*Coalition Of Arizona/*

*New Mexico Counties*

*For Stable Economic*

*Growth*

*“Working together for responsible management.”*

February 2, 2024

Submitted via https://cara.fs2c.usda.gov/Public//CommentInput?Project=65356.

Director

Ecosystem Management Coordination

201 14th Street SW, Mailstop 1108

Washington, DC 20250–1124

RE: **Scoping for Land Management Plan Direction for Old-Growth Forest Conditions Across the National Forest System**

Dear Director,

These comments are being submitted by the Arizona Counties Apache, Cochise, Gila, Graham and Navajo and the New Mexico Counties Catron, Chaves, Eddy, Hidalgo, Lea, McKinley, Otero, Roosevelt, Sierra and Socorro along with strong support from the timber, farming, livestock, mining, small business, sportsman and outfitter industries as members of the Coalition of Arizona/ New Mexico Counties (Coalition). Our representation currently exceeds 700,000 in combined county populations.

The Coalition has identified the following issues to drive the scope of analysis:

Procedural Issues:

1. In the Coalition’s comments for the Advanced Notice of Forest Service Proposed Rule Making [Attachment A] we stated, “The Coalition is wondering why county governments are not being invited into consultation concerning the proposal to develop new planning rules.”[[1]](#footnote-1) The advanced notice and this scoping notice indicate that there was ongoing consultation and coordination with Tribes. This process should have been open to state and local governments as well. **It appears that all our July 18, 2023 comments on the advanced notice were completely ignored and therefore, we request incorporation of them in their entirety into these comments.**
2. The Forest and Rangeland Renewable Resources Planning Act of 1974 and implementing regulations at 36 CFR § 219 are primarily directed at producing land use plans forest by forest and not through a one size fits all rule by the Chief or USDA Secretary.
3. Scoping has requirements for consultation and coordination.[[2]](#footnote-2) This notice of intent is contrary to the policy statement from the 1998 BLM. National Park Service and Forest Service clarifying cooperating and joint lead agency provisions under the National Environmental Policy Act.[[3]](#footnote-3)
4. We have surveyed our member counties as to Forest Service contact to inquire of their land plans content and policies for development of mature and old growth management. Their response until receipt of this Notice of Intent was that no contact has occurred. This is contrary to the requirements in 36 CFR § 219.4[[4]](#footnote-4)
5. **Comments on the Inventory Report**

**Data Quality Act Issues**

**“Appropriate Use of Data”**

“This initial inventory report is national in scale and presents estimates of old-growth and mature forests across all lands managed by the Forest Service and BLM. In preparing this report, published scientific literature was reviewed and scientists were consulted to understand the current work in this area and to get technical assistance in providing what was needed to respond to Executive Order 14072. Some cited references (e.g., "in preparation" notations) have not yet undergone scientific peer review and are therefore subject to change.” **[[5]](#footnote-5)**

“In preparation” was noted 15 times in the report and those citations are concerning key components to the report. The Data Quality Act demands a higher standard for information disseminated by a federal agency.[[6]](#footnote-6) Citing studies that have not been subjected to peer review is not encouraged by the Office of Management and Budget.[[7]](#footnote-7) “This definition [mature and old growth (words added for comments)] and initial inventory effort does not change existing LMP management direction. It is expected that a continual adaptive management process integrating new science, local conversations, and social processes will refine old-growth and mature forest working definitions over time.”

In violation of the Data Quality Act requirements the report states, “Although the working definitions used in the current national-level inventory rely on measurable ecological characteristics, the narrative frameworks leave opportunities to integrate social, cultural, and economic values; a variety of ecosystem services; local and Indigenous Knowledge; and place-based meanings into the ways land managers define, identify, and steward old-growth and mature forests into the future.”[[8]](#footnote-8) Therefore, there is no basis for the information produced in the report to accurately inform the public about the science used to generate the conclusions contained nor inform the public of how mature and old growth forests will be defined and managed into the future.

**Suggested Issues for Analysis in the EIS**

1. Mature and old growth are not mentioned in the original purposes of National Forests.[[9]](#footnote-9) The Congressional intent was for forests to be managed to, “improve and protect the forest within the boundaries, 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;” Every act of Congress since that enactment states that nothing in those subsequent acts shall act in derogation of the original purposes of that act. The Forest and Rangeland Renewable Resources Planning Act lays out the forest plan requirements for the harvesting of timber.[[10]](#footnote-10) and[[11]](#footnote-11)

**Issues requiring analysis.**

* 1. It appears that Congress and past administration directions for national forests management is to produce timber for harvesting. The key term in 16 U.S.C. 1604 Sec. 6 (m) is, “culmination of mean annual increment of growth.” This is what defines a tree as optimum for harvesting. This mature tree has reached its maximum uptake of CO2 in contrast with younger trees in the forest with high uptake of CO2. This would indicate a tree stand suitable for timber production as intimated by last sentences in 16 U.S.C. 1604 Sec. 6 (k).[[12]](#footnote-12) and 16 U.S.C. 1602 Sec. 3 (d).[[13]](#footnote-13)
	2. Carbon storage by mature and old growth forests is mentioned five times in the Federal Register notice. We find no addition to the authorizing statutes by Congress that add carbon storage to the purposes of the national forests. Two of the three mentions of climate change in 16 U.S.C. 1600 to 1614 only authorize an **analysis** of the potential effects and an analysis of rural and urban forestry opportunities for mitigation of carbon buildup.[[14]](#footnote-14) and an accounting of the effects of climate change on forest and rangeland conditions. [[15]](#footnote-15) Analysis and accounting are not Congressional mandates for management actions that foreclose the established purposes.
	3. The conversion of trees to lumber does not diminish the stored carbon. Once that lumber is incorporated into building and other wood products it is stored for many years even centuries. It is better to harvest those trees and put them into long term use rather than let them burn or decay.
	4. We can find no Congressional authorization for President Biden’s Executive Order 14072. After years of restrictions on the harvest of old growth forests through litigation the only results have been increased catastrophic fires, tree densities, insect and disease outbreaks, reduced water flows, degradation of water quality and post fire flooding. In our comments on the Advanced Notice [[16]](#footnote-16)we noted, “The science is in and has been for some time that aggressive thinning and harvesting are what are needed to address the threat to the national forests.”[[17]](#footnote-17) and *“Given the limited management actions that can be taken in those lands we are left with. It is not certain that remedial management regimes can be developed that are ecologically, economically. and politically acceptable, especially for wilderness and other natural areas. However, this study suggests we have a fairly narrow 15- to 30- year window of opportunity for doing so. Otherwise, less environmentally acceptable processes (crown fires, large insect and disease outbreaks) will not only reduce tree densities and fuel loads but also kill most of the remaining trees of presettlement origin”[[18]](#footnote-18)*
	5. The warnings from Dr. Covington’s above reports are today’s realities. Those who live in and in proximity to the national forests are treated annually to dense smoke for days on end and repeated threats of evacuation and loss of homes. If the Forest Service were truly interested in reduction of toxic and greenhouse gases, they would set about getting the forests into proper functioning condition that would reduce the threat of catastrophic fire events.
	6. The amount of old growth forest in wilderness, roadless areas and national monuments is 61,301,196 acres.[[19]](#footnote-19) This is 67% of the old growth forests on Forest Service lands excluding Alaska. These are the forests for Dr. Covington expression of greatest concern in the above cited article and scientific paper. The reason being these lands are not accessible for management treatments. There are no roads for access during fire events and in wilderness the use of mechanized equipment is prohibited. The proposed management changes to convert the remainder our forests to mature and old growth needs to be carefully examined for the potential for catastrophic environmental and economic impacts.
	7. As shown in our comments for the revision of the Gila National Forest in New Mexico[[20]](#footnote-20) there is a significant decline in properly functioning condition since essentially pre-European settlement. Since there wasn’t any serious study of this evolution in real time there is no meaningful explanation for the changes in forest structure other than possibly fire suppression. This is something requiring a hard look in the EIS to determine what cause the increase in tree density particularly in seedling and young tree structure dominance.
1. There are numerous mentions of the use of “indigenous knowledge” in the Notice.[[21]](#footnote-21) While the Federal Land Policy and Management Act (FLPMA) requires consultation with Tribes there is no ceding of management direction over the National Forests to Tribal governments. This transfer of management authority would require Congressional authority.

**Issues requiring analysis.**

* 1. The Notice states, “Additional purposes of this amendment are to: Establish a clear role for Indigenous Knowledge and tribal leadership in the proactive stewardship and furtherance of old-growth forest conditions on the National Forest System lands.”[[22]](#footnote-22) There is no Congressional authorization to grant authority to the Tribes for proactive stewardship and furtherance of old-growth forest conditions. If the Forest Service is going to take this path they should provide citation of their statutory and regulatory authority to do so.
	2. We have previously commented on the addition of management to promote mature and old growth. As part of the proposed plan components and other plan content the Notice states, that for millennia, Tribal practices have contributed to maintenance of resilient forest structure.[[23]](#footnote-23) We find no references in the Notice showing what those management practices consist of or how they were implemented. Our experience is that Tribal governments are not willing to share with the public or federal agencies their sacred site locations or cultural practices for those lands. Implementation by Forest responsible officials of historic Tribal management practices will lead to purely subjective decisions without the underlying reasoning or authority required for disclosure to the affected public and local governments.
	3. We support the Goal of recognition and respect of tribal sovereignty, treaties, Indigenous Knowledge and the ethic of reciprocity and responsibility to future generations.[[24]](#footnote-24) However, we find no Congressional authorization for enabling co-stewardship, including for cultural burning, prescribed fire and other activities. We do find that there are those requirements for States and local government coordination and participation in Forest Service management actions. These authorities should not be subordinated to Tribal considerations. Tribal sovereignty does not extend to the entirety of National Forest lands.
	4. Under the provision for adaptive strategy there is the provision for consultation with Tribes and Alaska Native Corporations. It also includes collaboration with States, local governments, industry partners and public stakeholders.[[25]](#footnote-25) The Forest Service is obligated under the planning statutes and regulations to make the attempt to achieve consistency with State and local government plans and policies. The Forest Service is also required to coordinate their planning and project implementation with these State and local governments.[[26]](#footnote-26) We again question the subordination of State and local government to Tribal governance and management of the National Forests. The definition of Indigenous Knowledge does not include citizens or the State and local governments within a specific geographic area. The residents within and adjacent to our national forests represent true local present and historic knowledge. These include members of the Tribes and Pueblos and should be the source of information on the conditions of and management of our forest resources.
	5. The adaptive strategy calls for effectively braiding place based Indigenous Knowledge and Western science into management of old growth.[[27]](#footnote-27) We do not have peer reviewed place based Indigenous Knowledge on forest management. How can this pass muster of OMB guidance on implementation of the provisions of the Data Quality Act? These provisions are to ensure and maximize the quality, objectivity, utility, and integrity of information disclosed by federal agencies to the public. We respect the Tribes’ discretion to not disclose particulars of their oral histories, religious practices, customs or locations of spiritual significance. However, that discretion does not lend to meeting the requirements of the Data Quality Act.

**Conclusion**

Thank you for this opportunity to provide scoping comments on the Land Management Plan Direction for Old-Growth Forest Conditions Across the National Forest System. We are dismayed that the Forest Service failed to consider our comments on the Advanced Notice of Proposed Rule Making for inclusion in the Land Plan Direction.

The proposed rules go far beyond the authorizations and prescribed procedures contained in Congressionally passed legislation governing forest planning and management. This is in violation of the U.S. Supreme Court’s major questions doctrine that the Executive Branch cannot interpret ambiguous legislation to effectuate changes of national consequence. Instead, Congress must, at a minimum, provide clear authorization that it intends to grant the Executive Branch such far-reaching powers.[[28]](#footnote-28)

For the above described procedural, statutory and regulatory violations we respectively request that the Forest Service to not proceed with publication of the proposed changes and preparation of an Environmental Impact State until those issues are addressed.

Sincerely,



**Attachment A**

*Coalition Of Arizona/*

*New Mexico Counties*

*For Stable Economic*

*Growth*

*“Working together for responsible management.”*

 July 18, 2023

Submitted via regulations.gov RIN 0596–AD59

Director, Policy Office, 201

14th Street SW, Mailstop 1108,

Washington, DC 20250–1124.

**Re: 36 CFR Part 200 RIN 0596–AD59, Organization, Functions, and Procedures; Functions and Procedures; Forest Service Functions**

Dear Director,

These comments are being submitted by the Arizona Counties Apache, Gila, Graham and Navajo and the New Mexico Counties, Catron, Chaves, Eddy, Harding, Hidalgo, Lea, McKinley, Otero, Roosevelt, Sierra, and Socorro along with strong support from the timber, farming, livestock, mining, small business, sportsman and outfitter industries as members of the Coalition of Arizona/ New Mexico Counties (Coalition). Our representation currently exceeds 700,000 in combined county populations.

**General Comments:**

**Pgs. 24497 & 24498 Federal Register / Vol. 88, No. 77 / Friday, April 21, 2023 / Proposed Rules**

*Forest Service is inviting public feedback and initiating Tribal consultation on the following topic and additional questions:*

**Comments**

1. While we concur that the Federal Land Policy and Management Act (FLPMA) requires consultation with Tribes, The Multiple Use Sustained Yield Act, 16 U.S.C. 530 states, “In the effectuation of this Act the Secretary of Agriculture is authorized to cooperate with interested State and local governmental agencies and others in the development and management of the national forests.
2. The Coalition is wondering why county governments are not being invited into consultation concerning the proposal to develop new planning rules.
3. Any proposed changes to rules governing Forest planning will have to go through the National Environmental Policy Act (NEPA) process. Affected states, Tribes, counties, and other local governments need to be invited to participate as cooperating agencies in the preparation of a NEPA analysis for impacts.

**Pg. 24498**

*Given that climate change and related stressors are resulting in increasing impacts with rapid and variable rates of change on national forests and grasslands, how should the Forest Service adapt current policies to protect, conserve, and manage the national forests and grasslands for climate resilience, so that the Agency can provide for ecological integrity and support social and economic sustainability over time?*

**Comments**

1. When national forests and grasslands are managed across the landscapes to create a natural mosaic, they are resilient to multiple disturbances i.e., climate, fire, disease, and insect infestation.
2. The Coalition has repeatedly commented that it has been mismanagement of the forests that has resulted in the increase of catastrophic wildfire. There are linear correlations of reduction of forest thinning, timber harvest and historic fire suppression to the rapid decrease in forest health. This assertion is supported by figures 1, 2 and 3 on pages 24499 – 24501.
3. The intention of the Organic Act of 1897 the forest reservations is "to improve and protect the forest within the reservation,…. 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." There has not been any subsequent act of Congress that operates in derogation even though other purposes have been added by the Multiple Use Sustained Yield Act. Congress has yet to add authority for adding climate resilience to forest and grassland use.
4. Contrary to the mandate in the Organic Act of 1897 the mismanagement of our forests has resulted in diminished stream flows, degraded water quality, a reduced supply of timber and increased incidence of catastrophic fire.
5. The proposed management direction of the rule will only exacerbate the degraded condition of the national forests.

**Pg. 24498**

*E.O.14072 calls particular attention to the importance of Mature and Old-Growth (MOG) forests on Federal lands for their role in contributing to nature-based climate solutions by storing large amounts of carbon and increasing biodiversity.*

**Comments**

1. The Coalition is not aware of Congressional enacted statutes that place particular attention on the importance of Mature and Old-Growth (MOG) forests and their role in contributing to nature-based climate solutions by storing large amounts of carbon and increasing biodiversity.
2. Science says that it is young trees that sequester more CO2 than mature forests. When trees are harvested, they do not release their stored carbon. Wood products that go into home construction and other uses continue to sequester carbon.

**Pg. 24498**

*Is consistent with and intended to support implementation of Secretary Vilsack’s Memo 1077–044, Climate Resilience and Carbon Stewardship of America’s National Forests and Grasslands (Secretary’s Memo) (https://* [*www.usda.gov/directives/sm-1077-004*](http://www.usda.gov/directives/sm-1077-004)*), and the USDA Forest Service’s Wildfire Crisis Strategy, Climate Adaptation Plan, and Reforestation Strategy for the National Forest System (**https:// www.fs.usda.gov/managing-land/wildfire-crisis**).*

**Comments**

1. The Secretary’s memos and the Forest Service’s strategies and plans that do not take their direction from Congressionally enacted law do not have any authority for implementation.
2. This statement is nothing more than repetition of climate change slogans that have little to nothing to do with proper forest and grassland management.

**Pg. 24498**

*Builds on the 2012 National Forest System Land Management Planning Rule (Planning Rule) at 36 CFR part 219 (*[*https://www.fs.usda.gov/planningrule*](https://www.fs.usda.gov/planningrule)*), which requires that revised Forest Service land management plans provide for ecological, social, and economic sustainability. The Planning Rule also created an adaptive management framework for land management planning, including assessment, plan revision or amendment, and monitoring.*

**Comments**

1. The 2012 planning rule, where implemented, has accelerated forest and grassland mismanagement, and needs serious revision to bring planning and management in line with statutory direction.

**Pg. 24498**

*Uses the Planning Rule’s definitions of ecological integrity and social and economic sustainability to structure the concept of climate resilience. Climate resilience is essential for ecological integrity and social and economic sustainability.*

**Comments**

1. The 2012 planning rule definitions of ecological integrity relied on the concept of returning forest conditions to “pre-European settlement conditions.” Therefore, the definition leaves defining ecological integrity up to a deciding officer’s subjective opinion of forest conditions that existed prior to the collection of valid data.
2. Forest conditions dictate social and economic sustainability. Improving and protecting the forest within the reservation fosters social and economic sustainability. Making forests resilient to insects, disease and catastrophic fire are therefore the true objectives if forests are to survive ecological changes including possible natural or anthropogenic climate changes.
3. Securing favorable conditions of water flows, and to furnishing a continuous supply of timber for the use and necessities of citizens of the United States promote social and economic sustainability. The current management direction of the Forest Service is producing social and economic harm as is documented in the social and economic declines of communities within the national forests.
4. In accordance with the Multiple Use Sustained Yield Act the measure for social and economic sustainability are harvest levels that responsibly deliver sufficient logs to insure maintaining jobs and processing facilities. Thinning and replanting areas suitable for harvest insure long term social and economic viability.
5. Attachment A contains our November 17, 2016, comments submitted on the Gila National Forest Plan Amendment noting the deficiencies created by the use of the 2012 planning rule.

**Pg. 24498**

*Reflects the Forest Service’s commitment to continual learning and organizational improvement by engaging people in conserving forests and grasslands under threat of loss due to climate change.*

**Comments**

1. Climate change is not a threat of loss for forests and grasslands. The true threat is whether the forests and grasslands are in a healthy and resilient condition to withstand whatever threat natural forces deliver.
2. The assertion that climate change poses a threat and that returning forests to pre-European conditions will resolve the problem cannot possibly pass muster under the provisions of the Data Quality Act.
3. The science is in and has been for some time that aggressive thinning and harvesting are what are needed to address the threat to the national forests.[[29]](#footnote-29)
4. *“Given the limited management actions that can be taken in those lands we are left with. It is not certain that remedial management regimes can be developed that are ecologically, economically. and politically acceptable, especially for wilderness and other natural areas. However, this study suggests we have a fairly narrow 15- to 30- year window of opportunity for doing so. Otherwise, less environmentally acceptable processes (crown fires, large insect and disease outbreaks) will not only reduce tree densities and fuel loads but also kill most of the remaining trees of presettlement origin”[[30]](#footnote-30)*
5. Please note that we are now beyond Dr. Covington’s window of opportunity and are reaping the foretold disasters.

We look forward to working with the Forest Service on developing a workable forest and grassland planning rule that will lead to resilient forests and grasslands that deliver the products and services required by the management statutes enacted by Congress.

Sincerely,



Attachment A

*Coalition Of Arizona/*

*New Mexico Counties*

*For Stable Economic*

*Growth*

*“Working together for responsible management.”*

 November 17, 2016

Mr. Adam Mendonca, Forest Supervisor

Gila National Forest

United States Forest Service

3005 East Camino del Bosque

Silver City, NM 88061

**RE: Draft Assessment Report Gila National Forest, New Mexico**

Dear Mr. Mendonca,

These comments are being submitted by the Arizona Counties, Apache, Cochise, Gila, Graham and Navajo and the New Mexico Counties, Catron, Chaves, Eddy, Harding, Hidalgo, Lincoln, McKinley, Rio Arriba, Roosevelt and Sierra along with representation from the timber, farming, livestock, mining, small business, sportsman and outfitter industries as members of the Coalition of Arizona/ New Mexico Counties (Coalition). Our representation currently exceeds 700,000 in combined county populations.

The Coalition appreciates this opportunity to comment on the draft assessment. Coalition members participated in the 1986 forest plan revision and the 1994 Region 3 Forest Plan Amendments. Forest management is of significant concern to our county members as well as to the region and two states. Our affected member counties depend on access to and use of the Gila National Forest (GNF) lands and resources for their economic sustainability.

We are looking forward to participating in the NEPA analysis as the planning process moves forward. Some of our member counties will wish to be solicited for participation as cooperating agencies. Apparently the Cibola National Forest had significant success with that approach.

**Coalition’s Comments:**

**Introduction to the Assessment**

36 CFR § 219.19 Assessment.

“Assessment. For the purposes of this subpart, an assessment is the identification and evaluation of existing information to support land management planning. Assessments are not decisionmaking documents, but provide current information on select topics relevant to the plan area, in the context of the broader landscape.”

In our general review of the assessment we find that the information is generally lacking in accurate, reliable and relevant scientific information. There seems to be reliance on modeling studies that are driven by assumptions that do not apply to the unique biotic communities and geographical setting of the GNF. There is also a noticeable bias against resource uses in favor of preservation. With the above in mind there are over 650 uses of the word may in the context of presenting “scientific information.”

While there have been studies that describe forest and grassland changes from pre-European settlement that baseline may not be an accurate portrayal of the GNF. This is due to most of those studies being done on ecoregions that do not share the unique characteristics of the Gila. The science used for the GNF plan should provide current information relevant to the plan area.

The ways and means the people of the area have utilized the resources have changed dramatically in a few short decades. What was once a highly diverse and stable social and economic region began a downhill trend in 1990. Schools in Catron County operated on a five-day week and now are in session four days. There has been an increase in unemployment, substance abuse, juvenile delinquency, domestic violence and crime. The assessment of the Forest Plan should document this departure from the sociological and economic conditions present before the significant reductions in timber harvest and livestock numbers called for in the 1986 plan.

The significant reduction in resource use and access on a national scale has resulted in a significant reduction of revenues for the U.S. Forest Service. This reduction in revenue has resulted in reduced management and maintenance activities on all national forests. This tragic formula has been especially damaging to the people and communities of the GNF. This should be a significant part of the assessment.

**Chapter 1. Ecological Integrity and Sustainability**

**Ecological Response Units and Terrestrial Ecosystem Units**

Page 11:

**Introduction**

36 CFR 219.19

“Ecosystem sustainability refers to the capability of ecosystems to maintain ecological integrity.”

The condition of the majority of the GNF is not ecologically sustainable. If there is not an immediate and intensive effort to restore the ecological function insect infestation, disease and catostrophic fire will convert the ponderosa pine, mixed conifer-frequent fire forest and the ponderosa pine-forest to scrub woodlands that will be ravaged with fast moving catostrophic fires for several human lifetimes.

**Structure of the Ecological Section**

The planning rule requires assessment of key ecosystem characteristics relative to upland vegetation, baseline carbon stocks, upland soils, air, water, riparian, aquatic and at-risk species (i.e. resource areas). The variables contained in specific areas make it difficult to make generalized statements of fact about the characteristics. The way the information is presented makes it very difficult for the average person to make informed comments.

**Reference Conditions, Departure and Trend**

The assessment states that, “’natural range of variability’ NRV is the reference condition for many of the ecosystem characteristics analyzed.” Friederici 2004 states:

*Reference conditions can serve as an important guide for future management, but it is important to emphasize that reference conditions are not the same as restoration goals. Some types of reference information, such as detailed data about understory vegetation, small trees, wildlife, and the degree to which native peoples burned forested areas, are simply not available for most periods in the past. Even where reference conditions are known, it is often not possible to fully re-create the conditions present before Euro-American settlement, as climate change, extirpation of native species, habitat fragmentation, and the introduction of nonnative species have irreversibly changed contemporary conditions. In many cases, it might not be desirable to return to presettlement conditions, due to considerations of wildlife management, recreation, aesthetics, and other modern needs*.

NAU Ecological Restoration Institute’s Covington, Friederici, Moore and others research has focused almost exclusively on ponderosa pine forests in the Coconino National Forest (CNF). This type of forest comprises approximately 31% of the GNF. It should be noted that the CNF is in a different precipitation and geographic setting and different soil types than the GNF.

The purposes of the National Forests are, “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 (Title 16 Chapter 2 Subchapter I § 475). Forest plans should be in line with Congressional established purposes. Therefore, the assessment should be determining the levels of sustainable use of the resources including but not limited to livestock stocking and allowable timber harvest.

We are familiar with the NAU Ecological Restoration Institute’s exemplary research in ponderosa pine forest restoration. The use of this knowledge could be applied to ponderosa pine zones left within the wilderness areas. But those areas outside of wilderness should be managed for sustained multiple uses not to return forests to a hypothetical pre-European reference condition. Forests under multiple uses may never achieve a “natural range of variability.” As such departure from the reference condition should not be an automatic rejection of management for multiple use. Preservation in a pre-European settlement condition is not compatible with Congressional mandated purposes. We would like to suggest that 1970 GNF conditions would be a better reference condition. We have more accurate scientific information on the forest condition at that point in time.

Page 12:

**System Drivers and Stressors**

The draft assesment states, “Examining system drivers and stressors across the reference and current time periods provides the ‘why’ to the departure and trend analysis and informs the preliminary ecological need for change.” This stresses the importance of having a reference condition that will best serve the determination for the why of the departure and need for change.

**Spatial Scales of Analysis**

Page 13:

It is apparent that within the context scale much of the ponderosa pine forest has a significant departure from the assessment’s reference conditon. We have know this for quite some time. This concern was the main driver for the Coalition’s alternative E developed by Applied Ecosystems, Inc. for the 1994 EIS. (See Appendix A)

The 2006 ROD for the EIS Amendment of Forest Plans in Arizona and New Mexico stated,

*“When considering the entire forested ecosystem, Alternative E would be defined as the environmentally preferred alternative. Alternative E has the lowest risk of epidemic insect and disease infections, has the lowest risk to catastrophic fire losses, provides the best balance of vegetation structural stage distribution, is most likely to sustain aspen in the long term, and most likely would provide better habitat for forage-using wildlife species.”*

The Coalition brought Alternative E to the attention of the GNF during the comment sessions for the development of the forest plan assessment. We suggested that the GNF should revisit this alternative and strongly consider using the prescriptions for inclusion in the proposed plan revision. We are again making that request especially in the context of the Spatial Scales of Analysis.

**Ecological Response Unit Framework**

Page 15:

What is apparent in the assessment is that the Gila is domminated by fire dependent ecosystems to maintain ecological function. Table 2 from the draft assesment indicates that 82% of the forest is in frequent fire dependent ecosystems.

**Table 2. Ecological Response Units of the Gila National Forest**

|  |  |
| --- | --- |
| **Ecological Response Unit** | **Percentage of Gila NF** |
| *Forests* |  |
| Ponderosa Pine Forest (PPF) | 19 |
| Mixed Conifer-Frequent Fire Forest (MCD) | 12 |
| Ponderosa Pine-Evergreen Oak Forest (PPE) | 12 |
| Mixed Conifer w/ Aspen Forest (MCW) | 2 |
| Spruce-Fir Forest (SFF) | 1 |
| *Woodlands* |  |
| Piñon-Juniper Woodland (PJO) | 26 |
| Piñon-Juniper Grass Woodland (PJG) | 9 |
| Juniper-Grass Woodland (JUG) | 4 |
| Madrean Piñon-Oak Woodland (MPO) | 1 |
| Piñon-Juniper/Evergreen Shrub Woodland (PJC) | 1 |

Given that the significant majority of the GNF ERUs are frequent fire dependent ecosystems the management should be aimed at an intensive effort to return these ERUs to functioning systems. As shown in the Covington and Moore 1994 study there is a significant departure from pre-European settlement conditions. (See Table 3 below) The result of fire supression has produced unhealthy dense forest stands, increased fuel loading, decreased herbage production, decreased stream flows, decreased scenic beauty, and increased timber volumn. That this is not emphaised in the assessment will leave the GNF and public without the proper baseline and targets for the needs for change in an amended forest plan. Although Table 3 from their study is focused on the ponderrose pine forest, coresponding improvemnts would accru to the fire dependent piñon/juniper and grassland ERUs.



Twentyseven percent of the GNF is wilderness. Those wilderness areas are dominated by MCD, MCW and SFF. In 1994 Covington and Moore stated,

*“Given the limited management actions that can be taken in those lands we are left with. It is not certain that remedial management regimes can be developed that are ecologically, economically. and politically acceptable, especially for wilderness and other natural areas. However, this study suggests we have a fairly narrow 15- to 30- year window of opportunity for doing so. Otherwise, less environmentally acceptable processes (crown fires, large insect and disease outbreaks) will not only reduce tree densities and fuel loads but also kill most of the remaining trees of presettlement origin.[[31]](#footnote-31)*

Our conclusion based on above is that unless Congress changes how we are able to manage the lower elevations of our wilderness areas and wilderness study areas the GNF and public will have to accept that the mid-elevation ponderosa pine comlex will be lost to catostrophic wildfire and likely be replaced by Mountain Mahogany Mixed Shrubland. Upper elevations of the wilderness and study areas are still within historic fire frequncies and should produce blow out areas with aspen regeneration and succession back to Mixed Conifer w/Aspen Forest. It should be obvious that Covington’s and Moore’s pediciton is manifesting in the increase in insect infestation, disease and catostrophic wildfire.

Page 22

**Coarse woody debris and Snag density**

As can be seen from the Figure 7 table from Schoennagel et al. 2004 below burn severity was reduced significantly through the reduction of course woody debris and snags (Salvage and Fuels columns). The draft assessment statements for this section describe ecological benefits of these components. The current levels of coarse woody material and snag density would not have been present in pre-European settlement ponderosa pine forests or other frequent fire dependent ERUs.

**Patch size**

The draft assessment states, “Historic timber harvest and fire suppression are largely responsible for decreased fire frequency, increased fire severity, and an increase in closed canopies across Rocky Mountain forests (Schoennagel et al. 2004).” In reading Schoennagle et. al. we found no mention of historic timber harvesting being a cause of “decreased fire frequency, increased fire severity, and an increase in closed canopies” in the Southwestern ponderosa pine pine forests. On the contrary the study revealed that in the more intensly managed areas of the Rodeo-Chediski fire there were significantly lower burn severities where pre-fire management treatments were carried out. It should be noted that timber harvest methods in the Gila National Forest differed from the most common methods employed in other Rocky Mountain Forests. Therefore, studies on other forests may not be suitable for decriptions of GNF timber stands particularly in the ponderosa pine stands.



Figure 7. Proportion of different prefire fuel treatments burned at different severities during the Rodeo-Chediski fire in the Apache-Sitgreaves National Forests, Arizona, 2002. Burn severity, defined by the Burned Area Emergency Rehabilitation team, ranges from unburned (surface fire with little or no canopy damage, tree foliage unscorched) through low severity (some tree crowns scorched but most trees not killed) and moderate severity (variable tree mortality, foliage scorched but not consumed) to high severity (complete tree mortality, foliage completely consumed). Fuel treatments are defined as salvage (removal of trees after a fire), fuels (thinning, chipping, and pile burning), prescribed fire (broadcast burning), commercial (removal, seed cut, regeneration, harvest, partial removal, final cut, or thinning), or precommercial (thinning with chipping, lopping, or both; no slash removal). Data are from Wilmes and colleagues (2002).

**Chapter 2 Upland Vegetation:**

This chapter is confusing and questionable as presented in the assessment.

The entire assessment of upland vegetation is hinged on the accuracy, reliability, and relevance of the baseline or reference condition. It is unclear how the reference condition was determined without reading additional documents (given the size of this document and the limited time is not possible). Reference conditions and current conditions are presented as a percentage of vegetation type in seral states, which is concerning because succession is constantly changing and to pick 2 points in time to determine current conditions or trends appears to be an over simplification of a complex process and function of natural resources. Also 2 points do not constitute or identify an accurate or reliable trend!

Natural Range of Variation and Steady State theories are mentioned, but it is unclear how they fit into the departure analysis and assessment of upland vegetation.

“Reference conditions are a tool for assessing ecological integrity and do not necessarily constitute a management target or desired condition. The comparison between reference and current conditions is used to determine the degree of departure and whether the trend is away or toward reference.” (pg. 12) If reference conditions are not the target, then why are current conditions and trends compared to them? Is it assumed that reference conditions are the highest ecological integrity?

How is current management defined if the Forest Service touts the use of “adaptive management”?

Please define or explain “cross-walking”.

Table 7 presents the relationship, in acres, of the Gila NF to the overall context area. Overall, the three ecoregion sections and their 28 subsections total nearly 35.9 million acres within Arizona and New Mexico. The Gila NF occupies seven percent of these total acres. The remaining 93 percent of the lands within the ecoregion sections are owned or managed by a diversity of entities; including the Apache-Sitgreaves, Coconino, Coronado, Kaibab, Lincoln, Prescott and Tonto National Forests, the states of Arizona and New Mexico, Bureau of Land Management, Bureau of Reclamation, Department of Defense, National Park Service, Fish and Wildlife Service, White Mountain, San Carlos and Mescalero Apache Nations, and numerous private organizations and citizens. (pg. 32)

“A scale larger than the Forest is desirable to understand the environmental context, opportunities and limitations of NFS lands to contribute to ecological sustainability.” (Draft Assessment pg. 31). How does 7% of the area contribute to the ecological sustainability? The context area is too large and different to be meaningful to an assessment of the Gila National Forest. The Gila has 62 acre (<1%) within the Basin and Range Ecoregion and 0 acres in the Sacramento Monzano Mountains Ecoregion, what “opportunities and limitations” could the Gila Forest contribute to the ecological sustainability of these ecoregions? Presentation of the “context area” is difficult to understand, what is the purpose of such a large CA when the Gila has zero acreage within the ecosystem, how does the Gila explicitly contribute to these ecosystems?

**Chapter 10 Social, Cultural, and Economic Conditions.**

**Gila National Forest’s Contributions to Local Economic Conditions**

The Gila NF makes up nearly 3.3 million acres or 7.9% percent of the area of influence, which is the multicounty analysis area of Catron, Grant, Hidalgo, and Sierra Counties, making it an important contributor to the local economies. These lands contribute a wide range of economic values to people. Market goods such as timber, livestock, minerals, and recreation opportunities generate employment and income, as well as payments to local communities and revenue for the U.S. Treasury. (pg. 503)

The Forest Service doesn’t produce livestock. The forest lands produce forage, but not livestock, also why isn’t wildlife included?

 “Induced impacts occur when labor income increases, resulting in increased demand for goods and services in the local economy, creating additional employment and output.” This definition is not real clear, induced impacts are not dependent upon an increase in labor income.

“IMPLAN uses Forest Service data on expenditures and resource uses to estimate the economic consequences of Gila National Forest management (IMPLAN 2014). This economic contribution analysis includes recreation, livestock grazing, mineral removal, timber harvesting, payments to states and counties, and Forest Service expenditures.” As currently written this statement is incorrect. Forest Service data on expenditures and resource uses were used in IMPLAN to estimate the economic impacts of the Gila National Forest resource use, might be a better way to present the first sentence. Typically government is considered external to the economy, it typically has no output. Government sectors do have employment, labor income, and business purchases (direct, indirect, and induced).

Tables 179 and 180 are unclear on what they are presenting and how the numbers for Forest Service related contributions are determined. This information should be presented as direct, indirect, and induced. Also where is output?

“Forest Service activities on the Gila National Forest are responsible for approximately 4.3 percent of total employment and 3.3 percent of labor income in the four-county area.” This statement appears to be direct employment and labor income, however, from table 179 looks as if it includes direct, indirect, and induced because the Forest Service doesn’t employee 374 in the agriculture sector. How does the Forest contribute 20% of the total employment in agriculture?

“Most of the employment in the agriculture sector is attributable to livestock grazing on Forest Service lands in the plan area.”(pg. 505) How does 7.9% of the land area contribute most of the employment in agriculture and most of the livestock grazing? The Forest Service charges for forage from Forest lands, this is only an input factor of production for the livestock industry and not a product of government.

Table 180 appears to claim that the Forest Service has output in recreation, grazing, and timber, if so are these dollars fees charged for recreation, grazing and timber sales?

Payments to counties are already factored into IMPLAN as transfer payments to the local government sector and should not be used to calculate indirect and induced effects.

**Chapter 11. Multiple Uses and Their Economic Contributions**

**Range, current Level and Trends**

This chapter should provide for opportunities for the integration of economic production for the betterment of the ecosystem.

*Vacant allotments are included in active allotments because they can be used as relief allotments, on an “as needed” basis by valid permit holders. This case may occur as an adaptive management response to address resource concerns such as fire or drought. (*GNF Draft Assessment Report, page 522, Current Level and Trends section.)

It is agreed that vacant allotments can and should be used as relief allotments by valid permit holders when there is a need to provide an alternative forage supply for permittees who have lost their current year’s forage due to natural causes or due to negative impacts to their livestock operation that were not the result of their actions. The “Grass Bank” idea has been around for many years and has been a standard operating procedure on the GNF in the past.

Along these same lines of thinking, it is suggested that the GNF take further steps to analyze all vacant allotments and determine if all or portions of these allotments could be combined with adjoining allotments. All or portions of the vacant allotments could be permanently added to adjoining allotments where there is a need to resolve resource problems. This should take place on a case by case basis and should serve as an alternative to implementing a reduction in permit numbers or the implementation of costly manage requirements. There are many examples on the GNF where the presence of a listed species or special management designations of portions of an allotment, such as in the case of “Wilderness”, have rendered once economically viable allotments almost worthless.

Adding the “Suitable” and highly productive “Full Capacity” rangelands that are found on many vacant allotments back into livestock production as part of an adjoining allotment could resolves many resource issues. Also, combining all or portions of a vacant allotment into an adjoining allotment could facilitate removing from the existing allotment marginally productive areas or areas where special and costly management requirements are now required.

A well thought out policy concerning the future allocation of vacant allotments could lead to many resource problems being resolved without unduly penalizing many current and future holders of Term Grazing Permits on the GNF. Re-allocating all or portions of vacant allotments could go a long way towards resolving many TES species issues and could make some economically marginal allotments again support a well managed and viable livestock operation.

Throughout the assessment “grazing” is ambiguous and typically negatively misrepresented. Multiple terms used within the document include: current grazing intensity, current livestock grazing, current grazing management, “conservative” grazing, domestic livestock grazing, excessive grazing, grazing, grazing by native species, grazing pressure, grazing management, heavy grazing, herbivory by cattle, herbivory by wildlife and livestock, herbivory, historical heavy grazing, historic overgrazing, historic grazing, legacy grazing, livestock grazing, managed grazing, nondomestic herbivory, open range grazing, over-grazing, properly managed grazing, public grazing, sustained grazing, selective grazing, unmanaged livestock grazing, ungulate grazing/browsing, unmanaged grazing, ungulate grazing, use of vegetation by wild or domestic animals, wild ungulate grazing/browsing, widespread, and substantial domestic livestock grazing.

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**Impacts of grazing on Ecological Integrity and Species Diversity**

This section starts with:

*Impacts of grazing on Ecological Integrity and Species Diversity Impacts from unmanaged livestock grazing can result in adverse impacts on ecological integrity and species diversity.*

The Gila National Forest also, should address the “positive and negative effects from grazing livestock**.** The Report references Dr. Holechek on overgrazing, but failed to incorporate Dr. Holechek’s assessment regarding the benefits of grazing and conversely, the negative effects to rangelands when there is ultra light grazing.

Forage ground cover is important indicator of watershed health, which is derived from precipitation. Improving forage cover is improving watersheds. Cattle can impact grasses either by overgrazing, or, by under-grazing (ultra-light grazing), causing grasses to degenerate in plant vigor, thus, deteriorating ground cover that negatively impacts carbon sequestering. (from interview with Dr. Holechek on 9/5/15).

In addition, the Assessment Report should consider grazing (ungulates such as elk as well as cattle) as an *ecological service.*

**The following comments were generated by the New Mexico Department of Agriculture. We concur with and hereby incorporate those comments.**

**Chapter 5 - Air**

New Mexico Environment Department's (NMED) Air Quality Bureau identifies 11 airsheds in New Mexico. Gila NF is within the Sierra, Luna, Grant, and Catron airsheds. NMDA requests that NMED Air Quality Bureau airshed delineations be used in the Forest Planning process for consistency with state air quality standards. The other three national forests that have completed their Assessments have used NMED's airshed delineations in their discussion of air quality. Maps of these airsheds and additional information can be found at https://www.env.nm.gov/aqb/SMP/Maps.htm.

**Chapter 6 – Water**

**Watersheds**

The Analysis Methods subsection provides an online resource for the watershed conditions (http://apps.fs.fed.us/nfs/nrm/wcatt/WCFMapviewer/). NMDA has tried using this link, but it appears to be broken. NMDA has contacted Gila NF, and we are working toward a solution to this problem.

***Surface Water Quality***

The Context Area subsection states, “Values do not add up to the total impaired miles because some miles are impaired for more than one reason. Miles are counted for each reason” (Page 296). This approach to calculating impaired miles is inappropriate and paints a poorer picture of the real health of streams in the Gila NF than actually exists. NMDA requests that instead of impairments being counted multiple times in terms of impaired miles, that percentage of miles with more than one impairment be provided.

**Chapter 7 – Riparian**

The Ecological Status subsection of the Key Characteristics section states, “Non-native, disturbance adapted species that have been documented in the TEUI and have naturalized in these systems include but are not limited to: Kentucky bluegrass, sweetclovers, mullein, and dandelion. These naturalized species are now part of the potential natural vegetation community” (Page 354). Please describe what it means for a non-native species to become naturalized and provide citations or context for each of the species that has been identified as such (i.e., how did they specifically become naturalized, when did this occur, under what conditions, how does this compare to other similar systems?).

**Chapter 8 – At Risk Species**

**Potential Species of Conservation Concern**

The Evaluating Relevant Information for At-Risk Species subsection states, “Species identified as those of greatest conservation need by the New Mexico Comprehensive Wildlife Conservation Strategy (NMDGF 2006, 2016b).” Was one of the sources used to create the initial basis of the potential Species of Conservation Concern (SCC) list? Please be aware that New Mexico Department of Game and Fish (NMDGF) is still drafting the State Wildlife Action Plan (SWAP) and the final version of SWAP should be reviewed for purposes of the Assessment once it is completed. In addition, one of the criteria used to group Species of Greatest Conservation Need (SGCN) in the SWAP is “Species with Conservation Data Gaps.”[[32]](#footnote-32) According to SWAP, “This category includes species that currently have some degree of conservation concern, but whose primary conservation needs are to obtain additional biological data and information to develop more comprehensive assessments of their status within New Mexico, and to refine understanding of existing conservation needs.” Species that fall under this category in the SWAP should be removed from the list of SCCs in the Assessment since these species are not known to be declining.

**Federally Listed Species and Species of Conservation Concern Risk Justifications**

The discussion of SCCs is lacking in several key areas. The Justification subsections list the threats associated with various species, but many of these threats are not substantiated with citations or scientific reasoning. For reasons discussed below, NMDA is weary of the process that was taken to identify SCCs and implores Gila NF to reevaluate the list of SCCs to ensure that only species with scientifically justifiable declines or threats are listed and that subjectivity is removed from the process.

Many of the SCCs’ descriptions say the species is expected to persist or even increase in numbers into the future. Yet, because NatureServe identifies the species as "imperiled" on some level, the species is identified as an SCC. It seems that as a matter of process, this does not make sense. Further, some of the SCC descriptions say that historical numbers are not documented and population numbers “may” be declining. Please provide an explanation on the decision-making process in these circumstances. Additionally, several SCC descriptions state that population numbers are in decline; but the declines are due to cyclical events such as drought. Listing SCCs based on periodic changes in population is ecologically unfounded. Again, the list of SCCs has impacts on management direction and on land uses in many cases and, therefore, should be based on scientific justification and not subjective reasoning.

Under the same subsection is a description of the Southwestern willow flycatcher (SWFC) and the yellow-billed cuckoo (YBC). The SWFC habitat includes tamarisk yet YBC habitat is threatened by tamarisk. Both of these species require riparian habitat with similar vegetation structures to survive. Please provide a discussion on how habitat will be managed for species with conflicting needs. Related, but not unique, to the SWFC and YBC, NMDA strongly urges Gila NF to address at-risk species at a landscape scale rather than as a single species habitat preservation issue. By cooperatively and constructively addressing watershed health improvement in the Gila NF, the habitat for all species endemic to this area will be improved.

Under the same subsection, the threats listed for YBC include “agriculture” (Page 422). The referenced citation to the Proposed Rule for YBC critical habitat designation says specifically that agricultural related threats to YBC are the shift in land use to agriculture from riparian habitat and pesticide drift used on agricultural fields. Simply stating that “agriculture” negatively impacts this species is misleading and inaccurate. NMDA requests this section be clarified accordingly.

A more robust discussion of the areas in which the Mexican gray wolf inhabits is needed. The recent Environmental Impact Statement (EIS) process and subsequent Record of Decision (January 2015) resulted in the expansion of areas in which the Mexican gray wolf can occupy and under what conditions. It is important to note these differences because their range of occupation is unique to this region of the United States, and the Gila NF has been at the forefront of recovery efforts since reintroduction began. The Assessment should also include a discussion of the impacts the reintroduction effort has had on local economies and the ranching industry in the planning area.

Under the Justifications subsection of the Species of Conservation Concern – Considered on the Gila NF section, the discussion of threats to the Gila mayfly includes “the proposed Gila River Diversion Project” (Page 428). Since the project has not yet undergone National Environmental Policy Act (NEPA) review, how can this claim be substantiated other than it being a potential threat? Please provide clarification.

Also under this same subsection, the discussion of the Mimbres figwort states, “[M]isidentification of the plant within several of the historic sites may explain why the plant was absent from some of the sites and the trend may be more stable” (Page 437). If the plant was misidentified in the past, then how can it be said with scientific certainty that it is an SCC? Please provide an explanation on the decision-making process for determining SCC status in cases such as this.

**Chapter 9 – System Drivers and Stressors**

While NMDA recognizes the need to address each ecological indicator and associated stressors and drivers, an analysis of the synergistic effects of all ecological factors would be helpful in assessing the overall health of Gila NF. Any management plan developed without a comprehensive understanding of these kinds of interactions will be misguided and detrimental to achievement of positive management outcomes. Further, although many of the topic areas in this chapter are discussed thoroughly (though individually and not synergistically), several topic areas are not clearly identified as system drivers or stressors (or both if applicable).

**Natural Vegetation Succession**

This subsection states, "Disturbance like wildfire, drought, and grazing can interrupt or reverse succession" (Page 457). NMDA requests this sentence be clarified to state, "Disturbances such as wildfire, drought, and unmanaged grazing and herbivory of livestock and wildlife can interrupt or reverse succession."

**Reference and Current Disturbance Regimes**

**Non-Fire Vegetation Management Activities**

The Non-Fire Vegetation Management Activities subsection states, “Non-fire vegetation management activities, either mechanical, manual or chemical, are a system stressor” (Page 461). While this may be true in the short term, in the long term if the non-fire vegetation management activities are being conducted to meet desirable conditions, then the treatments discussed in this section are system drivers in the long term.

**Herbivory**

The Herbivory subsection refers to “the national ruleset provided in the technical guide” (Page 465) when discussing how range monitoring sites were judged. NMDA requests that a citation be provided for this resource.

The Herbivory subsection briefly discusses elk in terms of overgrazing particular areas of the Gila NF. A more robust discussion on the impacts from unmanaged wild ungulate grazing is needed to ensure this section provides a thorough picture of herbivory impacts.

**Invasive and Noxious Species**

The Invasive and Noxious Weed subsection includes a description of the noxious weeds that have been documented in the Gila NF. NMDA requests a table of noxious weeds and the threats they cause be provided either in this section or in an appendix to the Assessment. To this end, NMDA has compiled a spreadsheet that provides a list of invasive plants and the counties in which they have been documented (Attachment A), according to the “Troublesome Weeds of New Mexico” resource, available at http://www.nmda.nmsu.edu/apr/noxious-weed-information/. Providing this information in a table will be helpful to users of this document.

Additionally, NMDA requests that reference be provided to the state efforts and legal responsibilities with regard to noxious weed management. The Noxious Weeds Management Act (76-7D-1-6) directs NMDA to develop a noxious weed list for the state, identify methods of control for designated species, and educate the public about noxious weeds. NMDA coordinates weed management among local, state, and federal land managers as well as private landowners. NMDA maintains an official state noxious weeds list that has been recently updated (October 2016).[[33]](#footnote-33) NMDA requests reference and special management consideration be given to all species contained in New Mexico’s list of noxious weeds in order to limit and eradicate noxious weeds in New Mexico. NMDA encourages Gila NF to work with Cooperative Weed Management

Areas (CWMAs)[[34]](#footnote-34) to coordinate noxious weed inventory and management efforts. Gila NF overlaps three CWMAs: Southwestern New Mexico, Sierra, and Socorro/Catron.

At the end of the Invasive and Noxious Weed subsection is a brief discussion of aquatic invasive species. NMDA requests a more robust discussion of the threats posed by aquatic invasive species and their impacts to SCCs.

**Insects and Disease**

The Insects and Disease subsection includes discussion on the history of insect and disease outbreaks, but NMDA requests additional discussion on the threats posed by some of these infestations (such as the white pine bluster rust and chytrid), how they are caused, their distribution on the forest, etc.).

**Pesticide Use**

The Pesticide Use subsection states, “As these types of chemicals did not exist in the reference period, in a strict sense their use is considered a system stressor” (Page 468). In the long term, if pesticides are being used to meet desirable conditions, then the treatments discussed in this section are system drivers.

**Roads and Trails**

The Roads and Trails subsection includes Tables 169 and 170 relating to road densities on the Gila NF. Please provide clarification on how road density is calculated. For instance, is it a function of the number of roads in an area or the total miles of roads in an area?

**Summary**

The Summary section of this chapter states, "Major system stressors include climate change and cycles of drought, water supply and demand, woody vegetation encroachment, fire, roads and trails, and herbivory.” NMDA requests the last listed item be edited to state "unmanaged herbivory.” Grazing – by both wild ungulates and livestock – can be used as a driver toward desired conditions; therefore, the distinction of "unmanaged" is needed for clarification.

**Section II: Social, Economic, and Cultural Sustainability**

**Chapter 10 – Social, Cultural, and Economic Conditions**

**Acequias**

Please provide a map and list of the acequia system to contextualize the importance of this topic and how vast the system is in the planning area. NMDA requests that when the Notice of Intent to begin the Forest Plan and the associated EIS is published, the acequias in the planning area be invited to participate in the planning process as Cooperating Agencies. “Acequias, or community ditches, are recognized under New Mexico law as political subdivisions of the state. Many of the state’s acequia associations have been in existence since the Spanish colonization period of the 17th and 18th centuries. Historically, they have been a principal local government unit for the distribution and use of surface water.”[[35]](#footnote-35)

**Agricultural Patterns**

NMDA encourages Gila NF to include leased public land data in this section and table to more clearly explain land trends in agriculture and its nexus with national forest lands. Additionally, NMDA suggests this section also discuss the importance of agricultural operations on both public and private lands. Agricultural operations help protect land from development and conversion to alternate land uses that are not compatible with wildlife habitat, recreation, or Wild Urban Interface areas.

**Chapter 11 – Multiple Uses**

**Range**

Table 185, “Grazing allotments on the Gila National Forest by ranger district (2016)” displays the number of active, vacant, nonuse, and closed allotments on the Gila NF. Vacant allotments are indicated as available for use as relief allotments as an adaptive management response to situations such as fire or drought. It is understood that range improvements (water systems and fencing) on vacant allotments may be in some state of disrepair. NMDA suggests including information on range improvement infrastructure would be helpful in assessing the responsiveness of Gila NF to these situations.

Figure 187, “Permitted and authorized livestock head months (HM) on the Gila National Forest 2005-2015” shows grazing trends over the last ten years. Additional data going back at least thirty years would be helpful in determining long-term trends. We also request these numbers be shown in a table arranged by ranger district and include HM per acre to assist in the analysis of grazing trends.

**Current Range Conditions**

The Assessment notes that, “After centuries of grazing, overall rangeland conditions on the Gila NF have improved substantially over the past several decades” (Page 525) and “range condition is evaluated for each allotment on the Gila Forest” (Page 524). Given that each allotment is evaluated for range condition, we are concerned that Watershed Condition Framework (WCF) is listed as an indication of range condition due to the large scale at which watersheds are assessed (6th code). When discussing the use of the WCF, the Assessment stated:

*These three indicators for the 6th code watersheds assessed showed functioning at risk (70%), and functioning properly (23%) for rangeland vegetation; functioning properly (99%) for invasive species; and functioning at risk (46%) and functioning properly (32%) for soil conditions.*

While the WCF does offer insight to conditions at the “landscape scale,” it cannot be used as a standalone indicator for conditions at the allotment level. Further, the WCF does not account for adaptive management efforts undertaken by individual allotment owners.

Additionally, using Proper Functioning Condition (PFC) to infer range condition is of concern because PFC is meant as a complement of more detailed methods and cannot be used to replace quantitative inventory or monitoring procedures.[[36]](#footnote-36)

**Wildlife, Fish, and Plants**

The Assessment notes that mule deer and black bears are listed as an SGCN by the NMDGF. However, NMDGF is revising the Comprehensive Wildlife Conservation Strategy for New Mexico and will produce the SWAP.[[37]](#footnote-37) Under the revised SWAP, mule deer and black bears are no longer listed as SGCN. The revised SWAP will be presented to New Mexico State Game Commission for approval on November 17, 2016. How will Gila NF address this section if the SWAP is approved and the species listed in the report are no longer SGCN?

**Chapter 12 – Recreation**

**Scenic Character**

NMDA has concerns about using the USFS Scenery Management System (SMS) in determining land uses on the Gila NF. As shown in the Assessment, almost half of Gila NF is managed to provide natural appearing landscapes through designated wilderness areas or inventoried roadless areas. Activities such as restoration projects or range improvement infrastructure maintenance now and in the future should not be impaired by the SMS or its implications for land uses. As long as Gila NF continues to implement management activities that meet Scenic Integrity Objectives under the SMS, the ability to carry out management activities for other multiple uses may be impaired. We request further explanation be provided on how the SMS will impact multiple-use decisions and restoration activities.

**Chapter 13 – Designated Areas**

**Wilderness**

When discussing the Gila Wilderness, the Assessment states:

*Although grazing and grazing improvements in wilderness are allowed under the 1964 Wilderness Act, some visitors to the Gila Wilderness have expressed that it negatively affects their wilderness experience. Significant grazing reductions on the Gila NF within wilderness and non-wilderness alike occurred in the 1950s and then again in the 1990s. Grazing numbers within the Gila Wilderness have remained fairly stable, with some decline for at least the past 10 years. There are a number of grazing allotments within the Gila Wilderness that are currently in non-use status, or grazing less than the administratively permitted numbers (Page 585).*

NMDA requests Gila NF reassess this paragraph because it appears to the reader that grazing reductions came about as a result of wilderness visitors’ views, which is contrary to the intent of Congress when it designated this and other wildernesses.

Further, NMDA requests the causalities of the significant grazing reductions, nonuse status, and grazing below permitted numbers on the Gila NF cited in this paragraph be discussed in greater detail.

**Wilderness Study Areas**

The Assessment states, “With the New Mexico Wilderness Act of 1980, Congress previously designated two wilderness study areas on the Forest, Hell Hole and Lower San Francisco River WSAs. These were analyzed and recommended for removal of consideration as Wilderness under the 1986 Gila NF Forest Plan. However, because Congress has taken no further action, the Forest has the existing mandate to manage the WSAs to protect their wilderness characteristics” (Page 613). If no baseline monitoring data has been collected for wilderness character within these WSAs, then protecting these areas for wilderness character is impossible.

**Potential Need or Opportunity for Future Designations**

NMDA requests a map of the areas described in this section and a more thorough explanation on why each area may warrant potential designation. For instance, why is there a need for additional research natural areas (RNA) or special management areas? NMDA is opposed to recommending any areas for designated RNA status because of land management restrictions that accompany such a recommendation. Further, NMDA requests that grazing allotment owners be coordinated with early on in the process of identifying and recommending future special designations.

It is understood that as a result of the plan revision process, Gila NF is required to conduct an inventory and evaluation for lands that may be suitable for inclusion in the National Wilderness Preservation System. Lands identified as potentially suitable for wilderness under the Forest Plan Revision process would be managed under the nonimpairment policy (36 CFR 219.10 (b) (iv)) and would result in greatly reduced access for resource management and multiple use. This nonimpairment policy extends the protection of congressionally designated wilderness areas to recommended wilderness areas identified in this process. NMDA is opposed to recommending any areas to include in the National Wilderness Preservation System because of land management restrictions that accompany such a recommendation. NMDA will remain involved throughout the wilderness inventory and evaluation process. Again, NMDA requests that Gila NF coordinate with grazing permit holders early in the process of the wilderness inventory and evaluation efforts.

**Contribution to Social, Economic, and Ecological Sustainability**

In reference to designated areas’ contribution and impacts to the region, the Assessment states, “designated areas can also impose opportunity costs on local economies due to land use restrictions and foregone commodities” (Page 611). NMDA requests these social, economic, and ecological costs to local economies be discussed in more detail (e.g., loss of access, increased maintenance costs) to provide a more thorough discussion of costs associated with designated areas.

**Chapter 14 – Infrastructure**

**Travel Management**

The Assessment states, “The Gila National Forest’s Travel Management decision was released in June 2014” (Page 620). However, there is no discussion of the travel management decision in the infrastructure chapter other than specifying it will be implemented upon publication of the motor vehicle use maps (MVUMs) and indicating how many miles of roads are in the MVUMs. More discussion of the travel management decision is appropriate to answer some public concerns discussed in the Stakeholder Input section such as “concern about losing access to parts of the Forest due to road closures, especially those who are elderly or mobility impaired” and “enforcement of the travel management rule will be difficult with reduced budgets” (Page 625). A description of the implications of the travel management decision along with tables indicating information such as how many miles of roads have been closed because of the decision would be helpful.

**Range Improvements**

NMDA requests that range infrastructure be discussed in more detail. While many of these improvements are related to livestock management, they also provide key benefits to wildlife such as water distribution. It would also be helpful to the reader if the condition of range improvements were displayed in the Assessment and more detailed analysis of how range improvements are being impacted by the maintenance backlog and regulations including NEPA and ESA.

**Chapter 15 – Lands**

**Land Ownership Adjustment**

NMDA is opposed to Gila NF purchasing private lands. Rural counties such as those in the Assessment planning area are dependent upon tax assessments and production from private lands to generate revenue needed to provide services for its citizens. Additionally, USFS lacks the necessary resources to manage adequately the current inventory of lands; and this would only add to this deficiency. Negotiated land exchanges or purchased easements provide a mechanism for USFS to acquire public access while not reducing private land ownership.

**Land Use**

We applaud Gila NF for its review of the land use plans of counties and other governmental entities adjacent to Gila NF. We encourage Gila NF to invite these entities, including soil and water conservation districts, to be involved in the Forest Plan Revision as cooperating agencies later in the plan revision process. Beyond this, we request Gila NF actively pursue coordination with state and local governments pursuant to the Federal Land Management Policy Act and the National Forest Management Act.10 Coordination allows governmental representatives to work together in an effective way to seek agreement on consistency among federal, state, and local plans and policies.

**Coalition’s Conclusions**

Again we appreciate the opportunity to comment on the draft assessment and look forward to working with the Gila National Forest through the entire process. We hope our comments and that of other contributors can produce a final assessment document that will lead to the development of a revised plan to make the Gila National Forest a national model.

We reserve the right to submit any additional comments if new information becomes available.

Sincerely,



Drew John, President

**Appendix A**

**Coalition’s Alternative E developed by Applied Ecosystems, Inc. in the 1994 EIS**

**ALTERNATIVE E** (The following alternative was suggested by Applied Ecosystems, Inc. Slight changes in their submission were accomplished to make the format consistent with the presentations in other alternatives.

**FOREST HEALTH**

**Standards:** Immediately implement the Forest Health Restoration Initiative **(USDA** Forest Service, 1993) on every Forest in the Region.

**Guidelines:** Reduce overall tree densities on those acres identified ashaving the highest tree densities from the land areas to be managed. The key point here is that specific acres have been identified by the USFS to-date as currently being in a severely overstocked and suppressed condition. This condition currently supports a high probability of crown fire and, until this event occurs, a forest condition which ismade up of unhealthy trees in the overstory and paucity of biological diversity in the understory. These specific acres should be thinned sothat: the resultant condition promotes individual tree growth and vigor; overstory canopies are made more diverse and less susceptible to crown fire; and biological diversity is increased in the understory flora and fauna.

Reduce forest fuel loadings on those acres identified as having the highest fuel loadings from the land areas to **be** managed. Again, immediate action should be taken **so as** to reduce current fuel loadings from these high risk areas to levels which will support controlled prescribed burning in the short-term (within five years from this initial treatment).

Modify vegetative conditions on those acres identified ashaving a high potential for damages caused by insects and diseases.

Eliminate the risk of catastrophic fire to those urban interfaces identified as 'high risk of wildfire" in the initiative.

Minimize risk to catastrophic loss from fire, diseases, and insects. Promote individual tree growth. Reduce overall tree densities across the landscape and provide residual trees in clumps with these clumps providing associated high tree densities. To use the terminology of Percent Canopy Cover (%CC)expressed asvertical crown projection as an example, forest landscape values should range from between fifteen toforty percent with tree clump densities ranging from forty to one hundred percent.

Develop landscapes where grass and forb species predominate. Promote species richness and abundance in the "lesser" vegetation and in the associated faunal organisms. In keeping with the terminology of %CC**,** sixty to eighty five percent of the area should be outside of the vertical projection of tree crowns and fully occupied by grass and forb species.

Improve woody vegetation size and age class compositions and reintroduce fire as a natural disturbance regime.

**DESIRED FOREST CONDITION**

**Standards:** Establish a Desired Forest Condition (DFC) for each District which is specific to the following types of land areas: ponderosa pine; mixed conifer; spruce fir; and piñyon/juniper woodland. This standard will enable the **USFS** to work towards the attainment of it's programmatic management objectives of: forest health; biological diversity; andecosystem sustainability. This District-specific will be used oneach land areaas a management target and will be subtly refined to provide management flexibility when the Integrated Resource Management (IRM) process is implemented on the land area. The DFC must be attainable given the current condition of the vegetative resources and must be ecologically sustainable given the land to be managed is in the southwest United States.

**Guidelines:** Use the landscape descriptions provided in the Forest Health Restoration Initiative (USDA Forest Service, 1993).

Use the landscape descriptions provided in the DFCUnit Concept and related DFC Vegetation Tables (Applied Ecosystem Management, Inc., 1993, unpublished).

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**PINYON-JUNIPER WOODLANDS**

Stand Structure

**Standards:** Manage for lower tree densities in PJ Woodlands.

**Guidelines:** Reduce tree density by 50%in 20years.

**Standards:** Reestablish desert shrub and grasslands in areas where PJinvasion has occurred.

**Guidelines:**

- 100% tree removal.

- Use burning, seeding, and appropriate range management techniques to reestablish presettlement conditions.

- Reestablish fire asa natural disturbance regime.

**Soil and Watershed Quality**

**Standards:** Minimize soil erosion to improve watershed quality.

**Guidellnes:**

- Reducetree density.

- Increase grass and forb production.

- Implement prescribed burning.

- Consider seasonal climatic effects on watershed quality and schedule management projects asto not adversely affect this quality.

**Standards:** Rehabilitate riparian areas.

**Guidelines:** Restore the vegetative condition of the associated watersheds. Increase stream flow.

**ASSESSMENT AND PLANNING FUNCTION**

**Standards:** Foreach Ranger District throughout the National Forest System, establish a land area assessment schedule sothat all of the District lands are assessed in a systematic and timely fashion.

**Guidelines:** Delineate the District land area as follows and implement the associated management cycle each land area:

Forest Type: 1 /I 0 to 1/20 per year, every year

Woodland Type: 1/5to 1/15per year, every year.

**Standards:** Identify contiguous land areas upon which Integrated Resource Management (IRM) isapplied.

**Guidelines: Use** the management cycle identified and divide this into the total District acreage for each land area type. For example, assume the following:

Forest Type: 150,000 total acres with a 15year management cycle equals 15contiguous land areas, each 10.000 acres in size.

Woodland Type: 200,000 total acres with a 10year management cycle equals 10contiguous land areas, each 20,000 acres in size.

Other criteria which should be used to delineate these individual land areas are spatial aggregation of high risk conditions and landscape feature such asdrainages and watersheds.

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Display these land areas to be managed in map form and organize data and information systems at these levels.

Identify each of these land areas with a unique name and/or number.

Standards: Sequence the identified landareas to be managed so that the most effective and efficient movement is made towards achieving program maintained management objectives (forest health, biological diversity, ecosystem sustainability).

Guidelines: Land areas with the highest assessed risk tocatastrophic lossfrom fire, disease, and insects are ordered with the first management priori.

Land areas with the greatest difference between their current vegetative condition and their desired vegetative condition are ordered with the next level of priority.

Standards: Implement IRMon each identified and sequenced land area each year through the management schedule.

Guldellnes: Perform the following work activities:

1. Data collection and information development;

2. Synthesis to description of current vegetative condition;

3. Comparison of current vegetative condition to desired vegetative condition;

**4.** Selection of silvicultural tools to manage the current towards the desired as soon as possible, and

***5.*** Develop a range of alternatives to be assessed to attain the desired vegetative condition.

IMPLEMENTATION FUNCTION

Standards: Apply the intervention measures identified from the IRM process on each land area each year through the management schedule.

Guidelines: Allacres in each land area are available for treatment and shoublde thoroughly assessed asto the immediate need for applied treatments so asto manage them towards the desired condition.

Botheven-age and uneven-age silvicultural systems are available. Emphases will placed on the use of uneven-age silvicultural systems because the resultant forest condition probably more closely approximates natural vegetative conditions across the landscape (namely, group sizes of afew acres, not tens of acres). Even-age silvicultural systems must remain available for the timely intervention of high risk disease and insect conditions. The particular silvicultural systems to be used on any given land area will be determined from the IRMprocess.

All types of slash treatment measures are available.

Low intensity, frequent, ground fires should be re-established as an ongoing disturbance regime.

MONITORING FUNCTION

Standards: Perform a monitoring function on each National Forest each year. Thearea which is monitored is a selected land area from the management schedule.

Guidelines: It is important to note that the monitoring function must be the responsibility ofthe "line Officer" and that this function is performed on land area where a management project has been designed and implemented.

Monitor the following elements of management on the selected land area:

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1. Data collected and information developed (i.e. do we know what we need to know?)

2**.** Synthesis to a description of the current vegetative condition (Le,, has the vegetation across the land area been fully described and presented in an understandable format?);

3. Comparison of current condition to desired condition

i.e. what are the comparative strengths and weaknesses between what the vegetation is today and what we want it to be;

NOTE: a holistic assessment must be made of the entire range of vegetative conditions which make up both the current and the desired. For example, little trees are as important as are big trees.

4. Selection **of** management tools to be applied to move the current towards the desired;

5. Implementation of the management tools (e.g.: acres treated by silvicultural type; acres prescribed burned; etc.) and;

6. Post-treatment vegetative condition (i.e., were management objectives met?).

**MEXICAN SPOTTED OWL**

**Standards:** MSOsurveys will be conducted in project areas prior to management activities under established protocol.

Management territories will **be** established for all MSOsfound according toID #2protocol.

Vegetation modifying activities in all areas of the MSO management territories will be allowed after review through

the IRMprocess.

**All** projects will proceed following procedures according to the Endangered Species Act.

**Guidelines:** Management territories will generally consist of 400 acre core area and9 50 acre territory for forests in Arizona and a 300 acre core and a 750 territory for forests in New Mexico.

Management activities and acres of treatment in MSOterritories will be determined through the IRMprocess and have no limitations.

Roost areas will generally be 3 acres in size with a ***50%*** or greater canopy closure.

Nest areas will generally be 3 acres in size with a 70% or greater canopy closure.

Created openings in MSOterritories will generally be no more than **4** acres in size.

Vegetative conditions in MSOcore areas will be the same asfor the northern goshawk PFAs**.**

Vegetative conditions for the remainder of the MSO territory will be the same **as** the northern goshawk foraging **area.**

**NORTHERN GOSHAWK**

**Standards:** Goshawk surveys will **be** conducted on each project area according to established protocol.

Goshawk management territories (home ranges, i.e., nest areas, post-fledging family area, and foraging areas) will be established for territories confirmed to be occupied by pairs of goshawks.

Vegetation modifying activities in goshawk management territories will be determined through the IRMprocess.

**Guidelines:** Goshawk management territories (home range) will generally be 6000 acres in size (415 acre PFAswhich includes 180acres ofnest sites and 5585 acres of foraging area).

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All nest sites will be 20 acres in size and comprised of three types existing, mid-term replacement, and long-term replacement.

Three existing nest sites will generally be managed to sustain vegetative structural classes (VSS) 4, 5, and 6.

Three mid-term replacement nest sites will generally be managed for VSSs 3, 4, and 5in order for these vegetative structural classes to grow into suitable goshawk nest sites.

Three long-term replacement nest sites will generally be managed for VSSs2, 3, and 4in order for these vegetative structural stages to grow into the mid-term nest sites.

Nest sites will generally be managed for canopy closures to average in range between 50% and 70%.

Approximately 55% of the areain PFAs willbe comprised of VSSs 4, 5,and 6. The PFAwill be managed to attain canopy closures within a range of 30% and 50%***.***

Approximately 50% of the area in foraging areas will be comprised of VSSs 4, 5,and 6. Foraging areas will be managed to attain canopy closures between 20% and 40%.

Openings in PFAsand foraging areas should not exceed 4acres unless other management needs, determined through the IRMprocess, call for larger than 4acre openings. Openings will include up to 3reserve trees.

**WILDLIFE COVER**

**Standards:** There will be no specific management direction to manage for wildlife cover.

Cover, if necessary, will be supplied by the existing and managed vegetative condition.

**ALLOCATED OLD GROWTH**

**Standards:** Allocate ten percent of all acres from each land area managed.

**Guidelines: Select** the ten percent allocation from all acres making up the land area under management. This allocation should represent a range of land area types characterized by: site capability; forest type; and topographic features.

**Standards:** Of the ten percent allocated from each land area:

- Restore one half to the natural "presettlement” vegetative condition across contiguous acres; and

~ Attempt to keep the other one half in itscurrent vegetative condition acrosscontiguous acres.

**Guidelines:** Employ whatever silvicultural treatments and slash treatments necessary to achieve a"restored" vegetative condition immediately after treatment.

Employ whatever silvicultural treatments and **slash** treatments necessary to sustain the current vegetative condition for as long a time aspossible.

**Standards:** Monitor all "old growth" allocations.

**Guidelines:** Measure the following attributes ofthe allocated "old growth" acresin each land area: vegetative condition (trees, grasses, and forbs); forest fuel conditions; oil; and wildlife species and abundance.

1. Attachment A, Page 1 [↑](#footnote-ref-1)
2. **40 CFR § 1501.9 Scoping.**

(a) *Generally.* Agencies shall use an early and open process to determine the scope of issues for analysis in an environmental impact statement, including identifying the significant issues and eliminating from further study non-significant issues. Scoping may begin as soon as practicable after the proposal for action is sufficiently developed for agency consideration. Scoping may include appropriate preapplication procedures or work conducted prior to publication of the notice of intent.

(b) *Invite cooperating and participating agencies.* As part of the scoping process, the lead agency shall invite the participation of likely affected Federal, State, Tribal, and local agencies and governments, the proponent of the action, and other likely affected or interested persons (including those who might not be in accord with the action), unless there is a limited exception under § 1507.3(f)(1) of this chapter. [↑](#footnote-ref-2)
3. BLM, National Park Service and Forest Service clarifying cooperating and joint lead agency provisions under the National Environmental Policy Act.

*“In the very first sentence of the National Environmental Policy Act (NEPA), the Congress declares that.. .*

*“…it is the continuing policy of the Federal Government, in cooperation with States and local governments and other concerned public and private organizations ... to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans. [Sec. 101 (a); emphasis added]”*

*“Thus, from the very outset of NEPA Congress intended that the Federal government cooperate with State and local governments to achieve "productive harmony and fulfill the social. economic and other requirements of present and future generations of Americans.·• Creating that productive harmony requires considerable effort. however, because of the complex jurisdictional and management issues related to Federal lands and the fact that State and local governments as well as Indian Tribes own and manage lands which are often near, adjacent to, or intermingled with Federal lands. As an outgrowth of these land ownership patterns. Federal. State. local and Tribal government entities have increasingly sought to coordinate their decisions as a means of improving land management. By embracing closer cooperation during the environmental analysis process, all levels of government can better assess the context of Federal actions and can better integrate decisionmaking within their jurisdictions.”* [↑](#footnote-ref-3)
4. **36 CFR § 219.4 Requirements for public participation.**

Coordination with other public planning efforts.

The responsible official shall coordinate land management planning with the equivalent and related planning efforts of federally recognized Indian Tribes, Alaska Native Corporations, other Federal agencies, and State and local governments.

For plan development or revision, the responsible official shall review the planning and land use policies of federally recognized Indian Tribes (43 U.S.C. 1712(b)), Alaska Native Corporations, other Federal agencies, and State and local governments, where relevant to the plan area. The results of this review shall be displayed in the environmental impact statement (EIS) for the plan (40 CFR 1502.16(c), 1506.2). The review shall include consideration of:

The objectives of federally recognized Indian Tribes, Alaska Native Corporations, other Federal agencies, and State and local governments, as expressed in their plans and policies;

The compatibility and interrelated impacts of these plans and policies;

Opportunities for the plan to address the impacts identified or to contribute to joint objectives; and

Opportunities to resolve or reduce conflicts, within the context of developing the plan's desired conditions or objectives.

Nothing in this section should be read to indicate that the responsible official will seek to direct or control management of lands outside of the plan area, nor will the responsible official conform management to meet non-Forest Service objectives or policies. [↑](#footnote-ref-4)
5. Mature and Old-Growth Forests: Definition, Identification, and Initial Inventory on Lands Managed by the Forest Service and Bureau of Land Management, April 2023 FS-1215a, Pg. 23 [↑](#footnote-ref-5)
6. Federal Register /Vol. 2, No. 67 /Thursday, January 3, 2002 /Notices, OFFICE OF MANAGEMENT AND BUDGET Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies II. Agency Responsibilities Section 515 directs agencies subject to the Paperwork Reduction Act (44 U.S.C. 3502(1)) to— 1. Issue their own information quality guidelines ensuring and maximizing the **quality, objectivity, utility, and integrity of information**, [Emphasis added] including statistical information, disseminated by the agency no later than one year after the date of issuance of the OMB guidelines; [↑](#footnote-ref-6)
7. [↑](#footnote-ref-7)
8. Mature and Old-Growth Forests: Definition, Identification, and Initial Inventory on Lands Managed by the Forest Service and Bureau of Land Management, April 2023 FS-1215a, Pg. 12 [↑](#footnote-ref-8)
9. 16 U.S. Code § 475 - Purposes for which national forests may be established and administered

All public lands designated and reserved prior to June 4, 1897, by the President of the United States under the provisions of section 471 [1] of this title, the orders for which shall be and remain in full force and effect, unsuspended and unrevoked, and all public lands that may hereafter be set aside and reserved as national forests under said section, shall be as far as practicable controlled and administered in accordance with the following provisions. No national forest shall be established, except to improve and protect the forest within the boundaries, 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; but it is not the purpose or intent of these provisions, or of said section, to authorize the inclusion therein of lands more valuable for the mineral therein, or for agricultural purposes, than for forest purposes. [↑](#footnote-ref-9)
10. National Forest System land and resource management plans

16 U.S.C. 1604 Sec. 6 (m)

Establishment of standards to ensure culmination of mean annual increment of growth; silvicultural practices; salvage harvesting; exceptions

The Secretary shall establish –

(1) standards to insure that, prior to harvest, stands of trees throughout the National Forest System shall generally have reached the **culmination of mean annual increment of growth** [Emphasis Added] (calculated on the basis of cubic measurement or other methods of calculation at the discretion of the Secretary): Provided,

That these standards shall not preclude the use of sound silvicultural practices, such as thinning or other stand improvement measures: Provided further, That these standards shall not preclude the Secretary from salvage or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow or other catastrophe, or which are in imminent danger from insect or disease attack; and

(2) exceptions to these standards for the harvest of particular species of trees in management units after consideration has been given to the multiple uses of the forest including, but not limited to, recreation, wildlife habitat, and range and after completion of public participation processes utilizing the procedures of subsection (d) of this section. [↑](#footnote-ref-10)
11. 16 U.S.C. 1604 Sec. 6 (k)

Development of land management

plans

In developing land management plans pursuant to this subchapter, the Secretary shall identify lands within the management area which are not suited for timber production, considering physical, economic, and other pertinent factors to the extent feasible, as determined by the Secretary, and shall assure that, except for salvage sales or sales necessitated to protect other multiple-use values, no timber harvesting shall occur on such lands for a period of 10 years. Lands once identified as unsuitable for timber production shall continue to be treated for reforestation purposes, particularly with regard to the protection of other multiple use values. The Secretary shall review his decision to classify these lands as not suited for timber production at least every 10 years and shall return these lands to timber production whenever he determines that conditions have changed so that they have become suitable for timber production." [↑](#footnote-ref-11)
12. Ibid [↑](#footnote-ref-12)
13. Forest and Rangeland Renewable Resources Planning Act of 1974

16 U.S. Code 1600 note, 1600 to 1614

Renewable Resource Assessment

16 U.S.C. 1602 Sec. 3 (d)

(2) Notwithstanding the provisions of section 1607 of this title, the Secretary shall annually for eight years following October 22, 1976, transmit to the Congress in the manner provided in this subsection an estimate of the sums necessary to be appropriated, in addition to the funds available from other sources, to replant and otherwise treat an acreage equal to the acreage to be cut over that year, plus a sufficient portion of the backlog of lands found to be in need of treatment to eliminate the backlog within the eight-year period. After such eight-year period, the Secretary shall transmit annually to the Congress an estimate of the sums necessary to replant and otherwise treat all lands being cut over and maintain planned timber production on all other forested lands in the National Forest System so as to prevent the development of a backlog of needed work larger than the needed work at the beginning of the fiscal year. The Secretary’s estimate of sums necessary, in addition to the sums available under other authorities, for accomplishment of the reforestation and other treatment of National Forest System lands under this section shall be provided annually for inclusion in the President’s budget and shall also be transmitted to the Speaker of the House and the President of the Senate together with the annual report provided for under section 1606(c) of this title at the time of submission of the President’s budget to the Congress beginning with the budget for fiscal year 1978. **The sums estimated as necessary for reforestation and other treatment shall include moneys needed to secure seed, grow seedlings, prepare sites, plant trees, thin, remove deleterious growth and underbrush, build fence to exclude livestock and adverse wildlife from regeneration areas and otherwise establish and improve growing forests to secure planned production of trees and other multiple use values.** [Emphasis Added] [↑](#footnote-ref-13)
14. Forest and Rangeland Renewable Resources Planning Act of 1974

16 U.S. Code 1600 note, 1600 to 1614

Renewable Resource Assessment

16 U.S.C. 1602 Sec. 3 (a)

(5) an analysis of the potential effects of global climate change on the condition of renewable resources on the forests and rangelands of the United States; and

(6) an analysis of the rural and urban forestry opportunities to mitigate the buildup of atmospheric carbon dioxide and reduce the risk of global climate change, [↑](#footnote-ref-14)
15. Renewable Resource Program; preparation by Secretary of Agriculture and transmittal to President; purpose and development of program; time of preparation, updating and contents

16 U.S.C. 1602 Sec. 4 (5) (f)

(F) account for the effects of global climate change on forest and rangeland conditions, including potential effects on the geographic ranges of species, and on forest and rangeland products. [↑](#footnote-ref-15)
16. Attachment A, Page 4 [↑](#footnote-ref-16)
17. *Arizona Ecologist Puts Stamp On Forest Restoration Debate, Page 2194 27 SEPTEMBER 2002 VOL 297 SCIENCE* [↑](#footnote-ref-17)
18. Journal of Forestry, Vol. 92, No.1, January 1994 [↑](#footnote-ref-18)
19. Mature and Old-Growth Forests: Definition, Identification, and Initial Inventory on Lands Managed by the Forest Service and Bureau of Land Management, April 2023 FS-1215a, Table 1, Page 6 [↑](#footnote-ref-19)
20. Table 3 Page 15 Attachment A, Journal of Forestry, Vol. 92, No.1, January 1994 [↑](#footnote-ref-20)
21. Federal Register /Vol. 88, No. 243 /Wednesday, December 20, 2023 /Notices [↑](#footnote-ref-21)
22. Ibid. Page 88045 [↑](#footnote-ref-22)
23. Ibid. Page 88046 Proposed Plan Components and Other Plan Content To Add to Each Land Management Plan

Statement of Distinctive Roles and Contributions—

 “For millennia, Tribal and Indigenous practices have maintained resilient forest structure and composition of forests that harbor high structural and compositional diversity, with particular emphasis on understory plants and fire-dependent wildlife habitat.” [↑](#footnote-ref-23)
24. Ibid. Page 88047 Goal—

1. Interpretation and implementation is grounded in recognition and respect of tribal sovereignty, treaties, Indigenous Knowledge and the ethic of reciprocity and responsibility to future generations. Implementation should enable co-stewardship, including for cultural burning, prescribed fire, and other activities, and should occur in consultation with Tribes and Alaska Native Corporations to fulfill treaty obligations and general trust responsibilities. [↑](#footnote-ref-24)
25. Ibid. Page 88047 1. Adaptive Strategy for Old-Growth

Forest Conservation:

(a) Within two years, in consultation with Tribes and Alaska Native Corporations and in collaboration with States, local governments, industry partners, and public stakeholders, create or adopt an Adaptive Strategy for Old-Growth Forest Conservation based on geographically relevant data or information to:

• Effectively braid place-based Indigenous Knowledge and Western science to inform and prioritize the conservation and recruitment of old growth forest conditions through proactive stewardship. [↑](#footnote-ref-25)
26. **36 CFR § 219.4** [↑](#footnote-ref-26)
27. Federal Register /Vol. 88, No. 243 /Wednesday, December 20, 2023 /Notices, Page 88047 1. Adaptive Strategy for Old-Growth

Forest Conservation: (a) first bullet [↑](#footnote-ref-27)
28. Constitution Annotated – Analysis and Interpretation of the U.S. Constitution. Art II.S1.C1.7 Major Questions Doctrine and Administrative Agencies. Library of Congress. [↑](#footnote-ref-28)
29. *Arizona Ecologist Puts Stamp On Forest Restoration Debate, Page 2194 27 SEPTEMBER 2002 VOL 297 SCIENCE* [↑](#footnote-ref-29)
30. Journal of Forestry, Vol. 92, No.1, January 1994 [↑](#footnote-ref-30)
31. Journal of Forestry, Vol. 92, No.1, January 1994 [↑](#footnote-ref-31)
32. New Mexico Department of Game and Fish, “Draft State Wildlife Action Plan for New Mexico,” October 14, 2016 [↑](#footnote-ref-32)
33. New Mexico Department of Agriculture, Noxious Weed Information, October 19, 2016, Memorandum “New Mexico Noxious Weed List Update,” available at: http://www.nmda.nmsu.edu/apr/noxious-weed-information/ [↑](#footnote-ref-33)
34. New Mexico Department of Agriculture, Noxious Weed Information, “New Mexico’s Cooperative Weed Management Areas,” more information available at: http://www.nmda.nmsu.edu/apr/noxious-weed-information/ [↑](#footnote-ref-34)
35. New Mexico Office of the State Engineer, Interstate Stream Commission, “Acequias,” http://www.ose.state.nm.us/Acequias/isc\_acequias.php. [↑](#footnote-ref-35)
36. “PFC (Proper Functioning Condition) What It Is and What It Isn't.” National Riparian Service Team. http://www.mountainvisions.com/Aurora/pfc.html [↑](#footnote-ref-36)
37. The draft State Wildlife Action Plan may be found at http://www.wildlife.state.nm.us/download/conservation/swap/NM-SWAP-14-Oct-16.pdf [↑](#footnote-ref-37)