



Gila National Forest
Richard Markley
Forest Supervisor
Attn: Travel Management Coordinator
3005 E. Camino del Bosque
Silver City, NM 88061
r3_gila_travel@fs.fed.us

Sent via email and certified mail this date

November 3, 2009

Re: Proposed Action for the Gila National Forest, New Mexico

Dear Mr. Markley,

On behalf of the groups and individuals listed below, please accept this executive summary of our comments responding to the Gila National Forest's recent proposed action for Travel Management. No new information is contained in this executive summary. We do ask that the executive summary be made a part of the project record for this project.

Thank you,

Cyndi Tuell
Public Lands Advocate
Center for Biological Diversity
P.O. Box 710
Tucson, AZ 85702
ctuell@biologicaldiversity.org

ON BEHALF OF:

<p>Donna Stevens Executive Director Upper Gila Watershed Alliance PO Box 383 Gila, NM 88038 director@ugwa.org</p>	<p>M. H. "Dutch" Salmon Chairperson Gila Conservation Coalition 305A N. Cooper St., Silver City, NM 88061</p>
<p>Ken Hughes Conservation Chair Rio Grande Chapter, Sierra Club P.O. Box 25341 Albuquerque, NM 87125-5342</p>	<p>Allyson Siwik Executive Director Gila Resources Information Project 305A N. Cooper St., Silver City, NM 88061</p>
<p>Louise Misztal Policy and Planning Program Sky Island Alliance PO Box 41165 Tucson, AZ 85705 louise@skyislandalliance.org</p>	<p>Bryan Bird Wildplaces Program Director WildEarth Guardians 312 Montezuma Santa Fe, NM 87501 bbird@wildearthguardians.org</p>
<p>Daniel R. Patterson Ecologist and Southwest Director Public Employees for Environmental Responsibility (PEER.org) 738 N 5th Av., #210, Tucson AZ 85705 swpeer@peer.org</p>	<p>Zoe Krasney Southwest Region The Wilderness Society 600 Central Ave Ste 237 Albuquerque, NM 87102 zoe_krasney@twc.org</p>
<p>Carol Johnson 226 La Cueva Rd. Glorieta, NM 87535 carlj@cybermesa.com</p>	<p>Garrett VeneKlasen P.O. Box 2146 Santa Fe, New Mexico 87504 interangler@newmexico.com</p>

Introduction

The Gila National Forest (GNF) offers some of the finest and most diverse, as well as most threatened, natural and cultural resources in the United States. The GNF is a rich, biologically diverse forest that is refuge for imperiled and biologically important species. The geographic area contains unique characteristics and ecologically critical areas, including the Aldo Leopold Wilderness, the Gila Wilderness, and the Blue Range Wilderness, as well as ecologically critical and scientifically significant riparian areas including the San Francisco River, the Gila River (named by American Rivers as one of America's Most Endangered Rivers in 2008), as well as Wild and Scenic River segments including the West Fork and Middle Fork of the Gila, Spruce Creek, and the Mimbres River.

The proper implementation of the Travel Management Rule offers the Forest Service and public a rare opportunity to reduce the impact of hundreds of miles of destructive, unnecessary roads, restore wildlife habitat, and secure a quality experience for an expanding population.

Use of Best Management Practices

It is our position that the GNF should use Wildland CPR's Best Management Practices during implementation of the Travel Management Rule or offer explanation as to why they were not followed.

Travel Analysis

In our view, travel planning must evaluate and address the environmental, social, and cultural impacts associated with unauthorized routes *and* currently designated roads, trails, and areas, as identified through Travel Analysis. Travel Analysis should "form the basis for the proposed actions and purpose and need statements in the subsequent NEPA process." Forest Service Manual 7712.3(2). In addition, analyzing impacts to ecological and cultural resources across the entire transportation system is a critical factor in determining the "minimum road system" as envisioned by 36 C.F.R. § 212.5(b)(1) and the recent draft directives for implementing the Travel Management Rule. The purpose and need statement should be clear on these points.

We have repeatedly asked, and ask here again, that the Travel Analysis Process Report, or TAP be made publicly available. It is very unfortunate that the TAP was not made publicly available during the official scoping period for this project despite our repeated requests dating back to 2007. We have no information on how the GNF identified its minimum road system as required by law, or how any route designation determinations have been made for this proposal. The TAP would provide the public with critical information regarding these questions.

Of particular concern are the current budgetary requirements of the proposed road system. We note that the GNF needs more than \$4.5 million annually for maintenance and reconstruction of the current road system and has a maintenance backlog of over \$179 million. Route maintenance is critical for user safety and the long-term sustainability of forest health.

The public must be allowed to provide additional public comment on this proposed action for at least 30 days after the TAP is made publicly available.

Enforcement

The proposed action does not indicate any plan for enforcement of the new regulations resulting from implementation of the Travel Management Rule. We recommend the GNF tier its road system to its enforcement capabilities and funding resources. The GNF should develop a monitoring and enforcement plan to accompany its route designation proposal.

Compliance with Executive Orders

The GNF must comply with Executive Order 11644, as amended, when implementing the Travel Management Rule and work to minimize harm to natural resources and minimize user conflicts through route designation. Threatened and endangered species, areas of special concern such as wilderness, Inventoried Roadless Areas, and Wild and Scenic Rivers must be protected. Consideration must be given to the long-term vision for the Continental Divide Trail, 250 miles of which traverse the GNF.

Motorized Big Game Retrieval

We caution the GNF against route designations and motorized big game retrieval or dispersed camping provisions which could harm cultural resources within Forest Service lands. The planned provision allowing motorized game retrieval would allow motorized uses throughout over 90% of the forest outside of wilderness designations, placing untold numbers of archeological sites at risk. Compliance with section 106 of the Historic Preservation Act is critical to protect these resources.

Off-road vehicles are a well known vector for the spread of invasive plant species. Motorized game retrieval for up to one mile from any open route would also increase the spread of invasive species, of which 390 are known to occur in New Mexico.

In addition, motorized game retrieval will make it nearly impossible for forest visitors seeking a quiet refuge to escape the sights and sounds of cars, trucks and off-road vehicles. Motorized vehicles are well known as an impediment to hunter success and satisfaction. Any provision for motorized game retrieval must be accompanied by a thorough, rational justification for such an exception to the ban on cross-country travel by motorized vehicles. We note that the GNF is the only forest in Region 3 proposing to allow motorized game retrieval for both deer and elk and that the GNF's proposal for motorized game retrieval for *one mile off every open road* does not comply with the Travel Management Rule which provides for the *limited* use of motor vehicles for this purpose.

Areas “Open to All Motorized Uses”

We have grave concerns about 39 areas planned for designation as “open to all motorized uses” that neither showed up on the maps displayed for public review, nor were disclosed to use despite our repeated, vocal concerns regarding the use of these designations. The public at large has not been provided an adequate opportunity to comment on these open areas which were revealed only upon careful, technical review of geographic information systems (GIS) information that most members of the public would not have access to or ability to analyze. The GNF should make these proposed designation clear and give the public an appropriate opportunity to comment upon them.

Designation of Route *in* River Channels

The proposed route *within* Little Dry Creek, Big Dry Creek and the San Francisco River represent the ultimate failure of travel planning to protect natural resources. We have repeatedly asked the GNF to protect the San Francisco River from motorized uses. By protecting the San Francisco River, Big Dry Creek and Little Dry Creek from the negative impacts of motorized uses, the Forest Service ensures compliance with its myriad of legal responsibilities pursuant to, *inter alia*, the National Forest Management Act (“NFMA”), the Endangered Species Act (“ESA”), and the Clean Water Act (“CWA”). In addition to Southwestern willow flycatcher (endangered), this area is home to bald eagle, Bell’s vireo, black hawk, coatimundi, Gila woodpecker, Gray vireo, loach minnow (threatened), narrowhead gartersnake (listed as endangered by NMDGF), Gila trout and Sonoran mountain kingsnake. Bighorn sheep and pronghorn are known to inhabit the area. Key habitat areas within this management area include the San Francisco River, side drainages and Little Dry Creek. The Lower San Francisco River was under consideration for designation as a Research Natural Area in the 1986 Forest Plan and should be maintained as a semi-primitive recreation opportunity.

We fail to comprehend how ongoing motorized recreational use in these areas is compatible with federal law. The validity of motorized designations in question here is highly suspect given current conditions and the legally-protected ecological, biological, and recreational values that are paramount. Ongoing motorized recreational use, by causing adverse impacts, will not only harm the ecological, biological, and recreational values of this area, but will also brush up against, if not exceed, legal thresholds provided by federal law. Additionally, as a principle of both ecology and common sense, it is far easier to prevent degradation to riparian areas before it happens than to attempt – with little guarantee of success – to repair it afterwards.

If the GNF continues to pursue a designated route in the Little Dry/Big Dry/San Francisco riparian area this is likely to lead to protracted litigation, resulting in ongoing harm to not only the Little Dry/Big Dry/San Francisco riparian area, but possibly to the entire forest if the ban on harmful cross-country travel is not implemented in a timely manner.

The GNF must consider the impacts of this proposed route on loach minnow, spikedace, Gila trout, any other threatened or endangered species, the spread of invasive species (specifically but not limited to salt cedar), the potential for erosion, soil and water disturbance and contamination,

degradation of water quality and habitat for aquatic species. In addition, the GNF must disclose and analyze its potential liability for designating a route that the GNF admits will not be maintained and is inherently dangerous, does not and cannot meet engineering standards, and that must be re-signed at least twice per year when high water flows obliterate any signage that is put in place.

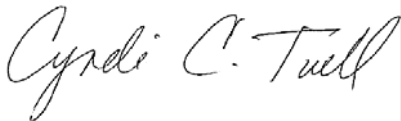
Conclusion

We ask the GNF to carefully review our comment letter submitted October 26, 2009, and all attachments and appendices to that letter. While we cannot support the Proposed Action as presently constructed, we appreciate the GNF's work on this very important issue and hope that it will pay long-term dividends. The Proposed Action's recommendation to close 962 miles of roads to motorized recreation travel, eliminate cross-country travel, and publish a motor vehicle use map (MVUM) depicting motorized designations, are accomplishments that comprise positive steps toward protecting forest natural, cultural and visitor experiential values.

We again extend our appreciation to the Forest Service for the opportunity to provide these scoping comments regarding the Proposed Action for the GNF. Our intent in providing these comments is to work cooperatively with the Forest Service and the larger interested public to ensure that the GNF – as a public trust resource – is properly managed for the long-term public interest for the benefit of existing and future generations. We look forward to working with the Forest Service as the TMR implementation process moves forward.

Please keep us apprised of any developments relative to this issue or process.

Sincerely,

A handwritten signature in cursive script that reads "Cyndi C. Tuell". The signature is written in black ink and is positioned to the left of a vertical red line.

Cyndi Tuell
Southwest Conservation Advocate
Center for Biological Diversity