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Title:

Comments: Please see attached PDF Document, which includes the objection to the Revised LMP for the Gila National Forest, submitted by Sally Paez on behalf of New Mexico Wilderness Alliance (lead objector), The Wilderness Society, Great Old Broads for Wilderness, WildEarth Guardians, and The Center for Biological Diversity.

September 26, 2024USDA Forest Service Southwestern RegionATTN: Objection Reviewing Officer 333

Broadway SEAlbuquerque, NM 87102Submitted electronically via

<https://cara.fs2c.usda.gov/Public/CommentInput?Project=51887>RE: Objection to Revised Land Management

Plan, Final EIS, and Draft Record of Decision for the Gila National ForestDear Regional Forester Michiko

Martin:We are filing this objection with the United States Forest Service (Forest Service) to the final revised land

management plan (Final LMP),¹ Final Environmental Impact Statement (FEIS),² and Draft Record of Decision

(Draft ROD)³ for the Gila National Forest (GNF) because the planning process and substance of the Final LMP,

FEIS, and Draft ROD fail to comply with a set of laws, implementing regulations, and associated policy that apply

to decisions about recommended wilderness suitable for inclusion in the National Wilderness Preservation

System and stream segments eligible for inclusion in the National Wild and Scenic Rivers System. This objection

is timely submitted on or before September 30, 2024. This objection is submitted on behalf of the New Mexico

Wilderness Alliance (New Mexico Wild), The Wilderness Society (TWS), Great Old Broads for Wilderness,

WildEarth Guardians, and The Center for Biological Diversity.New Mexico Wilderness Alliance (New Mexico

Wild) is a nonprofit organization dedicated to the protection, restoration, and continued enjoyment of New

Mexico's wildlands, wilderness areas, and wild and scenic rivers, with thousands of members across the

state. We have played an active role in the Gila National Forest plan revision process since scoping and have

submitted a citizen's proposal outlining over 600,000 acres of recommended wilderness, in addition to hundreds

of miles of eligible wild and scenic rivers that our members and staff physically inventoried out in the field over

the course of four and half years.The Wilderness Society (TWS) has a mission of uniting people to protect

America's wild places. We envision a future where people and wild nature flourish together, meeting the

challenges of a rapidly changing planet. For over eight decades, TWS has been a national leader in the

conservation movement, creating some of our country's most important conservation laws and working

with partners across the U.S. to protect more than 110 million acres of wilderness in 44 states. TWS has also

worked with communities and government agencies to protect another 100 million acres as national monuments

or with other designations. Our niche in the conservation community is its national policy experience, combined

with deep local roots and scientific expertise. TWS is now building on our history and experience to pursue two

new, bold priorities: Making public lands a solution to the climate and extinction crises; and transforming

conservation policy and practice so all people benefit equitably from public lands.Great Old Broads for

Wilderness is a women-led national grassroots organization that engages in and inspires activism to preserve

and protect wilderness and wild lands. Our volunteer-led chapters (called Broadbands), located in rural and

urban communities across the nation, organize members to engage as advocates to protect and steward

wilderness and wild places. Aldo's Silver City chapter focuses on public and wild lands issues within

southwestern New Mexico and surrounding areas of the Southwest.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.The

Center for Biological Diversity is a national, nonprofit conservation organization with more than 1.7 million

members and online activists dedicated to the protection of endangered species and wild places. The members and activists of the Center are concerned with the management of our federal public lands, including our national forests, especially as that management relates to the recovery and viability of native species and their habitats. The Center has fought for protection of wilderness, wild and scenic rivers, and wildlife on the Gila National Forest for decades. We will continue to use science, media, and legal strategies to advance the preservation and restoration of this incredible National Forest. Our organizations have participated throughout the Gila National Forest (GNF) planning process and have submitted comments on several occasions, including most recently on the Draft Land Management Plan (Draft LMP) and Draft Environmental Impact Statement (DEIS). We appreciate the evident work you and your staff have put into the forest planning process. We are concerned, however, that the proposed Final LMP, FEIS, and Draft ROD fail to strike the appropriate balance regarding recommended wilderness and eligible wild and scenic river segments, and that the Final LMP, FEIS, and Draft Record of Decision (ROD) are inconsistent with applicable law, regulation, and policy and reflect arbitrary and capricious decision making. We therefore submit this formal objection to the proposed Final LMP, FEIS, and Draft ROD for the GNF. We look forward to meeting with you to discuss remedies to our objections.

I. REQUIRED INFORMATION

Lead Objector: New Mexico Wilderness Alliance (New Mexico Wild) Sally Paez, Staff Attorney
P.O. Box 25464 Albuquerque, NM 87125 (505) 843-8696 sally@nmwild.org

Reference to: Gila National Forest Revised Land Management Plan
Responsible Official: Camille Howes, Forest Supervisor

II. STATEMENT OF THE ISSUES

A. Wilderness Recommendations:

1. The GNF should have analyzed the Citizens' Proposal for recommended wilderness as a separate alternative in the EIS.
2. Problems with the GNF's recommended wilderness analysis process resulted in an inadequate Draft LMP and DEIS that included only 110,402 acres for recommended wilderness in the proposed action (Alternative 2).
 - a. The proposed action's threshold criterion, that recommended wilderness must contribute to the "wilderness niche of a large, mostly contiguous wilderness complex," is arbitrary and capricious.
 - b. The GNF used inappropriate criteria ("steps") to reduce the size of and eliminate recommended wilderness units from the proposed action.
 - c. The GNF inappropriately reduced the size of many recommended units based on justification that was incorrect or nonfactual, misaligned with agency policy, or unsupported by the project record.
 - ? Aldo Leopold Seco Addition, Aldo Leopold Addition Northeast, Mineral Creek, Nolan North, Aspen Mountain, Aldo Leopold Addition - McKnight Canyon, Taylor Creek, and Rabb Park.
 - d. The GNF inappropriately excluded many areas that should have been recommended based on justification that was incorrect or nonfactual, misaligned with agency policy, or unsupported by the project record.
 - ? Lower San Francisco, Mother Hubbard, Upper Frisco Box, Devil's Creek, North Mogollon Mountains (Deep Creek), Mogollon Box/Tadpole Ridge, and Gila Middle Box.
3. In the Final LMP, the Responsible Official made an arbitrary and capricious decision to eliminate four areas that had been included in the proposed action in the Draft LMP, reducing the amount of recommended wilderness in preferred Alternative 2 from 110,402 acres to 72,103 acres.
 - ? Nolan North, Aspen Mountain, Aldo Leopold Addition West, and Aldo Leopold Addition - McKnight Canyon.

B. Wild and Scenic Rivers Eligibility:

1. The GNF erred by failing to consider the national scale when using regions of comparison to evaluate outstandingly remarkable values.
2. The GNF erred by using insufficient definitions and unreasonably restrictive Gila-Specific Eligibility Evaluation Criteria (GSEEC) for ORVs and by applying some of the criteria in an inconsistent and arbitrary manner.
3. The GNF incorrectly found that fourteen qualifying stream segments were ineligible for inclusion in the National Wild and Scenic River System, despite public input demonstrating that the fourteen segments are free-flowing and possess ORVs.
 - ? Apache Creek, Black Canyon Creek, East Fork Gila River, East Fork Mimbres River (McKnight Canyon), Gilita Creek, Indian Creek, Little Creek, Mogollon Box Gila River, Mogollon Creek, San Francisco River (Devil's Creek), Sapillo Creek, Taylor Creek, Turkey Creek, and West Fork Mogollon Creek.
4. The Final LMP, FEIS, and Draft ROD contain insufficient documentation, data, and justification to support the GNF's ineligibility determinations.

III. LINK BETWEEN PRIOR SUBSTANTIVE FORMAL COMMENTS AND THE CONTENT OF THIS OBJECTION

On June 17, 2017, New Mexico Wild, WildEarth Guardians, and partner organizations submitted scoping comments on the Gila National Forest plan Revision, focused primarily on wilderness inventory and wild and scenic river inventory. On March 27, 2018, New Mexico Wild and partner organizations submitted a proposal titled Citizens' Proposed Wilderness and Eligible Wild and Scenic Rivers. On April 16, 2020, New Mexico Wild, The Wilderness Society, Great Old Broads for Wilderness, WildEarth Guardians, and The Center for Biological Diversity, and additional partners collectively

identified as the [ldquo]Gila Coalition[rdquo] filed a substantive formal comment on the Draft LMP and DEIS.⁴ Regarding recommended wilderness, our Gila Coalition Comments on the Draft LMP and DEIS included concerns with the recommended wilderness process, the range of alternatives, and the diminutive acreage in the proposed action (Alternative 2). We specifically identified units that were recommended in the proposed action, as set forth in the Draft LMP and DEIS, but were inappropriately reduced in size due to flaws in the analysis process, including the following units discussed in this objection. (Page numbers correspond to the Coalition Comments on the Draft LMP and DEIS.)? B1a - Aldo Leopold Seco Addition (p. 233)? B1c - Aldo Leopold Seco Addition (p. 234)? B10 - Aldo Leopold Addition Northeast (p. 235)? G1 - Mineral Creek (p. 238-39)? QG1 - Nolan North (p. 241-43)? RG1 - Aspen Mountain (p. 244-45)? W3 - Aldo Leopold Addition West (p. 246)? W4 - Aldo Leopold Addition McKnight Canyon (p. 247-48)? WB1 - Taylor Creek (p. 249, 269)? WSB1 - Rabb Park (p. 250, 268) We also identified units that were suitable for wilderness designation but were not recommended in the proposed action (Alternative 2), as set forth in the Draft LMP and DEIS, including the following units discussed in this objection. (Page numbers correspond to the Coalition Comments on the Draft LMP and DEIS.)? G6 - Lower San Francisco (p. 251-52)? RG2 - Devil[rsquo]s Creek (p. 255)? RG4 - North Mogollon Mountain (Deep Creek) (p. 256)? S2 - Gila Middle Box (p. 257-59)? S1 - Mogollon Box/Tadpole Ridge (p. 260-61, 266)? QR1 - Upper Frisco Box (p. 262-63)? Q11 - Mother Hubbard (p. 264-65) Regarding stream segments that should be eligible for inclusion in the National Wild and Scenic River System, our comments identified fourteen stream segments that are both free-flowing and have at least one ORV, yet were not identified as eligible by the GNF, including the following segments discussed in this objection. (Page numbers correspond to the Coalition Comments on the Draft LMP and DEIS.)? Apache Creek (12 miles) (p. 293)? Black Canyon Creek (24 miles) (p. 294)? East Fork Gila River (9 miles) (p. 295)? East Fork Mimbres River (17 miles) (p. 296)? Gilita Creek (4 miles) (p. 297)? Indian Creek (9 miles) (p. 298)? Little Creek (13 miles) (p. 299)? Mogollon Box Gila River (16 miles) (p. 300)? Mogollon Creek (30 miles) (p. 301)? San Francisco River/Devil[rsquo]s Creek (19 miles) (p. 302)? Sapiillo Creek (7 miles) (p. 303)? Taylor Creek (19 miles) (p. 304)? Turkey Creek (21 miles) (p. 305)? West Fork Mogollon Creek (8 miles) (p. 306) The GNF has not addressed the concerns we raised in our comments on the Draft LMP and DEIS. Rather than correcting issues raised, in the Final LMP and Draft ROD the Responsible Official has eliminated four recommended wilderness units that had been included in the proposed action in the Draft LMP and DEIS, reducing the amount of recommended wilderness in preferred Alternative 2 from 110,402 acres to 72,103 acres. The amount of recommended acreage in the Final LMP and Draft ROD is less than any of the action alternatives that were proposed in the Draft LMP. Finally, new information related to the 30x30 initiative and the importance of the GNF to meeting our climate and biodiversity goals has compounded our concerns and the need to reconsider decisions about recommended wilderness and eligible wild and scenic river segments in the Final LMP and ROD.

IV. OBJECTIONS RELATED TO PROPOSED FINAL RECOMMENDED WILDERNESS

A. Law, Regulation, and Policy Applicable to Wilderness Recommendations

Our objections related to the proposed final wilderness recommendations are based on law, regulation, and policy including the Wilderness Act, the Wild and Scenic Rivers Act, the National Environmental Policy Act, the National Forest Management Act, the 2012 Planning Rule, and Chapter 70 of the Forest Service Handbook on Land Management Planning, as further described below. Congress passed the Wilderness Act of 1964 to establish the National Wilderness Preservation System, which provides protection for lands relatively unimpacted by human activity.⁵ The Act defines wilderness as "an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain . . . undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation."⁶ The Act provides four criteria for lands suitable for wilderness designation, as follows: (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.⁷ The Wilderness Act directs the Forest Service to assist Congress in designating wilderness by reviewing "primitive" areas of the national forests to determine their "suitability or unsuitability for preservation as wilderness."⁸ National Forests conduct this wilderness review during the forest planning process, which is governed by the National Forest Management Act of 1976 (NFMA).⁹ NFMA requires the Forest Service to [ldquo]develop, maintain, and, as appropriate, revise land and resource

management plans for units of the National Forest System, coordinated with the land and resource management planning processes of State and local governments and other Federal agencies.¹⁰ Additionally, the Forest Service's 2012 Planning Rule provides binding regulatory direction regarding "the development, amendment, and revision of land management plans."¹¹ The 2012 Planning Rule mandates that, "in developing a proposed new plan or proposed plan revision," the Forest Service must "[i]dentify and evaluate lands that may be suitable for inclusion in the National Wilderness Preservation System and determine whether to recommend any such lands for wilderness designation."¹² Additional policy guidance is set forth in Chapter 70 of the Forest Service Handbook.¹³ Chapter 70 [i]describes the process for identifying and evaluating lands that may be suitable for inclusion in the National Wilderness Preservation System and determining whether to recommend any such lands for wilderness designation.¹⁴ [i]The process occurs in four primary steps: inventory, evaluation, analysis, and recommendation.¹⁵ As explained by the GNF, [i]the first two steps of the process are intended just to determine if areas contain Wilderness Characteristics (COULD the area be Wilderness?) and the third and fourth steps allow the Forest Supervisor to consider other factors to determine whether or not to recommend an area to Congress for designation (SHOULD an area be managed as wilderness, or are there compelling reasons to manage it otherwise).¹⁶ In the inventory step, the Forest Service must include [i]all lands that may be suitable¹⁷ for designation based on size and improvement criteria and must consider information submitted by the public.¹⁸ In the evaluation step, the Forest Service must apply the criteria set forth in the Wilderness Act to determine whether an inventoried area qualifies for designation under the Act.¹⁹ Considerations in the evaluation step include natural appearance, opportunities for solitude or primitive and unconfined recreation, size, special features or values, and the [i]degree to which an area may be managed to preserve its wilderness characteristics.²⁰ In the analysis step, the Forest Service must [i]consider the areas evaluated and determine which areas to further analyze for recommendation as part of one or more alternatives²¹ in the EIS.²² Finally, in the recommendation step, the Forest Service must [i]decide, based upon the analysis and input from Tribal, State, and local governments and the public, which areas, if any, to recommend.²³ Each step requires public participation and documentation.²⁴ The Forest Service must [i]complete this process before the Responsible Official determines, in the plan decision document, whether to recommend lands within the plan area to Congress for wilderness designation.²⁵ Similarly, once lands have been identified and evaluated for suitability, the National Environmental Policy Act of 1989 (NEPA) requires that an EIS discuss reasonable alternatives to the proposed action for recommended wilderness management.²⁶ The NEPA alternatives analysis required by 42 U.S.C. [sect] 4332(C)(iii) is the [i]heart²⁷ of the NEPA process.²⁸ The forest must [i]rigorously explore and objectively evaluate reasonable alternatives to the proposed action, and, for alternatives that the agency eliminated from detailed study, briefly discuss the reasons for their elimination.²⁹ B. The GNF's Wilderness Recommendation Process In the current GNF plan revision effort, the GNF went through the process of identifying and evaluating lands for suitability, and then analyzing which units should be managed as recommended wilderness.³⁰ During the inventory step, the GNF removed areas with roads and applied buffers ranging from 100 feet to 1000 feet around roads and substantially noticeable improvements.³¹ The GNF's [i]final inventory . . . included 1,219,019 acres within 100 separate area polygons.³² For the evaluation step, the GNF began by evaluating each of the polygons to determine its manageability, including its [i]location relative to substantially noticeable improvements³³ and the [i]feasibility of boundary adjustments that could make the area manageable to wilderness characteristics.³⁴ The GNF eliminated 39 units from further evaluation based on these considerations.³⁵ The GNF evaluated remaining units for wilderness characteristics and assigned a numeric score corresponding to an overall wilderness characteristic ranking of [i]none,³⁶ [i]low,³⁷ [i]moderate,³⁸ [i]high,³⁹ or [i]outstanding.⁴⁰ The GNF's evaluation found that 63 units totaling 827,475 acres had some level of wilderness characteristics.⁴¹ The GNF completed the analysis step through the comparison of alternatives in the Draft EIS.⁴² The GNF issued a Draft LMP/DEIS with four action alternatives:⁴³ The GNF identified Alternative 2 as the proposed action. Areas included as recommended wilderness in the proposed action needed to score an overall evaluation ranking of moderate/high, high, or outstanding and needed to [i]contribute to the existing wilderness niche of a large, mostly contiguous wilderness complex.⁴⁴ Areas that met these threshold requirements were subject to subsequent reduction or elimination based on

additional criteria, including probability of stand-replacing fire, presence of grazing infrastructure requiring motorized maintenance, and presence of more than one total mile of range fencing.³⁷ At the end of this analysis process, the proposed action, Alternative 2, included thirteen areas (110,402 acres) to be managed as recommended wilderness, as follows:³⁸In the Final LMP, the Responsible Official did not proceed with the proposed action (Alternative 2) and instead decided to eliminate four of the recommended wilderness areas, consisting of 37,975 total acres or 35% of the recommended acreage, as follows: QG1-Nolan North (6,718 acres); RG1-Aspen Mountain (19,053 acres); W3-Aldo Leopold Addition West (1,110 acres); and W4-Aldo Leopold Addition McKnight Canyon (11,094 acres).³⁹As a result, the Final LMP and Draft ROD include only nine areas (72,103 acres) recommended for inclusion in the National Wilderness Preservation System: (1) Aldo Leopold Addition Northeast, (2) Aldo Leopold Addition Southeast, (3) Aldo Leopold Addition Carbonate Creek, (4) Aldo Leopold Seco Addition B1a, (5) Aldo Leopold Seco Addition B1c, (6) Gila Whitewater Addition, (7) Mineral Creek, (8) Taylor Creek, and (9) Rabb Park.⁴⁰ The proposed decision includes fewer acres of recommended wilderness than any of the action alternatives that had been presented in the Draft LMP and DEIS.C. Objections and Arguments Related to Wilderness RecommendationsAs further explained below, we object to the GNF's failure to analyze the Citizen's Proposal as a separate alternative, and the analysis process and criteria that the GNF used to eliminate or reduce the size of areas included in the proposed action (Alternative 2) in the Draft LMP and DEIS. We raised these issues in our 2020 comments, but the Responsible Official dismissed our concerns with little discussion or rationale.Additionally, we strongly object to the Responsible Official's decision in the Final LMP and Draft ROD to eliminate four areas that had been included in the proposed action (Alternative 2) in the Draft LMP and DEIS.1. The GNF should have analyzed the Citizen's Proposal as a separate alternative in the EIS.The GNF failed to adequately evaluate the Citizen's Proposal, including the numerous KMZ files that detailed field notes, GPS photo-waypoints, and associated narratives that all adhered to the agency's own planning directives outlined in Chapter 70 of the Forest Service Handbook. An extensive, on-the-ground effort was led by New Mexico Wild and numerous volunteers trained in application of the process and criteria set out in Chapter 70. This documentation can be found in detail within the Citizen's Proposed Wilderness and Eligible Wild & Scenic Rivers proposal (Citizen's Proposal), submitted to the Gila National Forest on March 27, 2018, and included as Attachment 1 to the Gila Coalition Comments on the Draft LMP and DEIS on April 16, 2020. The Citizen's Proposal represents the best available data and on-the-ground assessment of current conditions, adheres to criteria and guidelines outlined in Chapter 70, and should have been used to inform the planning process.Between 2013 and 2018 (a period of four and a half years), hundreds of people conducted more than 15,000 hours of field work to objectively assess the apparent naturalness of areas in the proposal, in addition to monitoring opportunities for solitude and primitive forms of recreation, while also considering the manageability of areas based on valid existing uses and roads open to the public and administrative access.This field-based assessment included identification of human modifications, such as decommissioned roads, fence lines, stock tanks, pipelines, fuelwood treatment areas, and other elements that could be considered to detract from overall wilderness character or that raised manageability concerns.All the field work conducted in the GNF was provided to the Forest Service in the form of detailed KMZ files, extensive written narratives, and associated photographs and field notes, which outlined the numerous trails, canyons, ridgelines, rivers, and adjacent boundary roads inventoried and evaluated for recommended wilderness under the Citizen's Proposal.The GNF should have analyzed this data as its own alternative in the DEIS. In the FEIS, the GNF states that this suggestion was considered, but not analyzed in detail because alternative 5 includes over 745,000 acres that includes and exceeds the 432,166 acres recommended by the citizen's proposal. The boundaries of most areas recommended by the citizen's proposal are within very close alignment to those of alternative 5, with some adjustments made to accommodate alternative criteria identified in the analysis process. The forest supervisor has the discretion to choose the citizen's proposal because it is within the range of alternatives analyzed.⁴¹We continue to assert that the GNF should have analyzed the Citizen's Proposal as its own alternative (outside of Alternative 5) due to the scope and scale of the inventory and evaluation effort conducted by citizens trained in the Chapter 70 directives. Although the GNF undoubtedly conducted a robust GIS desk analysis, a GIS analysis does not provide an understanding of the landscape like on-the-ground surveys. The GNF's response did not address the meticulous detail provided by the Citizen's

Proposal. Additionally, as discussed below, the GNF's alternatives were based on arbitrary criteria and processes outside the basic framework set forth in Chapter 70. The GNF's failure to address and respond to the public input violates NEPA and contravenes the guidance set forth in Chapter 70.2. Problems with the GNF's recommended wilderness analysis process resulted in an inadequate Draft LMP and DEIS that included only 110,402 acres for recommended wilderness in the proposed action (Alternative 2). As described in this section, we object to the way the GNF arrived at its proposed action (Alternative 2) in the Draft LMP and DEIS. The proposed action was based on an arbitrary "[niche]" criterion that is inconsistent with the Wilderness Act. Additionally, the GNF's analysis process used inappropriate "[steps]" or additional criteria to reduce the size of many qualifying areas and to omit many qualifying areas from the draft recommendation.

a. The proposed action's threshold criterion, that recommended wilderness must contribute to the "[wilderness niche of a large, mostly contiguous wilderness complex,]" is arbitrary and capricious. In its recommended wilderness analysis process, the GNF's preferred Alternative 2 limited consideration to areas that "[contribute to the existing Gila National Forest wilderness niche of a large, mostly contiguous wilderness complex.]"⁴² The GNF explains that this niche is like Aldo Leopold's original vision when he recommended to the Forest Service that the Gila be preserved as wilderness. "[By 'wilderness'," he wrote, "I mean a continuous stretch of country preserved in its natural state, open to lawful hunting and fishing, big enough to absorb a two weeks' pack trip, and kept devoid of roads, artificial trails, cottages, or other works of man.]"⁴³ By cherry-picking this single quote, the GNF overlooks Leopold's prolific body of written work addressing the importance of conserving biodiversity and wild, natural landscapes. Moreover, the GNF ignores the fact that Leopold's recommendation resulted in Congress enacting the Wilderness Act, which includes explicit criteria for designated Wilderness, including size requirements. The Wilderness Act requires a Wilderness Area to be either at least 5,000 acres in size or "[of sufficient size as to make practicable its preservation and use in an unimpaired condition.]"⁴⁴ The potential duration of a pack trip is irrelevant to whether an area is of sufficient size for Wilderness designation. Additionally, the GNF's use of the "[large, mostly contiguous wilderness complex]" criterion is unsupported by any reasonable justification or explanation, which renders the proposed action (Alternative 2) arbitrary and capricious for the following additional reasons. First, the GNF failed to define "[mostly contiguous]" or "[wilderness complex,]" leading to ambiguity about which units might qualify. The plain language interpretation of "[mostly contiguous]" appears to allow the establishment of Recommended Wilderness that is not contiguous with or directly adjacent to existing wilderness or other Recommended Wilderness units. Yet, the GNF mechanically employed this language to inappropriately limit consideration to areas that are entirely contiguous with existing, designated Wilderness on the GNF. Similarly, the GNF does not define what constitutes a "[wilderness complex,]" and absent clarity on this definition, the application of the "[wilderness niche]" threshold is arbitrary and capricious. Second, as applied by the GNF this niche does not consider roadless lands that are similar to Wilderness, i.e., lands that are designated or managed to protect roadless areas and/or wilderness characteristics. These wild lands include Inventoried Roadless Areas (IRAs), Wilderness Study Areas (WSAs), and the Blue Range Primitive Area located in the Apache-Sitgreaves Forest, just across the New Mexico-Arizona state line, which is contiguous with the western boundary of the GNF. The GNF used its niche statement to limit its recommended wilderness to areas that are adjacent to or contiguous with designated Wilderness Areas, with no stated management or protection rationale. As further described below, this requirement led to the disqualification of several areas with a high degree of wilderness characteristics that possess sufficient size for designation, including some that arguably meet the "[wilderness niche]" concept because they are located contiguous with IRAs, WSAs, or the Blue Range Primitive Area. We raised this issue in our comments on the Draft LMP and DEIS, but the Responsible Official failed to address our concerns.

b. The GNF used inappropriate criteria ("[steps]") to reduce the size of and eliminate recommended wilderness units from the proposed action. In addition to applying its arbitrary "[niche]" criterion, which limited consideration to areas that contribute to a "[large, mostly contiguous wilderness complex,]" in the recommended wilderness analysis process the GNF used other inappropriate criteria ("[steps]") to further reduce the size of and eliminate recommended wilderness units from the proposed action (Alternative 2). These problematic criteria include the likelihood of stand replacing fire (Step 3), the presence of water sources for permitted grazing that require maintenance by motorized means

(Step 5), the presence of more than one mile of fencing that requires repair and maintenance by motorized means (Step 6), and the ability of the Responsible Official to make boundary adjustments to exclude areas based on management concerns in Steps 3, 5, and 6, and for other reasons (Step 7).⁴⁵ Under Step 3 of the analysis process, the GNF identified [ldquo]areas with 10% or more of their forested ERU area coincident with moderate or greater relative probabilities of stand-replacement fire should a fire occur under extreme fire weather conditions; thus being candidates for restoration work that could include mechanical treatments.[rdquo]⁴⁶ Step 3 is problematic because the Final LMP, Standard 2 expressly allows [ldquo]mechanical preparation work in support of prescribed fire[rdquo] within recommended wilderness.⁴⁷ Additionally, stand-replacing fire is a natural process in some forest types; these forests should not be categorically excluded from recommended wilderness on this basis. Further, it is not feasible for the GNF to restore all lands that are at risk of stand-replacing fire. Restoration activities are limited by multiple factors including topography, capacity, and budget. Absent any specific project proposals or even long-range plans to conduct restoration treatments in a specific area, a theoretical risk of stand-replacing fire should not preclude the designation of recommended wilderness where the Forest Service may never conduct restoration treatments. Under Steps 5 and 6 of the analysis, the GNF identified areas with range infrastructure. Step 5 looked at [ldquo]areas that contain more than 10% of all water sources within the area that are associated with permitted grazing and require frequent maintenance or access by motorized means. Such improvements may include (but are not limited to) developed springs or wells, pipelines, solar panels, pumps, large above ground water storage structures or similar types of improvements.[rdquo]⁴⁸ Step 6 looked at [ldquo]areas that contain more than 1 mile of the total length of range fence within its boundaries that is currently accessed by the permittee for authorized purposes of fenceline inspection, repairs and maintenance by motorized means.[rdquo]⁴⁹ Steps 5 and 6 are problematic because Forest Service policy pertaining to the management of recommended wilderness in Chapter 70 of the Forest Service Handbook does not preclude the use of motorized equipment in recommended wilderness. The policy states only that the plan components [ldquo]must protect and maintain the social and ecological characteristics that provide the basis for wilderness recommendation.[rdquo]⁵⁰ Similarly, the Final LMP[rsquo]s Desired Conditions, Standards, Guidelines and Management Approaches⁵¹ do not prohibit the use of motorized equipment for administrative purposes and, additionally, allow several exceptions within the LMP[rsquo]s plan components for range infrastructure maintenance. The need for occasional, ongoing repair and maintenance of range infrastructure with motorized equipment should not preclude the designation of recommended wilderness. Similarly, the Wilderness Act and Congressional Grazing Guidelines specifically allow for continued grazing in wilderness areas. The Wilderness Act states: [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]⁵² Additionally, as quoted in our previous comments, the Congressional Grazing Guidelines address maintenance of grazing infrastructure in designated wilderness as follows: The maintenance of supporting facilities, existing in the area prior to its classification as wilderness (including fences, line cabins, water wells and lines, stock tanks, etc.), is permissible in wilderness. Where practical alternatives do not exist, maintenance or other activities may be accomplished through the occasional use of motorized equipment. This may include, for example, the use of backhoes to maintain stock ponds, pickup trucks for major fence repairs, or specialized equipment to repair stock watering facilities. Such occasional use of motorized equipment should be expressly authorized in the grazing permits for the area involved. The use of motorized equipment should be based on a rule of practical necessity and reasonableness[hellip]Moreover, under the rule of reasonableness, occasional use of motorized equipment should be permitted where practical alternatives are not available and such use would not have a significant adverse impact on the natural environment. Such motorized equipment uses will normally only be permitted to those portions of a wilderness area where they had occurred prior to the area[rsquo]s designation as wilderness or are established by prior agreement.⁵³ Under Step 7, the GNF identified [ldquo]areas where boundaries may be adjusted to allow exclusion of any of the management concerns identified above, or for any documented additional relevant factors considered by the forest supervisor, and determine if the remaining modified areas would be manageable to protect wilderness characteristics.[rdquo]⁵⁴ Step 7 is problematic because the GNF does not need to make boundary adjustments to address the use of mechanical treatments associated with prescribed burns or the use of motorized equipment for range infrastructure, as explained above. Moreover, Step 7 duplicates previous steps in the wilderness review process, resulting in

unjustified reductions in recommended wilderness. Prior to the analysis step of the review process, the GNF had already made boundary adjustments and accounted for improvements as part of the evaluation step. During the evaluation, the GNF adjusted unit boundaries to address things like the presence of private property, cherry-stemmed roads, wildland urban interface (WUI), need for defensible space, mining developments or abandoned mines, and similar improvements. The evaluation also included an assessment of apparent naturalness, the presence of abandoned mines, range infrastructure, and other developments, among other factors. The presence of improvements was considered when the GNF assigned numeric scores and wilderness characteristic ratings to each unit. Rankings corresponding to apparent naturalness, solitude, opportunities for primitive or unconfined recreation, and other features of value were combined, resulting in overall rankings and numeric scores for each unit. Additionally, when evaluating units for manageability, the GNF considered the area's size and shape, the presence and amount of non-federal land in the area, and the management of surrounding lands.⁵⁵ Units deemed to lack manageability received a ranking of [ldquo]none[rdquo] for overall wilderness characteristics.⁵⁶ Step 7 of the analysis process permitted the Forest Supervisor to apply all of these considerations again, taking another bite at the apple to inappropriately reduce the size of or eliminate many highly ranked areas from the recommended wilderness included in the proposed action. Finally, the GNF's approach is additionally problematic because the analysis documentation in the project record broadly cites developments like range infrastructure, mining infrastructure, etc. to justify sometimes substantial reductions in acreage or the elimination of recommended wilderness units without providing specific information to clarify where these developments are located or specifically why the units must be reduced in size or eliminated, including why the infrastructure or developments in question are inconsistent with the unit's evaluation rating. The lack of documentation and specific information is inconsistent with Chapter 70 of the Forest Service Handbook, which provides, [ldquo][f]or each evaluated area or portions thereof that are not included in an alternative in the applicable NEPA analysis, the Responsible Official shall document the reason for excluding it from further analysis.[rdquo]⁵⁷ The GNF's use of the [ldquo]steps[rdquo] in Alternative 2 to reduce the acreage of or eliminate units from the recommended wilderness in the proposed action was therefore arbitrary and capricious.

c. The GNF inappropriately reduced the size of many recommended units based on justification that was incorrect or nonfactual, misaligned with agency policy, or unsupported by the project record. As described above, the GNF used inappropriate criteria and steps in its wilderness analysis process to reduce the acreage of many units included in the proposed action (Alternative 2), as set forth in the Draft LMP and DEIS. Our previous comments raised concerns about the inappropriate size reduction of multiple units, including the following nine units discussed in this section. The GNF did not address our concerns, and we continue to object to GNF's inappropriate reduction in the acreage of these units, as included in the proposed action in the Draft LMP and DEIS.

(i) B1a - Aldo Leopold Seco Addition In the evaluation process, the GNF determined that unit B1a - Aldo Leopold Seco Addition consisted of 5,741 acres and ranked [ldquo]high[rdquo] for wilderness characteristics.⁵⁸ In the analysis process, the GNF reduced the unit to 4,724 acres and included the unit as Recommended Wilderness in the proposed action (Alternative 2).⁵⁹ The GNF reduced the size of the unit due to probability of stand replacing fires (Step 3), and the presence of water developments for grazing requiring motorized equipment for maintenance (Step 5), and to accommodate riparian/wildlife management (Step 7).⁶⁰ The size reduction between evaluation and analysis was 1,017 acres, approximately 18%. As explained above, there was no need for the GNF to carve down the size of this unit during the analysis process because the evaluation process already accounted for range improvements, and plan components allow for motorized access to range improvements if required for maintenance and for mechanical treatments associated with prescribed fire. The GNF should have moved forward with a proposed action that included 5,741 acres, and the justification provided for reducing the size of this unit is arbitrary and capricious.

(ii) B1c - Aldo Leopold Seco Addition In the evaluation process, the GNF determined that unit B1c - Aldo Leopold Seco Addition consisted of 78 acres and ranked [ldquo]high[rdquo] for wilderness characteristics.⁶¹ In the analysis process, the GNF reduced the unit to 48 acres and included the unit as Recommended Wilderness in the proposed action (Alternative 2).⁶² The GNF reduced the size of the unit to exclude areas requiring defensible space (Step 7).⁶³ The size reduction between evaluation and analysis was 30 acres, approximately 38%. As explained above, there was no need for the GNF to carve down the size of this unit during the analysis process because plan components allow for mechanical treatments associated with prescribed fire. The GNF should have moved forward with a proposed action that

included 78 acres, and the justification provided for reducing the size of this unit is arbitrary and capricious.(iii) B10 - Aldo Leopold Addition NortheastIn the evaluation process, the GNF determined that unit B10 - Aldo Leopold Addition Northeast consisted of 15,909 evaluation acres and ranked [ldquo]high[rdquo] for wilderness characteristics.⁶⁴ In the analysis process, the GNF reduced the unit to 8,381 acres and included the unit as Recommended Wilderness in the proposed action (Alternative 2).⁶⁵ The GNF reduced the size of the unit due to presence of water developments for grazing and fences requiring motorized equipment for maintenance (Steps 5 and 6), and to exclude mining developments and areas requiring defensible space (Step 7).⁶⁶ The size reduction between evaluation and analysis was 7,528 acres, approximately 47%.As explained above, there was no need for the GNF to carve down the size of this unit during the analysis process because the evaluation process already accounted for WUI, need for defensible space, and presence of range improvements and mining developments. Additionally, plan components allow for motorized access to range improvements if required for maintenance and for mechanical treatments associated with prescribed fire. The GNF should have moved forward with a proposed action that included 15,909 acres, and the provided justification for reducing the size of this unit is arbitrary and capricious.(iv) G1 - Mineral CreekIn the evaluation process, the GNF determined that unit G1 - Mineral Creek consisted of 20,525 acres, ranked [ldquo]outstanding[rdquo] for wilderness characteristics, and received the highest numeric score of any unit evaluated.⁶⁷ In the analysis process, the GNF reduced the unit to 16,538 acres and included the unit as Recommended Wilderness in the proposed action (Alternative 2).⁶⁸ The GNF reduced the size of the unit due to presence of fences requiring motorized equipment for maintenance (Step 6), and to exclude abandoned mines, defensible space, and WUI areas (Step 7).⁶⁹ The size reduction between evaluation and analysis was 3,987 acres, approximately 19%.As explained above, there was no need for the GNF to carve down the size of this unit during the analysis process because the evaluation process already accounted for WUI, need for defensible space, and presence of range improvements and mining developments. Additionally, plan components allow for motorized access to range improvements if required for maintenance and for mechanical treatments associated with prescribed fire. The GNF should have moved forward with a proposed action that included 20,525 acres, and the justification provided for reducing the size of this unit is arbitrary and capricious.(v) QG1 - Nolan North⁷⁰In the evaluation process, the GNF determined that unit QG1 - Nolan North consisted of 8,685 evaluation acres and ranked [ldquo]high[rdquo] for wilderness characteristics.⁷¹ The GNF acknowledged that the unit [ldquo]fits the Forest niche for contributing to a large, fairly contiguous wilderness complex, due to its proximity to the Blue Range Wilderness and Blue Range primitive area,[rdquo] that most of the area is located in an IRA with slopes of 40% or greater, and [ldquo]there is demonstrated public demand to recommend this area.[rdquo]⁷² In the analysis process, the GNF reduced the unit to 6,718 acres and included the unit as Recommended Wilderness in the proposed action (Alternative 2).⁷³ The GNF reduced the size of the unit due to presence of fences requiring motorized equipment for maintenance (Step 6), and to exclude defensible space and WUI areas (Step 7).⁷⁴The size reduction between evaluation and analysis was 1,967 acres, approximately 23%.As explained above, there was no need for the GNF to carve down the size of this unit during the analysis process because the evaluation process already accounted for WUI, need for defensible space, and presence of range improvements. Additionally, plan components allow for motorized access to range improvements if required for maintenance and mechanical treatments associated with prescribed fire. The GNF should have moved forward with a proposed action that included 8,685 acres, and the justification provided for reducing the size of this unit is arbitrary and capricious (as is the Responsible Official[rsquo]s subsequent decision to eliminate this unit from the wilderness recommendations all together).(vi) RG1 - Aspen Mountain⁷⁵In the evaluation process, the GNF determined that unit RG1 - Aspen Mountain consisted of 22,089 acres and ranked [ldquo]outstanding[rdquo] for wilderness characteristics.⁷⁶ The GNF acknowledged that the unit [ldquo]fits the Forest niche for contributing to a large, fairly contiguous wilderness complex, due to its proximity to the Blue Range Wilderness and Blue Range primitive area,[rdquo] that the majority of the unit is within IRAs, and that there [ldquo]is public support and compelling reasons for the forest supervisor to recommend the area.[rdquo]⁷⁷ In the analysis process, the GNF reduced the unit to 19,053 acres and included the unit as Recommended Wilderness in the proposed action (Alternative 2).⁷⁸ The GNF reduced the size of the unit due to presence of fences requiring motorized equipment for maintenance (Step 6) and to exclude defensible space and WUI areas (Step 7).⁷⁹ The size reduction between evaluation and analysis was 3,036 acres, approximately 14%.As explained above, there was no need for the GNF to carve down the size of

this unit during the analysis process because the evaluation process already accounted for WUI, need for defensible space, and presence of range improvements. Additionally, plan components allow for motorized access to range improvements if required for maintenance and for mechanical treatments associated with prescribed fire. The GNF should have moved forward with a proposed action that included 22,089 acres, and the justification provided for reducing the size of this unit is arbitrary and capricious (as is the Responsible Official's subsequent decision to eliminate this unit from the wilderness recommendations all together).^(vii)

W4 - Aldo Leopold Addition McKnight Canyon⁸⁰In the evaluation process, the GNF determined that unit W4 - Aldo Leopold Addition McKnight Canyon consisted of 12,458 acres and ranked [outstanding] for wilderness characteristics.⁸¹ In the analysis process, the GNF reduced the unit to 11,094 acres and included the unit as Recommended Wilderness in the proposed action (Alternative 2).⁸² The GNF reduced the size of the unit due to water developments for grazing that require motorized equipment for repair/maintenance (Step 5) and to exclude a fish barrier (Step 7).⁸³ The size reduction between evaluation and analysis was 1,364 acres, about 11%.As explained above, there was no need for the GNF to carve down the size of this unit during the analysis process because the evaluation process already accounted for the presence of range improvements. Additionally, plan components allow for motorized access to range improvements if required for maintenance. The GNF should have moved forward with a proposed action that included 12,458 acres, and the justification provided for reducing the size of this unit is arbitrary and capricious (as is the Responsible Official's subsequent decision to eliminate this unit from the wilderness recommendations all together).^(viii)

WB1 - Taylor CreekIn the evaluation process, the GNF determined that unit WB1 - Taylor Creek consisted of 27,335 acres and ranked [high] for wilderness characteristics.⁸⁴ In the analysis process, the GNF reduced this acreage to 10,012 acres and included the unit as Recommended Wilderness in the proposed action (Alternative 2).⁸⁵ The GNF reduced the size of the unit due to risk of stand replacing fire (Step 3), presence of water developments for grazing and fences requiring motorized equipment for maintenance (Steps 5 and 6), and to exclude cherry-stemmed roads and private property (Step 7).⁸⁶ The size reduction between evaluation and analysis was 17,323 acres, about 63%.As explained above, there was no need for the GNF to carve down the size of this unit during the analysis process because the evaluation process already accounted for the presence of range improvements, cherry-stemmed roads, and private property. Additionally, plan components allow for mechanical treatments associated with prescribed fire and for motorized access to range improvements if required for maintenance. The GNF should have moved forward with a proposed action that included 27,335 acres, and the justification provided for reducing the size of this unit is arbitrary and capricious.^(ix)

WSB1 - Rabb ParkIn the evaluation process, the GNF determined that unit WSB1 - Rabb Park consisted of 43,998 acres and ranked [high] for wilderness characteristics.⁸⁷ In the analysis process, the GNF reduced this acreage to 27,002 acres and included the unit as Recommended Wilderness in the proposed action (Alternative 2).⁸⁸ The GNF reduced the size of the unit due to water developments for grazing (Step 5) and fencing for grazing (Step 6) that require the use of motorized equipment for repair and maintenance, and due to mining developments and need for defensible space (Step 7). The size reduction between evaluation and analysis was 16,996 acres, approximately 39%.As explained above, there was no need for the GNF to carve down the size of this unit during the analysis process because the evaluation process already accounted for presence of range improvements, mining developments, and need for defensible space. Additionally, plan components allow for motorized access to range improvements if required for maintenance and mechanical treatments associated with prescribed fire. The GNF should have moved forward with a proposed action that included 43,998 acres, and the justification for reducing the size of this unit is arbitrary and capricious.^d

The GNF inappropriately excluded many areas that should have been recommended based on justification that was incorrect or nonfactual, misaligned with agency policy, or unsupported by the project record.As described above, the GNF used inappropriate criteria and steps in its wilderness analysis process to eliminate many eligible units from the proposed action (Alternative 2). Our previous comments raised concerns about the exclusion of multiple units, including the seven units discussed in this section. The GNF did not address our concerns, and we continue to object to GNF's inappropriate omission of these units from the proposed action.⁽ⁱ⁾

G6 - Lower San FranciscoIn the evaluation process, the GNF determined that unit G6 - Lower San Francisco consisted of 21,196 acres and ranked [outstanding] for wilderness characteristics, with the second-highest numeric score of any evaluated unit.⁸⁹ Yet, in the analysis process, the GNF chose to not recommend this unit for inclusion in the proposed

action (Alternative 2). The GNF reasoned that the [ldquo]area does not fit the Forest niche for contributing to a large, fairly contiguous wilderness complex.[rdquo]⁹⁰ The GNF further stated that the outstanding wilderness characteristics are limited to the area [ldquo]within the narrow river corridor area, and not the outlying parts of the area that were included by virtue of being roadless and with minimal development, but do not share the high quality of the scenic, recreational, and other qualities available nearby to the river.[rdquo]⁹¹ Given that this unit ranked as outstanding and received the second-highest score of any area, the GNF should do more to comply with its obligation to provide a well-reasoned explanation for excluding this unit. As explained above, the [ldquo]niche[rdquo] concept is arbitrary, ambiguous, and inconsistent with the Wilderness Act. The size of the Lower San Francisco unit far exceeds the 5000-acre threshold required for designation and obviates the need to connect to a larger complex. Additionally, the unit is a WSA, which should factor into a more generous interpretation of the niche statement. The plain language of the niche statement, [ldquo]large, fairly contiguous wilderness complex,[rdquo] suggests that a large unit should be sufficient for recommendation and that there should be some flexibility in allowing units that are not contributing to an existing complex. Finally, the GNF[rsquo]s assertion that the areas away from the river possess a lesser degree of wilderness characteristics is unexplained and inconsistent with the record, which reflects that the 21,196-acre unit has outstanding wilderness characteristics. The GNF should have moved forward with a proposed action that included 21,196 acres, and the provided justification for excluding this unit from the wilderness recommendations is arbitrary and capricious.(ii) Q11 - Mother Hubbard In the evaluation process, the GNF determined that unit Q11 - Mother Hubbard consisted of 5,728 acres and ranked [ldquo]high[rdquo] for wilderness characteristics.⁹² In the analysis process, the GNF found that the area met the [ldquo]niche[rdquo] due to [ldquo]proximity to the Blue Range Wilderness and Blue Range primitive area.[rdquo]⁹³ The GNF nonetheless chose not to recommend this unit for inclusion in the proposed action (Alternative 2). The GNF excluded the unit due to boundary adjustments resulting from need for range fences to be repaired and maintained by motorized means (Step 6), and an assertion that a recommended wilderness designation would have significant operational and financial impacts on a range permittee.⁹⁴ As explained above, however, the Final LMP and Forest Service policy allow motorized equipment use in recommended wilderness for administrative purposes such as fence repairs. The idea that managing this area as recommended wilderness would place an exceptional burden on the permittee is not supported by the facts that the area by definition has no roads and that the use of motorized equipment is allowable in recommended wilderness based on plan guidance and agency policy. Moreover, the FEIS states, [ldquo]For the size of the area, there is relatively little range infrastructure aside from a fence in the northeast portion,[rdquo]⁹⁵ which is inconsistent with the assertions in the analysis that there is significant range infrastructure requiring maintenance with motorized equipment and that this maintenance would have an unreasonable level of impact on the permittee. The GNF should have moved forward with a proposed action that included 5,728 acres, and the justification provided for excluding this unit from the wilderness recommendations is arbitrary and capricious.(iii) QR1 - Upper Frisco Box In the evaluation process, the GNF determined that unit QR1 - Upper Frisco Box consisted of 41,047 acres and ranked [ldquo]high[rdquo] for wilderness characteristics.⁹⁶ In the analysis process, the GNF chose to not recommend this unit for inclusion in the proposed action (Alternative 2). The GNF reasoned that the [ldquo]area does not fit the Forest niche for contributing to a large, fairly contiguous wilderness complex.[rdquo]⁹⁷ Given the large size of this unit, high wilderness ranking, and the special values of the area, which consists of [ldquo]a unique, spectacularly scenic, and physically challenging slot canyon along the San Francisco River,[rdquo]⁹⁸ the GNF should apply its niche criterion in a flexible manner to include the unit as recommended wilderness. The GNF should have moved forward with a proposed action that included 41,047 acres, and the justification provided for excluding this unit from the wilderness recommendations is arbitrary and capricious.(iv) RG2 - Devil[rsquo]s Creek In the evaluation process, the GNF determined that unit RG2 - Devil[rsquo]s Creek consisted of 61,067 acres and ranked [ldquo]moderate/high[rdquo] for wilderness characteristics.⁹⁹ In the analysis process, the GNF chose to not recommend this unit for inclusion in the proposed action (Alternative 2). The GNF reasoned that the [ldquo]area does not fit the Forest niche for contributing to a large, fairly contiguous wilderness complex.[rdquo]¹⁰⁰ The determination that this unit does not meet the [ldquo]niche[rdquo] is arbitrary and capricious because the unit is [ldquo]fairly contiguous[rdquo] to the North Mogollon Mountains unit. These units are separated by only a narrow road corridor, and a portion of the border (approximately .5 miles) is directly connected/adjacent.¹⁰¹ If the North Mogollon Mountains unit had not

been inappropriately excluded from the proposed action (Alternative 2) as discussed below, these units arguably would together meet the [ldquo]niche[rdquo] concept as a [ldquo]wilderness complex.[rdquo] Moreover, this unit is more than twelve times larger than the 5,000-acre size threshold required for designation under the Wilderness Act, and accordingly this unit constitutes a large wilderness complex on its own. The GNF should have moved forward with a proposed action that included 61,067 acres, and the justification provided for excluding this unit from the wilderness recommendations is arbitrary and capricious.(v) RG4 - North Mogollon Mountain (Deep Creek)In the evaluation process, the GNF determined that unit RG4 - North Mogollon Mountain (Deep Creek) consisted of 21,591 acres and ranked [ldquo]moderate/high[rdquo] for wilderness characteristics.¹⁰² In the analysis process, the GNF chose to not recommend this unit for inclusion in the proposed action (Alternative 2). The GNF reasoned that the [ldquo]area does not fit the Forest niche for contributing to a large, fairly contiguous wilderness complex.[rdquo]¹⁰³ This reasoning is nonfactual and unsupported by the record. The North Mogollon Mountains unit is located directly north of the Mineral Creek unit, separated only by a narrow road corridor. The Mineral Creek unit is included in the proposed action as recommended wilderness and is separated from the Gila Whitewater Addition unit, also recommended as wilderness in Alternative 2, by a narrow road corridor.¹⁰⁴ The GNF[rsquo]s statement that recommendation of this unit would be inconsistent with the niche is plainly inconsistent with the GNF[rsquo]s logic and reasoning related to other units that were included in Alternative 2. Additionally, while this reasoning was not included in the Analysis paper; Volume 3, Appendix H of the FEIS; or the Draft ROD, the Final LMP states that the North Mogollon Mountains unit was removed from Alternative 2 because it contained the only acreage of Spruce-Fir Forest outside of designated wilderness. Spruce-Fir Forest is very highly vulnerable to climate change, and if Congress were to designate, it could take some adaptation options completely off the table. For example, reducing coarse woody debris or redistributing it to protect natural conifer regeneration, or planting nursery-raised conifer seedlings.¹⁰⁵ This statement in the Final LMP is inconsistent with the Final EIS, which states, This steep, rugged area contains spruce-fir and mixed conifer forests, with ponderosa pine and pinyon juniper at lower elevations and on warmer, drier sites. It is almost entirely within inventoried roadless areas and is managed to preserve roadless characteristics. Little management activity has occurred or is likely to occur in the future, mostly due to terrain.¹⁰⁶ This inconsistency demonstrates that the GNF[rsquo]s post-hoc rationale for excluding this unit from Alternative 2 in the was not rooted in fact and that terrain limitations would essentially preclude the management activities described in the Final LMP. The GNF should have moved forward with a proposed action that included 21,591 acres, and the justification provided for excluding this unit from the wilderness recommendations is arbitrary and capricious.(vi) S1 - Mogollon Box/Tadpole RidgeIn the evaluation process, the GNF determined that unit S1 - Mogollon Box/Tadpole Ridge consisted of 48,067 acres and ranked [ldquo]outstanding[rdquo] for wilderness characteristics.¹⁰⁷ In the analysis process, the GNF found that the area met the [ldquo]niche[rdquo] because it [ldquo]is adjacent to existing wilderness.[rdquo]¹⁰⁸ The GNF nonetheless chose not to recommend this unit for inclusion in the proposed action (Alternative 2). The GNF excluded the unit due to water sources used by range permittees needing maintenance by motorized means (Step 5), range fences repaired and maintained by motorized means (Step 6), boundary adjustments due to mining developments (Step 7), and an unsupported conclusion during the analysis that the unit no longer met the initial outstanding rating (Step 8).¹⁰⁹ The reasons given for excluding this unit from the proposed action are unsupported by the law and record. First, as explained above, both the Final LMP and Forest Service policy permit motorized equipment use in recommended wilderness for administrative purposes, including maintenance of grazing infrastructure. Second, there was no need to carve mining developments out of the unit in the analysis step because the evaluation of the unit and the initial unit boundaries included consideration of mining developments and resulted in a ranking of [ldquo]outstanding.[rdquo] The Final EIS states that [ldquo]Improvements are few, not substantially noticeable or concentrated in specific locations.[rdquo]¹¹⁰ The GNF[rsquo]s determination that the unit should be downgraded from [ldquo]outstanding[rdquo] to [ldquo]moderate[rdquo] and therefore excluded from the proposed action is inconsistent with the description in the EIS. The GNF should have moved forward with a proposed action that included 48,067 acres, and the justification provided for excluding this unit from the wilderness recommendations is arbitrary and capricious.(vii) S2 - Gila Middle BoxIn the evaluation process, the GNF determined that unit S2 - Gila Middle Box consisted of 25,335 acres and ranked [ldquo]outstanding[rdquo] for wilderness characteristics.¹¹¹ In the analysis process, the GNF chose to not recommend this unit for inclusion in the

proposed action (Alternative 2). The GNF reasoned that the [ldquo]area does not fit the Forest niche for contributing to a large, fairly contiguous wilderness complex.[rdquo]112 The GNF also asserted that the [ldquo]outstanding[rdquo] ranking [ldquo]was primarily due to quality of wilderness characteristics within the narrow river corridor area, and not the outlying parts of the area that were included by virtue of being roadless and with minimal development, but do not share the high quality of the scenic, recreational, and other qualities available nearby to the river.[rdquo]113 As with some of the other large units, the GNF should have applied the [ldquo]niche[rdquo] concept in a more flexible manner to include the Gila Middle Box, which is over five times larger than the minimum size needed to designate the area as wilderness. Moreover, the unit scored [ldquo]outstanding[rdquo] for wilderness characteristics, and GNF[rsquo]s statement that the full unit lacks qualities justifying recommendation as wilderness is directly contradictory to the unit[rsquo]s rating. The GNF[rsquo]s justification for omitting this unit from the proposed action is not supported by the project record and is therefore inaccurate. The GNF should have moved forward with a proposed action that included 25,335 acres, and the justification provided for excluding this unit from the wilderness recommendations is arbitrary and capricious.

3. In the Final LMP, the Responsible Official made an arbitrary and capricious decision to eliminate four areas that had been included in the proposed action in the Draft LMP, reducing the amount of recommended wilderness from 110,402 acres to 72,103 acres. As set forth above, the proposed action (Alternative 2) in the Draft LMP included 110,402 acres of recommended wilderness, as follows: B10-Aldo Leopold Addition Northeast (8,381 acres); B11-Aldo Leopold Addition Southeast (944 acres); B14-Aldo Leopold Addition Carbonate Creek (2,819 acres); B1a and B1c-Aldo Leopold Seco Addition (4,724 and 48 acres); G12-Gila Whitewater Addition (1,960 acres); G1-Mineral Creek (16,538 acres); QG1-Nolan North (6,718 acres); RG1-Aspen Mountain (19,053 acres); W3-Aldo Leopold Addition West (1,110 acres); W4-Aldo Leopold Addition McKnight Canyon (11,094 acres); WB1-Taylor Creek (10,012 acres); and WSB1-Rabb Park (27,002 acres).114 In the Final LMP and Draft ROD, the Responsible Official eliminated four of the recommended areas, consisting of 37,975 total acres and about 35% of the recommended acreage from the draft proposed action, as follows: QG1-Nolan North (6,718 acres); RG1-Aspen Mountain (19,053 acres); W3-Aldo Leopold Addition West (1,110 acres); and W4-Aldo Leopold Addition McKnight Canyon (11,094 acres).115 This reduction resulted in a Final LMP that includes only 72,103 acres of recommended wilderness, which is about 9% of the total lands with wilderness characteristics identified in the GNF[rsquo]s evaluation process (827,475 acres116) and less acreage than any of the action alternatives that were included in the Draft LMP.117 The Responsible Official removed these areas without any public outreach to discuss new issues or significant changes with the stakeholders who had advocated for the GNF to maximize recommended wilderness acreage, including New Mexico Wild, TWS, Great Old Broads for Wilderness, WildEarth Guardians, and The Center for Biological Diversity. As further explained below, we strongly object to the removal of the four recommended areas from the Final LMP for the following reasons. First, the eliminated areas had extremely high overall rankings in terms of wilderness characteristics. Second, the areas met the analysis criteria developed for the proposed action, including by contributing to the [ldquo]wilderness niche of a large, mostly contiguous wilderness complex.[rdquo] And finally, the reasons provided for eliminating these recommended areas are factually and logically unsupported, rendering their proposed elimination arbitrary and capricious.

a. The Responsible Official[rsquo]s elimination of units RG1 - Aspen Mountain and QG1 - Nolan North from the recommended wilderness in the Final LMP and Draft ROD is arbitrary and capricious. Regarding units RG1 - Aspen Mountain and QG1 - Nolan North, the Citizens[rsquo] Proposal submitted in 2018 recommended the designation of 22,302 acres within this area as the Aspen Mountain Unit. The Draft LMP and DEIS, released in 2019, included Aspen Mountain in the wilderness recommendations under the preferred Alternative 2 (19,053 acres) and Alternative 5 (21,895 acres).118 The Aspen Mountain unit had an overall evaluation ranking of [ldquo]outstanding[rdquo] in wilderness character, with a score of 16 under the Gila National Forest scaling system.119 Nolan North is contiguous with Aspen Mountain. The Draft LMP and DEIS included Nolan North in the wilderness recommendations under the preferred Alternative 2 (6,718 acres) and Alternative 5 (7,609 acres).120 The Nolan North unit had an overall evaluation ranking of [ldquo]high[rdquo] in wilderness character, scoring nearly as high as Aspen Mountain with a 15.7.121 The Draft ROD provides two reasons for eliminating Aspen Mountain and Nolan North from the wilderness recommendations in the Final LMP: (1) [ldquo]they did not contribute to a larger, mostly contiguous wilderness complex as they may have if the Apache-Sitgreaves National Forests had moved forward with

recommendations on the Arizona side of the state line[rdquo]; and (2) [ldquo]perimeter roads between the Blue Range Wilderness, Aspen Mountain, and Nolan North may detract from the quality of the larger area that would have been created by their recommendation.[rdquo]122 These statements are inaccurate and inconsistent with the planning record. First, the Aspen Mountain unit is part of a large, contiguous wilderness complex because it is located directly adjacent to the northern boundary of the Blue Range Wilderness in New Mexico (29,099 acres). This complex of wilderness quality lands also includes the Blue Range Primitive Area of the Apache-Sitgreaves National Forests in Arizona. The Blue Range Primitive Area, along with the presidential recommended additions to the area, comprise a total of 199,502 acres, which are [ldquo]managed as wilderness, with one exception: the area is open to mineral prospecting and mineral development.[rdquo]123 The Blue Range Primitive Area was established in 1933, and the Blue Range Wilderness was designated in 1980; thus, both were created long before the recent planning effort on the Apache-Sitgreaves Forests. Second, as documented by the GNF Wilderness ID Team, the Aspen Mountain unit is separated from the Blue Range Wilderness and Blue Range Primitive Area by a single [ldquo]low-development lightly traveled road.[rdquo]124 These factors led the Wilderness ID Team to conclude that the Aspen Mountain area [ldquo]fits the Forest niche for contributing to a large, fairly contiguous wilderness complex . . . and would be a high-quality addition to the wilderness complex.[rdquo]125 The Responsible Official[rsquo]s assertion that the Aspen Mountain unit does not adequately contribute to a [ldquo]large, fairly contiguous wilderness complex[rdquo] is plainly contrary to these findings by the ID Team. The Final LMP elaborates that the Responsible Official removed Aspen Mountain from the recommendations because she was [ldquo]concerned by the network of roads separating the Blue Range Wilderness from the draft recommended units,[rdquo] stating, [ldquo]One road was one thing, like National Forest System Road 150 that separates the Gila and Aldo Leopold Wildernesses, or the Bursum Road that separates the Mineral Creek unit from the Gila Whitewater Addition, but a network of roads running between multiple units smaller than the Gila or Aldo Leopold Wildernesses crossed a threshold for her.[rdquo]126 The Draft ROD provides the additional rationale that the Responsible Official has [ldquo]concerns that the perimeter roads between the Blue Range Wilderness, Aspen Mountain, and Nolan North may detract from the quality of the larger area that would have been created by their recommendation.[rdquo]127 This rationale provided in the Final LMP and Draft ROD is inconsistent with the project record and Forest Service policy in several ways. First, as reflected by the Final EIS (and elsewhere in the project record), there is only one road separating the Blue Range Wilderness from the Aspen Mountain unit.128 As stated above, the ID Team described this road as a [ldquo]low-development lightly traveled road.[rdquo]129 Furthermore, the Gila National Forest defines a [ldquo]high[rdquo] ranking for solitude as, [ldquo]Across most of the area, it[rsquo]s easy to attain a feeling of being alone or remote from civilization [hellip] The sights and sounds of human activities are possible, but infrequently experienced.[rdquo]130 The ID Team rated solitude in the Aspen Mountain unit as [ldquo]high,[rdquo]131 confirming that visitors to Aspen Mountain may only infrequently experience impacts to their solitude from the sights and sounds of human activities. The ID Team[rsquo]s definition of [ldquo]high[rdquo] as it relates to apparent naturalness does not appear to include or consider factors external to the area.132 Lastly, with respect to outstanding opportunities for solitude, Chapter 70 of the Forest Service Handbook states that an [ldquo]area does not have to possess [hellip] outstanding opportunities on every acre,[rdquo] and further, [ldquo]impacts that are pervasive and influence a visitor[rsquo]s opportunity for solitude within the evaluated area [should be considered].[rdquo]133 Based on this policy, coupled with the ID Team[rsquo]s findings that the Aspen Mountain unit has a high degree of solitude, the edge effects of a lightly traveled primitive road along the boundary of the unit do not justify the elimination of Aspen Mountain from wilderness recommendation. The assertion that perimeter roads detract from the quality of the larger area is unsupported and inaccurate, and the Responsible Official[rsquo]s decision to remove Aspen Mountain from the wilderness recommendations is arbitrary and capricious. Nolan North is contiguous with Aspen Mountain, and like Aspen Mountain, the Wilderness ID Team concluded that the Nolan North [ldquo]area fits the Forest niche for contributing to a large, fairly contiguous wilderness complex, due to its proximity to the Blue Range Wilderness and Blue Range primitive area.[rdquo]134 Nolan North is located in a remote area, consists of [ldquo]steep and rugged terrain with deeply incised canyons and drainages,[rdquo] and is separated from two large inventoried roadless areas (Mother Hubbard and Aspen Mountain) [ldquo]by low-development forest system roads.[rdquo]135 Although the Apache-Sitgreaves National Forests declined to include the inventoried roadless area on the Arizona side in a recommended wilderness

decision, the existing IRA designation precludes road building and commercial timber harvest, which led the ID Team to find Nolan North [ldquo]manageable to protect wilderness characteristics.[rdquo]136The FEIS reflects concern that the Nolan North unit has [ldquo]an odd shape and configuration, narrowly arching out from the Aspen Mountain recommended area,[rdquo]137 but the shape makes sense, given that the unit consists of steep and rugged canyons. In fact, the Draft ROD describes Nolan North as [ldquo]a crescent-shaped area dominated by steep, rugged terrain with deeply incised canyons[rdquo] and includes the unit as an example of an area that is appropriate for recommended wilderness management because its [ldquo]boundaries are easily identifiable based on existing natural features[rdquo] that consists of [ldquo]steep and rugged terrain, making pursuit of nonconforming uses more difficult.[rdquo]138Additionally, whereas the Aspen Mountain unit was rated by the ID Team as having [ldquo]high[rdquo] solitude, Nolan North was rated as having [ldquo]outstanding[rdquo] solitude.139 The ID Team defined [ldquo]outstanding[rdquo] solitude as [ldquo]easy to attain a feeling of being alone or remote from civilization throughout the area [hellip] The sights and sounds of human activities are very rare to nonexistent.[rdquo]140 Given the outstanding solitude finding, the post hoc conclusion that perimeter roads on the edge of the Nolan North unit may detract from the quality of the larger area is unsupported by the record. Similar to Aspen Mountain, reliance on this justification to remove the unit from the wilderness recommendations is inconsistent with the ID Team[rsquo]s factual findings and Forest Service policy directives in Chapter 70. The Responsible Official[rsquo]s decision to remove Nolan North from the wilderness recommendations is arbitrary and capricious.Finally, there are several problems with the Responsible Official[rsquo]s explanation that the Aspen Mountain and Nolan North units were dropped because [ldquo]a network of roads running between multiple units smaller than the Gila or Aldo Leopold Wildernesses crossed a threshold for her[rdquo] and [ldquo][t]his was not the contribution to the wilderness legacy she wanted to make.[rdquo]141 First, as explained above, the [ldquo]niche[rdquo] threshold is not defined or explained. Second, as discussed above, this justification is contrary to the findings by the ID Team, which concluded that these units fit the niche for contributing to a large, fairly contiguous wilderness complex, due to their proximity to the Blue Range Wilderness and Blue Range primitive area. And third, the Gila Wilderness (approx. 559,000 acres) and Aldo Leopold Wilderness (approx. 203,000 acres) are the largest and third largest Wildernesses, respectively, in New Mexico. The notion that a complex of several wildernesses must include units that are upwards of 200,000 acres in size represents an impossible threshold to meet and is exceptionally inconsistent with policy guidance in Chapter 70 of the Forest Service Handbook and the Wilderness Act itself, which requires wilderness to have at least 5,000 acres or [ldquo]sufficient size as to make practicable its preservation and use in an unimpaired condition.[rdquo]b. The Responsible Official[rsquo]s elimination of W3 - Aldo Leopold Addition West from the recommended wilderness in the Final LMP and Draft ROD is arbitrary and capricious.Regarding unit W-3 Aldo Leopold Addition West, the Draft LMP and DEIS, released in 2019, included the Aldo Leopold Addition West in the wilderness recommendations under the preferred Alternative 2 (1,110 acres).142 In the evaluation process, the Aldo Leopold Addition West unit included 3,394 acres and had an overall evaluation ranking of [ldquo]moderate to high[rdquo] in wilderness character, with a score of 12 under the Gila National Forest scaling system.143The Draft ROD explains that the Aldo Leopold Addition West unit was removed from the recommended wilderness in the Final LMP [ldquo]based on its proximity to the National Forest System Road 150 corridor.[rdquo]144 The GNF further states, [ldquo]This corridor has been used as a fuel break for managing wildland fire, albeit not always successfully. According to district fire and fuels staff, the 2022 Black Fire confirmed the need to do more along the road corridor to improve and maintain its effectiveness as a fuel break, which may necessitate repeated mechanized intrusion into the area, impacting wilderness characteristics and the degree to which Aldo Leopold Addition West contributes to the wilderness character of the Aldo Leopold Wilderness.[rdquo]145The fact that the National Forest System 150 Road corridor has been used as a fuel break for managing wildland fire and the assertion that more fuel reduction work is needed along this road do not justify the removal of this area from the wilderness recommendations. Although the Responsible Official does not provide any specific detail to support the rationale that additional fuel reduction work is needed - for instance how much, where, how far from the road, etc. - the ID Team already designed the unit boundary to be buffered from the road by 300 feet.146 Furthermore, based on our own GIS desktop analysis, we found that at the narrowest, the corridor between the Aldo Leopold Addition West unit boundary and the Gila Wilderness boundary to the west is approximately 1,200 feet. The 300 feet between the unit boundary and the 150 Road would appear to

allow ample space to maintain or even expand existing fuels treatments, and if for some reason that this space were not adequate, the additional 900 feet (at a minimum - this distance is the narrowest point between the 150 road and the Gila Wilderness in the vicinity of the Aldo Leopold Addition West unit) would surely be adequate. Furthermore, in the analysis step of the wilderness review, this unit was cut from the 3,394 acres that were evaluated to 1,110 acres, a reduction of 67%.¹⁴⁷ If the minimum 1,200 foot corridor between the unit boundary and the Gila Wilderness is deemed inadequate in discrete places to address fuels treatment needs, the Responsible Official could make specific boundary adjustments to address this issue, as already occurred in the alternatives analysis process. Based on our own GIS analysis, the unit is approximately 3,300 feet wide at its narrowest point, which provides ample room to make boundary adjustments if needed. The Responsible Official's decision to remove Aldo Leopold Addition West from the wilderness recommendations is arbitrary and capricious.^c The Responsible Official's elimination of unit W4 - Aldo Leopold Addition McKnight Canyon from the recommended wilderness in the Final LMP and Draft ROD is arbitrary and capricious. Regarding unit W-4 Aldo Leopold Addition McKnight Canyon, the Citizens' Proposal submitted in 2018 recommended the designation of 13,296 acres as the McKnight Canyon - Proposed Aldo Leopold Wilderness Addition. The Draft LMP and DEIS, released in 2019, included McKnight Canyon in the wilderness recommendations under the proposed action (Alternative 2) (11,094 acres) and Alternative 5 (12,458 acres).¹⁴⁸ The McKnight Canyon unit had an overall evaluation ranking of outstanding, with a numeric score of 16.3.¹⁴⁹ The Draft ROD explains that the McKnight Canyon unit was removed from the recommended wilderness in the Final LMP based on the impacts of the 2022 Black Fire to the trail system.¹⁵⁰ The Final LMP reflects that 6% of the McKnight unit experienced high severity fire, and 19% experienced moderate severity fire.¹⁵¹ The GNF states that these impacts, added to those the trail was still experiencing after the 2013 Silver Fire, are expected to create a need for frequent, heavy maintenance for many years to come.¹⁵² The fact that the Black Fire impacted one quarter of the McKnight Canyon unit does not justify removal of this area from the wilderness recommendations. The GNF states that the trail in McKnight Canyon is a high-value trail to many local community members, but the GNF also acknowledges that this area receives little visitation outside of hunting seasons.¹⁵⁴ As the GNF admits, volunteers and partner organizations have largely maintained the McKnight Canyon trail.¹⁵⁵ Partner organizations such as New Mexico Wild and others are trained on the use of non-mechanized trail maintenance equipment including crosscut saws. Moreover, as recognized in the Draft ROD, the Final LMP's direction for recommended wilderness areas allows exceptions to the prohibition on mechanized and motorized equipment for the purpose of trail maintenance.¹⁵⁶ None of the Desired Conditions, Standards, Guidelines, or Management Approaches in the Final LMP prohibit the use of motorized equipment to undertake trail maintenance in Recommended Wilderness.¹⁵⁷ Directly relevant guidance includes Standard 2 in the Final LMP, which expressly allows trail maintenance as an exception to the directive that prohibits the cutting of trees and mechanical treatments within recommended wilderness.¹⁵⁸ Similarly, Guideline 2 expressly allows for the construction of new trails or the realignment of existing trails to protect wilderness characteristics or public health and safety.¹⁵⁹ Additionally, in the evaluation process the ID Team acknowledged, Very little management activity has occurred or is likely to occur [in McKnight Canyon] in the future, mostly due to terrain.¹⁶⁰ This suggests that outside of chainsaw use, which per the above is clearly allowable for trail maintenance in recommended wilderness, it would likely be infeasible to bring larger equipment (e.g. a trail tractor) into McKnight Canyon for trail maintenance. The Responsible Official's decision to remove McKnight Canyon from the wilderness recommendations is unnecessary, unjustified, and arbitrary and capricious.^d

Requested Remedy to Address Recommended Wilderness Issues

To address the GNF's failure to consider the Citizens' Proposal as a separate alternative, problems with the GNF's recommended wilderness analysis process, and the arbitrary and capricious removal of four units that had been included in the proposed action (Alternative 2) from the Final LMP and Draft ROD, we request the following remedies:

- Include the following units in the Final Record of Decision as areas to be managed as recommended wilderness, consistent with the proposed action:
 - RG1-Aspen Mountain (minimum of 19,053 acres);
 - QG1-Nolan North (minimum of 6,718 acres);
 - W3-Aldo Leopold Addition West (minimum of 1,110 acres); and
 - W4-Aldo Leopold Addition McKnight Canyon (minimum of 11,094 acres).
- Restore the following units, which were reduced in size for unsupported reasons during the analysis process, to their original

acreage as determined in the evaluation process: B1a - Aldo Leopold Seco Addition? B1c - Aldo Leopold Seco Addition? B10 - Aldo Leopold Addition Northeast ? G1 - Mineral Creek? QG1 - Nolan North? RG1 - Aspen Mountain? W4 - Aldo Leopold Addition McKnight Canyon? WB1 - Taylor Creek? WSB1 - Rabb Park? Include the following units in the Final Record of Decision as areas to be managed as recommended wilderness because the units ranked highly for wilderness characteristics during the evaluation process and were inappropriately eliminated during the analysis process: G6 - Lower San Francisco? QR1 - Upper Frisco Box? Q11 - Mother Hubbard? RG2 - Devil's Creek? RG4 - North Mogollon Mountain (Deep Creek)? S2 - Gila Middle Box? S1 - Mogollon Box/Tadpole RidgeV. OBJECTION RELATED TO WILD AND SCENIC RIVERS ELIGIBILITY

STUDYA. Law, Regulation, and Policy Applicable to Wild and Scenic EligibilityOur objections related to the eligible Wild and Scenic River segments are based on law, regulation, and policy including the Wild and Scenic Rivers Act, the National Environmental Policy Act, the National Forest Management Act, the Endangered Species Act, the 2012 Planning Rule, and Chapter 80 of the Forest Service Handbook on Land Management Planning, as further described below.

Congress enacted the Wild and Scenic Rivers Act of 1968¹⁶¹ to protect [ldquo]free-flowing[rdquo] rivers and streams with [ldquo]outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values . . . for the benefit and enjoyment of present and future generations.[rdquo]¹⁶² The Act permits Congress to designate qualifying river segments into the National Wild and Scenic River System, thereby affording permanent protection for their free-flowing nature and outstandingly remarkable values (ORVs). Federal land management agencies are required during the land use planning process to identify and protect rivers that are [ldquo]eligible[rdquo] to be included in the National Wild and Scenic River System.¹⁶³ A river is eligible if it is free-flowing and has at least one river-related ORV of national or regional significance.¹⁶⁴ Under the 2012 Planning Rule, the Forest Service is required to evaluate eligibility as part of a forest plan revision. The rule provides that [ldquo]the responsible official shall . . . [i]dentify the eligibility of rivers for inclusion in the National Wild and Scenic Rivers System, unless a systematic inventory has been previously completed and documented and there are no changed circumstances that warrant additional review.[rdquo]¹⁶⁵ The rule also requires the Forest Service to [ldquo]include plan components, including standards or guidelines, to provide for . . . management of rivers found eligible or determined suitable for the National Wild and Scenic River system to protect the values that provide the basis for their suitability for inclusion in the system.[rdquo]¹⁶⁶ Chapter 80 of Forest Service Land Management Planning Handbook 1909.12 provides detailed guidance on the required inventory of eligible rivers and interim management of those rivers to protect their ORVs and free-flowing nature.¹⁶⁷ Chapter 80 defines an ORV as a [ldquo]scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar river-related value that is a unique, rare, or exemplary feature and is significant when compared with similar values from other rivers at a regional or national scale.[rdquo]¹⁶⁸ Chapter 80 defines a [ldquo]Region of Comparison[rdquo] as the [ldquo]geographic area of consideration for each [ORV] that will serve as the basis for meaningful comparative analysis.[rdquo]¹⁶⁹ Chapter 80 establishes baseline criteria for evaluating river-related values and permits the evaluation team to further refine the criteria to make them more applicable to the region of comparison.¹⁷⁰ [ldquo]In conducting an eligibility study, the Forest Service must provide opportunities for public participation [ldquo]early and throughout the process[rdquo]¹⁷¹ and utilize the best available scientific information.¹⁷²

B. The GNF's Wild and Scenic River Eligibility ProcessIn 2002, the GNF conducted an inventory of eligible wild and scenic rivers in response to a court order and found that the following eight river segments were eligible: Whitewater Creek, Spruce Creek, Middle Fork Gila River, West Fork Gila River, Diamond Creek, South Diamond Creek, Holden Prong, and Las Animas Creek.¹⁷³ In the current planning process, the GNF recognized that the 2002 study process did not fulfill the requirements of the 2012 Planning Rule directives set forth in Chapter 80 of the Forest Service Handbook because not all rivers named on a U.S. Geological Survey quadrangle map were evaluated.¹⁷⁴ The GNF further found that [ldquo]the forest had seen enough changes since 2002 that an evaluation of changed circumstances was warranted.[rdquo]¹⁷⁵ Thus, in the current planning process, the GNF evaluated a total of 245 river segments,¹⁷⁶ which included [ldquo]all rivers named on a standard U.S. Geological Survey 7.5- minute quadrangle map.[rdquo]¹⁷⁷ The evaluation included 87 segments that had been evaluated in the 2002 study and 158 segments that had not.¹⁷⁸ The GNF identified regions of comparison for each river-related value¹⁷⁹ and added more specificity to the baseline ORV criteria in Chapter 80 by crafting [ldquo]Gila-Specific Eligibility Evaluation Criteria[rdquo] (GSEEC).¹⁸⁰ Through this process, the GNF found [ldquo]16 rivers (24 segments totaling 224.11

miles) eligible for inclusion in the Wild and Scenic Rivers System.¹⁸¹ as follows:¹⁸²The GNF determined that the remaining 221 segments are ineligible for inclusion in the Wild and Scenic Rivers System. Ineligible segments are listed in a table in the FEIS, Volume 3, Appendix I.¹⁸³C. Objections and Arguments Related to Wild and Scenic River EligibilityWe strongly support the GNF's identification of sixteen rivers (twenty-four segments totaling 224.11 miles) as eligible for inclusion in the Wild and Scenic Rivers System.¹⁸⁴ We object, however, to the GNF's (1) failure to consider ORVs at a national scale; (2) use of unreasonably restrictive GSEEC for identifying ORVs, (3) omission of at least 14 additional segments that are free-flowing and possess ORVs; and (4) failure to provide sufficient documentation and justification for the segments deemed ineligible during the evaluation process.¹ The GNF erred by failing to consider the national scale when using regions of comparison to evaluate ORVs. In considering ORVs, the GNF defined regions of comparison for each value but failed to consider multiple scales of comparison. Specifically, the GNF ignored the "national" aspect of the phrase, "regional or national scale."¹⁸⁵As explained in Chapter 80, "To be identified as outstandingly remarkable, a river-related value must be a unique, rare, or exemplary feature that is significant when compared with similar values from other rivers at a regional or national scale. Unique, rare, or exemplary features are those that are conspicuous examples of these values, among the best representatives of these features, within a region or the nation."¹⁸⁶ Chapter 80 provides guidance on defining the regional scale by directing the Forest Service to "identify the region of comparison" for each [ORV]. The region of comparison may vary for different rivers or categories of [ORVs] and thus, multiple regions of comparison may be used to evaluate one river. A region of comparison should be scaled at an appropriate level for the type of river value being evaluated.¹⁸⁷In the FEIS, the GNF documented its regions of comparison for each value.¹⁸⁸ The GNF failed, however, to consider the national scale. In our previous comments, we cited the 1999 Report from the Interagency Wild and Scenic Rivers Coordinating Council, which concluded that the regions of comparison must include multiple scales and that "in addition to regional or statewide comparison, values must also be considered from a national perspective."¹⁸⁹ The GNF did not address this comment in the Final LMP and FEIS. The GNF's failure to evaluate whether stream values are unique, rare, or exemplary on a national scale is inconsistent with the intent of the Wild and Scenic Rivers Act and with Forest Service policy set forth in Chapter 80.2. The GNF erred by using insufficient definitions and unreasonably restrictive Gila-Specific Eligibility Evaluation Criteria for identifying ORVs and by applying some of the criteria in an inconsistent and arbitrary manner. In the eligibility study process, the GNF adopted insufficient definitions for the Gila-Specific Eligibility Evaluation Criteria (GSEEC) for certain values and applied some of the GSEEC in an inconsistent and arbitrary manner.

a. Scenery ORVThe implementation guidance set forth in Chapter 80 provides the following baseline criteria for identifying an ORV for scenery: Landscape elements of landform, vegetation, water, color, and related factors result in notable or exemplary visual features or attractions. Additional factors, such as seasonal variations in vegetation, scale of cultural modifications, and the length of time negative intrusions are viewed, may be considered. Scenery and visual attractions may be highly diverse over different parts of the river or river segment. Outstandingly remarkable scenic features may occupy only a small portion of a river corridor.¹⁹⁰In the eligibility study process, the GNF modified the scenery criteria with the following GSEEC: "Vast, expansive viewsheds are possible in certain stretches within the river corridor. Air quality and natural night sky are important values."¹⁹¹Although the GSEEC for scenery identify important considerations, the GSEEC are insufficient on their own because they exclude considerations of scenery, including landscape elements that are fundamental to the scenic experience of river canyons. Many of the free-flowing streams within the GNR, and segments within those streams, are located within incised river canyons. These river canyons may not offer "vast, expansive viewsheds" and the GNF's overemphasis on this aspect of scenery alone is inappropriate and insufficient to evaluate scenic character. Other scenery considerations are more appropriate for evaluating the stream segments that include river canyons. These considerations include extremely narrow sections or "box canyons," high cliffs, sheer walls, spires, drop offs, pinnacles, cascades, and waterfalls. The GNF should have considered these scenery elements to evaluate whether the presence of box canyons, steep cliff walls, spires, high concentrations of cascades, and waterfalls within a particular river canyon are exceedingly rare, exemplary, occurring in a remarkably high concentration, or otherwise particularly notable, either within the region of comparison or nationally. The GNF's reliance on the GSEEC for the scenery ORV precluded the GNF from making an eligibility finding for some of the most

scenically remarkable stream segments in the GNF, as further described below.

b. Fish and Wildlife ORVs

The implementation guidance set forth in Chapter 80 provides the following baseline criteria for identifying an ORV for fish:

Fish values may be judged on the relative merits of either fish populations or habitat, or a combination of these river-related conditions.

a. Populations. The river is nationally or regionally an important producer of resident and/or anadromous fish species. Of particular significance are a diversity of fish species or the presence of wild stocks and/or Federal or State-listed or candidate threatened, endangered, or species of conservation concern.

b. Habitat. The river provides uniquely diverse or high quality habitat for fish species indigenous to the region of comparison. Of particular significance is exemplary habitat for wild stocks and/or Federal or State-listed or candidate threatened or endangered species, or species of conservation concern. Consider also rare and unique habitats within the corridor.

¹⁹²The implementation guidance set forth in Chapter 80 provides the following baseline criteria for identifying an ORV for wildlife:

Wildlife values may be judged on the relative merits of either terrestrial or aquatic wildlife populations or habitat, or a combination of these conditions.

a. Populations. The river, or area within the river corridor, contains nationally or regionally important populations of indigenous wildlife species. Of particular significance are species diversity, species considered to be unique, and/or populations of Federal or State-listed or candidate threatened or endangered species, or species of conservation concern.

b. Habitat. The river, or area within the river corridor, provides uniquely diverse or high quality habitat for wildlife of national or regional significance, and/or may provide unique habitat or a critical link in habitat conditions for Federal or State-listed or candidate threatened or endangered species, or species of conservation concern. Contiguous habitat conditions are such that the biological needs of the species are met.

The baseline criteria for wildlife is similar to the baseline criteria for fish, with the added clarifications that a wildlife ORV may arise from [either terrestrial or aquatic wildlife] populations or habitat and that the wildlife ORV may be associated with either the [river, or area within the river corridor].

¹⁹³In the eligibility study process, the GNF modified the fish criteria with the following GSEEC: [Irreplaceable populations, distinct lineages and diverse assemblages of multiple threatened and endangered species].

¹⁹⁴The GNF similarly modified the wildlife criteria with the following GSEEC: [Irreplaceable populations* and diverse, unique assemblages of multiple threatened and endangered species].

¹⁹⁵The asterisk in the wildlife GSEEC corresponds to the following footnote: Gila trout are native to higher elevation streams in portions of the Gila River and San Francisco River drainage basins in New Mexico and Arizona. They are considered rare in the Southwest and nationally. However, they occur in many streams in the region of comparison. Most of these streams also contain non-native trout species (i.e., brown and rainbow trout) that interbreed and compete with Gila trout. On the Gila National Forest, Gila trout populations are only considered an outstandingly remarkable value where one of the five remnant lineages (Main Diamond, South Diamond, Whiskey Creek, Iron Creek, and Spruce Creek) are present. Streams throughout the Gila River, San Francisco and other drainage basins in the region of comparison also commonly contain other rare native fishes. These assemblages are only considered an outstandingly remarkable value when they are distinctly unique.

¹⁹⁶Although the GSEEC for fish and wildlife describe important components of fish and wildlife ORVs, we are concerned that the inappropriately narrow GSEEC for the fish and wildlife ORVs and the way in which the GNF applied those criteria precluded the GNF from making adequate eligibility determinations for certain stream segments within the GNF. We provide specific examples below.

i. Gila Trout

First, the GSEEC are insufficient on their own because the criteria ignore the iconic, exceedingly rare, exemplary status that should be afforded to all stream segments where federally listed Gila trout (*Oncorhynchus gilae*) populations are found. In considering the fish and wildlife ORVs, the GNF should have considered the highly limited extent of the Gila trout range on both a national scale and in the historical and regional context. Additionally, the GNF should have considered the best available science that informs Gila trout recovery efforts and the biological context of the species, as described in the Revised Gila Trout Recovery Plan, finalized in 2022.

¹⁹⁷Regarding the Gila trout range, the precise extent of the historical range of Gila trout is not known, but the best available science shows that [the historical distribution likely included montane, cold-water stream habitats in Sierra, Grant, and Catron counties in New Mexico and Greenlee, Apache, Graham, Gila, Maricopa, and Yavapai counties in Arizona].

¹⁹⁸This included an expansive region across the Gila, San Francisco, Verde, and Agua Fria drainages and countless tributaries.

¹⁹⁹The best available science and historical records indicate that at the end of the 19th century, Gila trout occurred in [all of the Gila headwaters].

²⁰⁰Alarming, by 1975, habitat degradation and the

introduction of nonnative fish had reduced the distribution of the species to merely five individual populations occurring in five streams, all within the GNF.²⁰¹ By 2022, recovery efforts resulted in the presence of Gila trout populations in twenty-three streams, all populated by the five remnant lineages.²⁰² Fourteen of these streams are within the GNF.²⁰³ These fourteen streams, including both the remnant populations and the streams populated by those lineages, represent a tiny fraction of the Gila trout's historic range. Based on this historical record and context, all Gila trout populations within the GNF constitute "a unique, rare, or exemplary feature that is a conspicuous example or among the best representatives of that feature, within a region or the nation when compared to similar rivers," per the definition of an ORV. Each of the stream segments with Gila trout populations are nationally important producers of this federally listed threatened species and therefore meet the baseline fish ORV criteria set forth in Chapter 80. Of the 245 streams that the GNF inventoried for Wild and Scenic eligibility, only fourteen, or approximately 6%, currently host Gila trout populations. Moreover, many of the 245 streams do not provide suitable trout habitat. Additionally, the 245 streams that the GNF studied for eligibility constitute only a fraction of the streams within the regions of comparison, as defined by the GNF for the fish and wildlife ORVs.²⁰⁴ The GNF's statement in the FEIS that Gila trout occur in "many streams in the region of comparison"²⁰⁵ does not align with the quantitative data or the best available science. The GNF should take into consideration the geographic and historical context and should conclude that the mere presence of a Gila trout population, regardless of whether the population is a distinct lineage, necessarily must be considered exceedingly rare on a national and regional scale and exemplary for the purpose of establishing an ORV. Moreover, the GSEEC for fish and wildlife, and the way the GNF has applied the criteria to Gila trout, fail to adequately consider the listing of Gila trout as a threatened species under the Endangered Species Act of 1973 (ESA)²⁰⁶ and the best available science that informs Gila trout recovery efforts. In accordance with the 2012 Planning Rule, plan components must provide the "ecological conditions necessary to: contribute to the recovery of federally listed threatened and endangered species."²⁰⁷ The baseline criteria for fish and wildlife ORVs dovetail with this regulatory requirement by emphasizing the importance of listed species when evaluating whether a fish population or habitat constitutes an ORV.²⁰⁸ Contrary to the 2012 Planning Rule and the baseline criteria, the GSEEC for the fish and wildlife ORVs appear to have restricted the GNF's consideration to "irreplaceable populations" and "distinct lineages." These limitations are unreasonably narrow and present an egregiously high standard. These limitations are also inconsistent with the conclusions by the interdisciplinary team, which considered impacts of the Black Fire on eligible streams and concluded that "even if fish were no longer present, these streams still contain important habitat and future work would be directed toward recovering those [ORVs]."²⁰⁹ These conclusions demonstrate that all Gila trout streams, regardless of relict population status, should be found to possess an ORV for fish. By any reasonable and sufficient definition that accurately takes into consideration the requirements of the ESA and the historical, geographic, and biological context of the species, the presence of any Gila trout population must be included in the GSEEC for the fish and wildlife ORVs. Additionally, the Final LMP and FEIS must comply with the ESA. Section 7(a)(1) of the ESA explicitly directs all federal agencies to "utilize their authorities" to carry out "programs for the conservation of endangered species and threatened species."²¹⁰ The ESA defines "conservation" to mean "the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this [Act] are no longer necessary."²¹¹ In this sense, "conservation" and "recovery" are essentially synonymous. To conserve Gila trout, the Recovery Plan emphasizes the importance of "redundancy," defined as establishing viable populations of Gila trout "in watersheds throughout the historical range of Gila trout, as constrained by availability of suitable habitat."²¹² The plan also reflects the importance of "resiliency," defined as the "combination of numbers and sizes of Gila trout populations are sufficient to maintain genetic diversity, allow for persistence, and maintain evolutionary potential."²¹³ Together, these concepts, which are informed by the best available science, demonstrate that the presence of Gila trout in streams beyond those with distinct remnant populations is not only important, but fundamental to species recovery. The GNF ignored the mandates of the ESA and the biological context of the species by finding that only the five streams with distinct remnant populations of Gila trout are eligible based on a fish ORV.

ii. Assemblages of multiple listed species

As described above, the GNF modified the

baseline ORV criteria for fish by including a GSEEC for [ldquo]diverse assemblages of multiple threatened and endangered species[rdquo] and the criteria for wildlife by including a GSEEC for [ldquo]diverse, unique assemblages of multiple threatened and endangered species.[rdquo]While we agree that an assemblage of multiple threatened and endangered species should qualify as an ORV for fish and/or wildlife, we are concerned that the GNF has set too high a bar in applying this criterion to stream segments. The GNF supports some of the highest biodiversity and most valuable aquatic and riparian systems in the Southwest. As reflected in the Final LMP, the GNF is home to over a dozen species that are federally recognized under the Endangered Species Act.²¹⁴ Moreover, [a]lmost 60 additional species are recognized through the 2012 Planning Rule and agency directives as species of conservation concern, approximately two-thirds of which are dependent on riparian or aquatic ecosystems.[rdquo]²¹⁵ The Final LMP further explains that [ldquo][s]pecies of conservation concern are species that are native and known to occur in the forest and for which there is science that establishes a substantial concern about the species[rsquo] ability to persist in the forest.[rdquo]²¹⁶ We are also concerned about the use of the word [ldquo]unique[rdquo] in the GSEEC for wildlife. The GNF should not interpret [ldquo]unique[rdquo] as literally occurring nowhere else but rather should apply this criterion as encompassing all assemblages of threatened and endangered species that are rare, including all instances where more than one federally listed species is found in a single stream. Given the importance of the streams in the GNF to biodiversity and imperiled species, the GNF should apply its [ldquo]diverse assemblages[rdquo] criterion, as set forth in the fish and wildlife GSEEC, in a manner that finds ORVs for fish and/or wildlife in every stream segment with more than one federally listed species or with designated critical habitat for more than one federally listed species.^{c.}

Recreation ORV The implementation guidance set forth in Chapter 80 provides the following baseline criteria for identifying an ORV for recreation: Recreational opportunities are high quality and attract, or have the potential to attract, visitors from throughout or beyond the region of comparison; or the recreational opportunities are unique or rare within the region. River-related recreational opportunities include, but are not limited to, sightseeing, interpretation, wildlife observation, camping, photography, hiking, fishing, hunting, and boating. The river may provide settings for national or regional use or competitive events.²¹⁷ In the eligibility study process, the GNF modified the scenery criteria with the following GSEEC: [ldquo]Consider exceptional opportunities for solitude, birdwatching, fishing for endemic species like Gila trout, canyoneering, rafting or hot springs, gold panning, and ecotourism.[rdquo]^{218i.}

Fishing for Gila trout The GSEEC for recreation expressly recognize that a stream segment possesses ORVs if it presents opportunities to fish for endemic Gila trout. All stream segments containing Gila trout should be found to have an ORV for recreation on that basis. The GSEEC for recreation are inconsistent with the GSEEC for fish and wildlife, which ostensibly limit ORVs to irreplaceable populations, distinct lineages, and diverse assemblages of multiple federally listed species. Whether an individual population of an endemic species is a relict population or was reintroduced does not have any bearing on that species[rsquo] status as an endemic, and by extension on the unique recreational value of fishing for the endemic species. Recreational fishing contests that include catching Gila trout do not differentiate between remnant relic populations and reintroduced populations.^{219ii.}

Rafting Opportunities for rafting, and especially multi-day rafting trips, are exceedingly rare and nearly non-existent in the region of comparison. In the few stream segments where multi-day rafting is possible, and especially where those segments are considered particularly exceptional for multi-day rafting, those segments must be considered to contain a recreation ORV per the GSEEC defined by the GNF.^{3.} The GNF incorrectly found that fourteen qualifying stream segments were ineligible for inclusion in the National Wild and Scenic River System, despite public input demonstrating that the fourteen segments are free-flowing and possess ORVs. This section discusses fourteen stream segments that the GNF found ineligible for protection under the Wild and Scenic Rivers Act. As the GNF knows, these segments are included in legislation pending before Congress, known as the M.H. Dutch Salmon Greater Gila Wild and Scenic River Act.²²⁰ We provided additional comments about the values of these stream segments in our previous comments on the Draft LMP and DEIS and in the Citizen[rsquo]s Proposal, and we incorporate our previous comments by this reference. In this objection, rather than repeating all the ORVs previously described, we aim to identify at least one ORV for each segment to demonstrate baseline eligibility and to illustrate flaws in the GNF[rsquo]s eligibility study process, including the use of inappropriately narrow GSEEC to evaluate ORVs, as described in the previous section.

a. Apache Creek The Apache Creek segment is located within the Gila Wilderness and is an important tributary feeding the East Fork Gila River. In the Gila Coalition Comments on the

Draft LMP and DEIS, we asserted that the GNF should find a 12-mile segment of Apache Creek eligible for Wild and Scenic River protection, with ORVs for recreation, wildlife, fish, botany, climate adaptation, and ecosystem services.²²¹ In the FEIS, the GNF includes Apache Creek in Table I-5, entitled, "[dquo]List of ineligible rivers: values present are not outstandingly remarkable in the regions of comparison.[rdquo]"²²² The FEIS provides no additional documentation regarding the GNF's finding of ineligibility for Apache Creek. The GNF erred by finding Apache Creek ineligible based on a lack of ORVs. First, Apache Creek contains Gila trout, and therefore the GNF should have found ORVs for fish, wildlife, and recreation, for the reasons described above. Additionally, Apache Creek supports multiple federally listed threatened and endangered species, including Chiricahua leopard frog, Mexican spotted owl, and Gila trout, as well as designated critical habitat for narrow-headed garter snake, providing additional justification for finding an ORV for wildlife. As a free-flowing river segment possessing multiple ORVs, Apache Creek should be found eligible under the Wild and Scenic Rivers Act.

b. Black Canyon Creek Black Canyon Creek has its headwaters at the Continental Divide in the Aldo Leopold Wilderness and its lower portion in the Gila Wilderness. In the Gila Coalition Comments on the Draft LMP and DEIS, we asserted that the GNF should find a 24-mile segment of Black Canyon Creek eligible for Wild and Scenic River protection, with ORVs for scenery, geology, wildlife, fish, recreation, climate adaptation, and ecosystem services.²²³ In the FEIS, the GNF includes Black Canyon in Table I-5, entitled, "[dquo]List of ineligible rivers: values present are not outstandingly remarkable in the regions of comparison.[rdquo]"²²⁴ The FEIS provides no additional documentation regarding the GNF's finding of ineligibility for Black Canyon. The GNF erred by finding Black Canyon ineligible based on a lack of ORVs. First, Black Canyon contains Gila trout, and therefore the GNF should have found ORVs for fish, wildlife, and recreation, for the reasons described above. Additionally, Black Canyon supports multiple federally listed threatened and endangered species, including Chiricahua leopard frog and Gila trout, as well as designated critical habitat for spikedace, loach minnow, Mexican spotted owl, and narrow-headed garter snake, providing additional justification for finding an ORV for wildlife. And finally, Black Canyon Creek contains outstanding river canyon-specific scenery features, including large drop-offs, pinnacles, and balanced rocks in its upper section and a large waterfall in its lower section. Therefore, Black Canyon possesses an ORV for scenery. As a free-flowing river segment possessing multiple ORVs, Black Canyon Creek should be found eligible under the Wild and Scenic Rivers Act.

c. East Fork of the Gila River A portion of the East Fork of the Gila River traverses the Gila Wilderness. In the Gila Coalition Comments on the Draft LMP and DEIS, we asserted that the GNF should find a 9-mile segment of the East Fork of the Gila River eligible for Wild and Scenic River protection, with ORVs for scenery, wildlife, fish, recreation, climate adaptation, and ecosystem services.²²⁵ In the FEIS, the GNF includes East Fork Gila River in Table I-5, entitled, "[dquo]List of ineligible rivers: values present are not outstandingly remarkable in the regions of comparison.[rdquo]"²²⁶ The FEIS provides no additional documentation regarding the GNF's finding of ineligibility for the East Fork of the Gila River. The GNF erred by finding East Fork Gila River ineligible based on a lack of ORVs. First, the East Fork of the Gila River contains Gila trout, and therefore the GNF should have found ORVs for fish, wildlife, and recreation, for the reasons described above. Additionally, the East Fork of the Gila River supports multiple federally listed threatened and endangered species, including Chiricahua leopard frog, Gila trout, and Chihuahu chub, and includes designated critical habitat for narrow-headed garter snake, loach minnow, and spike dace, providing additional justification for finding an ORV for wildlife. As a free-flowing river segment possessing multiple ORVs, the East Fork of the Gila River should be found eligible under the Wild and Scenic Rivers Act.

d. East Fork of the Mimbres River (McKnight Canyon) The East Fork of the Mimbres River flows through 600-foot-deep McKnight Canyon. In the Gila Coalition Comments on the Draft LMP and DEIS, we asserted that the GNF should find a 17-mile segment of the East Fork of the Mimbres River eligible for Wild and Scenic River protection, with ORVs for scenery, wildlife, fish, and botany.²²⁷ In the FEIS, the GNF includes East Fork Mimbres River (McKnight Canyon) in Table I-5, entitled, "[dquo]List of ineligible rivers: values present are not outstandingly remarkable in the regions of comparison.[rdquo]"²²⁸ The FEIS provides no additional documentation regarding the GNF's finding of ineligibility for the East Fork of the Mimbres River. The GNF erred by finding the East Fork of the Mimbres River ineligible based on a lack of ORVs. First, the East Fork of the Mimbres River contains Gila trout, and therefore the GNF should have found ORVs for fish, wildlife, and recreation, for the reasons described above. Additionally, the East Fork of the Mimbres River supports multiple threatened and endangered species, including Gila trout and Chihuahu chub, and the area includes designated critical habitat for Mexican

spotted owl, providing additional justification for finding a wildlife ORV. And finally, the East Fork of the Mimbres River contains the exceptional 600-foot-deep McKnight Canyon and several waterfalls, and therefore possesses an ORV for scenery. As a free-flowing river segment possessing multiple ORVs, the East Fork of the Mimbres River (McKnight Canyon) should be found eligible under the Wild and Scenic Rivers Act.^e

Gilita Creek Gilita Creek is an essential tributary to the Middle Fork Gila River, which the GNF has found eligible for protection under the Wild and Scenic Rivers Act, and flows almost entirely through the Gila Wilderness. In the Gila Coalition Comments on the Draft LMP and DEIS, we asserted that the GNF should find a 4-mile segment of Gilita Creek eligible for Wild and Scenic River protection, with ORVs for wildlife, fish, and botany.²²⁹ In the FEIS, the GNF includes Gilita Creek in Table I-5, entitled, "[dquo]List of ineligible rivers: values present are not outstandingly remarkable in the regions of comparison.[rdquo]"²³⁰ The FEIS provides no additional documentation regarding the GNF's finding of ineligibility for Gilita Creek. The GNF erred by finding Gilita Creek ineligible based on a lack of ORVs. First, Gilita Creek contains Gila trout, and therefore the GNF should have found ORVs for fish, wildlife, and recreation, for the reasons described above. Additionally, Gilita Creek supports multiple threatened and endangered species, including Gila trout and Chihuahu leopard frog, and the area includes designated critical habitat for narrow-headed garter snake and Mexican spotted owl, providing additional justification for finding a wildlife ORV. As a free-flowing river segment possessing multiple ORVs, Gilita Creek should be found eligible under the Wild and Scenic Rivers Act.^f

Indian Creek Indian Creek flows into the Gila Wilderness through a deeply incised canyon to join the Middle Fork of the Gila River, which the GNF has found eligible for protection under the Wild and Scenic Rivers Act. In the Gila Coalition Comments on the Draft LMP and DEIS, we asserted that the GNF should find a 9-mile segment of Indian Creek eligible for Wild and Scenic River protection, with ORVs for scenery, wildlife, and fish.²³¹ In the FEIS, the GNF includes Indian Creek, Indian Creek #2, and Indian Creek #3 in Table I-5, entitled, "[dquo]List of ineligible rivers: values present are not outstandingly remarkable in the regions of comparison.[rdquo]"²³² The FEIS provides no additional documentation regarding the GNF's finding of ineligibility for these three segments of Indian Creek. The GNF erred by finding Indian Creek ineligible based on a lack of ORVs. Indian Creek has an ORV for wildlife because it supports multiple threatened and endangered species, including Chiricahua leopard frog, yellow-billed cuckoo, spikedace, and loach minnow, and includes designated critical habitat for narrow-headed garter snake and Mexican spotted owl. Additionally, Indian Creek flows through an extensive, dramatic, and deeply incised canyon containing many spectacular cascades and therefore contains an ORV for scenery. As a free-flowing river segment possessing multiple ORVs, Indian Creek should be found eligible under the Wild and Scenic Rivers Act.^g

Little Creek Little Creek flows entirely within the Gila Wilderness, with multiple trailheads popular for backpacking, horse- and mule-packing, and day hiking through outstanding scenic areas. In the Gila Coalition Comments on the Draft LMP and DEIS, we asserted that the GNF should find a 13-mile segment of Little Creek eligible for Wild and Scenic River protection, with ORVs for recreation, wildlife, fish, botany, climate adaptation, and ecosystem services.²³³ In the FEIS, the GNF includes Little Creek in Table I-5, entitled, "[dquo]List of ineligible rivers: values present are not outstandingly remarkable in the regions of comparison.[rdquo]"²³⁴ The FEIS provides no additional documentation regarding the GNF's finding of ineligibility for Little Creek. The GNF erred by finding Little Creek ineligible based on a lack of ORVs. First, Little Creek contains Gila trout, and therefore the GNF should have found ORVs for fish, wildlife, and recreation, for the reasons described above. Additionally, Little Creek supports multiple threatened and endangered species, including Chiricahua leopard frog, Gila trout, Mexican Gray wolf, and Gila Chub, and the area includes designated critical habitat for spikedace, loach minnow, Mexican spotted owl, and narrow-headed garter snake, providing additional justification for finding a wildlife ORV. As a free-flowing river segment possessing multiple ORVs, Little Creek should be found eligible under the Wild and Scenic Rivers Act.^h

Mogollon Box of the Gila River The Mogollon Box of the Gila River traverses the Gila Valley, Forest Service Mogollon Box Recreation Area, and The Nature Conservancy's Gila Riparian Reserve. In the Gila Coalition Comments on the Draft LMP and DEIS, we asserted that the GNF should find a 16-mile segment of the Mogollon Box eligible for Wild and Scenic River protection, with ORVs for recreation, wildlife, and botany.²³⁵ It is unclear whether Mogollon Box corresponds to one or more of the segments included in the FEIS, Table I-5, entitled, "[dquo]List of ineligible rivers: values present are not outstandingly remarkable in the regions of comparison.[rdquo]"²³⁶ The GNF erred by not finding Mogollon Box eligible. Mogollon Box of the Gila River contains exemplary river canyon-specific scenery, including views of towering and distinctive cliffs, and is notable

for its ease of access relative to other river segments containing remarkable cliff scenery. This segment therefore contains an ORV for scenery. Additionally, the Mogollon Box of the Gila River offers phenomenal multi-day rafting opportunities and is frequently combined with the contiguous, upriver run of the Wilderness run of the Gila River and therefore contains an ORV for recreation. Finally, the Mogollon Box has an ORV for wildlife because the area includes designated critical habitat for multiple threatened and endangered species including southwestern willow flycatcher, Mexican spotted owl, yellow-billed cuckoo, northern Mexican garter snake, and narrow-headed garter snake. As a free-flowing river segment possessing multiple ORVs, the Mogollon Box of the Gila River should be found eligible under the Wild and Scenic Rivers Act.i. Mogollon CreekMogollon Creek flows within the Gila Wilderness. In the Gila Coalition Comments on the Draft LMP and DEIS, we asserted that the GNF should find a 30-mile segment of Mogollon Creek eligible for Wild and Scenic River protection, with ORVs for wildlife, fish, botany, climate adaptation, and ecosystem services.²³⁷ It is unclear whether Mogollon Box corresponds to one or more of the segments included in the FEIS, Table I- 5, entitled, [ldquo]List of ineligible rivers: values present are not outstandingly remarkable in the regions of comparison.[rdquo]²³⁸The GNF erred by not finding Mogollon Creek eligible. First, Mogollon Creek contains Gila trout, and therefore the GNF should have found ORVs for fish, wildlife, and recreation, for the reasons described above. Additionally, Mogollon Creek supports multiple threatened and endangered species, including Chiricahua leopard frog, Gila trout, Gila chub, and the area includes designated critical habitat for spikedace, loach minnow, Mexican spotted owl, southwestern willow flycatcher, narrow-headed garter snake, Mexican garter snake, and yellow-billed cuckoo, providing additional justification for finding a wildlife ORV. Mogollon Creek contains one significant waterfall, several minor waterfalls, many spectacular cascades, and an exceptional box canyon section. [ldquo]Buds Hole[rdquo] is a named and well-known geographical feature just above the significant waterfall near the confluence with the West fork of Mogollon Creek. These features warrant a finding that Mogollon Creek has an ORV for scenery. As a free-flowing river segment possessing multiple ORVs, Mogollon Creek should be found eligible under the Wild and Scenic Rivers Act.j. San Francisco River (Devil[rsquo]s Creek)The San Francisco River (Devil[rsquo]s Creek) provides rare and unique opportunities for rafting. In the Gila Coalition Comments on the Draft LMP and DEIS, we asserted that the GNF should find a 19-mile segment of the San Francisco River/Devil[rsquo]s Creek eligible for Wild and Scenic River protection, with ORVs for wildlife, recreation, and fish.²³⁹ In the FEIS, the GNF includes a segment identified as [ldquo]San Francisco River [ndash] US 180 at Salinas to Big Dry[rdquo] in Table I-5, entitled, [ldquo]List of ineligible rivers: values present are not outstandingly remarkable in the regions of comparison.[rdquo]²⁴⁰ The FEIS provides no additional documentation regarding the GNF[rsquo]s finding of ineligibility for this segment of the San Francisco River.This section of the San Francisco River is listed in American Whitewater[rsquo]s database for rivers that can be rafted. There are only a few multi-day paddling runs in New Mexico that are both accessible and possible to run, and this section of the San Francisco River is one of them. Therefore, this segment contains an ORV for recreation. Additionally, this section of San Francisco River has been described by American Whitewater as containing [ldquo]a geologic wonderland of igneous, sedimentary and metamorphic rock.[rdquo] The river-canyon scenery is exemplary and therefore contains an ORV for scenery. Finally, this section of the San Francisco River supports multiple threatened and endangered species including Gila chub and Chiricahua leopard frog, and therefore contains an ORV for wildlife. As a free-flowing river segment possessing multiple ORVs, the San Francisco River Devil[rsquo]s Creek segment should be found eligible under the Wild and Scenic Rivers Act.k. Sapillo CreekSapillo Creek is an important tributary to the Wilderness Run of the Gila River, which the GNF has found eligible. In the Gila Coalition Comments on the Draft LMP and DEIS, we asserted that the GNF should find a 7-mile segment of Sapillo Creek eligible for Wild and Scenic River protection, with ORVs for scenery, wildlife, fish, botany, cultural, climate adaptation, and ecosystem services.²⁴¹ In the FEIS, the GNF includes Sapillo Creek in Table I-5, entitled, [ldquo]List of ineligible rivers: values present are not outstandingly remarkable in the regions of comparison.[rdquo]²⁴² The FEIS provides no additional documentation regarding the GNF[rsquo]s finding of ineligibility for Sapillo Creek.The GNF erred by finding Sapillo Creek ineligible based on a lack of ORVs. First, Sapillo Creek contains Gila trout, and therefore the GNF should have found ORVs for fish, wildlife, and recreation. Additionally, Sapillo Creek supports multiple threatened and endangered species, including Gila Trout and Chiricahua leopard frog, providing additional justification for an ORV for wildlife. And finally, the middle narrows of Sapillo Creek contain the preeminent example of a box canyon in all of the GNF. Multiple waterfalls

and slot canyons feed into this exquisitely carved, narrow section as tributaries, and this section also contains one waterfall within its watercourse along with countless cascades. The sustained, narrow, soaring cliff walls featuring multiple sections with wall-to-wall, overhead water are at a scenic level that likely exceeds any other canyon in the Gila. As a free-flowing river segment possessing multiple ORVs, Sapillo Creek should be found eligible under the Wild and Scenic Rivers Act.^l Taylor Creek

In the Gila Coalition Comments on the Draft LMP and DEIS, we asserted that the GNF should find a 19-mile segment of Taylor Creek eligible for Wild and Scenic River protection, with ORVs for scenery, wildlife, fish, botany, and cultural.²⁴³ In the FEIS, the GNF includes two segments identified as Taylor Creek and Taylor Creek #2 in Table I-5, entitled, "[Idquo]List of ineligible rivers: values present are not outstandingly remarkable in the regions of comparison.[rdquo]"²⁴⁴ The FEIS provides no additional documentation regarding the GNF's finding of ineligibility for Taylor Creek. The GNF erred by finding Taylor Creek ineligible based on a lack of ORVs. Taylor Creek supports multiple threatened and endangered species, including Chiricahua leopard frog, spikedace, and loach minnow, and therefore contains an ORV for wildlife. As a free-flowing river segment possessing one or more ORVs, Taylor Creek should be found eligible under the Wild and Scenic Rivers Act.^m Turkey Creek

Turkey Creek is an important wilderness tributary to the Gila River. In the Gila Coalition Comments on the Draft LMP and DEIS, we asserted that the GNF should find a 21-mile segment of Turkey Creek eligible for Wild and Scenic River protection, with ORVs for scenery, recreation, cultural, wildlife, fish, botany, climate adaptation, and ecosystem services.²⁴⁵ In the FEIS, the GNF includes three segments identified as Turkey Creek, Turkey Creek #2, and Turkey Creek #3 in Table I-5, entitled, "[Idquo]List of ineligible rivers: values present are not outstandingly remarkable in the regions of comparison.[rdquo]"²⁴⁶ The FEIS provides no additional documentation regarding the GNF's finding of ineligibility for these three segments of Turkey Creek. The GNF erred by finding Turkey Creek ineligible based on a lack of ORVs. First, Turkey Creek contains Gila trout, and therefore the GNF should have found ORVs for fish, wildlife, and recreation. Additionally, Turkey Creek supports multiple threatened and endangered species, including Chiricahua leopard frog and Gila trout, providing additional justification for an ORV for wildlife. Turkey Creek also contains numerous waterfalls, rockslides, deep pools, and narrow sections with high steep walls, and therefore contains an ORV for scenery. And finally, Turkey Creek contains a well-known, high quality, and unique hot spring nestled in a bedrock pool, which qualifies the segment for an ORV for recreation under the GSEEC. As a free-flowing river segment possessing multiple ORVs, Turkey Creek should be found eligible under the Wild and Scenic Rivers Act.ⁿ West Fork Mogollon Creek

The West Fork Mogollon Creek flows entirely within designated wilderness. In the Gila Coalition Comments on the Draft LMP and DEIS, we asserted that the GNF should find an 8-mile segment of West Fork Mogollon Creek eligible for Wild and Scenic River protection, with ORVs for scenery, wildlife, fish, botany, climate adaptation, and ecosystem services.²⁴⁷ In the FEIS, the GNF includes West Fork Mogollon Creek in Table I-5, entitled, "[Idquo]List of ineligible rivers: values present are not outstandingly remarkable in the regions of comparison.[rdquo]"²⁴⁸ The FEIS provides no additional documentation regarding the GNF's finding of ineligibility for West Fork Mogollon Creek. The GNF erred by finding West Fork Mogollon Creek ineligible based on a lack of ORVs. First, West Fork Mogollon Creek contains Gila trout, and therefore the GNF should have found ORVs for fish, wildlife, and recreation. Additionally, West Fork Mogollon Creek supports multiple threatened and endangered species, including Chiricahua Leopard frog, Gila trout, and spikedace, and the area includes designated critical habitat for Mexican spotted owl and narrow-headed garter snake. And finally, West Fork Mogollon Creek contains a deeply incised canyon with cascading waterfalls and pools. Combined with distant mountain views in all directions, many consider this stream corridor to be the best mountain vista in all of the Gila Wilderness. This stream segment therefore contains an ORV for scenery. As a free-flowing river segment possessing multiple ORVs, West Fork Mogollon Creek should be found eligible under the Wild and Scenic Rivers Act.⁴ The Final LMP, FEIS, and Draft ROD contain insufficient documentation, data, and justification to support the GNF's ineligibility determinations. In our previous comments we identified a lack of sufficient documentation, data, or justification for the GNF's findings of eligibility or ineligibility.²⁴⁹ In the Draft ROD, the Responsible Official states that "[Idquo]staff completed a systematic study, as documented in appendix I of the final environmental impact statement.[rdquo]"²⁵⁰ As reflected in the above discussion, however, Appendix I is devoid of information explaining why the GNF found 229 of the 245 segments ineligible. A partial explanation can perhaps be gleaned from the title of Table I-5: "[Idquo]values present are not outstandingly remarkable in the regions of comparison.[rdquo]"²⁵¹ This title implies,

but does not confirm, that the GNF found each of the listed segments to be free-flowing as required for protection under the Wild and Scenic Rivers Act. But there is no information whatsoever about where these segments are located, which ORVs were considered, or why no ORVs were identified. The lack of a transparent process and documentation contravenes the 2012 Planning Rule, which emphasizes the importance of public participation and transparency.²⁴⁷ Coalition Comments on Draft LMP/DEIS, p. 306. Additionally, the documentation in the Draft ROD, Final LMP, and FEIS falls far short of the requirements of Chapter 80 of the Forest Service Handbook. The Handbook requires that the [environmental document for developing, revising, or amending a land management plan should contain an appendix containing the study report for all rivers studied for their eligibility for inclusion in the System.]²⁵² This appendix must contain [separate river narratives for each river segment evaluated in the planning process and a map showing the rivers, their termini and corridors.]²⁵³ The river narratives for each segment, including those found ineligible, must include [a synopsis of the pertinent information related to eligibility and classification factors.]²⁵⁴ This documentation [should include . . . one or more tables listing each river segment with information supporting whether the river is deemed eligible or not (such as free-flowing characteristics, water quality, and presence or absence and a description of outstandingly remarkable values).]²⁵⁵ The fourteen stream segments discussed in the previous section illustrate that the GNF adopted unreasonably narrow GSEEC and applied the baseline ORV criteria and GSEEC in an inappropriate manner, resulting in arbitrary and capricious ineligibility determinations. The GNF must provide additional narratives, maps, and justification for its ineligibility findings to demonstrate that each segment was adequately analyzed. In the absence of documentation and justification, the public cannot evaluate whether the GNF's eligibility study complied with applicable law, regulation, and policy.

D. Requested Remedy for Eligible Wild and Scenic Issues To address the GNF's failure to consider the national scale when evaluating ORVs, reliance on unreasonably restrictive GSEEC, failure to find fourteen qualifying stream segments eligible for inclusion in the National Wild and Scenic Rivers System, and failure properly document its ineligibility findings, we request the following remedies: Update the eligibility study to reflect that the following stream segments are eligible for inclusion in the National Wild and Scenic River System because the segments are free-flowing and possess at least one ORV: Apache Creek, Black Canyon Creek, East Fork Gila River, East Fork Mimbres River (McKnight Canyon), Gilita Creek, Indian Creek, Little Creek, Mogollon Box Gila River, Mogollon Creek, San Francisco River (Devil's Creek), Sapillo Creek, Taylor Creek, Turkey Creek, and West Fork Mogollon Creek. Revise the FEIS to include adequate justification and documentation regarding stream segments found ineligible for inclusion in the National Wild and Scenic Rivers System, as required by Chapter 80 of the Forest Service Handbook.

VI. NEW INFORMATION: CLIMATE IMPACTS, BIODIVERSITY LOSS, AND THE 30X30 INITIATIVE In addition to the issues raised above, new information warrants the GNF taking a different approach to its final wilderness recommendations and eligible Wild and Scenic River determinations. On January 27, 2021, President Biden signed Executive Order 14008, Tackling the Climate Crisis at Home and Abroad.²⁵⁶ This Executive Order, among other ambitious goals, committed the administration to preserve 30% of lands and waters by 2030, often referred to as 30x30. The Executive Order was followed by the publication of the America the Beautiful report in May.²⁵⁷ These new commitments and goals, published in the interim between the issuance of the Draft LMP and the Final LMP, warrant a heightened focus in the plan on the protection of lands with wilderness values and stream segments that are eligible for Wild and Scenic River designation. As reflected by the 30x30 initiative, it is essential that we conserve and restore natural landscapes and free-flowing rivers to protect biodiversity, limit carbon emissions, and adapt to climate impacts. In 2022, New Mexico Wild commissioned a scientific study from a team of scientists at EcoAdapt, an independent non-governmental organization, to identify and prioritize areas of New Mexico that hold the highest potential value for protecting biodiversity and mitigating climate change.²⁵⁸ The EcoAdapt Report reflects that in New Mexico, [the percent of protected lands managed primarily for biodiversity lags behind national levels (6.1% in New Mexico compared to 12.6% nationally) despite the relatively high proportion of public lands and rich biodiversity present in the state.]²⁵⁹ Across the state, the EcoAdapt Report modeled three indicators of ecosystem adaptation to climate change, including biodiversity, connectivity, and resilience,²⁶⁰ and also analyzed the value of protecting various areas for carbon sequestration and storage.²⁶¹ The lands managed by the GNF in the general vicinity of the Gila, Aldo Leopold, and Blue Range Wilderness emerged as some of the highest priority areas for expanding and strengthening the existing protected

area network to meet 30X30 goals.²⁶²The GNF is of local, regional, national, and global significance, in terms of its potential to maintain biodiversity and adapt to climate impacts. As the GNF works to resolve our objections and finalize the LMP and ROD, we urge the GNF to consider the new policy goals of 30x30 and the research reflecting the importance of prioritizing conservation of the lands and waters in the Gila region.

VII. MEETING REQUESTIn accordance with the 2012 Planning Rule,²⁶³ we respectfully request to meet with the Reviewing Officer to discuss the issues raised in this objection and potential resolutions. We anticipate that other interested persons or organizations may wish to participate in such meetings, and we acknowledge that the Reviewing Officer must permit interested parties to participate if they file a request to participate in an objection within 10 days after publication of the notice of objection by the Responsible Official.²⁶⁴

VII. CONCLUSIONThank you for considering our objections and requested remedies related to the provisions in the Final LMP, FEIS, and Draft ROD related to recommended wilderness management areas and eligible wild and scenic river segments. These issues are vitally important because they will directly impact the success or failure of our collective efforts to combat the increasingly severe impacts of climate change and biodiversity loss for the next three decades, and potentially longer if these wild areas and free-flowing streams are lost. We look forward to meeting with you to discuss the issues we have raised and find equitable solutions that will benefit everyone and ensure the Forest Service finalizes this plan in conformity with applicable laws, regulations, and Forest Service policies.

Sincerely,
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Encl: Attachment A: Gila Trout Revised Recovery Plan (2022)
Attachment B: Executive Order 14008 (Jan. 27, 2021)
Attachment C: Conserving and Restoring America the Beautiful (2021)
Attachment D: EcoAdapt Report (Dec. 2022)