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Comments: September 30, 2024

USDA-Forest Service Southwest Region
ATTN: Objection Reviewing Officer
333 Broadway Blvd SE
Albuquerque, NM 87102
SM.FS.gilaplan@usda.gov

RE: Objection to the Gila National Forest Draft Record of Decision, Forest Plan, and Final Environmental Impact Statement (FEIS)

Dear Supervisor Camille Howes and the Objection Reviewing Officer,

American Rivers hereby formally objects to the Gila National Forest's ("Forest") Draft Record of Decision (ROD), Final Environmental Impact Statement (FEIS), and Forest Plan. We do so following the regulations in 36 CFR 219. The Draft Record of Decision was dated and published on July 30, 2024, by the Responsible Official, Forest Supervisor, Camille Howes. The 60-day objection period ends on Sept. 30, 2024.

Lead Objector:

Michael Fiebig
American Rivers

About American Rivers:
American Rivers is a national nonprofit conservation organization championing an effort to protect and restore all rivers, from remote mountain streams to urban waterways. Healthy rivers provide people and nature with clean, abundant water and natural habitat. For over 50 years, American Rivers staff, supporters, volunteers, and partners have shared a common belief: Life Depends on Rivers. With headquarters in Washington, D.C. and 355,000 supporters, members, and volunteers across the country, we are one of the most trusted and influential river conservation organizations in the United States, delivering solutions for a better future. Our Southwest River Protection Program is headquartered in Durango, CO, with staff in Flagstaff, AZ, and Santa Fe, NM. We are deeply committed to working with partners to conserve the most ecologically and culturally important rivers in the Southwest U.S.

Objections:
American Rivers details three substantive objections to the Draft ROD, FEIS, and Forest Plan below.

1.The Forest failed to consider important supplemental information regarding potential Wild and Scenic Rivers

Gila National Forest, in preparing a final evaluation and report regarding Wild and Scenic eligibility (and subsequently, suitability), failed to consider supplemental information, including information and sources provided by American Rivers in comments on the Draft Wild and Scenic Rivers Study and Report, submitted in April 2020. Additional information sources identified in those comments included new ecological and habitat data drawn from Natural Heritage New Mexico, Adaptation Partners, American Rivers, American Whitewater, and others. The

presentation of this data by American Rivers also constitutes "changed conditions," and the content of the data detailed changed conditions on the ground.

Such consideration of additional and supplemental information and information sources is required by National Environmental Policy Act (NEPA) and related regulations, and under Forest Service planning instructions regarding land use planning and Wild and Scenic rivers evaluation (Forest Service Handbook, Chapter 80, 81.1).

No adequate response to this information was given by the Forest, which seems to take a narrow and atypical view of both the Act and the nexus of Outstandingly Remarkable Values and the maintain or enhance standard it would provide for exemplary fish, wildlife, and plant habitat in a watershed, even beyond the 320 acres per mile river corridor, relying on data cited in its 2002 eligibility report. This not only affects the number and kind of Outstandingly Remarkable Values (ORVs) the Forest included for the 16 streams that it found eligible, but also the 14 streams for which we provided evidence of ORVs that the Forest did not reevaluate based upon new conditions, contrary to policy and law.

Remedies:
The Wild and Scenic eligibility evaluation process must be reopened, with renewed opportunities for public review and comment, to specifically consider the new supplemental information about stream and stream-corridors for all 30 streams that American Rivers provided, including data available from Natural Heritage New Mexico, the State of New Mexico, Adaptation Partners, and from other appropriate sources.

Forest planning documents must include specific responses to information from those sources, including information presented in previous American Rivers comments and information from the agencies themselves. Simply stating that "there were no outstandingly remarkable values
identified for the river segment" and referencing the Final Environmental Impact Statement as evidence of this is not sufficient, and tantamount to saying "because we said so."

2.The Forest failed to consider climate change adaptation, climate refugia values, and ecosystem services as potential Wild and Scenic Outstandingly Remarkable Values (ORVs)

Gila National Forest (Forest) refused to consider additional potential values that qualify select streams for Wild and Scenic eligibility, even though data supporting these values constituted "changed conditions."

In comments on the draft Wild and Scenic Rivers Eligibility Study and Report, April 2020, American Rivers called for specific consideration of climate change adaptation and ecosystem services as potential values qualifying specifically mentioned candidate streams for Wild and Scenic eligibility, based on scientific data.

Specifically, American Rivers cited summary information from Adaptation Partners , the interagency research service funded in part by the U.S. Forest Service to coordinate resource and data sources toward "science-based management partnerships focused on climate change adaptation in the western United States..." American Rivers comments cited specific climate adaptation considerations recommended to the Forest Service by Adaptation Partners.

In its response to comments, the Forest did not address the concepts and values of climate adaptation and ecosystem services, or the value, legitimacy, or substance of related information provided by the Forest Service-funded research service that prepared that information, stating instead that "climate change adaptation is not a consideration for eligibility as lined out in the Wild and Scenic Rivers Act or agency policy direction, nor is it the intended purpose of the act," failing to take into account the "other similar values" that Congress purposefully built into the Act for future flexibility.

Remedy:
The Wild and Scenic eligibility process must be reopened, with renewed opportunities for public review and comment, to include specific screening of all candidate streams for potential Outstanding Remarkable Values in the context of climate change and ecosystem services in general, and in the context of specific information provided by Adaptation Partners.

3.The Forest failed to document and evaluate potential Wild and Scenic eligibility values for additional streams

Gila National Forest failed to adequately evaluate the Wild and Scenic potential of 14 additional streams that American Rivers provided supplemental data for, instead issuing the identical Wild and Scenic eligibility study results that the Forest published four years prior.

In comments on the Draft Wild and Scenic Eligibility Study and Report, in April 2020, American Rivers highlighted 14 streams overlooked in that study and report and documented specific stream-related natural values that warrant a finding of Wild and Scenic eligible.

In its response, the Forest appeared to dismiss the information provided in American Rivers comments by stating that there is no ORV present or changed conditions, without explaining how the new information we provided was found not to be compelling, why it was not considered a "changed condition" under law and policy, or even whether the Forest evaluated the information we provided at all, contrary to policy and law.

It strains credulity that the entire New Mexico Congression delegation, four outdoor recreation organizations, two veterans organizations, seven sportsman's organizations, over sixty New Mexico businesses, five Chambers of Commerce, thirty-three conservation organizations, two faith-based organizations, four municipalities, three Tribal governments, and three civil organizations, as well as the scientific data that we provided, would all be wrong about these 14 streams having at least one "outstandingly remarkable value", while members of the Interdisciplinary Team hold that they do not.

Remedy:
The Wild and Scenic eligibility process must be reopened, with renewed opportunity for public review and comment, to address the potential outstandingly remarkable values of 14 additional streams and associated data highlighted in American Rivers' previous public comments, and to specifically document how those potential values do or do not meet standards for wild and scenic eligibility.

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

Sincerely,

Michael Fiebig
Director, Southwest River Protection Program
American Rivers