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USDA Forest Service

Attn: Objection Reviewing Officer

Rocky Mountain Region

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Re: Rio Grande Forest Plan Revision Objection

San Juan Citizens Alliance files the following objections to the Rio Grande Forest Plan Revision.

Objection Point 1

We object to the failure to evaluate wild and scenic river eligibility for the Rio Grande above Rio Grande Reservoir using updated information obtained since the prior Forest Plan was completed in 1996.

Objector raised this issue in comments submitted on the Draft EIS, December 27, 2017.

Discussion

The 2012 forest planning rule requires the forest to identify the eligibility of free-flowing streams for potential inclusion in the National Wild and Scenic Rivers System. 36 CFR 219.7(c)(2)(vi). A river is eligible if it is free-flowing and has at least one river-related outstandingly remarkable value of national or regional significance (ORVs). Segments found eligible must include a preliminary classification (wild, scenic, or recreational; 16 U. S. C. 1273(b), FSH 1909.12 section 82.8).

Chapter 80 of Forest Service Handbook (FSH)1909.12 provides detailed guidance on the required inventory of eligible rivers and on interim management of those rivers to protect their ORVs and free-flowing nature. The forest is required to inventory all rivers named on standard USGS 7.5-minute quadrangle maps to determine and document their eligibility. In doing so, the forest must provide opportunities for public participation and utilize the best available scientific information. The plan must provide plan components[mdash]including standards and guidelines[mdash]for all eligible river corridors "to protect the values that provide the basis for their suitability for inclusion" in the wild and scenic rivers system. 36 CFR 219.10(b)(1)(v). Projects and activities must not adversely modify eligible rivers' free-flowing character, must protect their ORVs, and must maintain their preliminary classification of wild, scenic, or recreational.

In our comments, we highlighted the outstandingly remarkable values of the Rio Grande from its headwaters at Stony Pass to Rio Grande Reservoir. We documented changed conditions that made it appropriate to re-evaluate Wild and Scenic River eligibility for this river segment. The FEIS response to comments reiterated the responsible official's pre-analysis decision to forego any new analysis of changed circumstances. Instead, the FEIS continues to rely upon the 1996 wild and scenic river eligibility analysis. By failing to incorporate new

ecological studies and reports, the Forest is not using the best available scientific information.

The FEIS and Plan contain no documentation of the Rio Grande National Forest's process or analysis undertaken to confirm that no new information exists about Wild and Scenic River eligibility for the upper Rio Grande, and the FEIS and Plan are absent of any response to information we provided about new and updated information.

It is not clear from the 1996 plan why this remote, generally pristine headwaters segment of the forest's namesake river was determined not eligible as a Wild and Scenic River. We submitted information about updated Colorado Natural Heritage Program inventories from the early 2000s to provide justification for changed conditions to encourage a fresh look at eligibility. The information is summarized below, and supporting reference documents are attached.

The FEIS and Plan make no response or refutation of this information. In response to comments, the Rio Grande NF reiterates that it determined in advance of the plan revision that no new information existed relevant to wild and scenic rivers. "When the current plan revision was initiated, the responsible official concluded that no changed conditions existed and decided to limit the extent of the study process to those river segments that were not previously considered." As a result, the upper Rio Grande segment was not reconsidered for wild and scenic river eligibility. (FEIS, Volume 2, p. 232).

The FEIS provides no documentation of the determination that no changed circumstances exist. It similarly fails to respond to specific information submitted in our comments documenting new information developed after 1996. This fails to comply with the Wild and Scenic River Evaluation spelled out in Forest Service Land Management Planning Handbook Chapter 80, and its detailed procedure for making such a determination. The Handbook notes:

Additional study at the time of a plan revision must be done when changed circumstances warrant additional review of eligibility.

"Changed circumstances" may include, but are not limited to, commitments made through settlement agreement or appeal decisions, and/or new information about the uniqueness and rarity of river-related values. (FSH 1909.12 - Land Management Planning Handbook Chapter 80 - Wild And Scenic River, 81.21 - Applicability of Past River Studies)

As detailed in our comments, and repeated here again for clarity, we have provided new information about the uniqueness and rarity of river-related values that were documented by Colorado Natural Heritage Program in inventories completed and reported in the early 2000s.

The 15-mile segment of the Rio Grande from its headwaters at Stony Pass to Rio Grande Reservoir has an extraordinary wetland ecosystem characterized by expansive beaver ponds in a textbook glacial valley in the most remote section of the national forest. Colorado Natural Heritage Program (CNHP) has identified two Potential Conservation Areas (PCAs) on this segment of the Rio Grande, and a portion also passes through the Weminuche Wilderness.

The Rio Grande at Pole Creek Mountain is a B3 high biodiversity site according to CNHP ranking. This PCA is recognized for its montane riparian willow carr community and extends along a 2-mile length of the Rio Grande. It is a wide, open glaciated valley with beaver ponds. CNHP notes, "Upper reaches of the site characterized by a willow carr are dominated by a consistent, dense tall shrub layer of Geyer's willow (*Salix geyeriana*) and park willow (*Salix monticola*) concentrated around large, open deep-water beaver ponds." (Nied, Stephanie and Jennifer Jones, 2008. Survey of Critical Wetlands and Riparian Areas in Hinsdale County, Colorado, Colorado Natural Heritage Program, Colorado State University.). In 2008, CNHP documented improvements to the site

condition, "The site appears to be recovering from past grazing with more native species cover and less trampling and livestock use than the last survey in 1995." Ibid.

biodiversity site. The mapped site is based on field inventories from 2002 and a 2008 survey of critical wetlands and riparian corridors in Hinsdale County. (Neid and Jones, 2008). According to CNHP, the site is drawn for good (B-ranked) occurrences of two globally vulnerable (G3/S3) riparian plant communities, Booth's willow (*Salix boothii*)/mesic forbs shrubland and Wolf's willow (*Salix wolfii*)/mesic forbs shrubland.

The uppermost 4 miles of this segment is within the Weminuche Wilderness, starting at Stony Pass. There are no private lands along the entire 15-mile segment from Stony Pass to just above Rio Grande Reservoir.

Outstandingly remarkable values along the segment include wildlife, scenery, recreation, geology, and botanic/vegetative communities. The area likely receives use by lynx. It may provide denning habitat, and help foster movement between the RGNF and the San Juan National Forest. See DEIS at 490. The scenic values include a broad, sweeping U-shaped glacial valley with abundant beaver ponds and beaver lodges. The volcanic cliffs of Pole Creek Mountain provide a further scenic backdrop to the river corridor. Recreation values include a remarkable sense of isolation, emphasized by the fact this is the most remote location on the Rio Grande National Forest, as noted at DEIS p. 490. Scenic driving, dispersed camping, and fishing are all recreational activities enhanced by the setting of the valley. The geologic values include the textbook glacially scoured valley, which creates the conditions for abundant beaver ponds and a robust wetland system. The river corridor includes the northern topographic wall of the Ute Creek caldera and excellent exposures of the Ute Ridge Tuff. Colorado Natural Heritage Program has well documented the significant biodiversity value inherent in four miles of the segment mapped within sites of high biodiversity value primarily for outstanding condition of the montane riparian plant communities.

In sum, the FEIS does not document how the wild and scenic river eligibility analysis of the upper Rio Grande and decision to summarily dismiss any consideration of changed circumstances complies with planning requirements. (FSH 1909.12 - Land Management Planning Handbook Chapter 80 - Wild And Scenic River Evaluation, 82.14a - Eligibility Criteria)

Suggested Remedy: Conduct a Wild and Scenic River eligibility analysis for the Rio Grande from its headwaters at Stony Pass to Rio Grande Reservoir using current information, including significant new information developed after 1996, in compliance with the requirements of Chapter 80, Wild and Scenic River Evaluation.

Objection Point 2

We object to the failure to evaluate the proposed Wolf Creek Pass Special Interest Area in any alternative.

Objector raised this issue in comments submitted on the Draft EIS, December 27, 2017.

Discussion

A required element in forest planning is to determine whether to administratively designate additional areas to recognize and protect special values, features, and resources, including those that "carry out the distinctive role and contributions of the plan area in the broader landscape or contribute to achieving desired conditions for the plan area." FSH 1909.12, chapter 20, section 24(1)(b). Designated areas may include areas defined in FSM 2372.05 such as botanical areas, zoological areas, recreation areas, as well as other types of areas that embody the culture, niche, unique characteristics, or ecological conditions of a specific forest or landscape. Forests in the past have established a variety of designations, and, as the RGNF has done in the past, referred to them as special interest areas.

Designated areas can play a critical role in ensuring ecological integrity and biological diversity as required in [sect]219.8 and [sect]219.9 of the 2012 planning rule. For example, the RGNF can establish designated areas that specifically protect rare or imperiled species, rare or imperiled ecosystem elements, wildland recovery areas, wetland complexes (including recharge zones), specific wildlife corridors, and other important ecological elements and processes. Individual designated areas, if designed with purpose, can contribute to the establishment of a larger mosaic of protected areas across the national forest that, in aggregate, contribute to achieving the rule's substantive ecological and diversity provisions.

Establishing designated areas is also an effective way to draw people to visit and learn about the national forests and its unique resources, thereby connecting people with nature, as addressed in 36 CFR [sect]219.10(a)(10). This concept is reinforced in the Forest Service's Framework for Sustainable Recreation that emphasizes the important role that designated areas play in providing for recreation: "[The Forest Service] will evaluate other areas within the National Forest System that have outstanding recreational, scenic, historic, or other values of high attractiveness for designation and management as special areas."

Objector recommended establishment of a Wolf Creek Pass Special Interest Area for the purpose of recognizing and highlighting its value as an important wildlife linkage zone. Objector suggested SIA designation would help focus management attention on this crucial landscape for wildlife and landscape connectivity and emphasize the priority of juggling many competing human activities in order to preserve the viability of the linkage. The area was originally identified in the Southern Rockies Lynx Management Direction as a "lynx linkage area," which was defined as "areas of movement opportunity" that "can be maintained or lost by management activities."

The plan's Need for Change document, published in July 2017, states that the plan will "evaluate additional areas for special designation," (item C8) including those proposed by the public. By failing to respond affirmatively with an analysis of this proposed Wolf Creek Pass SIA, the plan does not address the stated needs for change or plan Revision Topic 1: Special Designations. It also does not fulfill the requirement under NEPA's implementing regulations that "agencies shall[hellip] rigorously explore and objectively evaluate all reasonable alternatives." 40 CFR 1502.14(a).

Instead, the plan simply defers analysis to the Southern Rockies Lynx Amendment (FEIS at 47) and fails to comprehensively evaluate the value designation as a SIA would bring to highlighting the significance of Wolf Creek Pass as a wildlife linkage in conjunction with the many complex human activities occurring within this critical zone, such as concentrated winter and summer recreation, timber management, and resort development, among many.

Suggested Remedy: Evaluate a Wolf Creek Pass Linkage Special Interest Area in at least one alternative, and describe the management direction that would be applied to such a designation.

Respectfully yours,

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