

Data Submitted (UTC 11): 9/29/2024 6:00:00 AM

First name: Linda

Last name: Moore

Organization: Bird Alliance of Southwestern New Mexico

Title: President

Comments: RE: Objection to the Gila National Forest Land Management Plan of July 2024 (MB-R3-06-18)

Dear Forest Supervisor Camille Howes and Environmental Coordinator Lisa Mizuno:

The Bird Alliance of Southwestern New Mexico, hereinafter referred to as BASWNM, formally objects to the Gila National Forest Land Management Plan July 2024. We do so in accordance with the regulations of 36 C.F.R. [sect] 219 Subpart B (219.50 to 219.62). The Land Management Plan was dated and published on July 30, 2024. Subsequently, the legal notice of the objection period appeared in the newspaper of record, the Silver City Daily Press, on Tuesday July 30, 2024. The 60-day objection period thus ends on September 30, 2024.

Lead Objector

/s Linda Moore

Linda Moore

President

Bird Alliance of Southwestern New Mexico

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About Bird Alliance of Southwestern New Mexico

The BASWNM (formerly Southwestern New Mexico Audubon Society)[1] is a non-profit, all volunteer organization that serves communities in Grant, Luna, Hidalgo, and Catron counties. Our organization works to instill love for, and protection of, birds and their habitat through education and advocacy. We provide free programs and bird walks for the public and are active in conservation issues of importance to our region.

Our organization has participated throughout the Gila National Forest (hereinafter GNF) planning process and submitted comments on the Draft Environmental Impact Statement (DEIS) in 2020 as part of the Gila Coalition (under the previous name Southwestern New Mexico Audubon Society).

Statement of the issues and parts of the plan to which this Objection applies and explaining the Objection

While we recognize the tremendous amount of work that went into developing this plan, there are significant issues that have not been addressed as regards the management and protection of avian species and their habitat, contrary to the National Forest Management Act (NFMA) and the 2012 Planning Rule, 36 C.F.R. Part 219.

NFMA requires forest managers to treat the wildlife resource as a controlling, co-equal factor in forest management.

1. Given the extremely limited information provided in the Plan and the Final Environmental Impact Statement (FEIS) regarding habitat restoration/management as it relates to protecting/enhancing the forest for avian needs, it is clear the GNF does not meet this criterion.
2. The GNF Plan and FEIS do not meet the 36 CFR [sect] 219.9(b) and (c) requirements for maintaining the diversity of plant and animal communities in failing to:

provide the ecological conditions necessary to: contribute to the recovery of federally listed threatened and endangered species, conserve proposed and candidate species, and maintain a viable population of each species of conservation concern within the plan area. If the responsible official determines that the plan components required in paragraph (a) are insufficient to provide such ecological conditions, then additional, species-specific plan components, including standards or guidelines, must be included in the plan to provide such ecological conditions in the plan area. (36 C.F.R. [sect] 219.9(b)(1)).

If the responsible official determines that it is beyond the authority of the Forest Service or not within the inherent capability of the plan area to maintain or restore the ecological conditions to maintain a viable population of a species of conservation concern in the plan area, then the responsible official shall:

(i) Document the basis for that determination ([sect]219.14(a)); and

(ii) Include plan components, including standards or guidelines, to maintain or restore ecological conditions within the plan area to contribute to maintaining a viable population of the species within its range. In providing such plan components, the responsible official shall coordinate to the extent practicable with other Federal, State, Tribal, and private land managers having management authority over lands relevant to that population. (36 C.F.R. [sect] 219.9(b)(2)).

Species of conservation concern. For purposes of this subpart, a species of conservation concern is a species, other than federally recognized threatened, endangered, proposed, or candidate species, that is known to occur in the plan area and for which the regional forester has determined that the best available scientific information indicates substantial concern about the species' capability to persist over the long-term in the plan area. (36 C.F.R. [sect] 219.9(c)).

We find no evidence that the Plan or the FEIS documents the requirements of 36 C.F.R. [sect] 219.9(b)(2) above.

1. The following statement is problematic on two levels:

Gila National Forest planning staff have identified 72 at-risk species. Fifteen of these species are federally listed under the Endangered Species Act, and 57 species have been identified as species of conservation concern. Because the plan components for at-risk species are integrated throughout multiple resource sections in the forest plan, the full scope of the plan direction for any one species may not be evident when looking only at the Wildlife, Fish, and Plants section. (FEIS Appendix G at G-1).

1. The final line in this makes it clear how difficult it is to find each of those species without reading the entire Plan and FEIS (three volumes). The Species of Conservation Concern (SCC) should be listed in the Plan, not just in the FEIS. This amounts to obfuscation, making efforts to evaluate the Plan's intended efforts in protecting at-risk species or maintaining/enhancing habitat for these species unnecessarily difficult to evaluate.
2. The majority of species addressed in these documents are plants and amphibians, while only the three federally listed and five state listed avian species are addressed in any detail in the Plan, even though the FEIS lists 13 avian SCC (in addition to the three federally listed bird species). FEIS at 170, 174, 181[ndash]82. We did

not take the time to comb the Plan for mammals at risk, other than to note the Mexican Wolf was highlighted. So, while the GNF appears to have addressed significant numbers of at-risk species, the reality is that, among avian species alone, the majority of at-risk avian species are not even acknowledged in the Plan. If specific species are not even addressed in the Plan, how is it possible that habitat management can protect those at-risk species who utilize a particular habitat, or habitats?

There is evidence that there are significantly more avian species, including species warranting special consideration, in the Gila National Forest than the Plan acknowledges. In particular, a five year review of eBird reported sightings of species in 66 Grant and Catron County eBird Hotspots situated within a significant portion of the GNF included 344 unique avian species sightings, of which at least 15 are species noted as S1B-S3B/S1N-S3N by NatureServe (<https://www.natureserve.org/access-data>) but not mentioned in any form in the Plan. Data from both sources are publicly available and easily accessed. Some species are also NM state listed Threatened species.

1. NFMA requires forest managers to treat the wildlife resource as a controlling, co-equal factor in forest management.

1. While we applaud the inclusion of the Pinyon Jay (*Gymnorhinus cyanocephalus*) in the avian species considered in the Plan, given that the Gila Region is a stronghold for this species which is declining dramatically elsewhere in its range, the GNF inappropriately limited consideration of avian species to be included in this plan, as noted above.

2. The Plan fails to recognize most of the avian SCC found in the GNF, despite having been provided with data on numerous SCC species backed by peer-reviewed data during the comment period on the DEIS.

1. See Attachment A for a partial list of Species of Greatest Conservation Need not addressed within the Plan or the FEIS. List does not include species not recorded in eBird sightings data for hotspots within the GNF and is, therefore incomplete.

3. There is no mention of the majority of these species in any of the aggregate plan components that address contributing to the recovery of threatened and endangered species or effort to maintain viability of SCC species as required by NMFA.

1. The Coalition, recognizing the limited resources of the GNF, provided GNF with a minimum list of four recommended focal species, Brown Creeper (*Certhia americana*), Hairy Woodpecker (*Dryobates villosus*), American Three-toed Woodpecker (*Picoides dorsalis*), and Northern Goshawk (*Accipiter gentilis*).

1. Of these the Northern Goshawk was included in the Plan, not as a focal species, but within some successional forest stage sections, where a recommended disturbance buffer radius was noted for nesting and fledging sites.

2. The rest are not.

1. The Plan continues to unduly limit focal avian species and lists no focal avian species for many of the ERU and successional forest stages, despite the Monitoring Program requiring the use of:

1. Focal species to assess ecological conditions.

2. Select ecological conditions that contribute to the recovery of at-risk species.

3. Measurable changes related to climate and other stressors.

1. Within the Plan three ERUs list no avian species, three list 1 species, and three list 2 species. Within all ERUs/successional forest stages a total of 3 distinct species are mentioned: Mexican Spotted Owl, Lewis's Woodpecker, and Pinyon Jay.

Statement that demonstrates the link between the objectors' prior substantive formal comments and the content of the objection

As part of the Gila Coalition comments, our organization (then named Southwestern New Mexico Audubon Society) provided a list of the 31 avian species in the Gila National Forest that are at high risk of losing a portion, if not all, of their range in the Plan area over the next 70 years, and of 46 avian species that are highly vulnerable due to climate change, along with recommendations for revisiting the SCC list, addressing these vulnerable species, and evaluating how better control and management of certain activities, such as livestock grazing, can contribute to avian habitat restoration. These comments form the basis of our Objection points.

We look forward to working with the Reviewing Officer on these important issues and remedies.

Regards,

/s Linda Moore

Linda Moore

President

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Attachment A: Species of Conservation Concern Not addressed within the Plan in relation to habitat management.

New Mexico Special Status Species observed w/in Gila National Forest not noted within the Plan in relation to habitat protection/management

Common Name	Scientific Name	Special Status
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Common Ground-Dove	Columbina passerina	Endangered
Neotropic Cormorant	Nannopterum brasilianum	Threatened
(Gould's) Wild Turkey	Meleagris gallopavo mexicana	Threatened
Bell's Vireo	Vireo bellii	Threatened
Gray Vireo	Vireo vicinior	Threatened
Abert's Towhee	Melospiza aberti	Threatened
Yellow-Eyed Junco	Junco phaeonotus	Threatened

*subspecies unknown

Source: New Mexico Department of Game and Fish, Wildlife Management and Fisheries Management Division, 2024 Biennial Review and Recommendations Authority: Wildlife Conservation Act (17-2-37 through 17-2-46 NMSA 1978)

New Mexico Species of Greatest Conservation Need (SGCN) observed w/in Gila National Forest not noted within the plan in relation to habitat protection

Common NameScientific NameSGCN Status

Clark's Grebe *Aechmophorus clarkii* Vulnerable, G5, S3B, S3N
Clark's Nutcracker *Nucifraga columbiana* Declining, G5, S4B, S4N
Common Nighthawk *Chordeiles minor* Declining G5, S4B, S4N
Eared grebe *Podiceps nigricollis* Declining, G5, S3B, S5N
Elf Owl *Micrathene whitneyi* Vulnerable, G5, S3B, S3N
Evening Grosbeak *Coccothraustes vespertinus* Declining, G5, S4B, S5N
Flammulated Owl *Psiloscops flammeolus* Immediate priority, G5, S3B, S3N
Grace's Warbler *Setophaga graciae* Declining, G5, S3B, S4N
Juniper Titmouse *Baeolophus ridgwayi* Immediate priority, G5, S4B
Loggerhead Shrike *Lanius ludovicianus* Declining, S3B, S4N
Lucy's Warbler *Leiothlypis luciae* Vulnerable, G5, S3B, S4N
Marsh Wren *Cistothorus palustris* G5, S1B, S5N
Montezuma Quail *Cyrtonyx montezumae* G4/G5, S3B, S3N
Mountain Bluebird *Sialia currucoides* G5, S4B, S4N
Neotropic Cormorant *Nannopterum brasilianum* Susceptible, G5, S3B, S4N
Olive-sided Flycatcher *Contopus cooperi* G4, S3B, S3N
Pygmy Nuthatch *Sitta pygmaea* Vulnerable, G5, S3B, S3N
Red-faced Warbler *Cardellina rubrifrons* G5, S3B, S4N
Sage Thrasher *Oreoscoptes montanus* G4, S3B, S4N
Sagebrush Sparrow *Artemisiospiza nevadensis* Vulnerable, G5, S3B, S4N
Virginia's Warbler *Leiothlypis virginiae* G5, S3B, S4N

*non-S1B-S3N species included due to declining populations or immediate priority

status

Sources:

1. https://nhnm.unm.edu/sites/default/files/nonsensitive/rank_status.pdf and <http://www.natureserve.org/conservation-tools/conservation-status-assessment>. Criteria used to place species on the SGCN list for this plan include populations that are declining, vulnerable, endemic, disjunct, or keystone.

2. eBird Basic Dataset. Version: EBD_relJul-2024. Cornell Lab of Ornithology, Ithaca, New York. Jul 2024

Note: All Federally Listed Species observed w/in Gila National Forest were addressed at some level in the plan

[1] Our chapter changed its name in May 2024. We were and continue to be a chapter of the National Audubon Society. See <https://swnmaudubon.org/>.