Data Submitted (UTC 11): 9/26/2024 6:00:00 AM
First name: Cyndi
Last name: Tuell
Organization: Western Watersheds Project
Title: Arizona and New Mexico Director
Comments: Please see the attached objection to the Revised Land Management Plan for the Gila National Forest

September 26, 2024

Forest Service Southwest Region

ATTN: Objection Reviewing Officer, Regional Forester Machiko Martin 333 Broadway Blvd SE

Albuquerque, NM 87102

Letter submitted via CARA:

Re: Objection to the Gila National Forest Revised Land Management Plan Record of Decision and Final Environmental Impact Statement

Dear Objection Reviewing Officer Martin:

The following Objection to the Gila National Forest Land Management Plan Record of Decision (ROD) and Final Environmental Impact Statement (FEIS) is submitted on behalf of the members of Western Watersheds Project (WWP) and WildEarth Guardians, whose members, supporters, staff and board are concerned with the management of our public lands. WWP and Guardians previously submitted comments for this project on April 27, 2018, May 29, 2018, and April 16, 2020. The legal notice for this decision was published on July 30, 2024 and this objection, filed September 26, 2024, is therefore timely.

This Objection is filed pursuant to, and in compliance with, 36 C.F.R. Part 219, Subparts A and B. All parties to this objection have filed timely, specific and substantive written comments in accordance with 36 C.F.R. 219.

As required by 36 C.F.R. [sect] 219, Objectors provide the following information:

1. The name and contact information for the Objectors is listed below.
2. This Objection was written on behalf of Objectors by Cyndi Tuell whose signature and contact information are

below.
3. Western Watersheds Project and WildEarth Guardians are the Objectors. Cyndi Tuell is the Lead Objector for purposes of communication regarding the Objection.

Cyndi Tuell

Western Watersheds Project 738 N. 5th Ave, Suite 206

Tucson, AZ 85705

1. The project that is subject to this Objection is [ldquo]Gila National Forest Plan.[rdquo] The Responsible Official is Camille Howes, Forest Supervisor.
2. Objector submitted timely, specific, and substantive comments during the Public Comment Periods on April 27, 2018, May 29, 2018, and April 16, 2020. All points and issues raised in this objection refer to issues raised in those comment letters or new information.
3. In the following Statement of Reasons, Objector provides the specific reasons why the decision is being appealed and the specific changes or suggested remedies that he seeks, along with the related evidence and rationale on why the decision violates applicable laws and regulations.

NOTICE OF OBJECTION

Pursuant to 36 C.F.R. [sect] 218, Western Watersheds Project and WildEarth Guardians are filing an Objection regarding the Gila National Forest Land Management Plan.

INTRODUCTION

WWP is a nonprofit organization dedicated to protecting and restoring western watersheds and wildlife through education, public policy initiatives, and legal advocacy. With over 5,000 members and supporters throughout the United States, WWP actively works to protect and improve upland and riparian areas, water quality, fisheries, wildlife, and other natural resources and ecological values.

WWP[rsquo]s staff and members are concerned with the management of national forests and public lands throughout New Mexico, including the Gila National Forest. We work throughout the West, advocating for watersheds, wildlife, and ecological integrity. The ongoing plan revision process affects our interest in the health and integrity of the terrestrial and riparian environments found in the Gila National Forest. Our staff and members regularly visit the Gila National Forest and enjoy the outstanding wildlife, wilderness, and recreational values the Forest provides.

WildEarth Guardians (Guardians) is a nonprofit conservation organization whose mission is to protect and restore wildlife, wild places, wild rivers, and the health of the American West. Guardians has offices throughout the western United States, including New Mexico and Arizona, and has more than 206,700 members and supporters across the United States and the world. As an organization, Guardians seeks to ensure the Forest Service complies with all environmental laws during the Forest Plan revision process. It also has a demonstrated history of advocating for an ecologically and economically sustainable transportation system on the Gila National Forest, and protecting at-risk species.

WWP and Guardians are especially concerned with the impacts of livestock grazing on ecological integrity, wildlife, fisheries, and recreation. Across public lands and national forests in the West, grazing is ubiquitous, and it remains one of the primary commercial uses of the Forest. Too often, and as has occurred here, land managers do not adequately consider the environmental impacts of this widespread and highly extractive use; nor have federal land management agencies considered whether the environmental costs of public lands grazing outweigh the relatively insignificant economic benefits.

We are also concerned that the Forest Plan and supporting analysis fail to sufficiently consider, analyze, or include forest plan components that provide for an ecologically and economically sustainable forest road system, thereby failing to meet planning rule requirements. Part of our concerns stem from a history of Congress failing to provide adequate road maintenance funding. This lack of funding Gila National Forest has resulted in a deferred maintenance backlog totaling $272,265,429 in the Gila National Forest. FEIS at 310. The lack of proper road maintenance is a significant issue affecting watershed conditions and viability for a range of species, particularly fish and riparian- dependent species. The Gila National Forest has yet to identify and implement a minimum road system and the Forest Plan lacks plan components that ensure it will do so over the life of the plan. It appears the agency remains confused about the Travel Management Rule[rsquo]s subpart A and B requirements and its intersection with 2012 National Forest Management Act (NFMA) Planning Rule.

However, after our careful review of the Land Management Plan, we do see things that we support. We recognize and appreciate that the Forest Plan included components to provide for a climate-resilient transportation system, and to better restore temporary roads after project completion, though the Forest Service still failed to adequately address several concerns we raised in our comments and dismissed recommendations to improve the proposed action and provide sufficient analysis. We appreciate the addition of the pinyon jay to the Species of Conservation Concern list and the prohibition on the conversion of grazing allotments from cattle to sheep or goat use, and the prohibition on the use of domestic sheep and goats to control non-native/invasive plants. We appreciate that several of our prior comments were taken into account when modifying Management Approaches related to livestock grazing, especially related to the public involvement in monitoring or public notification and husbandry practices. Finally, we appreciate the consideration of border wall impacts in the analysis.

Unfortunately, the Forest Service has still not adequately considered the environmental impacts of roads, motorized uses, and livestock grazing during this very important management plan revision process. Instead, the Forest Service has identified nearly the entire forest as available for livestock grazing for a period of time that is likely to span a generation, yet failed to analyze the impacts of this widespread commercial use of the forest. The Forest Service has chosen to defer the analysis of impacts caused by the road system and livestock authorizations forest-wide to some unidentified future time, has based its analysis on deeply flawed assumptions regarding the existing road system, its ability to manage livestock, has refused to consider recommended alternatives that would fit the purpose and need for the project, has used an inappropriate baseline, failed to use the best available science, has inadequately considered the long-term impacts to bighorn sheep and the Mexican gray wolf, and did not adequately address recommendations for specific changes to the language in the Plan[rsquo]s Desired Conditions, Management Approaches, Standards, Guidelines, and for Annual Operating Instructions.

Therefore, WWP and Guardians object to the Gila National Forest Plan for the following reasons:

STATEMENT OF REASONS

[ldquo]The anticipated life of this forest plan spans what many in the scientific community are calling the last window of opportunity to make a difference in terms of the speed and degree of climate-driven changes and prepare for what is now some level of unavoidable change.[rdquo]

Gila National Forest Land Management Plan, page 26.

The last Forest Plan was finalized in 1986, with revisions planned fifteen years into the future. Now, nearly 40 years later, we have the first Forest Plan revision since that 1986 plan was completed. It is clear that Forest Plans have a lifespan far beyond what was originally anticipated, making their impacts far more significant than expected. This unexpected longevity of the life of a Forest Plan makes it critically important that the plan properly protects the natural resources found within the Gila National Forest and properly analyzes the impacts from the many varied uses of the forest.

Below we identify several areas where we believe the Forest Service has fallen short of crafting a Forest Plan that can protect our shared natural resources for future generations.

I. Impacts to Mexican gray wolf are inadequately addressed

Raised in our prior comments: 4.16.2020 Coalition comments at 71-79; WWP 5.29.2018 comments, throughout; WWP 4.16.2020 throughout and at 6, 14, 18-19, 21, and 29.
We remain concerned that the environmental analysis does not provide any economic analysis of the conflict between Mexican gray wolves and livestock grazing or even identify how many wolves have been killed as a direct result of livestock industry activities on federal public lands within the Gila National Forest.

The Forest Service[rsquo]s response, found in the FEIS Vol.2, at page A-131, at Comment 11, states the Forest Service believes this type of analysis is beyond the scope of the Forest Plan:

Such an analysis is beyond the scope of the Gila National Forest plan. The purpose of the plan[rsquo]s environmental analysis is to evaluate the effects of plan direction and the differences between alternatives. We contribute to the recovery effort, but we do not manage it. The U.S. Fish and Wildlife Service manages the recovery effort. Information about the recovery program, including population information can be found on the U.S. Fish and Wildlife Service[rsquo]s website.

The Forest Service also refused to analyze impacts to prey species for Mexican gray wolves and claims the analysis of prey-base impacts is more appropriately conducted on a project level basis. (From FEIS Vol.2, page A-136-137.) However, we have evidence that the Forest Service will not in fact conduct such analysis at the project (or implementation) level either. Specifically, the Gila National Forest and Apache Sitgreaves National

Forests completed an Environmental Analysis for fourteen livestock grazing allotments on the two forests, completed in 2019, known as the Stateline project, yet did not analyze the impacts of livestock grazing on wolves, and specifically did not look at the impacts of grazing on the prey base for wolves. See Exhibit #1, June 3, 2024 Appellate Opening Brief in WWP v. Perdue, 23-3872, appealing from WWP v. USFS, No. 4.21-cv-00020-SHR, pages 12-31.

Given that the Forest Service refuses to conduct the analysis of the impacts of livestock grazing on Mexican gray wolves at the Forest Planning level and at the project level, we recommend the Forest Service include Mexican gray wolves as a focal species. Indeed, the FEIS for this Forest Plan indicates Mexican gray wolves could be a focal species and the rationale for refusing to include it arbitrary and capricious.

A single focal species would fulfill the 2012 Planning Rule requirements (FSH 1909.12 chapter 30 section 32.13c). Focal species are selected based on their functional role in the ecosystem. To be effective, they should have relatively straightforward relationships between status and the ecological conditions managed for and not be impacted by other stressors. The status of focal species should provide information about the effectiveness of management actions, so it is also useful if those species can be linked to specific ecological conditions in areas where management actions occur with some frequency. Focal species should not be rare, cryptic, or otherwise difficult to monitor and abundant enough to measure change. There should not be factors, like hunting, off- forest land use, or disease, affecting the species[rsquo] status that would mask a response to management activities.

The Mexican spotted owl and northern goshawk will serve as focal species for the Gila National Forest because they rely on the vegetation communities that are likely to see the most vegetation management activities. The rationale for selecting these two focal species and their associated monitoring questions have also been revised based on response to comment (see appendix C to the final plan). The other species suggested by commenters were not selected because they would not fulfill the role of focal species as well as Mexican spotted owl and northern goshawk. We welcome any monitoring data on any species or guild that our partner agencies and organizations would be willing to share or to gather on our behalf.

Notably, Mexican gray wolves have a relatively straightforward relationship between their status and ecological conditions, are located in areas where management actions occur frequently (grazing authorizations occur nearly forest-wide on an annual basis), they are no longer rare, are not cryptic, and are quite easy to monitor given that nearly every wolf pack has at least one radio-collared adult in the pack. The location information for wolves is published online in a database that is publicly accessible.

Because the Forest Service has refused to analyze the impacts of livestock grazing on Mexican gray wolves and could have included Mexican gray wolves as a focal species but chose not to, we object.

II. Grazing generally

Raised in our prior comments: 4.16.2020 Coalition throughout; WWP 4.16.2020 throughout and at 8-9, 24; WWP 5.29.2018 throughout and at 5-6.

A. Use of undefined terms

We continue to notice that [ldquo]traditional cultural use[rdquo] is a phrase used in the discussion on livestock grazing. However, this phrase (or term) is not defined, and does not appear to be applied to any use other than livestock grazing. The use of the phrase [ldquo]cultural heritage[rdquo] is also applied to livestock grazing, but throughout the rest of the Land Management Plan, that phrase is applied to Mimbres and Mogollon culture and not to other resource extractive uses. Neither phrase is applied to mining or logging, despite the fact that logging and mining have been taking place on the forest for just as long as ranching.

We object to the use of the phrases [ldquo]traditional cultural use[rdquo] and [ldquo]cultural heritage[rdquo] as they are applied to livestock grazing or ranching. The use of these phrases without definitions and without consistent application is arbitrary and capricious and it appears to be an attempt by the Forest Service to romanticize a commercial use of the Gila National Forest and entrench this use as part of the [ldquo]culture[rdquo] of the region. Without more definition and consistent application of the phrases, they should be removed.

B. Suitability

Raised in our prior comments: 4.16.2020 Coalition throughout; WWP 4.16.2020 at 6, 8.

As we stated in our prior comments, one of NFMA[rsquo]s most powerful provisions is its wildlife diversity mandate.1 It requires that forest plans to [ldquo]provide for a diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives.[rdquo]2 According to Wilkinson and Anderson[rsquo]s authoritative history of NFMA[rsquo]s development, the diversity provision was meant to require [ldquo]Forest Service planners to treat the wildlife resource as a controlling, co-equal factor in forest management and, in particular, as a substantive limitation on timber production.[rdquo]3 The revised Forest Plan evaluates suitability for just one use [ndash] timber, and ignores all other stressors on plants of conservation concern and plant community diversity including grazing, mining, road building, fire suppression, post-fire salvage logging, chaining, fuels reduction, mastication, intensive recreation, water diversions, inholding development, or infrastructure. While the Forest Service may not feel compelled to evaluate suitability for all of these uses, it may evaluate suitability and we specifically asked the Forest Service to evaluate suitability for livestock grazing. At the very least, the Forest Service could have, and should have, evaluated areas of the Gila National Forest that were unsuitable for livestock grazing. These areas could have included riparian areas, habitat (or even critical habitat or occupied habitat) for species such as the New Mexico meadow jumping mouse, heavily used recreational areas, areas that have recently undergone restoration efforts, etc.

The 2012 planning rule and this planning process provided the framework for addressing the

legacy effects of livestock grazing damage to ecosystems, and an opportunity to eliminate grazing in areas where uses are simply incompatible or not suitable. Unfortunately, the Forest Service has failed to take advantage of this opportunity. Instead, the Forest Service refused to heed the best available science or acknowledge the ongoing cumulative effects of grazing on riparian systems and obligate wildlife.

Despite the substantive legal requirements imposed by the 2012 rule on the Forest Service[rsquo]s traditional

discretion under the Multiple Use and Sustained Yield Act, the Forest Service has not identified any areas as unsuitable for grazing. Even though there is no requirement that all uses be allowed in all areas, under this Forest Plan it appears that forest resources for grazing are likely to be available and suitable for use in every management area.

In response to our concerns, the Forest Service states: From FEIS Vol.2, page A-72:

(3) Suitability of lands for livestock grazing is better addressed at the allotment level because suitability determinations in forest plans are a coarse analysis indicating a general compatibility with desired conditions. Because plans prepared under the 2012 Planning Rule have explicit desired conditions, a determination for whether an activity is suitable in a particular location is best conducted at the project level.

This response fails to address our concerns, fails to explain why a suitability determination for livestock grazing was not conducted, and fails to explain why not even one area of the Gila National Forest was found unsuitable for livestock grazing. The statement that this determination is better conducted at the project level provides no rationale for the Forest Service[rsquo]s choice to avoid this determination. This is an arbitrary and capricious decision that cannot stand. This is especially true because the Forest Service acknowledged that livestock grazing is a cause of tree density increases in at least four areas: Largo Mesa, Agua Fria, Pinos Altos, and Eagle Peak. (FEIS Vol.3, page 361 et seq.) The Forest Service also acknowledges that the impacts of livestock grazing can persist for decades (and perhaps centuries), as it has in the Rabbit Trap livestock exclosure area, which has not been legally grazed since the 1940s, but still shows evidence of livestock abuse, including gully erosion.

FEIS Vol.3, page 360-361.

Furthermore, Forest Service decision-makers at the project level have stated that [ldquo][g]razing suitability is analyzed and determined at the forest plan level under the 1982 Planning Rule.[rdquo] 2019 Forest Service response to Stateline project grazing decision objection, page 5, attached as Exhibit #2. [ldquo][T]here is no requirement under NEPA or the forest plans that a suitability analysis be conducted at the project level.[rdquo] Id. Unfortunately, the 2012 Planning Rule also fails to include a requirement that suitability determinations for grazing are conducted. Thus, we are in a situation where the suitability determination for livestock grazing is extremely unlikely (and demonstratively unlikely) to ever occur at the Forest Planning or project level.

Relief Requested: The Forest Plan must explain how continued grazing by non-native cattle is within the natural range of variability. We also request that riparian areas and (Riparian Management Zones) RMZs are managed foremost to maintain and restore wildlife, water, and ecological integrity, and that plan direction identifies the prohibition of domestic livestock from these ecologically sensitive areas. The Forest Service must commit to conducting livestock grazing suitability determinations on a forest-wide basis by a time-certain or withdraw the FEIS while such a determination is made for this Forest Plan revision.

C. Typo4

Finally, at page 193 of the FEIS, there is a typo or missing words. It may be an extra period between the words permit and consistent (underlined and bolded, below), or perhaps there are missing words, it is unclear:

Permanent grazing management modifications that are consistent with the National Environmental Policy Act decision can be authorized through the term grazing permit. consistentwith the National Environmental Policy Act decision.

III. Impacts to bighorn sheep must be further addressed

As an initial matter, because the adoption of recommended wilderness areas included in Alternative 5 would benefit bighorn sheep, which inhabit the Lower San Francisco, Park Mountain, and Mogollon Box/Tadpole Ridge Wilderness Study Areas, we support the addition of these Wilderness Study Areas to existing Wilderness and encourage the Forest Service to include them and we object to the failure to include them.

Raised in our prior comments: 4.16.2020 Coalition comments at 110; WWP 4.16.20 at 15-18.

A. We object to failure to include a guideline for protection of lambing season from prescribed fires

As we noted in our prior comments, the Forest Service must coordinate with the land and natural resource management planning processes of the state and local governments. Relative to bighorn sheep, the New Mexico State Wildlife Plan has recommendations related to scheduling controlled or prescribed burns to avoid impact to bighorn sheep during lambing season.

To advance the prioritized conservation actions of the New Mexico Comprehensive Wildlife Conservation Strategy, we object to the failure to include a guideline, and suggest such a guideline be added, to the Cliffs and Rocky Features section of the plan that avoids controlled burning in bighorn sheep habitat during bighorn sheep lambing season between mid-December and mid-February. While the likelihood of controlled burns being proposed specifically on cliffs or rocky features may below, prescribed fires could be proposed around such features that are habitat for bighorn sheep.

B. We object to the failure to include a limitation on where special use permits for pack animals can be authorized

We appreciate that vegetation management (targeted grazing) by sheep or goats is now prohibited (Non-native Invasive Species Standard 6). While the Forest Plan does not ban pack goats, or associated special use permits, there are significant requirements that now have to be met to get a permit, including requiring the user to demonstrate goats have tested negative for pneumonia, and are up to date on vaccinations. Pack goat use can only occur outside of bighorn sheep occupied range with such an approved special use permit (Sustainable Recreation Standard 5).

However, an occupied range proscription is not sufficient to protect bighorn sheep, so the Forest Plan must further limit where such special uses can be authorized.

We recommend a prohibition on issuing pack permits within a 10-mile boundary of known bighorn sheep habitat and foray areas. The Forest Plan should include a special management area for bighorn sheep that would essentially incorporate a 10-mile buffer area around sheep habitat and foray areas to create a no pack animal (goat and sheep) zone.

C. The Forest Plan is unclear as to the status of bighorn sheep5

Global conservation status ranks are assigned by NatureServe scientists or by a designated lead office in the NatureServe Network. NatureServe conservation status ranks are based on a scale of one to five, ranging from critically imperiled (1) to demonstrably secure (5). Status is also assessed and documented at three distinct geographic scales[ndash] global (G), national (N), and state/province (S). The conservation status of a species or ecosystem is designated by a number from 1 to 5, preceded by a letter reflecting the appropriate geographic scale of the assessment.
(https://explorer.natureserve.org/AboutTheData/DataTypes/ConservationStatusCategories).

NatureServe identifies Bighorn Sheep (Ovis canadensis) as having a Global Conservation Status rank of G4 or [ldquo]Apparently Secure[rdquo], while it gives a State of New Mexico Subnational Conservation Status Rank of S1, or [ldquo]Critically Imperiled[rdquo]. Lastly, intraspecific taxon or subspecies status are defined by NatureServe using a T designation. NatureServe identifies Rocky Mountain Bighorn Sheep (Oviscanadensis canadensis) as T4 (Apparently Secure) in New Mexico, while further identifying Mexicana Bighorn Sheep (Ovis canadensis mexicana) as T3 (Vulnerable) in New Mexico. (NatureServe, 2024; Accessed 9/23/24).

There is confusion when comparing taxa between Nature Serve and New Mexico Game and Fish (NMGF) and its BISON-M platform, as NMGF calls the Mexicana sub-species by the common name [ldquo]Desert Bighorn sheep[rdquo]. The Nature Serve Platform uses [ldquo]Desert Bighorn Sheep[rdquo] for the sub-species Ovis canadensis nelsoni, which is not found in the state of New Mexico, with the exception of some possible range in the far northwest portion of the state, and not in the Gila National Forest. (NewMexico Game and Fish BISON-M, Accessed 9/18/24).

There is further confusion as the Gila Forest Plan Final Assessment Report (hereafter referred to as Assessment) notes Bighorn Sheep (Ovis canadensis) as G4/S1, but does not articulate the status of either sub-species as NatureServe does; in this case O.c. canadensis as T4, nor O.c. mexicana as T3. Rather the Assessment lumps both subspecies together. While the S1 subnational rank designation likely results from considering the T3 status of the mexicana subspecies, the Gila Forest Plan Final Assessment makes no distinction between the [ldquo]Apparently Secure[rdquo] (T4) O.c. canadensis subspecies and the [ldquo]Vulnerable[rdquo] (T3) mexicana sub-species, instead simply evaluating them as Ovis canadensis.

The NatureServe designation was used as Rationale for Consideration to determine whethera species should be designated a Species of Conservation Concern (SCC) (Assessment; p. 367-368). Results of the analysis led to Bighorn Sheep (Ovis canadensis) being evaluated for SCC status.

However, bighorn sheep were subsequently removed from SCC consideration due to the fact that [ldquo]Population trends for Rocky Mountain bighorn sheep within the Gila National Forest were decreasing from

2004-2012, but have been on the increase since 2013 with a large jump in the San Francisco population in 2014.6 This species is managed as a game species,7 and as such are secure enough to be hunted.[rdquo] (Assessment; p. 383).

While both sub-species O.c. canadensis and O.c. mexicana are considered game species by NMGF, it is important to note that there are no NMGF management units for hunting of Desert Bighorn sheep (O.c. mexicana) in the Gila National Forest. While there are units for Rocky Mountain Bighorn sheep, the fact you cannot hunt Desert Bighorn sheep (mexicana sub-species) within the Gila National Forest points to their limited population within the Gila National Forest boundary.

For this reason, along with the issue of confusion over sub-species status between Nature Serve and NMGF, we object to Bighorn sheep not being designated a Species of Conservation Concern at this time and ask that a separate Species of Conservation Concern analysis be conducted for each of the two sub-species of Bighorn sheep O.c. canadensis and O.c. mexicana. Because O.c. mexicana is considered T3, has a small population within the Gila, cannot be hunted in the Gila, and is a key contributing factor for the S1 (Critically Endangered) status by Nature Serve, we ask that this subspecies be considered a Species of Conservation Concern.

Additionally, recreationists can alter the landscape use patterns and foraging efficiency of bighorn sheep populations, disturbing and displacing animals from optimal habitat areas. Neither the Species of Conservation Concern assessment or the EIS analyze the impacts to bighorn sheep by recreational users, including hikers, motorized users, and river rafters. How are existing trails impacting bighorn sheep lambing areas? Are popular river landings displacing wildlife in areas with limited water? Is increased motorized use likely to disturb bighorn sheep? Are additional standards necessary to prevent conflicts with recreational users? These questions were neither asked, nor answered in the EIS for the Forest Plan, a violation of NEPA that has resulted in a failure to adequately consider the impacts of the Forest Plan on bighorn sheep.

Relief Requested: Bighorn sheep should be added to the Species of Conservation Concern list and the status of bighorn sheep should be clarified in the Forest Plan.
IV. National Environmental Policy Act (NEPA) Violations

Raised in our prior comments: 4.16.2020 Coalition comments throughout; WWP 4.16.20 at 8-15.
The Forest is violating the National Environmental Policy Act, 42 U.S.C. [sect]4321 et seq. and its implementing regulations, 40 C.F.R. [sect]1500 et seq., by making important grazing management decisions on allotments throughout the Forest without compliance with NEPA[rsquo]s environmental analysis requirements and by deferring all site-specific analysis to some to-be-completed-but- aspirational revision of the Forest[rsquo]s outdated Allotment Management Plans (AMPs).

We asked the Forest Service to identify grazing allotments with and without AMPs, including the dates the AMPs were issued, and a schedule to renew those AMPs. The Forest Service states, in the response to comments, that the question/issue is beyond the scope of the Forest Plan.

From the FEIS Vol.2, page A-126-127:

This question is beyond the scope of the forest plan, is not a science-based question, and does not require supporting scientific literature. All allotments that have a signed National Environmental Policy Act decision are required to have an Allotment Management Plan. These plans contain the direction from the decision with additional detail as the decision-maker deems necessary. These plans are part of the permit. The permit is the instrument that authorizes the permittee to graze and implements the decision (FSH 2209.13 chapter 94). There is no schedule for renewal or revision of Allotment Management Plans. They are renewed or revised based on the need to reflect changed conditions and new information resulting from the most current allotment-level National Environmental Policy analysis and decision (FSH 2209.13 chapter 94). There are six allotments without a signed decision (see also response to comment 26 in this section of this appendix). These are the Redstone and Fort Bayard allotments on the Silver City District, and the Harden Cienega, Deep Creek, Copper Creek, and Apache Creek allotments on the Glenwood Ranger District. The Fort Bayard allotment is for administrative use for the Gila National Forest[rsquo]s pack and saddle stock. The Redstone allotment is vacant, with one pasture authorized for use by the permit holder on an adjacent allotment.

We disagree that this issue is beyond the scope. Knowing how many allotments have outdated AMPs and developing a schedule by which to revisit those AMPs is precisely within the scope of a Forest Plan. Disclosing this information and developing a schedule would not result in any on-the-ground decisions, but would provide guidance by which the Forest Service could ensure livestock grazing authorizations are not woefully outdated.

A. The analysis of impacts has been indefinitely deferred

Raised in our prior comments: WWP 4.16.20 at 8-9. We also address this issue above at Section I, Impacts to Mexican gray wolf.

WWP objects to the direction to continue to defer actual analysis of the impacts of authorizing livestock grazing, the dominant land use of the forest.

The Forest Service has illegally deferred the analysis of livestock grazing throughout the Forest and failed to use the best available science. WWP pointed out these violations in our prior comments and

these problems were not remedied by the revision of the EIS. Rather, the Forest Service has highlighted the historical use of the Forest for livestock grazing (while largely ignoring the devastating impacts that historical grazing has had on the land), focusing on the romantic notion of ranching families as a lifestyle choice despite

the acknowledgment that this commercial activity is not economically viable ([ldquo]While the ranch may produce little or even a negative operating income[hellip][and] many of these operations may not be viable if unable to use public lands.[rdquo]

The Forest Service continues to refuse to analyze the impacts of livestock grazing as part of the Forest Plan Revision, instead deferring the analysis of impacts to a later date.

From FEIS Vol.2, page A-124:

Under all alternatives analyzed in detail, there are multiple mechanisms to evaluate, review and adapt livestock grazing management to effectively conserve resources and respond to changing conditions. Furthermore, stocking decisions regarding the number of livestock and amount of grazing authorized for each allotment are considered as part of project-level analysis and beyond the scope of the forest plan and environmental analysis. Project-level analysis would cover changes to authorized grazing through term grazing permits (subject to forestwide standards and guidelines); allotment management plans; and annual operating instructions. An explanation of the legal and policy framework livestock grazing is managed under has been added to the Livestock Grazing Background Information in the plan, and the Livestock Grazing Affected Environment in the FEIS.

B. Assumptions used for the analysis of impacts are deeply flawed

1.
1.
1. Animal Unit Months (AUMs) are incorrectly calculated

Raised in our prior comments: WWP 4.16.2024 at 9.

For calculating Animal Unit Months (AUMs), wherein the animal unit is defined as one mature cow and her nursing calf, the Forest Service should use the well-known that the average livestock weight, which is in excess of 1,300 pounds. Any calculations using the 1,000 pound cow per AUM should be revised to indicate 1.3 AUMs per cow.

ii) Trespass/Unauthorized use

Raised in our prior comments: 4.16.2020 Coalition comments at 42, 58, 95, 164; WWP 4.16.20 at 5-9, 19, 29-30.

The Forest Service continues to ignore the issue of trespass livestock. As we noted in our prior comments this assumption is completely baseless and in fact, contrary to known information, the Forest Service must revise the EIS to acknowledge and address the impacts of unauthorized grazing by permittees. In our prior comments we provided the government[rsquo]s own documentation of the inability of the Forest Service (and other land managers) to ensure livestock remain where they are authorized to be. We asked the Forest Service to disclose

the level of unauthorized grazing that has occurred throughout the forest over the past 10 years, including incidents that were handled [ldquo]informally,[rdquo] and

including willful and non-willful incidents. The cumulative impact of unauthorized livestock grazing was undisclosed in the Draft EIS and remains undisclosed in the Final EIS.

The Forest Service[rsquo]s response to our concerns is found at From FEIS Vol.2, page A-126:

The effects of livestock grazing on upland vegetation communities, riparian and aquatic ecosystems, soils, watersheds, water quality and species are discussed in their respective sections of the FEIS. However, the effects analysis is limited to only those effects that are likely if plan direction is followed. Overgrazing and unauthorized or unmanaged grazing is not analyzed because it would not be compliant with the plan, and it is illegal. The purpose of the environmental analysis is to evaluate the effects of plan direction and the differences between plan alternatives, not to evaluate the effects of everything that could happen if plan direction is not followed.

While we realize non-compliance is not something the plan revision can address, it is something the Forest Service must accurately consider in its analysis and assumptions used for the analysis. The Forest Service must also adequately and accurately describe the impacts of trespass livestock on species such as the Mexican gray wolf, Chiricahua leopard frog, other aquatic and riparian species, and native plans. Here, we have an acknowledgment that trespass or unauthorized livestock are a well- known problem on Forest Service managed lands and therefore the Forest Service cannot make an assumption of compliance.

This deficiency and incorrect assumption must be corrected.

However, it is clear, from the Stateline project and subsequent litigation, that the Forest Service cannot be trusted to actually conduct this analysis at any point in the future.

Unfortunately, the Final EIS is the perfect example of the NEPA shell game whereby analysis is deferred from the larger planning document to yet to be conducted site-specific analysis. However, based on the level of NEPA analysis conducted on Forest Service allotments in the Gila National Forest, it is clear the agency has no intention of actually completing the site-specific analysis and will continue to permit the underlying activity in the meantime. This is a clear violation of law and must be remedied before a final decision is implemented. The problems with deferring any action to site- specific analysis are manifold given the tremendous impact livestock grazing has had on the ecological conditions of the Gila National Forest.

iii) MonitoringRaised in our prior comments: 4.16.2020 Coalition comments at 119-122; and 4.16.2020 WWP at 6- 8.

Forest Plan monitoring tests assumptions, tracks changes, and measures management effectiveness and progress toward achieving and maintaining desired conditions and objectives. The plan monitoring program is

included as Chapter 5 of the plan. It is important that monitoring is based on the best available scientific information, is reliable, and allows for comparisons across time.

In our review of the purpose, process and methods of rangeland monitoring we identified the agency[rsquo]s flawed reliance on the outdated Parker 3-step method. Our concern was that Forest Service staff had not actually conducted the necessary monitoring to determine rangeland health, that the methods used to analyze herbaceous vegetation were qualitative, and only based modeled changes in woody vegetation. We noted that the Parker 3-step method of monitoring should have resulted in a map of utilization, but such a map was not included in the draft or final EIS. We also raised concerns that the Parker 3-step method is heavily dependent on photo comparisons, yet no photos of allotments were included in the analysis either. We pointed out that the locations of the permanently marked transects that are necessary for the Parker 3-Step method were not identified and there was nothing publicly available on the website that showed a summary of field data, or the scoring process. Because of the lack of information, we noted that it was unclear which parts of the method, if any, were implemented.

We also noted that the environmental analysis lacked an explanation of how the current, and seemingly unused, ecological monitoring concepts were reconciled with the 1950s era Parker 3-step, which is based on Clementsian concepts of succession and evaluates conditions relative to what is best for livestock, not wildlife, raising concerns about the scientific basis for authorizing livestock use on the Gila National Forest.

Unfortunately, the Forest Service[rsquo]s response did not alleviate our concerns. While we understand the 2012 Planning Rule requires the use of readily available information, it appears the information on range monitoring was readily available, but not in a format the Forest Service preferred to use, and the Forest Service had never made good use of decades of collected data.

From FEIS Vol.2, at A-133:

The range monitoring data generated by decades of using the Parker 3-Step was not in readily available format to be used for the assessment, which is where that data[rsquo]s utility would have been. The environmental analysis is future oriented. The planning team did not have the capacity or resources to compile and digitize the many boxes of monitoring records. Attempts were made to contract outside resources to do this work, but that effort proved impracticable. Instead, the assessment analyst for range reviewed National Environmental Policy Act analyses and conversed with District and Supervisor[rsquo]s Office staff to reach the conclusions documented in the assessment (Chapter 11: Multiple Uses and Their Economic Contributions page 510 and Chapter 19: Social, Economic, and Cultural Sustainability Integrated Risk page 723). The assessment concluded that range was generally in [ldquo]fair[rdquo] condition across the forest with stable to upward trends; however, the ability of the forest to provide forage for livestock was at risk of being un[sus]stainable due to higher densities of woody species, drought, climate change and market factors.

While the relative merit of various monitoring protocols is beyond the scope of the forest plan, it is true that successional theory and our understanding of ecology have advanced considerably since the Parker 3-Step method was developed and implemented. The data are still useful for evaluating trends. Rangeland scientists recommend the Parker 3-Step method continue to be used in addition to newer methods until those data are

sufficient to inform trend analysis (Ruyle and Dyess 2016). The transition is ongoing, as are data storage improvements.

Literature Cited in Response:

Ruyle, G. and J. Dyess. 2016. Rangeland Monitoring and the Parker 3-Step Method: Overview, Perspectives and Current Applications. University of Arizona College of Agriculture and Life Sciences Cooperative Extension. 14 pp.

From this response, it appears range condition was determined using Parker 3-Step Method data, even though the Forest Service acknowledged that method as outdated, and despite the fact the Forest Service did not have the data [ldquo]readily available.[rdquo] It appears the Forest Service took a step further away from the already flawed Parker 3-Step Method data, based its range condition assessment on NEPA analyses that were not available to the public during the comment period for the Draft EIS associated with this Forest Plan, and essentially made a collective [ldquo]best guess[rdquo] about range condition as [ldquo]generally in [lsquo]fair[rsquo] condition[rdquo] with a stable to upward trend. But the public cannot verify or vet this information. Then, despite the fact the Forest Service found that the ability of the forest to provide forage for livestock was [ldquo]at risk of being un[sus]stainable due to higher densities of wood species, drought, climate change and market factors[rdquo] (which are not identified), the Forest Service fails to identify any areas of the Forest that are unsuitable for livestock grazing.

The methodology and assumptions remain flawed and the Forest Service has made no effort to address the increasingly unsustainable livestock grazing authorizations on the Forest. For these reasons, we object.

iv) Impacts from bovine fecal coliform (E. coli) contamination were not adequately addressedRaised in our prior comments: 4.16.2020 Coalition comments at 21-23; WWP 4.16.2020 3-4.

The Forest Service admits it has not conducted adequate monitoring for E. coli contamination in many streams caused by livestock authorizations. See FEIS Vol.2, page A-330. The Forest Service suggests that E. coli monitoring could be conducted regularly, but it is difficult to determine whether or not the contamination is from livestock. This is not true.

It is incorrect to state that determining the source of E. coli contamination is difficult. Microbial source tracking of E. coli DNA samples has been conducted within the Bureau of Land Management[rsquo]s San Pedro Riparian National Conservation Area in southern Arizona. The study was conducted by the University of Arizona and supported by the Arizona Department of Environmental Quality. The source of E. coli can be reliably identified as either human or bovine. This YouTube video, produced by a retired Arizona Department of Environmental Quality hydrologist, discusses the E. coli source characterization study for the Upper San Pedro River Watershed: https://www.youtube.com/watch?v=dKXuB1V2Y2s&t=237s

We object to the failure to conduct and disclose monitoring for E. coli contamination because this information is necessary to make informed management decisions related to livestock management at the Forest Planning level, and because such testing is quite possible to conduct and trace to livestock.

1.
1. Lack of a Range of Alternatives

We remain concerned about the lack of alternatives. From an alternative that would reduce the number of AUMs to a level at or below that which has been authorized for the last several decades, to a refusal to address the question of whether or not livestock grazing is even a suitable use of the Gila National Forest, to a refusal to include a livestock grazing permit retirement provision as part of the Forest Plan.

i) Alternative That Reduced AUMs

Raised in our prior comments: 4.16.2020 Coalition comments at 160, 169-174; WWP 4.16.20 at 12.

The analysis of alternatives under the National Environmental Policy Act (NEPA) is the [ldquo]heart[rdquo] of an environmental impact statement (EIS).8 The Forest Service must [ldquo][r]igorously explore and objectively evaluate all reasonable alternatives[rdquo] to a proposed action.9 [ldquo]Without substantive, comparative environmental impact information regarding other possible courses of action, the ability of an EIS to inform agency deliberation and facilitate public involvement would be greatly degraded.[rdquo]10 Consistent with NEPA[rsquo]s basic policy objective to protect the environment, this includes more environmentally protective alternatives.11

An agency risks a finding that it has violated NEPA if it considers only the no action alternative and its primary, preferred alternatives, and ignores action alternatives suggested in public comments.12 Put simply, [ldquo][t]he existence of a viable but unexamined alternative renders an [EA] inadequate.[rdquo]13

In our prior comments we asked the Forest Service to analyze an alternative focused on heavily reducing or eliminating grazing and range infrastructure as a forest use, due to its impact on other forest uses and resources such as at-risk species and habitat, recreation, water resources, and climate change. We also asked the Forest Service to consider eliminating livestock grazing from fragile riparian areas, reduce the number of AUMs by more than a few thousand forest-wide, and/or an alternative that would protect Forest resources from the deleterious impacts of livestock grazing. The Forest Service refused, providing a variety of excuses:

From FEIS Vol.2, page A-125:

In chapter 2 of the DEIS, potential changes in AUMs were displayed in the Summary of Alternatives table. An increase in authorized grazing is not proposed under any alternative; they are an analysis indicator for comparing differences in expected forage production under each alternative. We have clarified this in the FEIS by removing AUMs and all other analysis indicators from the Summary of Alternatives and including them in the new Summary of Effects section at the end of chapter 3 in the FEIS. Nevertheless, the estimated change in animal unit months is far from dramatic, ranging from a decline of 8 percent (alternative 1-no action) to a maximum

increase of 4 percent (alternative 5).

In addition, the alternatives include a range of options on how to deal with vacant allotments that could increase or decrease grazing numbers. Based on all the above, a no grazing alternative was not considered necessary or legally compliant, as described in volume 1, chapter 2 of the FEIS (Alternatives and Alternative Elements Considered but Eliminated from Detailed Study).

Eliminating grazing from riparian areas was also an alternative element considered but eliminated from detailed study and an explanation can be found in that same section of the FEIS. Commenters may also refer to comment 1 in the Riparian and Aquatic Ecosystems section of this appendix for more information. Outright elimination of grazing in wilderness would not be compliant with the Wilderness Act, which protects livestock grazing where it was established prior to wilderness designation.

We recognize that livestock production may be easier in environments where water is not limiting and acknowledge the perspective that climate change may make livestock production unsustainable in some locations.

First, we strongly object to the idea that the Wilderness Act protects livestock grazing where it was established prior to wilderness designation. That is simply untrue. Livestock grazing within designated Wilderness areas is governed by the Wilderness Act and the Congressional Grazing Guidelines (PL 96- 560, House Report 96-617, November 14, 1979). Section 4(d)(4)(2) of the Wilderness Act states that [ldquo]the grazing of livestock where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture,[rdquo] and the legislative history of the Wilderness Act make clear that grazing and associated activities are permitted to continue when such grazing was established prior to the Wilderness designation. This is permissive, not protective. While grazing may be allowed to continue within Wilderness areas, it may also be eliminated, especially where livestock grazing is impacting natural resources in violation of other laws and regulations, including the Endangered Species Act, the National Forest Management Act, Forest Plans, or the Clean Water Act. The Congressional Grazing Guidelines simply reiterate this fact: grazing cannot be curtailed simply because an area is Wilderness, but grazing can be curtailed within Wilderness act if land managers decide to do so. Range conditions and compliance with all land management regulations can determine whether or not livestock grazing can continue within Wilderness. Indeed, a Land Management Planning revision is an appropriate vehicle for changing livestock grazing authorizations within Wilderness areas, as indicated by slide 13 of this Forest Service presentation from March 9, 2006, by Russell D. Ward (District Ranger for the Silver City Ranger District) on grazing and Wilderness: https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5335086.pdf

It is inappropriate, arbitrary, and capricious for the Forest Service to use the Wilderness Act as an excuse to refuse to consider an alternative that would reduce or eliminate livestock grazing within designated Wilderness areas.

ii) Alternative That Provides for Grazing Permit RetirementRaised in our prior comments: 4.16.2020 Coalition comments at 78, 112; WWP 4.16.20 at 13, 23-26.

We asked the Forest Service to include an objective for livestock grazing that would at least allow for the permanent retirement of vacant grazing allotments. From FEIS Vol.2, at A-149: [ldquo]Annually consider at least 1 vacant or understocked allotment for permanent grazing retirement.[rdquo]

The Forest Service[rsquo]s response (Id.) was that our suggestion was [ldquo]not appropriate for a plan objective under any of the alternatives analyzed in detail. Those National Environmental Policy Act processes, including proposals, alternatives, and decisions, are best addressed at the allotment level.[rdquo]

While the Forest Service says that this is a decision made at the District Ranger level, District Rangers don[rsquo]t believe they have the authority to accept a waiver back to the Forest Service nor the ability to permanently retire an allotment. If this authority were made explicit in the Forest Plan then the District Ranger would know, without any doubt, that they have the authority to protect natural resources through permanent allotment retirement. Indeed, when we have asked for grazing retirement provisions at the allotment or project level, we are often told that these provisions are not allowed at all. In response to a request for a voluntary permanent grazing retirement provision, the Apache-Sitgreaves National Forest responded:

The responsibility and authority for management of National Forest System (NFS) lands is delegated to the Secretary of Agriculture and are non-delegable to private entities. Buyouts that include permanent allotment retirement would impose restrictions in the Forest Service[rsquo]s management prerogatives and would cause the Forest Service to relinquish future management options.

Eagle Creek Range NEPA Environmental Assessment, April 19, 2023, page 41.

The Forest Plan is the proper place to let agency decision-makers, permittees, and the public know that permits can be waived back to the agency for permanent resource protection. The option of permanent voluntary retirement of permits and associated grazing privileges represents an equitable solution to wildlife conflicts with agricultural operations on public lands. It provides security to livestock producers facing declining economic returns, increasing price instability, a shrinking available workforce, and other challenges, and allows the Forest Service to redesignate lands to other uses, including wildlife habitat, recreation, and hunting. The permit waiver system represents the increasing public interest in maintaining natural systems and restoring native species, and allows land managers to facilitate the win-win resolution of grazing conflicts which impact not only native species, but also water quality and the recreational experience of users. Allotments already vacated for resource protection, either through Forest Service actions or through the voluntary relinquishment of grazing preference (for example the Deep Creek allotment), must be closed.

We do appreciate that the Gila National Forest has at least developed and shared information about one possible avenue for grazing allotment closure (from FEIS Vol.2, at A-128):

We acknowledge the commenter[rsquo]s opinions and preferences. Please refer to response to comment 1 in this section of the appendix regarding the no-grazing and no-grazing in riparian area alternatives. These

rationales have been revised in the FEIS based on further review and stakeholder comment. Alternative 5 includes an adaptation of the suggestion for waiving permits (Livestock Grazing G6). It was adapted to be compliant with agency policy direction, which limits the amount of time a permit can be in non- use for resource protection. Entering nonuse for resource protection may indicate a need for change (FSM 2209.13 section 17.2) and trigger a new National Environmental Policy Act decision-making process to evaluate conditions and determine appropriate future uses. Under all circumstances, it is the allotment-specific National Environmental Policy Act process which determines future uses, not the forest plan. Allotment closure is a viable alternative and decision at that level. A reduction in livestock numbers is better addressed at the allotment-level as well. A plan alternative arbitrarily reducing numbers forestwide would not be equitable, as conditions vary across the forest and from allotment to allotment

However, the Forest Plan includes an objective which would allow vacant allotments to be used as open allotments. This provision appears to make the Forest Service[rsquo]s decision to preclude an alternative that would allow for allotment closure or retirement arbitrary and capricious.

See FEIS Vol.2, A-160:

Guideline 6 and Management Approach (Vacant Allotments)

[ldquo]Vacant allotments should be considered for temporary use by holders of a current permit during times or events when their allotment(s) require growing season recovery time because of wildfire or other disturbance, or to minimize livestock and wildlife conflicts.[rdquo]

We note that Alternative 5 would maintain vacant allotments as vacant and unstocked until future NEPA process and it is unclear to us why there is no alternative that would allow for vacant allotments to be permanently closed.

The Forest Plan contains no requirement for any changes in grazing management to occur until site- specific Allotment Management Plans (AMPs) are created or revised, meaning the identified harms to the forest caused by livestock grazing will continue indefinitely. No alternatives propose any interim management prescriptions for livestock grazing even though the EIS is replete with references to current grazing practices responsible for conditions that are far below the past or now current desired conditions.

The assertion that there is no legal alternative to grazing public land is false. It is disturbing and frankly deeply chilling to see a public agency, which is formally tasked with managing public resources belonging to and intended for the benefit of everyone so completely captured and directed by a single, industrial use of citizen owned resources. There is ample legal precedent for permanent retirement of industrial grazing on some public land areas through NEPA analysis (reflecting the will of the citizen owners of the land) and any number of other administrative policy and regulation applications on many public lands. Examples of where livestock can be excluded or retirement may be applicable include, but are not limited to: designation of administrative areas, recreational areas, where mining may and may not occur, archaeological areas, bighorn sheep habitat, protection for species listed under the endangered species act.

Relief Requested: We request the Forest Service select the part of Alternative 5 that would authorize the permanent retirement of grazing allotments that are requested for non-use for resource protection by the permittee.

D. The Forest Service has perpetuated the myth of [ldquo]sustainable grazing[rdquo]

Raised in our prior comments: 4.16.2020 Coalition comments at 164-171; WWP 4.16.20 at 4

WWP and Guardians again ask the Forest Service to acknowledge that there is no way to conduct a sustainable and commercially viable livestock grazing operation in the arid southwest and to remove all references to [ldquo]sustainable livestock grazing[rdquo] in the Forest Plan. As we noted in our prior comments, public lands grazing operates at a profound financial public deficit (economically unsustainable), has converted and degraded entire landscapes (ecologically unsustainable), converts thousands of gallons of potable water into sewage every year (hydrologically unsustainable), produces greenhouse gasses at levels that exceed other forms of agriculture (climatically unsustainable), and results in a product that is demonstrably adverse to human health when ingested frequently or in high amounts (nutritionally unsustainable). Additionally, the reliance on removing top predators from the landscape as a way of making it safe for untended livestock is highly impactful on native wildlife species such as the coyote, cougar, and black bear.

Please note that if the Forest Service insists on maintaining this myth of [ldquo]sustainable livestock grazing[rdquo] and [ldquo]sustainable rangelands[rdquo] in the Forest Plan, WWP and other groups will work diligently to enforce the Forest Plan provisions which will then require livestock grazing is actually sustainable.

As we stated in our prior comments, the analysis in the EIS briefly discusses the long history of livestock grazing in the Gila National Forest, but fails to acknowledge the long-lasting negative impacts livestock grazing has had on the forest. There is no discussion of how livestock grazing has contributed to and continues to exacerbate altered fire regimes, invasive species, loss of species diversity, and degraded watersheds. Statements about the [ldquo]benefits[rdquo] of livestock grazing are extreme hyperbole: [ldquo]aeration through hoof action[rdquo] is actually destruction of soil crusts and structure that leads to erosion; [ldquo]invasive plant control[rdquo] is more accurately described as invasive plant distribution; [ldquo]fine fuels reduction[rdquo] is removal of forage for wildlife as well as removal of plant cover that prevents erosion.14

Relief Requested: Remove all references to [ldquo]sustainable livestock grazing.[rdquo]

E. The Forest Service has not used or has obfuscated the best available science

Raised in our prior comments: 4.16.2020 Coalition comments throughout and at 26, 39, 45, 76, and 98; and WWP 4.16.20 comments at 4, 8.

In our prior comments we asked the Forest Service to use the best available scientific information, as required by 36 C.F.R. [sect] 219.3, to determine which areas of the Forest are suitable for livestock grazing, and which are not. 36 C.F.R. [sect] 219.7(e)(1)(v). Unfortunately, the EIS fails to adequately address this issue as well as the capability of Forest Service lands to provide forage for livestock. This is a primary example of a clear and direct failure of the Forest to apply the best available scientific information that must be remedied before the release of a final decision.

F. The EIS fails to take a hard look at the road system and its effects under the alternatives

Raised in our prior comments: 4.16.2020 Coalition at 142-145, 199-220.

We raised a number of concerns in our prior comments urging the Forest Service to address significant inadequacies in its analysis. These and additional concerns persist in the FEIS. For example, we asked that the FEIS disclose how system and unauthorized roads affect inventoried roadless area characteristics. This is especially important given the allowance for existing roads to persist within these areas, and the agency[rsquo]s disclosure that [ldquo]Existing open roads would continue to be managed consistent with their maintenance level and no new permanent roads would be constructed.[rdquo] FEIS at 367. Given the Forest Service intends to retain existing roads, both system and non-system, and that it failed to disclose the miles of those existing roads within each IRA or how such roads affect its roadless character, the Forest Service cannot reasonably state the Revised Plan maintains roadless character. Moreso, closed roads often are subject to unauthorized motorized use and therefore they must be considered, especially if they have an ineffective closure device or remain passable by a motor vehicle.

Our comments also raised concerns about the watershed analysis, specifically failing to include each attribute for the Watershed Conditions Framework[rsquo]s Road & Trail indicator. Here the agency failed to consider mass wasting, even while the analysis explained [ldquo]... in steep watersheds, where geological erosion rates are already high and soils are naturally unstable, even low-severity fire can accelerate water, nutrient and sediment delivery to streams.[rdquo] FEIS at 153. Further, we acknowledge that [ldquo][b]etween 64 and 67 percent of subwatersheds are functioning properly with respect to road density and proximity to water,[rdquo] (FEIS at 312), but this does little to explain each subbasin[rsquo]s rankings or how the Carrizo Wash subbasin is the only one with a Road/Trail Indicator score with a 60 percent functioning properly. In fact, out of 11 subbasins, the analysis shows 8 of them are under 25 percent, two of which are at zero percent. The analysis fails to disclose the actual attribute scores, or provide a list of subwatersheds that have impaired or functioning at risk rankings with respect to road density or proximity to water. When responding to our comments, the Forest Service acknowledges the importance of the three attributes it considered and the outsized influence from the lack of maintenance capacity:

We agree that road density, proximity to water, and road maintenance are all consequential attributes of the Watershed Conditions Classification[rsquo]s roads indicator. This paragraph [referencing our excerpt from the Assessment] does not state that road density or proximity to water are more, or less, consequential than road maintenance. It states that road maintenance is more often the case of impairment, on the Gila National Forest, than density or proximity to water. Thus, road maintenance is more frequently a concern.

FEIS Vol. 2 A-238. While we readily acknowledge that the lack of adequate road maintenance is the largest factor contributing to low indicator scores, the agency has little control over the amount of funds Congress provides, and therefore must provide a Revised Plan that will improve the other attribute rankings, including by reducing road densities particularly where the attribute ranking is listed as [ldquo]poor.[rdquo] However, the Forest Service does not disclose those rankings or provide the actual road densities as we requested. Rather, the agency states in its response to our comments that [ldquo][t]he level of analysis the commenters would like to see can be found in the FEIS supporting the 2014 travel management decision (USDA FS 2014b).[rdquo] The response is inadequate for a few central reasons. First, the 2014 travel management FEIS (hereafter, [ldquo]TMP FEIS[rdquo]) is 10 years old and the WCF analysis is even older: [ldquo]The condition classification of each 6th-code watershed is considered a result of cumulative watershed effects up to 2011.[rdquo] TMP FEIS at 196. Next, the analysis discloses that of the 202 6th-code watersheds that intersect the forest only 180 watersheds were assessed for Watershed Condition Classification, with the overall findings that 98 classified as [ldquo]functioning properly,[rdquo] 81 classified as [ldquo]Functioning at Risk[rdquo] and 1 classified as [ldquo]Impaired Function.[rdquo] TMP FEIS at 193, Table 50. In other words, the Road and Trail Indicator scores were not listed, let alone the road density attribute rankings. It appears the Forest Service is relying on incomplete and outdated information to assert that the Revised Plan analysis need not take a hard look at its road densities.

Furthermore, when looking at the 2014 TMP FEIS, we found the following table:

2014 TMP FEIS at 48. This is notable because the Revised Plan FEIS failed to include OML 1 roads entirely and provided the following:

FEIS at 310. Here, the Forest Service fails to disclose the amount of ML 1 roads in its analysis and omits any discussion about how the road system has changed since the 2014 TMP ROD, which is particularly important for ML 2 roads which shows a reduction of 1,264.7 miles. But were all of these road reductions through physical decommissioning or administrative closure? How has the agency ensured closed roads are not subject to unauthorized use? The Revised Plan FEIS provides no answers. In fact, one has to look at the Revised Plan itself to learn the following:

The forest[rsquo]s most current motor vehicle use map (2023) shows approximately 3,330 miles of National Forest System roads open for motorized use by the public. An additional 330 miles of routes are designated for administrative use or by written authorization only, and approximately 910 miles are closed.

Revised Plan at 211. Adding these numbers together totals approximately 4,564 miles of system roads, and we expect there are unauthorized roads the agency fails to disclose or consider in its analysis. Put another way, since the 2014 Travel Management Plan decision, the Gila National Forest has reduced its road system by

approximately 49 miles over 10 years. It is unclear how this small reduction has helped achieve the identified minimum road system since the Revised Plan FEIS lacks any mention of the agency[rsquo]s requirements under subpart A of the Travel Management Rule. 36 CFR 212.5(b)

Further, the Revised Plan analysis still explains it cannot maintain the current road system: The forest is completing basic custodial maintenance such as grading the road surface, maintaining ditch lines, select sign replacement, and minor brushing of roadside vegetation on approximately 300 miles, or roughly 9 percent of the total open road miles on an annual basis; approximately 75 percent of miles maintained are maintenance level 3, 4, and 5 roads. The remaining 25 percent are maintenance level 2 roads.

FEIS at 309. Again, we are sympathetic to the lack of maintenance capacity, and at the same time we recognize there are significant environmental consequences from having a deferred maintenance backlog totaling $272,265,429. FEIS at 310. Those consequences were not adequately addressed in the Revised Plan[rsquo]s analysis.

Relief Requested: Supplement the FEIS with sufficient analysis to address these and other shortcomings we discussed in our comments, including more detailed discussion of the Watershed Condition Framework[rsquo]s Road and Trail Indicator and each attribute ranking for all subwatersheds across the Gila National Forest, especially road densities. This, in addition to, disclosing the miles and types of roads with Inventoried Roadless Areas, and how they affect roadless characteristics.

V. Forest plan components for roads infrastructure fail to comply with the 2012 Planning Rule and Forest Service Directives

Raised in our prior comments: 4.16.2020 Coalition throughout and at 142-145, 166, 199-225.

Our comments explained the substantive requirements of the 2012 Planning Rule, the implementing Forest Service Directives, and how the Forest Service must comprehensively address the road system in its plan revision. We explained that the significant aggregate impacts of that system on landscape connectivity, ecological integrity, water quality, species viability and diversity, and other forest resources and ecosystem services, necessitates that the Forest Service satisfy the rule[rsquo]s substantive requirements by providing sufficient management direction for transportation infrastructure. As described in our comments, plans must provide standards and guidelines to maintain and restore ecological integrity, landscape connectivity, water quality, and species diversity. Those requirements simply cannot be met absent integrated plan components directed at making the road system considerably more sustainable and resilient, especially given changing climate conditions.

In response, the Forest Service explained the following:

The final plan includes components to support future project-level decisions and that allow for management of designated roads (those included on the motor vehicle use map) and unneeded roads. Unneeded roads are decommissioned to reduce impacts to ecological resources and connectivity (Roads O1).

--

Roads DC6 was added to provide direction related to vulnerability assessments and a climate- resilient transportation system. We also added a guideline to the final

plan requiring temporary roads to be restored to more natural vegetative conditions upon project completion.

FEIS Vol. 2 at A-238. We appreciate the Forest Service included the additional plan components, but these additions fail to address our comments or concerns as we explain below.

A. Failure to include direction to identify and implement a minimum road system

Raised in our prior comments: 4.16.2020 Coalition 199-200.

Our comments explained the need for the Forest Service to address its unsustainable and deteriorating road system by ensuring the Revised Plan includes components to meet requirements under subpart A of the Travel Management Rule (TMR). We explained that the regulatory history of the Roads Rule makes clear that the Forest Service intended that forest plans would address Subpart A compliance. In response to comments on the proposed Roads Rule, the Forest Service stated:

The planning rule provides the overall framework for planning and management of the National Forest System. The road management rule and policy which are implemented through the planning process must adhere to the sustainability, collaboration, and science provisions of the planning rule. For example, under the road management policy, national forests and grasslands must complete an analysis of their existing road system and thenincorporate the analysis into their land management planning process.15

The Revised Plan fails to analyze its existing road system, precluding the agency from incorporating it in the land management planning process or providing specific plan components necessary to provide the overall framework for planning and management of the national forest road system. The Forest Service attempts to refute this in its response to comments:

The Gila National Forest completed a travel analysis and plan in compliance with Subpart A of the Travel Management Rule with the decision signed in 2014 (USDA FS 2014a and 2014b). The travel analysis plan identified the minimum road system needed for safe and efficient travel and for administration, utilization, and protection of National Forest System lands (36 CFR 212.5(b)(1).

FEIS Vol. 2 at 238. As our comments explained, the Forest Service Washington Office issued direction clarifying that identification of the minimum road system must be completed through a NEPA-level analysis and decision, and that an internal pre-NEPA Travel Analysis Report is insufficient to demonstrate compliance with subpart A of the TMR. We further explained that while the Gila National Forest completed its travel analysis process in 2009, it did not identify the MRS in its 2014 travel management planning record of decision, instead focusing specifically

on designating motorized roads and trails for public use. In fact, the Forest Service acknowledges that it did not consider meeting subpart A direction to identify an MRS that reflects long-term funding expectations by explaining the [ldquo][a]nalysis in the FEIS shows that none of the action alternatives identify a road system that can be fully maintained with current or projected funding levels.[rdquo] As such, the Forest Service cannot rely on its 2014 travel management plan decision to satisfy Subpart A requirements, especially because the supporting FEIS did not consider the entire road system, instead narrowing its focus to only changes to existing designations at the time of the analysis. Further, it is unreasonable for the agency to assert that results from an analysis completed in 2009 are still relevant and applicable for the Revised Plan decision some 14 years later. Moreso, WildEarth Guardians released a detailed report that illustrates the travel analysis process itself was often fundamentally flawed,16 which supports our position, as we stated in our prior comments, that the Forest Service should include these additional Roads Objectives:

* Within 3 years of plan adoption, the forest shall identify its minimum road system and an implementation strategy for achieving that system that is consistent with forest plan direction and relevant regulatory requirements.
* Over the life of the plan, implement the minimum road system (pursuant to 36 C.F.R. [sect] 212.5(b)).

The Forest Service response that it already identified the minimum road system is without basis, thus the one Roads Objective it did provide has no reasonable basis because the agency lacks an identified minimum road system:

Roads Objective 1: [ldquo]Decommission at least 50 miles of closed roads every 10-year period until the need has been met.[rdquo]

Revised Plan at 212. The Forest Service did not clarify precisely what need is being met. Is it to bring the road system into alignment with the projected maintenance budget? Is it to have minimal impacts to ecological and cultural resources? Is it to implement an undisclosed recommended minimum road system based on a 2009 Travel Analysis Report that was meant to only inform designating motorized use under subpart B of the TMR? Whatever the answers, the Revised Plan needs additional components as we indicated in our comments.

B. Failure to provide direction that properly manages temporary roads

We urge the Forest Service to provide consistent direction regarding the construction and removal of temporary roads. The Revised Plan includes the following Roads Guideline:

4. Construction of temporary roads in areas with desired recreation opportunity spectrum classifications of semi-primitive non-motorized should be avoided unless required by a valid permitted activity or management action. If authorized, roads should be constructed and maintained at the lowest maintenance level needed for the intended use and then obliterated or naturalized when the permitted activity or management action is completed.

Revised Plan at 212 (emphasis added). We support direction to obliterate or naturalize temporary roads, if the latter means removing any engineered components. In other words, any temporary road removal must ensure there are no physical remnants that may be utilized in the future as a temporary road or added to the transportation system. We urge the Forest Service to clarify what is meant by [ldquo]naturalize[rdquo] or simply strike it to make clear that temporary roads should be obliterated. Further, the Forest Service is now authorizing projects for numerous years, sometimes 10, 15 and even 20 years or more, making [ldquo]upon project completion[rdquo] an unreasonable time frame to remove temporary roads. We urge the Forest Service to revise this guideline as follows:

1. Construction of temporary roads in areas with desired recreation opportunity spectrum classifications of semi-primitive non-motorized should be avoided unless required by a valid permitted activity or management action. If authorized, roads should be constructed and maintained at the lowest maintenance level needed for the intended use and then obliterated within 3 years after construction. or naturalized when the permitted activity or managementaction is completed.

In addition, we urge the Forest Service to adopt this direction for other guidelines as well, particularly the following:

Roads Guideline

1. Temporary roads that support adaptation and restoration activities, fuels management, or other projects should be restored to more natural vegetative conditions upon project completion to assist in moving toward desired conditions for watersheds and habitats and to discourage illegal motorized use.

Revised Plan at 213. It is unclear why the Forest Service would direct temporary roads be obliterated or [ldquo]naturalized[rdquo] in Guideline #4 and not include the same direction for Guideline #5. Restoring temporary roads to a [ldquo]more natural vegetative conditions[rdquo] risks these roads persisting on the ground where they could be utilized in the future, which is essentially expanding a network of unauthorized roads. All temporary roads must be fully removed from the ground within a reasonable timeframe (3 yrs) if they are truly going to be temporary.

Such direction should also be added where road construction may occur in the Riparian Management Zone:

Riparian Management Zone Guideline

1. To minimize sediment delivery to streams, new construction or realignment of roads and motorized routes, recreation sites or other infrastructure should not be located within the 100- year floodplain or within 300 feet of a riparian management zone. Exceptions for stream crossings are made where determined necessary by site-specific analysis to reduce potential long-term investments in maintenance or adverse impacts (a downward trend or movement away from desired conditions) to floodplains and water resource features.

Revised Plan at 119. Given this is a guideline and there is a likely scenario where temporary road construction may occur within the RMZ because there is no standard prohibiting such activity, the Forest Service should clarify that any temporary roads constructed will be obliterated within 3 years after construction.

The same direction must also be included in the section directing management for plants, specifically the following:

Wildlife, Fish and Plants

1. Where there are known populations of rare and endemic plants, no new permanent roads or motorized trails will be constructed unless it is to provide legal access to private property. Temporary motorized routes that facilitate management activities are acceptable provided appropriate avoidance or mitigation measures are incorporated. Temporary motorized routes are closed when no longer needed.

Revised Plan at 133 (emphasis added). Foremost, temporary roads are anything but temporary if they are simply closed. Not only are closure devices often circumvented or ignored, but the road template will persist on the ground long after they are [ldquo]no longer needed.[rdquo] As written, this standard is woefully inadequate and must be revised to ensure they are obliterated after 3 years of their construction.

C. The Forest Plan and FEIS does not consider or incorporate motorized route density standardsRaised in our prior comments: 4.16.2020 Coalition at 74, 206-208, 214-215.

Our comments urged the Forest Service to consider and adopt an alternative that establishes motorized route density standards, based on the long history of established science that demonstrates high road densities harm fish and wildlife species. There is little difference between a motorized trail and a road in its effects on sensitive, threatened and endangered species. In response, the Forest unreasonably, arbitrarily, and capriciously

dismissed our request for such an alternative stating:

This standard was considered, but not analyzed in detail because while road density measures may be useful condition indicators, they make poor management standards. This is because the effects of roads on habitat connectivity also depends, at least, on traffic volume, the species, and sometimes the sex of the species. Road density standards are also ineffective management standards for water quality because the effects of roads on watershed condition and water quality depend on many other factors, including road location and design features, maintenance, the size and topography of the watershed, and vegetative cover over the rest of the watershed.

FEIS at 17. Certainly, we agree that other road-related factors affect watershed conditions, water quality, and habitat connectivity. Yet, the Revised Plan lacks standards that address those other factors, and the agency does not provide a rationale as to why it couldn[rsquo]t include road density standards in addition to others that it listed in its response. In fact, road or motorized route density standards

provide clear direction that can be easily operationalized during project development and implementation. The assertion that other factors preclude their adoption in the Revised Plan is without merit and scientific studies show limiting road densities has a direct benefit to fish and wildlife habitat.17

And, although the 2009 Gila Travel Analysis Report needs a crucial update, it did include relevant and timeless rationales that support the benefits of motorized route density thresholds:

The Forest considered that calculating road density by watershed as an appropriate method to display the scale of a road system in a watershed. Road density is used as an indicator of the system[rsquo]s general potential to impact water quality or modify the surface hydrology of an area. It can also be used in cumulative effects analysis to estimate the magnitude of disturbance that roads may be having on a watershed in conjunction with other land management activities.

The Forest also used road density at a watershed scale to assess impacts to wildlife. Impacts include such things as: displacement, home range modification, creating barriers to movement, and increased fragmentation. Road densities at varying scales may also be used to determine cumulative impacts to wildlife.

2009 Gila National Forest Travel Analysis Report at 12. In addition, the Forest Service use of the Watershed Condition Framework (WCF) to inform the Revised Plan analysis includes the Road and Trail Indicator that relies in part on road densities. Here, it is important to note that the WCF utilized an expansive road definition that the Forest Service should have used in its Revised Plan analysis:

For the purposes of this reconnaissance-level assessment, the term [ldquo]road[rdquo] is broadly defined to include roads and all lineal features on the landscape that typically influence watershed processes and conditions in a manner similar to roads. Roads, therefore, include Forest Service system roads (paved or nonpaved) and any temporary roads (skid trails, legacy roads) not closed or decommissioned, including private roads in these categories. Other linear features that might be included based on their prevalence or impact in a local area are motorized (off- road vehicle, all-terrain vehicle) and nonmotorized (recreational) trails and linear features, such as railroads. Properly closed roads should be hydrologically disconnected from the stream network. If roads have a closure order but are still contributing to hydrological damage they should be considered open for the purposes of road density calculations.18

Clearly, road or motorized route densities provide useful tools for analyzing their environmental impacts and there is no justifiable rationale that they should not be used as Revised Plan standards.

However, the Forest Service did provide an additional explanation for excluding them in any alternative:

Additionally, road densities and their effects on species, habitats and watersheds were addressed by the 2014 travel management decision (USDA FS 2014a) and its supporting environmental analysis (USDA FS 2014b), which have been incorporated into the project record for plan revision.

FEIS at 17. We explain in our comments and here in our objection that the 2014 travel management decision does not disclose or properly address road densities, and 10 years after implementing the decision, the subwatersheds on the Gila National Forest still have high road densities that contribute to degraded conditions.

Relief Requested: Acknowledge that the Gila National Forest has yet to comply with subpart A of the Travel Management Rule and include specific road objectives as explained herein and listed in our prior comments. Address the Revised Plan inconsistencies regarding standards and guidelines related to the removal of temporary roads as we explain herein. Finally, supplement the FEIS analysis with an alternative that considers appropriate motorized route densities, and include those densities as standards in the final Revised Plan.
VI. Specific Recommendations for Changes to the Forest Plan as it pertains to Livestock Grazing

Raised in our prior comments: 4.16.2020 Coalition comments at 71-79; WWP 4.16.20 at 21-30.

WWP again asks that our specific recommended changes to the Forest Plan are included in the final Forest Plan.

Strikethrough indicates our recommended deletion and ALL CAPS indicates our recommended addition to the text.

Recommended changes for page 18 of the Forest Plan:

Livestock Grazing is an economically and culturally traditional A use valued by local communities and has been for generations. IT IS A USE THAT HAS HAD AND CONTINUES TO HAVE SIGNIFICANT ENVIRONMENTAL IMPACTS. Like timber harvest, livestock grazing has its fair share of challenges, because forage and water availability change with environmental conditions.

Adaptive management is the cornerstone of sustainable livestock grazing, providing managers with theflexibility and information needed to respond to changing conditions. Successful adaptive management OF LIVESTOCK GRAZING hinges on PROTECTION OF NATURAL RESOURCES, PRIORITIZING HABITAT FOR THREATENED AND ENDANGERED SPECIES, good

relationships, communication, and monitoring. IF MONITORING CANNOT BE ACCOMPLISHED, LIVESTOCK GRAZING PERMITS SHOULD BE WITHDRAWN.

Gila National Forest managers envision a future in which livestock grazing is ALLOWED AS A sustained as a culturally and economically important use of the national forest, ONLY WHEN

forage is plentiful, and IS NOT REQUIRED TO ENSURE producers are prosperous, AND ONLY PERMITTED WHEN HABITAT FOR NATIVE PLANTS AND ANIMALS IS PROTECTED .

Leadership advances this vision by (1) restoring productive rangelands; (2) encouraging collaborative monitoring to support adaptive management; and (3) strategically selecting vacant allotments to serve as forage reserves, or swing allotments that provide flexibility to support currentpermittees during times of drought and other environmental disturbances FOR PERMANENT RETIREMENT.

Recommended addition:

ALL ANNUAL OPERATING INSTRUCTIONS, MONITORING REPORTS, AND EPHEMERAL USE PERMITS WILL BE POSTED ONLINE AND MADE PUBLICLY AVAILABLE IN A TIMELY MANNER.19

Recommended changes to page 193 et seq. of the Forest Plan:
Livestock Grazing
Background Information

The production of forage to support livestock grazing is a benefit humans derive from many of theforest[rsquo]s ecosystems. Livestock grazing in the forest contributes to the livelihood of the permittees and to the economy of local communities and counties BUT CAN HAVE SIGNIFICANT IMPACTS ON THE ENVIRONMENT. It is a traditional cultural HISTORICAL use of the forest, and one of the multiple-use elements for which the Forest Service is managed.

Rangelands, as working landscapes, sustain PROVIDE FOR beef cattle ranching while providing habitat for

wildlife, recreation opportunities, open space amenities and cultural values that define a way of life (Maher et al. 2021). Continuing this way of life enhances cultural heritage for futuregenerations. Many people living in and near local communities participate in or have connections toranching and identify with the associated values. [unless a citation for this statement can be provided] Forage provided by rangelands supports livestock grazing and provides provisioning ecosystem services which contribute to the livelihood of permit holders and to the economy of local communities and counties. Livestock grazing opportunities contribute to the economic viability of local ranches, which helps to conserve open space by keeping private lands in agricultural production and avoiding exurban development (Bradford et al. 2002, Brown and McDonald 1995, Resnick et al. 2006 and USDA FS 2007). Well-managed livestock grazing can aid in maintaining or improving rangeland health (Adler et al. 2001 and Strand et al. 2014), which in turn facilitates their ability to provide supporting ecosystem services such as nutrient cycling and regulating ecosystem services such as long- term carbon storage (Havstad et al. 2007, Teague and Kreuter 2020, and Yahdijian et al. 2015).

Livestock grazing is directed by regulations set in 36 CFR 22 Subpart A, which mandates the agency to develop, administer, and regulate the grazing use. The use, timing, duration, and other considerations are evaluated by an interdisciplinary team through regulations set by the National Environmental Policy Act. The responsible official, typically a district ranger, considers the interdisciplinary team[rsquo]s evaluation, input and feedback received during the public process mandated by the National Environmental Policy Act, and decides what will be authorized. This decision is then outlined in a multi-year allotment management plan, which guides adaptive management. Grazing permits incorporate the Allotment Management Plan and may also include additional allotment- specific terms. Both the issuance of the permit and the development or amendment of an Allotment Management Plan that becomes part of the permit is considered an administrative action that implements the National Environmental Policy Act decision (FSH 2209.13 chapter 90 section 94). Permanent grazing management modifications that are consistent with the National Environmental Policy Act decision can be authorized through the term grazing permit. [delete period, insert comma] consistent with the National Environmental Policy Act decision.

Annual operating instructions are developed to carry out the allotment management plan. They are reviewed annually as an opportunity to make any adjustments needed to respond to environmental conditions. Rangeland utilization and infrastructure monitoring are conducted to provide information on conditions that inform the need for adjustments. Annual operating instructions allow for temporary adjustments while implementing the terms and conditions of the permit. Annual operating instructions do not constitute a permit modification and are not an appealable decision (36 CFR 214.4). Grazing permits, allotment management plans, permit modifications, and Annual Operating Instructions are site-specific and outside the scope of the forest plan.

Adaptive management is the cornerstone of sustainable livestock grazing. Successful adaptivemanagement hinges on good relationships, communication, and monitoring. However, withoutsufficient and functional range infrastructure (that is, fences, water sources), there can be lessmanagement flexibility, more inconvenience, and additional costs.

Challenges facing the Gila National Forest[rsquo]s livestock grazing program include the condition of some range infrastructure. Some THE MAJORITY OF range infrastructure is in poor condition or is non- functional due to age, lack of maintenance, poor design features or locations, damage associated with recent fires, or a combination of these factors. There have been instances where infrastructure condition has resulted in injury to other forest users and livestock that encounter downed and obscured barbed wire fencing material. Permittees and forest staff have invested substantial efforts to address fire-damaged infrastructure with limited financial resources, but much work remains.

Desired Conditions

1. Sustainable livestock grazing contributes to the long-term social, economic and cultural diversity and stability of local communities, and helps to preserve the rural landscape, LIFESTYLE CHOICES cultural heritage, and long-standing tradition.
2. Livestock use IS ONLY PERMITTED WHERE IT provides for conditions that support movement toward natural fire regimes.
3. Livestock grazing and use is ONLY PERMITTED WHERE IT IS compatible with the desired conditions for ecosystems, soils, watersheds, native plant and animal species, and other activities and resources.

1. Range infrastructure facilitates livestock management and the production of forage, allows wildlife safe and reliable access to water, provides for habitat connectivity and wildlife movement, and does not negatively affect the safety of forest users or Forest Service personnel.
2. Required environmental analyses are conducted in a thorough and timely manner to reduce regulatory uncertainty and encourage investment by permit holders.
3. LIVESTOCK GRAZING IS NOT PERMITTED IN RIPARIAN AREAS.
4. NATIVE PLANT COMMUNITIES SUPPORT DIVERSE AGE CLASSES OF SHRUBS, AND VIGOROUS, DIVERSE, SELF-SUSTAINING UNDERSTORIES OF GRASSES AND FORBS RELATIVE TO SITE POTENTIAL, WHILE PROVIDING FORAGE FOR WILDLIFE AND, WHERE APPROPRIATE, LIVESTOCK.
5. WETLAND AND RIPARIAN AREAS CONSIST OF NATIVE OBLIGATE WETLAND SPECIES AND A DIVERSITY OF RIPARIAN PLANT COMMUNITIES CONSISTENT WITH SITE POTENTIAL AND RELATIVE TO WETLAND RIPARIAN AND FOREST AND SHRUB RIPARIAN DESIRED CONDITIONS

Objectives

1. Implement at least one action per year to improve poor or very poor range condition (or equivalent condition class), other than mechanical treatments targeting woody invaders (woody invaders are addressed through the objectives for vegetation communities INCLUDING THE CONSIDERATION OF ALLOTMENT OR PERMIT RETIREMENT. All Upland Ecological Response Units.
2. In cooperation with every permit holder AND THE PUBLIC, evaluate consistency with annual operating instructions and document pasture rotation, utilization compliance, and improvement maintenance annually.
3. ANNUALLY REMOVE AT LEAST 6 - 10 EXISTING RANGE IMPROVEMENT STRUCTURES FOR LIVESTOCK GRAZING THAT ARE NO LONGER NECESSARY OR IN POOR OR NON- FUNCTIONAL CONDITION.
4. ANNUALLY CONSIDER AT LEAST 1 VACANT OR UNDERSTOCKED ALLOTMENT FOR PERMANENT GRAZING RETIREMENT.

Standards

1. Project-specific best management practices identified in the proposed action will be followed (see also Soils, Water Quality, and Watersheds) to mitigate impacts to soil, water, riparian, and aquatic resources.
2. New or reconstructed range improvements will be designed to prevent wildlife entrapment (for example, escape ramps in water troughs and cattleguards) and allow for wildlife passage except where specifically intended to exclude wildlife (for example, elk exclosure fence) and/or to protect human health and safety (see also Wildlife, Fish, and Plants).

1. New livestock handling facilities designed to hold or concentrate livestock (for example, corrals, traps, water developments) will be located outside of riparian management zones, known archeological sites, and known occupied sites of at-risk species. Buffer distances will be determined during project planning on a case-by-case basis in coordination with the permittee to adequately address management needs, site-specific circumstances, species-specific characteristics, and any associated legal requirements.
2. Permit conversions to domestic sheep or goats will not be allowed, to minimize the risk of disease transfer to bighorn sheep.
3. The Congressional Grazing Guidelines for Wilderness shall be applied to all decision making regarding management of commercial grazing in wilderness areas.
4. LIVESTOCK MANAGEMENT WILL ONLY BE ALLOWED WHEN COMPATIBLE WITH CARRYING CAPACITY AND WHEN IT IS POSSIBLE TO ADDRESS ECOLOGICAL RESOURCES (SUCH AS FORAGE, INVASIVE PLANTS, AT-RISK SPECIES, SOILS, RIPARIAN HEALTH, AND WATER QUALITY) THAT ARE DEPARTED FROM DESIRED CONDITIONS, AS DETERMINED BY TEMPORALLY AND SPATIALLY APPROPRIATE DATA.

Guidelines

1. Annual operating instructions should SHALL address ecological resources such as native plant communities, at-risk species, soils, riparian health, and water quality, if they are departed from desired conditions, as determined by data that are relevant to the allotment and the current management system.
2. In areas recommended for wilderness designation, authorization of mechanized or motorized access and equipment for the maintenance or replacement of existing infrastructure should SHALL encourage ENSURE protection of the wilderness characteristics.
3. Existing livestock handling and watering facilities located in riparian management zones should SHALL be modified or relocated where interdisciplinary evaluation finds they are not compatible with movement toward desired conditions for other resources. These evaluations would be made during environmental analysis or review or triggered by monitoring results. Any modification or relocation of infrastructure should include consultation with the permittee.
4. Mineral (for example, salt) or vitamin supplements should SHALL not occur on or adjacent to known occupied sites of at-risk plant species, significant archaeological sites, cave entrances, poorly drained or saturated soils, unsatisfactory soils, or those with severe erosion hazard or high mass wasting hazard ratings. Buffer distances will be determined on a case-by-case basis in coordination with the permittee to adequately address management needs, site-specific circumstances, species- specific characteristics, and any associated legal requirements.
5. Mineral (for example, salt) or vitamin supplements should SHALL not be authorized within 0.25 0.5 mile of water sources to support maintenance of or movement toward desired conditions for soil, water quality, watersheds, riparian and aquatic ecosystems, and range condition by encouraging better distribution of use. Exceptions may ONLY occur if prior written approval is obtained from the appropriate line officer and one or more of the following sets of circumstances are present: (1) thewater source is not in a riparian management zone and special circumstances dictate a short-term need; (2) the water source not in a riparian management zone and the intent of placing the supplement near water is to draw use away from riparian areas; or (3) the water source is not in a riparian managementzone and the particular supplement requires that it be close to water to encourage better distribution(for example, high-protein liquid feed).

1. As part of implementing prescribed fire, stocking and management of grazing allotments should SHALL be

evaluated by an interdisciplinary team, THE PUBLIC, and the permittee before applying prescribed fire to balance the availability of forage and fine fuels, and after prescribed fire to evaluate and determine range readiness.
2. Vacant allotments should be considered for PERMANENT VOLUNTARY RETIREMENT temporary use by holders of a current permit during times or events when their allotment(s) requiregrowing season recovery time because of wildfire or other disturbance, or to minimize livestock andwildlife conflicts.
3. As part of all management activities, range infrastructure and associated materials (including barbed and smooth wire, storage tanks, pipeline, et cetera) that are no longer functioning or are more than what was needed for the maintenance, reconstruction, or construction activity, should SHALL be removed to provide for the safety of forest visitors, wildlife, recreational and permitted livestock, and aesthetics. Such requirements should be incorporated into contracts, permits, and agreements. Forest personnel should resolve any such safety hazards identified during project or incident activities.
4. All monitoring data collected by non-Forest Service personnel that adhere to Forest Service approved protocol should SHAL be accepted for consideration and made available to permit holders AND THE PUBLIC for allotment management.

Management Approaches

Collaboration, Adaptation, and Monitoring [No deletions or edits recommended] Range Infrastructure and Relationships [No deletions or edits recommended] Adaptation and Forage Reserves

Climate change and vegetation management activities present opportunities and challenges for livestock production, grazing permit holders, and forest leadership and staff. Challenges can arise because the herbaceous vegetation that provides forage for livestock is the same vegetation that provides the fine fuels necessary to support the natural role of fire on the landscape and flame heights that are effective at killing young trees that are encroaching grasslands and infilling forest and woodland openings. Fire damage to range infrastructure is another significant, but not insurmountable, challenge. Forest staff and leadership continue to work with grazing permittees and other interested stakeholders to minimize challenges and maximize opportunities related to fire management to the greatest extent possible. This includes addressing fire damage to range infrastructure within existing authorities (see Wildland Fire and Fuels Management) and evaluating allotments, when grazing permits that are waived back to the forest, for their suitability for use as forage reserves or swing allotments, OR FOR PERMANENT CLOSURE AND RETIREMENT. A small, strategically located network of swing allotments could help increase options available to permittees during drought years, before or after fire, and when there are conflicts between livestock and wildlife. PERMANENT CLOSURE AND RETIREMENT OF ALLOTMENTS CAN FURTHER REDUCE CONFLICTS

BETWEEN LIVESTOCK AND WILDLIFE. The Forest Service would be responsible for the maintenance and upkeep of range infrastructure and developments within these swing allotments when they are not being used to that they are ready to be stocked when the need arises, AND RESPONSIBLE FOR THE REMOVAL OF RANGE INFRASTRUCTURE WHEN ALLOTMENTS

ARE PERMANENTLY CLOSED AND RETIRED. This maintenance would need to be integrated into the forest[rsquo]s program of work, prioritized, and then completed by forest staff, contractors, partnerships, or a combination of those resources.

Drought, Forecasting Services and Adaptation

Drought is an inevitable occurrence in the southwestern United States. The question is not will drought occur, but are forest leadership, staff, and permittees prepared for drought? The intent of this management approach is to highlight technologies that can inform allotment-specific drought plans and adaptation and emphasize the importance of early and frequent communication. There are many sources of information that can be helpful in developing strategies to cope with drought. The ability to forecast in-season forage production, green up, and curing out and relate that to past conditions and management strategies can support a timely, more effective, and complete response to drought. The 2021 Rangeland Technology Summit highlighted over 40 tools that have recently become operational for agency staff, permittees, and the public. Many of them leverage satellite data. Tools like Fuelcast.net provide weekly, in-season projections of herbaceous production in pounds per acre and PhenoMap allows a weekly comparison of how the current season is tracking with past seasons back to 1984, in terms of average greenness. The Rangeland Allotment Monitoring tool is a web application that combines access to PhenoMap and annual productivity data. There are also tools such as the SPI Explorer and Quick Drought Response Index, or QuickDRI. SPI stands for Standardized Precipitation Index (SPI), which is a unit of measure that compares recent precipitation values for a period of interest with long-term historical values to assess moisture conditions. QuickDRI is a relatively new measure of drought that monitors rapid, short-term changes in landscape-level dryness to detect the onset of drought and rapidly developing flash droughts. QuickDri combines the standardized precipitation index with measures of vegetation health, root-zone soil moisture, evaporative stress, and other environmental characteristics that influence drought. Armed with a knowledge of past management strategies specific to the allotment and tools such as these allow management to anticipate drought impacts and develop the appropriate adaption actions with greater agility than ever before.

To maintain a trajectory toward desired conditions for livestock grazing as a use of the forest and for the natural resources that support such use, early and frequent communication and coordination with permittees and others is critical. The Forest Service, Natural Resources Conservation Service, other federal agencies, state and local government entities, and non-governmental organizations have different abilities to leverage different resources for drought response. Strong partnerships founded on communication and trust will be essential adaptation tools. The United States Department of Agriculture[rsquo]s Action Plan for Climate Adaptation and Resilience specifically identifies programs available through the Natural Resources Conservation Service as response mechanisms. There are also programs available through the Farm Service Agency that could be important as droughts become more frequent and intense. The Farm Service Agency recently released an online tool for drought- stricken producers that helps them estimate costs associated with supplemental feed and water and reimburses ranchers for a portion of those costs. Ranchers considered underserved may be eligible for up to 90 percent reimbursement on costs associated with supplemental feed. The New Mexico Department of Agriculture, Office of the State Engineer and Interstate Stream Commission, and other state agencies and working groups such as the New Mexico Healthy Soil Working Group, also have plans and resources for adaptation that can be brought to the table. Forest leadership and staff recognize these entities as critical partners for success and seek opportunities to actively collaborate with them.

Livestock and Wildlife [No deletions or edits recommended]

Riparian Critical Habitat [No deletions or edits recommended] Unauthorized and Excess Livestock [No deletions or edits recommended] Relief Requested: make the above noted changes to the Forest Plan.
E. Recommendations for Annual Operating Instructions

WWP has submitted management recommendations to other Forest Service units in Region 3 for inclusion in Forest Plan revisions that are currently underway, as well as for inclusion in AOIs. By asking for these Special

Management Instructions to be implemented as part of the AOI, we hope to reduce the impacts of livestock grazing to all predators found on the Gila National Forest. We note that some of these recommendations were incorporated, at least in part, into the Grazing Management Approaches. However, the Forest Plan could be stronger on this issue. Therefore, we are again asking the Gila National Forest to include such recommendations as part of the Forest Plan revision process as a recommended Management Approach (or Standard, Guideline, etc., as appropriate). This is similar to how the Forest Plan addresses concerns related to the Mexican spotted owl and Northern goshawk.

Management Approach for AOIs

[ldquo]Best Practices[rdquo] for protecting livestock and grazing operations where predators are present have been successful in reducing negative interactions between predators and livestock. These best practices must be followed and include:

1. Removing, destroying, burying, or placing electric fencing around dead livestock discovered on allotments if carcasses would attract predators into high use areas such as currently grazed meadows, salting grounds, water sources, or holding corrals.
2. Removing sick or injured livestock from grazing allotments to prevent them from being targeted by predators.
3. Increasing range riding to provide a more consistent human presence around your cattle. This has proven to be one of the most effective means for reducing predator-livestock interactions and depredation. There is nothing in your Grazing Permit, Allotment Management Plans (AMPs), or in these Annual Operation Instructions (AOI) that authorizes predator control.

For this allotment, the permittee is aware:

*
* The allotment does include predator habitat and the possibility of predator- livestock conflicts exists and will be an ongoing part of managing livestock on the allotment;
* The permittee has an obligation to comply with the Endangered Species Act, among all other federal laws;
* The Forest Service will provide conflict-reduction resources as they are developed;
* A grazing permit in non-use status shall not be allowed to increase allowable animal unit months when returning to use to help prevent livestock-predator conflicts;
* The Forest Service has provided notification to the permittee regarding BMPs to minimize the potential for predator-livestock interactions
* Permittees must implement specific best management practices to reduce livestock-predator conflicts, including, at a minimum, the removal of predator attractants during calving season, increased human presence during vulnerable periods, use of range-riders and diversionary and deterrent tools such as fladry fencing, airhorns, crackershells, etc.;
* Measures to reduce livestock-predator conflicts, including a clause notifying the permittee of the potential for modification, cancellation, suspension, or temporary cessation of livestock activities to resolve livestock-predator conflicts;
* Permittees are prohibited from using leg-hold traps to manage livestock predation on any allotments.

All AOIs should include a notice to grazing permittees that they may take conservation non-use for the sake of

reducing livestock-predator conflicts on these allotments, pursuant to the Forest Service regulations at 36 C.F.R. 222.3 Issuance of grazing and livestock use permits; Issuance of grazing and livestock use permits 36 C.F.R. 222.3(C)(1)(iv)(D); Forest Service Handbook 2209.13(17.2) Nonuse for Resource Protection or Development.

Drought management planning should take into consideration increased competition between predators, native prey and livestock for forage and resources and the Forest Service should maintain an adequate supply of food for wildlife it intends to avoid livestock-predator conflict.

Relief Requested: Include the above Management Approaches for AOIs in the Forest Plan.

Because the Forest Service refused to analyze an alternative that eliminated or even reduced livestock grazing, the Forest Service was unable to acknowledge or analyze the impacts of fewer livestock on the ground. These impacts would have included improved scenic integrity, better habitat for wildlife and native plants, reduction in invasive non-native plants forest-wide, improved fire ecology, improved soil conditions, reduced erosion, more eligible segments of Wild and Scenic Rivers, more lands eligible for Wilderness recommendations, and a host of other positive, ecological beneficial impacts.

The Forest Service must therefore withdraw the Record of Decision, issue a new decision that selects Alternative 5 as it pertains to vacant grazing allotments (they should remain vacant), and provide the other such relief as requested above.

Thank you for your consideration of this Objection. If you have any questions or wish to discuss the issues raised in this objection letter in greater detail, please do not hesitate to contact me.

Sincerely,

Cyndi Tuell

Arizona and New Mexico Director Western Watersheds Project

Adam Rissien, ReWilding Manager WildEarth Guardians