, un-managed forest: catastrophic fire(s) followed by devastating flooding are the result! The County of Rio Arriba cannot afford to allow the mismanagement of forested lands to continue; Rio Arriba is the home of the headwaters of the Rio Grande and the Rio Chama, hundreds of acequias, 48 mutual domestic water associations, 4 wastewater systems and every watershed and tributary above 7,000' in elevation. The Colorado River is in critical condition; what happens when fire impacts these headwaters? The **ENTIRE** culture and economy for State of New Mexico will suffer just as our neighbors in Mora and San Miguel Counties are suffering now. (**See sec: 219.10-Site-specific decisions, and, sec. 219.8.-Sustainability, (a) Sustaining social and economic systems.**)

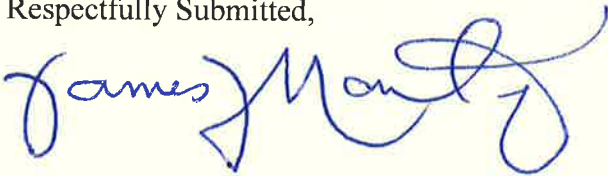
Furthermore, the Act of June 4, 1897, often referred to as the "organic act" for the Forest Service lands states "No public forest reservation shall be established, except to improve Forest reservations, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States;". We challenge you to evaluate if these original purposes for the forest reservations are still being met by the agency. We do not believe this to be so.

The responsibility of Rio Arriba County Officials to its Citizens includes defending their inherent rights as afforded by New Mexico State Constitution per Article II Section 4, Inherent Rights and Section 5, Rights under Treaty of Guadalupe Hidalgo Preserved. Protecting private property rights directly aligns with the Board of County Commissioners long standing commitment to developing laws and adopting polices that enhance the orderly development of the County. The County's Comprehensive Plan and Ordinances are reflective of the cooperative work between policy makers and residents, community partners and stakeholders to ensure and plan for the health, safety, welfare, cultural and economic viability of its people.

**Senator Lujan**, New Mexico Counties, and especially the County of Rio Arriba, have lost all trust in the U.S. Forest Service's ability to properly manage Federal Lands in the best interest of our Citizens with regard to their Safety and Welfare. The current trend of Wildfires that devastate our communities and watersheds is a direct reflection of the "Agencies" inability to manage the land and resources sustainably. Mismanagement of these forested lands within Rio Arriba County has real cultural, social and economic impacts on the rural businesses and families in the county (no effect on agency employees). The "reassignment" of former Santa Fe National Forest Supervisor Debbie Cress is indicative of the "no effect" on agency. Now, in addition to his current duties as the Carson National Forest Supervisor, James Duran is now tasked with carrying out the additional duties and responsibilities to lead the Santa Fe National Forest as its Forest Supervisor. Management of the Carson National Forest is a difficult task in and of itself. Now, Mr. Duran is left to tackle the aftermath of the Hermits Peak and Calf Canyon Fires. Is this a realistic expectation to place on him or for that matter anyone? Rio Arriba Land Grant Communities have suffered since the inception of the government land management, particularly the Forest Service. The ability for the Counties and their families to remain Safe and Sustainable is at the crossroads, which requires immediate attention by Congress.

**Therefore**, we find it necessary to request a Senate/Congressional Hearing on all related matters regarding the release of the Carson National Forest Plan its effect/implementation. The CNFP should not be released until resolve is brought to the voids within the plan and the historic violation of the citizens' rights by the Forest Service. Please contact Rio Arriba County Manager Lucia Sanchez if you have any questions.

Respectfully Submitted,



James Martinez, Chairman, Rio Arriba County Commissioners

And



Lucía F. Sánchez, County Manager

cc: Rio Arriba Board of County Commissioners

Teresa Ledger Fernandez, United States Congresswoman

James Duran, Carson and Santa Fe National Forest Supervisor

Jeff M. Witte, Secretary, New Mexico Department of Agriculture

David Sanchez, Rio Arriba County Planning and Zoning Committee

Edward Velarde, President, Jicarilla Apache Nation

Ernest E. Vigil, Mayor, Village of Chama

John Ramon Vigil, Mayor, City of Española

Joseph P. Aguino, Governor, Ohkay Owingeh

J. Michael Chavarria, Governor, Santa Clara Pueblo

Brent Jaramillo, Manager, Taos County

Joy Ansley, Manager, San Miguel County

Office of the Mora County Manager

Steve Lynne, Manager, Los Alamos County

Leo Jaramillo, Senator, Rio Arriba, Los Alamos, Sandoval, Santa Fe

Benny Shendo, Senator, Rio Arriba, McKinley, San Juan, Sandoval

Roberto "Bobby" Gonzales, Senator, Rio Arriba, Santa Fe, Taos, Los Alamos

Susan K. Herrera, Representative, Rio Arriba, Santa Fe and Taos

Roger Montoya, Representative, Rio Arriba, Colfax, Mora, San Miguel

Secretary Deb Haaland, Secretary, US Department of the Interior

Martin Heinrich, Senator, United States Senator

Melanie Stansbury, Congresswoman, US House of Representatives

Pamela Mathis, Field Manager, US Department of the Interior, Bureau of Land Management Taos

Maureen Joe, Field Manager, US Department of the Interior, BLM, Farmington

Randy Varela, Fire Marshal, State of New Mexico

Carlos Salazar, President, Northern New Mexico Stockman's Association

Medardo Sanchez, Aguas Norteña, Rio Arriba

Tim Seaman, Rio Chama Acequia Association

Alfredo Montoya, Nueve Acequias Del Rio Grande

Steve Polaco, Merced de los Pueblos de Tierra Amarilla

Leonard Martinez, San Joaquin del Rio de Chama Land Grant