* NEW MEXICO WILD * ADVOCATES FOR SNAKE PRESERVATION * AMIGOS BRAVOS * ANIMAL PROTECTION NEW MEXICO * ARCHAEOLOGY SOUTHWEST * BIRD ALLIANCE OF SOUTHWESTERN NEW MEXICO * CONSERVATION VOTERS NEW MEXICO * DEFENDERS OF WILDLIFE * EARTHKEEPERS 360 * GILA NATIVE PLANT SOCIETY * GILA RESOURCES INFORMATION PROJECT * GREAT OLD BROADS FOR WILDERNESS * GREENLATINOS NEW MEXICO * HEART OF THE GILA * LOBOS OF THE SOUTHWEST * NUESTRA TIERRA CONSERVATION PROJECT * PECOS RIVER OPEN SPACES * SANTA FE FOREST COALITION * SANTA FE WATERSHED ASSOCIATION * SIERRA CLUB/RIO GRANDE CHAPTER * UPPER GILA WATERSHED ALLIANCE * UPPER PECOS WATERSHED ASSOCIATION * WILDEARTH GUARDIANS * WILDLIFE FOR ALL *

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Brad Kinder
Acting Director, Ecosystem Management Coordination
U.S. Department of Agriculture, Forest Service
201 14th Street SW
Mailstop 1108
Washington, DC 20250–1124
Bradley.kinder@usda.gov

Re: Comments from New Mexico Stakeholders Opposing USDA Forest Service's Proposal to Rescind the 2001 Roadless Rule; Rulemaking Docket #FS–2025–0001

Submitted electronically via https://www.regulations.gov/docket/FS-2025-0001

To whom it may concern,

These comments are submitted to the United States Department of Agriculture ("USDA" or "agency") by New Mexico stakeholders including the New Mexico Wilderness Alliance ("New Mexico Wild"), Advocates for Snake Preservation, Amigos Bravos, Animal Protection New Mexico, Archaeology Southwest, Bird Alliance of Southwestern New Mexico, Conservation Voters New Mexico, Defenders of Wildlife, EarthKeepers 360, Gila Native Plant Society, Gila Resources Information Project, Aldo's Silver City Chapter of Great Old Broads for Wilderness, Rio Grande Valley Broadband of the Great Old Broads for Wilderness, GreenLatinos New Mexico, Heart of the Gila, Lobos of the Southwest, Nuestra Tierra Conservation Project, Pecos River Open Spaces, Santa Fe Forest Coalition, Santa Fe Watershed Association, Sierra Club/Rio Grande Chapter, Upper Gila Watershed Alliance, Upper Pecos Watershed Association, WildEarth Guardians, Wildlife for All, and our millions of members and supporters in New Mexico and across the country. For decades, our organizations have advocated for responsible stewardship of America's shared natural and cultural heritage on National Forest System lands within New Mexico. New Mexicans depend on the natural and cultural resources from our National Forest System lands, especially the values promoted by roadless areas.

I. Introduction and Summary

We strongly oppose the USDA's proposal to rescind the 2001 Roadless Area Conservation Rule ("Roadless Rule"),[1] as set forth in the agency's notice of intent ("NOI") published in the Federal Register on August 29, 2025.[2] The proposed rescission would remove existing prohibitions on road construction, road reconstruction, and timber harvesting on approximately 44.7 million acres of National Forest System Lands, including roadless areas in Alaska, but excluding roadless areas in Colorado and Idaho.[3] The proposal would eliminate protections for 1.6 million acres of Inventoried Roadless Areas ("IRAs") in New Mexico.

As a preliminary procedural matter, this 21-day comment period provides inadequate opportunities for public participation and comment. The agency should extend this NOI comment period to a minimum of 60 days. Additionally, the agency should commit to providing 120 days for commenting on the proposed rule and draft environmental impact statement, and start offering public meetings at every impacted national forest.

Regarding the substance of the proposal, the Roadless Rule created historic, landmark protections for New Mexico's few remaining roadless area forests. We strongly oppose the rescission of the Roadless Rule for the reasons set forth in these comments. Notably, the rationale that USDA has put forward related to the purpose and need to rescind the rule is inherently flawed and incorrect, culminating in a failure to justify any need for the rescission. The Roadless Rule already permits hazardous fuels reduction and wildfire suppression activities within IRAs. The best available science demonstrates that IRAs experience fewer wildfire ignitions than roaded areas and that logging increases the severity of wildfires that do ignite. In addition, rescinding the Roadless Rule would be highly fiscally irresponsible due to costs of road construction and maintenance and the impacts on New Mexico's drinking water supply and economy.

Additionally, removing Roadless Rule protections will adversely impact a wide array of natural, cultural, social, and economic values important to New Mexicans. New Mexicans rely on many values advanced by the Roadless Rule, including but not limited to our clean drinking water supply, wildlife habitat, recreation opportunities, cultural resources, traditional practices, high-quality scenery, and our way of life. And finally, a decision to rescind the Roadless Rule could leave New Mexico's IRAs with less protection than they had in 2001. USDA should retain the current limitations on road construction, reconstruction, and timber harvest on the nearly 58 million acres of IRAs managed by the United States Forest Service ("USFS" or "Forest Service"), which comprise about a third of the territory in our National Forest System.

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[1] USDA Forest Serv., Special Areas; Roadless Area Conservation; Final Rule, 66 Fed. Reg. 3243 (Jan. 12, 2001) [hereinafter Roadless Rule].
[2] USDA Forest Serv., Special Areas; Roadless Area Conservation; National Forest System Lands, 90 Fed. Reg. 42179 (Aug. 29, 2025) [hereinafter NOI].
[3] *Id.*; *see* 36 C.F.R. Subpart C—Idaho Roadless Area Management; 36 C.F.R. Subpart D—Colorado Roadless Area Management.

TABLE OF CONTENTS

I. Introduction and Summary 2

II. Failure to Provide Adequate Opportunities for Public Input 4

III. USDA's Asserted Purpose and Need for the Proposed Action Lacks a Rational Basis and Runs Contrary to the Best Available Science, Facts, and Law. 4

- **A. The Roadless Rule Allows Hazardous Fuel Reduction and Wildfire Suppression in IRAs. 5**
- **B. Wildfire Ignition Frequency Is Higher in Roaded Areas; Wildfire Severity is Higher in Areas with Commercial Timber Harvest. 6**
- **C. Hazardous Fuels Reduction Projects in the WUI, Which Is Located Primarily Outside of IRAs, Provide the Best Protection for Communities and the Most Fiscally Responsible Alternative. 8**
- **D. The Science, Facts, and Law Support Retaining the Roadless Rule to Avoid Catastrophic Wildfire and Protect Communities. 9**

IV. The Forest Service Lacks Funding and Resources to Adequately Maintain its Existing Road Network; Increasing the Size of the Forest Service Road System Is Fiscally Indefensible. 10

V. New Mexicans Rely on the Values Promoted by the Roadless Rule and Will Be Harmed if the Roadless Rule is Rescinded. 12

- **A. Water Availability and Quality 13**
- **B. Plants and Wildlife 17**
- **C. Outdoor Recreation and Tourism Economy. 22**
- **D. Cultural Resources & Sovereign Pueblos, Tribes, and Nations 25**
- **E. Traditional Communities; Land Grant-Mercedes and Acequias. 28**
- **F. High-Scenic Quality of New Mexico's Forests. 29**

VI. A Decision to Rescind the Roadless Rule Could Leave New Mexico's Inventoried Roadless Areas with Less Protection than They Had in 2001, and Would Disregard Years of Agency and Stakeholder Engagement in the Forest Planning Process. 31

- **A. Carson National Forest. 32**
- **B. Santa Fe National Forest. 34**
- **C. Cibola National Forest. 36**
- **D. Lincoln and Gila National Forests. 38**

VII. Conclusion 39

II. Failure to Provide Adequate Opportunities for Public Input

As a preliminary procedural matter, USDA has failed to provide for adequate public input. The NOI initiated a three-week public comment period, from August 29, 2025, through September 19, 2025. USDA is accepting written comments only and did not schedule any public information sessions or public meetings. According to the NOI, the agency intends to complete the rulemaking on an expedited basis by completing a draft EIS by March 2026 and a final rule, EIS, and record of decision by late 2026.

The rushed timeline and truncated procedures for the current rulemaking process stand in stark contrast to the lengthy and robust public process through which the Roadless Rule was promulgated.[4] Before adopting the Roadless Rule, USDA published a notice of intent on October 18, 1999, which drew about 16,000 people to 187 public meetings and elicited more than 517,000 responses. The agency published a proposed rule and draft EIS on May 10, 2000, which commenced a 60-day public comment period. During the comment period, USDA conducted approximately 430 public meetings on the proposed rule, including about 230 meetings for the purposes of information sharing and about 200 meetings for the collection of oral and written comments. Over 23,000 people attended these meetings. The agency collected additional written comments outside of the public meetings. As documented in the Federal Register, "more than 1.6 million comments [were] received throughout the process."[5]

The current 21-day comment period offers inadequate opportunities for New Mexicans to evaluate the proposal and to make their voices heard. On August 29, 2025, New Mexico Wild submitted a letter on behalf of six entities requesting an extension of the comment period for a minimum of 60 days (Comment Tracking Number: mex-6i8x-42r4). USDA has not responded to our extension request.

In addition to extending the current NOI comment period, the agency should provide 120 days for commenting on the proposed rule and draft EIS, and start offering public meetings at every impacted national forest.

III. USDA's Asserted Purpose and Need for the Proposed Action Lack a Rational Basis and Run Contrary to the Best Available Science, Facts, and Law.

The proposed rescission of the Roadless Rule lacks a valid purpose and need. Moreover, as discussed below, the proposal runs contrary to the best available science, facts and law. While the asserted purpose and need is not entirely clear, the NOI suggests that repealing the Roadless Rule is necessary for USDA to conduct wildfire suppression and fuel reduction treatment activities to reduce the impacts of wildfire. Specifically, the NOI states, "Conditions within and adjacent to National Forest System

[4] *See* Roadless Rule, 66 Fed. Reg. at 3247-48 (describing how public involvement was incorporated into the rulemaking process).
[5] *Id.* at 3248.

lands have dramatically changed . . . including the expanding wildland-urban interface [and] growing impacts of extreme wildfire, drought, and insect and disease infestations. . . . Management flexibility is needed for the Agency to achieve its multiple use conservation mission, including . . . wildfire suppression, and fuel reduction treatments." The NOI further asserts that the "proposed rule responds to the need for national forests to take swift and immediate action to reduce wildfire risk and help protect surrounding communities and infrastructure."[6]

As further described below, the Roadless Rule already allows hazardous fuel reduction and wildlife suppression activities in IRAs. Rescinding the Roadless Rule will increase—not decrease—the frequency of wildfire ignitions because most wildfires are started by humans in close proximity to roadways. While IRAs tend to have larger fires, these fires do not burn at higher intensities and may actually increase ecological resilience. Conversely, wildfires in areas managed for timber harvest burn at higher intensities.

Fuel reduction treatments close to homes are the most effective way to protect communities from wildfire. Given the significant cutbacks in the Forest Service budget for hazardous fuels reduction, and accounting for inflation since the Roadless Rule was enacted, the best use of limited agency resources is to target the Wildland-Urban Interface ("WUI") for fuel reduction treatments. The vast majority of the WUI exists outside of IRAs.

A. The Roadless Rule Allows Hazardous Fuel Reduction and Wildfire Suppression in IRAs.

This purported need to rescind the Roadless Rule to facilitate fuel reduction treatments to reduce wildfire risk and to protect communities and infrastructure via wildfire suppression is plainly inconsistent with the rule itself. The Roadless Rule's prohibition on timber cutting, sale, or removal in IRAs explicitly allows these activities "[t]o maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects."[7] With respect to wildfire suppression, the rule states, "[p]aragraph (b)(2) allows timber cutting, sale, or removal in inventoried roadless areas when incidental to implementation of a management activity not otherwise prohibited by this rule. Examples . . . include, but are not limited to . . . fire line construction for wildland fire suppression or control of prescribed fire[.]"[8]

In other words, the Roadless Rule clearly allows the Forest Service to "take swift and immediate action to reduce wildfire risk and help protect surrounding communities and infrastructure," whether within the WUI or not, including through fuel reduction treatments to address drought, insect, disease, and other issues that increase the risk of uncharacteristic wildfire, and to suppress wildfires. The rescission of the Roadless

[6] NOI, 90 Fed. Reg. at 42181.
[7] Roadless Rule, 66 Fed. Reg. at 3273.
[8] *Id.* at 3258.

Rule is therefore not needed to address these purported management constraints (which do not actually exist).

B. Wildfire Ignition Frequency Is Higher in Roaded Areas; Wildfire Severity is Higher in Areas with Commercial Timber Harvest.

In addition to the fictitious "need" in the NOI to rescind the Roadless Rule to afford the Forest Service the management flexibility to reduce hazardous fuels and suppress wildfires in IRAs (which it already has), federal data and the best available science related to wildfires suggest that the rescission of the rule would be irresponsible and unstrategic because fires are far more likely to start in close proximity to roads as compared to within IRAs. While IRAs tend to have larger fires, these fires do not burn at higher intensities and may actually increase ecological resilience. Conversely, wildfires in areas managed for timber harvest burn at higher intensities.

First, recent analysis[9] of National Interagency Fire Center InFORM Fire Occurrence Data Records from 1992 to 2024 shows that on National Forest System lands in the contiguous United States, wildfire ignition density was lowest in wilderness (1.7 fires/1,000 hectares), followed by IRAs (1.9 fires/1,000 hectares). Conversely, the highest wildfire ignition density was in areas within 50 meters of roads (7.4 fires/1,000 meters), followed by areas further than 100 meters from roads that are not within wilderness or IRAs (3.5 fires/1,000 hectares). This analysis and other peer-reviewed research[10] demonstrate that wildfires are substantially more likely to occur in roaded areas, particularly in areas that are close to roads.

Conversely, wildfires in wildernesses and IRAs—which together are, by definition, generally unroaded—are less likely. These data and publications make sense when one considers the fact that roads facilitate easy access to National Forest System lands and that most wildfires are started by people—according to the National Interagency Fire Center, as of 2023, an average 88% of wildfires over the previous 10 years were human-caused.[11] Rescinding the Roadless Rule, combined with a presumed resulting increase in road densities in what are currently IRAs, would likely result in more wildfire ignitions on National Forest System lands.

Second, published research demonstrates that wildfire ignitions in unroaded areas tend

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[9] The Wilderness Society, Summary: Three-decade record of contiguous-U.S. national forest wildfires indicates increased density of ignitions near roads (2025) (manuscript in review), *available at* https://www.wilderness.org/sites/default/files/media/file/Summary%20NFS%20roads%20fire%20paper%20-%202025.pdf

[10] Johnston, James D., John B. Kilbride, Garrett W. Meigs, Christopher J. Dunn, & Robert E. Kennedy. "Does conserving roadless wildland increase wildfire activity in western US national forests?." Environmental Research Letters 16, no. 8 (2021): 084040. *Available at* https://iopscience.iop.org/article/10.1088/1748-9326/ac13ee [hereinafter Johnston et at.].

[11] National Interagency Fire Center, Wildland fire investigation: common wildfire causes, available at https://www.nifc.gov/fire-information/fire-prevention-education-mitigation/wildfire-investigation

to result in larger fires, likely because unroaded areas are by definition remote, less accessible, and less populated (thereby delaying reports of fire starts) than roaded areas.[12] However, despite the fact that wildfires in unroaded areas tend to be larger, these larger and more remote fires do not burn at a higher severity than fires within roaded areas; conversely, wildfires in these areas may in fact increase ecological resilience.[13]

And finally, a variety of studies conducted in states across the West, including research conducted by the Forest Service, suggest that timber harvests result in higher fuel loads, larger predicted flame lengths, and increased fire severity.[14] At the local level, a

[12] Narayanaraj, G., and M.C. Wimberly. "Influences of forest roads on the spatial pattern of human- and lightning-caused wildfire ignitions." Applied Geography, 32 (2012), pp. 878-887. *Available at* https://www.sciencedirect.com/science/article/abs/pii/S0143622811001731#:~:text=Highlights,influence%20fire%20ignition%20and%20size.

[13] Johnston et al., *supra* note 10.

[14] *See, e.g.*, (1) Hann, W.J., J.L. Jones, M.G. Karl, P.F. Hessburg, R.E. Keane, D.G. Long, J.P. Menakis, C.H. McNicoll, S.G. Leonard, R.A. Gravenmeier and B.G. Smith. 1997. Landscape dynamics of the Basin. Pages: 337–1,055, in: Quigley, T.M.; Arbelbide, S.J., eds. An assessment of ecosystem components in the Interior Columbia Basin and portions of the Klamath and Great Basins. Vol. II. Gen. Tech. Rep. PNW–GTR–405. Portland, OR: USDA Forest Service, Pacific Northwest Research Station; (2) Huff, M.H.; Ottmar, R.D.; Alvarado, E.; Vihnanek, R.E.; Lehmkuhl, J.F.; Hessburg, P.F.; Everett, R.L. 1995. Historical and current landscapes in eastern Oregon and Washington. Part II: Linking vegetation characteristics to potential fire behavior and related smoke production. Gen. Tech. Rep. PNW–GTR– 355. Portland, OR: USDA Forest Service, Pacific Northwest Forest and Range Experiment Station; (3) Lehmkuhl, J.F., P.F. Hessburg, R.D. Ottmar, M.H. Huff, R.L. Everett, E. Alvarado and R.E. Vihnanek. 1995. Assessment of terrestrial ecosystems in eastern Oregon and Washington: The Eastside Forest Ecosystem Health Assessment. Pages: 87–100, in: Everett, R.L.; Baumgartner, D.M., eds. Symposium Proceedings: Ecosystem Management in Western Interior Forests; 3–5 May 1994; Spokane, WA. Pullman, WA: Washington State University, Cooperative Extension; (4) McKelvey, K.S., C.N. Skinner, C. Chang, D.C. Erman, S.J. Husari, D.J. Parsons, J.W. van Wagtendonk and C.P. Weatherspoon. 1996. An overview of fire in the Sierra Nevada. Pages: 1033-1040, in: Status of the Sierra Nevada: Sierra Nevada Ecosystem Project, final report to Congress. Vol. II. Assessments and Scientific Basis for Management Options. Wildl. Res. Ctr. Rep. No. 37. Davis, CA: University of California–Davis, Center for Water and Wildland Resources; (5) Sierra Nevada Ecosystem Project. 1996. Status of the Sierra Nevada: Sierra Nevada Ecosystem Project, final report to Congress. Vol. I: Assessment summaries and management strategies. Wildl. Res. Ctr. Rep. No. 37. Davis, CA: University of California–Davis, Center for Water and Wildland Resources; (6) USDA Forest Service. 1995. Initial review of silvicultural treatments and fire effects on the Tyee Fire. In: Environmental assessment for the Bear–Potato Analysis Area of the Tyee Fire, Chelan and Entiat Ranger Districts, Wenatchee National Forest, Wenatchee, WA. Appendix A. Wenatchee, WA: USDA Forest Service, Wenatchee National Forest; (7) van Wagtendonk, J.W. 1996. Use of a deterministic fire growth model to test fuel treatments. Pages: 1155-1166, in: Status of the Sierra Nevada: Sierra Nevada Ecosystem Project, final report to Congress. Vol. II. Assessments and Scientific Basis for Management Options. Wildl. Res. Ctr. Rep. No. 37. Davis, CA: University of California–Davis, Center for Water and Wildland Resources; Weatherspoon, C.P. 1996. Fire-silviculture relationships in Sierra forests. Pages: 1167-1176, in: Status of the Sierra Nevada: Sierra Nevada Ecosystem Project, final report to Congress. Vol. II. Assessments and Scientific Basis for Management Options. Wildl. Res. Ctr. Rep. No. 37. Davis, CA: University of California–Davis, Center for Water and Wildland Resources; (8) Weatherspoon, C.P.; Skinner, C.N. 1996. Landscape-level strategies for forest fuel management. Pages 1471–1492, in: Status of the Sierra Nevada: Sierra Nevada Ecosystem Project, final report to Congress. Vol. II. Assessments and Scientific

recent comparison study of soil moisture levels and wind speeds on treated and untreated sites in the Santa Fe National Forest showed that cumulative soil moisture was higher in unthinned areas and that wind speeds were 2 times higher in thinned areas. The study area was adjacent to the devastating Hermit's Peak/Calf Canyon fire (New Mexico's largest fire), which resulted from excessively high winds and undetected ground fires that erupted when a prescribed burn was ignited on a 'red flag' day.[15] Both peer-reviewed research and recent local experience demonstrate that rescission of the Roadless Rule to allow for increased timber harvest would likely exacerbate issues related to fire severity, harming a wide array of resource values and communities alike.

C. Hazardous Fuels Reduction Projects in the WUI, Which Is Located Primarily Outside of IRAs, Provide the Best Protection for Communities and the Most Fiscally Responsible Alternative.

Published research comes to the unsurprising conclusion that, for the purpose of protecting communities and infrastructure from wildfire, implementing hazardous fuels reduction projects near homes in the WUI provides the greatest level of protection for communities and expands opportunities for greater use of beneficial (managed) fire, as compared to treating more remote wildlands in the hope that such treatments decrease wildfire transmission potential.[16] Recent analysis of Forest Service data demonstrates that 2.8 million acres of IRAs nationally are located in or within one mile of the WUI, whereas there are more than 23 million acres of National Forest System lands outside of wilderness and IRAs that are located in or within one mile of the WUI—more than eight times the acreage of IRAs in or near the WUI.[17] As articulated above, the Roadless Rule does not prohibit the Forest Service from conducting hazardous fuels reduction or restoration activities in IRAs, though at the same time there is far greater need for such treatments outside of IRAs, based both on the effectiveness of fuels treatments near homes and the vast amount of WUI acreage outside of IRAs.

The NOI attempts to justify the need to rescind the Roadless Rule partly based on what it characterizes as an expanding WUI.[18] While we understand that an expanding WUI presents significant management challenges, the Forest Service budget for hazardous fuels reduction to address these challenges has not kept pace with this growing

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Basis for Management Options. Wildl. Res. Ctr. Rep. No. 37. Davis, CA: University of California–Davis, Center for Water and Wildland Resources.

[15] Seamster, T, Seamster, V.A, Smallwood, J. and L. Markovchick. 2025. Santa Fe Mountains Soil Research Study. (PowerPoint slides to be presented at 2025 International Wildland Fire Safety Conference on Oct. 22, 2025).

[16] Thompson, Matthew P., Kevin C. Vogler, Joe H. Scott, and Carol Miller. "Comparing risk-based fuel treatment prioritization with alternative strategies for enhancing protection and resource management objectives." Fire Ecology (2022) 18:6, *available at* https://research.fs.usda.gov/treesearch/66231.

[17] The Wilderness Society, Forest Service Chief Grossly Exaggerates Roadless Rule Concern (2025) (Senate Energy and Natural Resources Committee testimony), *available at* https://www.wilderness.org/sites/default/files/media/file/Roadless%20testimony%20on%20WUI%20-%20TWS%202025.pdf.

[18] NOI, 90 Fed. Reg. at 42181.

problem. Specifically, while 2001 budget data is not readily available to coincide with the year that the Roadless Rule was enacted, the final FY 2002 enacted budget authority for the Forest Service hazardous fuels program was $209,010,000.[19] By FY 2024, actual appropriations for the hazardous fuels program had decreased to $175,450,000, which is consistent with the FY 2026 budget request for the Department of the Interior's ("DOI") U.S. Wildland Fire Service budget for hazardous fuels (the Forest Service fire program is proposed to be consolidated into DOI beginning in FY 2026).[20] Not accounting for inflation, these figures amount to a decrease in the Forest Service hazardous fuels budget of 16% between FY 2002 and FY 2024, with an additional functional decrease of an unknown but significant amount between FY 2002 and FY 2026, given that the new U.S. Wildland Fire Service will be responsible for addressing hazardous fuels on all federal lands, not just National Forest System lands.

These budget reductions for hazardous fuels work on National Forest System lands become even more grim when accounting for inflation. According to the Federal Reserve Bank of Minneapolis's Inflation Calculator,[21] $1 in 2002 is worth $1.79 today. This means that in 2025 dollars, the Forest Service's FY 2002 hazardous fuels budget was equivalent to $374,127,900. This equates to a reduction in the real purchasing power of the Forest Service hazardous fuels budget of 53% from FY 2002 to FY 2024. If USDA is serious about addressing wildfire threats, the agency should request an increase in funds for hazardous fuels reduction, as opposed to attempting to craft a fictitious rationale for the need to rescind the Roadless Rule. As described above, rescinding the rule will not change the ability of the Forest Service to implement fuel reduction treatments in IRAs.

D. The Science, Facts, and Law Support Retaining the Roadless Rule to Avoid Catastrophic Wildfire and Protect Communities.

In sum, there is no need to rescind the Roadless Rule to address forest health challenges, increasing wildfire risk, and an expanding WUI. The rule explicitly allows the Forest Service to implement hazardous fuels and other restoration projects to reduce the risk of uncharacteristic wildfire as well as to suppress wildfires within IRAs, among other exceptions to the rule's prohibitions against road construction, road reconstruction, and timber harvest. Furthermore, the best available science suggests that rescinding the Roadless Rule would be both irresponsible and unstrategic, presuming that the rescission would result in road building and timber harvest in what are now IRAs. First, wildfires are more likely to start near roads, wildfires in more remote areas may increase ecological resilience, and wildfires in areas managed for timber harvest burn at higher intensities. Second, even if the Roadless Rule obstructed the

[19]USDA Forest Serv., FY 2004 Budget Justification, pp. 8-22 (Feb. 2003), *available at* https://www.fs.usda.gov/sites/default/files/fy2004_budget_justification.pdf.
[20]USDA Forest Serv., FY 2026 Budget Justification, p. 29a-86 (June 2025), *available at* https://www.fs.usda.gov/sites/default/files/fs-fy26-congressional-budget-justification.pdf.
[21] Federal Reserve Bank of Minneapolis, Inflation Calculator, *available at* https://www.minneapolisfed.org/about-us/monetary-policy/inflation-calculator.

Forest Service's ability to implement hazardous fuels projects in IRAs (which it does not), investments in protecting communities from wildfire are best made close to homes and infrastructure, as opposed to in more remote areas. And, while the WUI continues to expand, only a small fraction of this acreage is located within IRAs. Moreover, Forest Service funding for hazardous fuels reduction, as adjusted for inflation, is less than half of what it was when the Roadless Rule was established. The Forest Service would therefore be wise to focus its resources on hazardous fuels treatments within the WUI, as opposed to in remote, roadless areas.

IV. The Forest Service Lacks Funding and Resources to Adequately Maintain its Existing Road Network; Increasing the Size of the Forest Service Road System Is Fiscally Indefensible.

One of the primary reasons USDA adopted the Roadless Rule was the agency's recognition that "the size of the existing forest road system and attendant budget constraints prevent the agency from managing its road system to the safety and environmental standards to which it was built."[22] At the time that the Roadless Rule was adopted, the USFS already had "a backlog of about $8.4 billion in deferred maintenance and reconstruction on the more than 386,000 miles of roads in the Forest Transportation System."[23] In addition to system roads recognized by USFS, the agency estimated that an additional 60,000 miles of unauthorized roads were present across National Forest System Lands.[24] Despite the significant amount of deferred maintenance, in 2001 the USFS was receiving "less than 20% of the funds needed annually to maintain the existing road infrastructure, with "the cost of fixing deteriorating roads increas[ing] exponentially every year."[25]

The most recent deferred maintenance report available from USDA (Fiscal Year 2025, Quarter 2) reflects a backlog of about $6 billion for passenger car (Maintenance Level 3, 4, 5) roads, plus an additional $1 billion for road bridges.[26] These figures do not include deferred maintenance values on high clearance vehicle roads (Maintenance Level 2) and "basic custodial care" (closed) roads (Maintenance Level 1). Although these road types make up over half of all Forest Transportation System roads, the agency asserts that it cannot provide this data because the agency cannot estimate deferred maintenance values for these types of roads with a suitable degree of confidence. As such, the overall deferred maintenance value for all Forest Service roads is much higher than described in recent reports.

Specifically, the specialist report for transportation for the 2000 Roadless Area Conservation Draft Environmental Impact Statement states that of the 386,000 miles of

[22] Roadless Rule, 66 Fed. Reg. at 3244.
[23] *Id.* at 3245.
[24] *Id.*
[25] *Id.* at 3246.
[26] USDA Forest Serv., Fiscal Year 2025, Quarter 2 Deferred Maintenance Needs, p. 1, *available at* https://www.fs.usda.gov/sites/default/files/fy25-q2-deferred-maint-report.pdf.

roads in the Forest Service transportation system in 2000, only 76,000 miles (20%) were maintained for passenger car use (Maintenance Level 3, 4, 5), whereas 223,000 miles (57%) were managed for high clearance vehicle use (Maintenance Level 2) and 87,000 miles (23%) were closed to public use (Maintenance Level 1).[27] This means that the current deferred maintenance backlog of $6 billion for passenger car roads ($7 billion including road bridges) covers only a fraction (20% based on 2000 data) of the Forest Service transportation system (road network). The total deferred maintenance backlog for the entirety of the Forest Service road network is therefore likely several to many times higher than the $6 billion ($7 billion including road bridges) most recently cited backlog related to roads managed for passenger vehicle use, very possibly amounting to a total deferred maintenance backlog in the tens of billions of dollars.

A ballooning deferred maintenance backlog for Forest Service roads is unsurprising when one considers the agency's budget trends. While 2001 budget data is not readily available to coincide with the year that the Roadless Rule was enacted, the final FY 2002 enacted budget authority for the Forest Service roads program was $229,666,000.[28] By FY 2024, actual appropriations for the roads program had decreased to $73,000,000, and the Forest Service FY 2026 budget request for roads decreased further to $50,000,000.[29] Not accounting for inflation, these figures amount to a decrease in the Forest Service roads budget of 68% between FY 2002 and FY 2024 and a projected decrease of 78% between FY 2002 and FY 2026. These fiscal challenges become even more grim when accounting for inflation. According to the Federal Reserve Bank of Minneapolis's Inflation Calculator,[30] $1 in 2002 is worth $1.79 today. This means that in 2025 dollars, the Forest Service's FY 2002 roads budget was equivalent to $411,102,000. This equates to a reduction in the real purchasing power of the Forest Service roads budget of 82% and 88% from FY 2002 to FY 2024 and FY 2026 (requested), respectively.

In discussing the purpose and need for the proposed rescission of the Roadless Rule, the NOI states that "[c]onditions within and adjacent to National Forest System lands have dramatically changed . . . since the 2001 Roadless Rule was published and are expected to continue to change, including . . . continuing deferred maintenance needs on National Forest System roads[.]"[31] While we agree that there are continued and significant deferred maintenance needs on National Forest System roads, there is no doubt that the Roadless Rule, and specifically its prohibition (in most instances) against road construction and reconstruction in IRAs, has helped to limit the growth of the

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[27] Krause, Joel, Transportation Planner. Specialist Report for the Roadless Area Conservation Draft Environmental Impact Statement: Effects Analysis for the National Forest System, p. 4 (May 2000), *available at* https://ntlrepository.blob.core.windows.net/lib/17000/17300/17319/PB2001100726.pdf.
[28] USDA Forest Serv., FY 2004 Budget Justification, pp. 8-22 (Feb. 2003), *available at* https://www.fs.usda.gov/sites/default/files/fy2004_budget_justification.pdf.
[29] USDA Forest Serv., FY 2026 Budget Justification, p. 29a-86 (June 2025), *available at* https://www.fs.usda.gov/sites/default/files/fs-fy26-congressional-budget-justification.pdf.
[30] Federal Reserve Bank of Minneapolis, Inflation Calculator, *supra* note 20.
[31] NOI, 90 Fed. Reg. at 42181.

Forest Service road system over the past 25 years. The rule has therefore almost certainly made a positive and significant contribution to limiting the growth of the deferred maintenance backlog for roads. And as explained above, at the time that the Roadless Rule was enacted, the Forest Service itself stated that it had less than 20% of the budget needed to adequately maintain its road system. Yet, since 2002, the real purchasing power of the road budget has dramatically decreased—by nearly 90% if Congress fulfills the Forest Service FY 2026 budget request for its roads program. Thus, there exists a need for the Forest Service to retain, not rescind, the Roadless Rule in the context of ongoing (and growing) transportation system deferred maintenance challenges.

In sum, it is patently fiscally irresponsible for the Forest Service to rescind the Roadless Rule for the purpose of allowing road construction and reconstruction in IRAs, as the agency is clearly unable to adequately maintain its existing road network. As further discussed below, deferred road maintenance is not only a primary cause of sedimentation and degradation of water quality, backlog deferred road maintenance issues cause public safety issues and when they become too severe, they can also result in a loss of access for both public use and for Forest Service management of our national forests, including for wildfire response.

V. New Mexicans Rely on the Values Promoted by the Roadless Rule and Will Be Harmed if the Roadless Rule is Rescinded.

New Mexico contains approximately 1.6 million acres of IRAs protected by the Roadless Rule, which is about 17% of our National Forest System lands. As set forth in the Roadless Rule, IRAs promote and are characterized by nine values: (1) high quality or undisturbed soil, water, and air; (2) sources of public drinking water; (3) diversity of plant and animal communities; (4) habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land; (5) primitive, semi-primitive non-motorized, and semi-primitive motorized classes of dispersed recreation; (6) reference landscapes; (7) natural-appearing landscapes with high scenic quality; (8) traditional cultural properties and sacred sites, and (9) other locally identified unique characteristics.[32]

As described below, our roadless forests provide huge benefits to New Mexicans, including our crucial drinking water supply, fish and wildlife habitat, recreation opportunities, benefits to our state's tourism and outdoor recreation economies, places of deep cultural significance to sovereign Pueblos, Tribes, and Nations, opportunities to continue New Mexico's unique cultural institutions and traditions, and immense scenic and aesthetic values. The Roadless Rule limits road construction, reconstruction, and commercial timber harvest in IRAs because these activities "have the greatest likelihood of altering and fragmenting landscapes, resulting in immediate long-term loss

[32] Roadless Rule, 66 Fed. Reg. at 3244.

of roadless area values and characteristics."[33] If USDA proceeds with the proposal to rescind the Roadless Rule, New Mexico will suffer economic, environmental, and cultural losses, as described in this Section.

A. Roadless Areas Are Critical for Securing New Mexico's Drinking Water Supply, and Water Availability and Quality for Multiple Uses.

Roadless areas provide a critical source of clean drinking water for New Mexico. In adopting the Roadless Rule, USDA recognized that "[w]atershed protection is one of the primary reasons Congress reserved or authorized the purpose of National Forest System lands."[34] "Healthy watersheds catch, store, and safely release water over time, protecting downstream communities from flooding; providing clean water for domestic, agricultural, and industrial uses; helping maintain abundant and healthy fish and wildlife populations; and are the basis for many forms of outdoor recreation."[35]

Intact watersheds in roadless areas have immense economic value. In the Western United States, IRAs provide about 33% of the total water flow and provide source areas of drinking water relied upon by millions of Americans.[36] Around the time the Roadless Rule was adopted, the water coming from our national forests had an estimated net value of $3.7 to $18 billion annually.[37] Road construction and logging in watersheds leads to high filtration and road maintenance costs, and the "cost-savings to water treatment plants and highway departments from avoiding sedimentation caused by logging in IRA watersheds" has been "estimated at up to $18 billion annually."[38] Roadless areas provide "$490 million annually in waste treatment services through recovering mobile nutrients and cleansing the environment, both processes that involve water flow through intact watersheds."[39] IRAs also contribute to the outdoor recreation economy, discussed further below. When the Roadless Rule was adopted in 2001, IRAs directly generated "$600 million annually from recreation" plus an additional $280 million annually in passive-use values (i.e., the intrinsic value of wilderness, wildlands, and benefits for the future).[40]

Roadless areas provide critical protection to the quantity and quality of water supplies in New Mexico. Unpaved forest roads are considerably more prone to erosion than undisturbed forest surfaces, often generating orders of magnitude more sediment over

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[33] *Id.* at 3272.
[34] *Id.* at 3246; *see also* Organic Administration Act of 1897 (stating a purpose to "secure favorable conditions of water flow").
[35] Roadless Rule, 66 Fed. Reg. at 3245.
[36] *Id.* at 3246.
[37] DellaSala, Dominick A., James R. Karr, & David M. Olson (2011). "Roadless areas and clean water." Journal of Soil and Water Conservation 66, no. 3: 78A-84A, at p. 79A, *available at* https://www.researchgate.net/publication/264975754_Roadless_areas_and_clean_water [hereinafter DellaSala et al.].
[38] *Id.*
[39] *Id.* at 79A-80A.
[40] *Id.* at 80A.

a given area.[41] Excess sediment in rivers and streams chokes critical water infrastructure and damages habitats, creating one of New Mexico's greatest water quality challenges. Road surfaces impair infiltration of water into the subsurface, substantially increasing runoff rates and potential flood danger in rural areas,[42] even when they cover a small fraction of the watershed.[43] By reducing infiltration in wetter high elevation areas, forest roads impede the most important source of recharge for groundwater aquifers,[44] which supply drinking water for about 78% of New Mexicans.[45] Negative impacts of forest tend to be more extreme in steep, complex terrain.[46] IRAs tend to have more of this terrain than roaded areas, suggesting that new road building in IRAs may have outsized negative impacts on New Mexico's water.

Water is New Mexico's most precious resource, with immeasurable cultural, agricultural, ecological, economic, and recreational value. New Mexico's surface water is almost fully appropriated, meaning that the entire supply is already being used by people with existing water rights and that state officials can order temporary reductions in water diversions in times of drought and shortage. Moreover, New Mexico faces increasing water scarcity in the future. New Mexico's 50-Year Water Action Plan, finalized in 2024, predicts that over the next 50 years, the amount of available water in our rivers and aquifers will decrease by 25%.[47] Rising demand for clean water, combined with the diminishing water supply, dictate careful management and protection of our undisturbed watersheds in protected areas.

National Forests hold critical importance for maintaining New Mexico's fragile water

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[41] Yuyu Zhai, Haiyan Fang, Zuoli Wu, Xing Gao, Chaoyue Li, Andrey Zhidkin, & Gefei Tan (2025). "Erosion and roads: A review." 270 Earth-Science Reviews, 105246. ISSN 0012-8252. https://doi.org/10.1016/j.earscirev.2025.105246. *Available at* https://www.sciencedirect.com/science/article/abs/pii/S0012825225002077.

[42] Harden, C. P. (1992). "Incorporating Roads and Footpaths in Watershed-Scale Hydrologic and Erosion Models. Physical Geography, 13(4), 368–385. https://doi.org/10.1080/02723646.1992.10642463. Available at https://www.tandfonline.com/doi/abs/10.1080/02723646.1992.10642463. *See also* Woldie, D.W., Sidle, R.C. & Gomi, T. (2009). "Impact of road-generated storm runoff on a small catchment response." Hydrol. Process., 23: 3631-3638. https://doi.org/10.1002/hyp.7440. *Available at* https://onlinelibrary.wiley.com/doi/abs/10.1002/hyp.7440. *See also* Luce, C.H. (2002). "Hydrological processes and pathways affected by forest roads: what do we still need to learn?". Hydrol. Process., 16: 2901-2904. https://doi.org/10.1002/hyp.5061. *Available at* https://onlinelibrary.wiley.com/doi/10.1002/hyp.5061.

[43] Alan D. Ziegler & Thomas W. Giambelluca (1997). "Importance of rural roads as source areas for runoff in mountainous areas of northern Thailand." Journal of Hydrology, Vol. 196, Pages 204-229, ISSN 0022-1694. https://doi.org/10.1016/S0022-1694(96)03288-X. *Available at* https://www.sciencedirect.com/science/article/abs/pii/S002216949603288X.

[44] David Ketchum, B. Talon Newton, & Fred Phillips, High-resolution Estimation of Groundwater Recharge for the Entire State of New Mexico Using a Soil-water-balance Model, (June 2016), *available at* https://nmwrri.nmsu.edu/statewide-water-assessment/research-project-categories/reports/recharge-reports/y2-final-report-NEWTONRecharge_Technical_Completion_2016.pdf.

[45] N.M. Environment Dep't, Water Resources & Management, https://www.env.nm.gov/water/.

[46] Kastridis, A. (2020). "Impact of Forest Roads on Hydrological Processes." Forests, 11(11), 1201. https://doi.org/10.3390/f11111201. *Available at* https://www.mdpi.com/1999-4907/11/11/1201.

[47] State of N.M. Office of the Governor, 50-Year Water Action Plan, p. 3 (2024).

supply. The headwaters of New Mexico's major rivers and streams, as well as basins that recharge invaluable groundwater, are concentrated in the mountainous areas of the state on National Forest System lands. According to the National Hydrography Dataset, IRAs within New Mexico contain about 10,760 miles of rivers and streams, including 497 miles of perennial waters, 1,492 miles of intermittent waters, and 8,771 miles of ephemeral waters. As of 2006, IRAs in New Mexico were estimated to "provide an estimated water quality benefit up to $42 million annually."[48] That figure is undoubtedly much larger today.

Each of New Mexico's national forests contain IRAs that contribute to our water supply. The high elevations of the Carson National Forest in Northern New Mexico "fill two major rivers, the Rio Grande and Rio Chama, and are vital water sources to both small local communities and larger urban areas downstream."[49] "The Carson's high plateaus and rugged mountains are major sources of snowpack and stream runoff, contributing over 40 percent of the waters that flow into the Rio Grande from northern New Mexico and southern Colorado."[50] The Carson also contains the headwaters of numerous rivers and streams that flow into the San Juan and Canadian Rivers.[51]

The Santa Fe National Forest, just south of the Carson, contains headwaters of New Mexico's two longest and most important rivers, the Rio Grande and the Pecos River.[52] The Pecos River headwaters originate in New Mexico, high in the Pecos Wilderness, and flow through IRAs before leaving the forest to serve agricultural, industrial, and municipal users in and between the cities of Pecos, Santa Rosa, Fort Sumner, Roswell, and Carlsbad New Mexico, before arriving in Texas. In addition to forming the headwaters of the Pecos, 95% of the Santa Fe National Forest lies within the Rio Grande watershed.[53] As documented by the U.S. Environmental Protection Agency, nearly six million people rely on the Rio Grande as one of their primary sources of water, including those in the major cities of Albuquerque and Las Cruces New Mexico.[54] The greater Rio Grande watershed within the Santa Fe National Forest also encompasses the Santa Fe municipal watershed, which provides 40% of the water for the capital city of Santa Fe, and the Gallinas watershed, which supplies the city of Las Vegas New Mexico.

As compared to the higher mountains of Northern New Mexico, the Cibola National

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[48] DellaSala et al., *supra* note 37, at 80A.
[49] USDA Forest Serv., Carson National Forest, Land Management Plan, p. 2 (July 2022), available at https://www.fs.usda.gov/sites/nfs/files/r03/carson/publication/land%20managment%20plan.pdf [hereinafter Carson LMP].
[50] *Id.* at 5.
[51] *Id.* at 69.
[52] USDA Forest Serv., Santa Fe National Forest, Land Management Plan, p. 9 (July 2022), *available at* https://www.fs.usda.gov/sites/nfs/files/legacy-media/santafe/Final%20Land%20Management%20Plan.pdf [hereinafter Santa Fe LMP].
[53] *Id.* at 3.
[54] U.S. Environmental Protection Agency, Climate Change Connections: New Mexico (Rio Grande), available at https://www.epa.gov/climateimpacts/climate-change-connections-new-mexico-rio-grande#:~:text=1%2C2,by%20low%20levels%20of%20precipitation.

Forest in central New Mexico contributes less water overall to New Mexico's major rivers and surface waters, but the scarcity of water in the region makes its surface water and groundwater contributions especially valuable to the communities and ecosystems that rely on them. Water sources in the Sandia Ranger District adjacent to Albuquerque serve urban, rural, and traditional communities. These waters contribute to the city's groundwater aquifers, "are sacred to both tribal and land grant communities," and are "critical to sustaining the agricultural bases and water supply to the land grant communities."[55]

Like the other forests in the state, the Lincoln National Forest in Southern New Mexico "comprises some of New Mexico's most productive and important watersheds."[56] "High, rugged mountains and ridges are major sources of snowpack, rainfall, and stream runoff that contribute to the flow of water into rivers like the Rio Bonito, Rio Ruidoso, Rio Peñasco, Sacramento River, Last Chance Canyon, Dark Canyon, and the Pecos."[57]

Finally, the Gila National Forest encompasses the headwaters of major river systems that provide critical water resources for communities, agriculture, and ranching in Southwest New Mexico, as well as Arizona.[58] "Approximately 75 percent of the forest lies within the Gila-San Francisco stream system and its associated groundwater basin. The remainder lies within the Little Colorado, Rio Grande, Lordsburg, Animas, and Mimbres stream systems and their associated declared underground water basins."[59] These waters are critical to traditional agriculture: 30 acequias depend on water that flows from the Gila.[60]

The State of New Mexico has recognized the importance of protecting water quality within National Forest System lands by designating many of the surface waters in our national forests as Outstanding National Resource Waters (ONRWs). These streams, lakes, and wetlands are designated by the New Mexico Water Quality Control Commission and receive heightened protection against degradation under New Mexico's water quality standards and the federal Clean Water Act.[61] In 2010, the Water

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[55] USDA Forest Serv., Cibola National Forest, Land Management Plan, p. 7 (July 2022), *available at* https://www.fs.usda.gov/sites/nfs/files/legacy-media/cibola/20220712_CibolaLMP_Final-WEB.pdf [hereinafter Cibola LMP].
[56] USDA Forest Serv., Lincoln National Forest, Draft Land Management Plan, p. 7 (Aug. 2021), *available at* https://www.fs.usda.gov/sites/nfs/files/legacy-media/lincoln/Draft%20Forest%20Plan.pdf [hereinafter Lincoln Draft LMP].
[57] *Id.*
[58] USDA Forest Serv., Gila National Forest, Land Management Plan, p. 176 (July 2024) (record of decision pending), available at https://www.fs.usda.gov/sites/nfs/files/legacy-media/gila/2024%20Final%20Plan.pdf [hereinafter Gila LMP (record of decision pending)].
[59] *Id.* at 177-78.
[60] *Id.* at 179.
[61] N.M. Environment Dep't, Outstanding National Resource Waters, https://www.env.nm.gov/surface-water-quality/onrws/; *see* 20.6.4.8(A)(3)-(4) NMAC; 20.6.4.9 NMAC, *available at* https://prod-rf-

Quality Control Commission designated all perennial rivers, streams and wetlands located within designated Wilderness Areas as Outstanding National Resource Waters.[62] Many of the waters within Wilderness Areas flow through adjacent IRAs before leaving the forest. Additional ONRWs include the West, Middle, and East Forks of the Rio Santa Barbara and all surface waters within Valle Vidal in the Carson National Forest;[63] and multiple surface waters in the Pecos River headwaters in the Santa Fe National Forest within the Thompson Peak IRA and surrounding area.[64] The State of New Mexico's policy to provide heightened water quality protections for the waters that originate in protected roadless areas, including Wilderness Areas and IRAs, demonstrates how critical roadless forests are to New Mexico's water security.

USDA should maintain the Roadless Rule in New Mexico because the state relies on undisturbed headwaters to provide a valuable and increasingly rare natural supply of abundant, clean, and reliable surface water and groundwater for millions of New Mexicans. "The most cost-effective and prudent approach to maintain water supplies and high-quality fresh water in the face of population growth and climate change is to manage upper watersheds in a roadless condition with undisturbed natural vegetation."[65] New Mexico's IRAs contribute "affordable drinking water for municipal and rural communities; water for agricultural and industrial uses; flood control; instream aquatic recreation; aquifer recharge; flood protection; reliable water supply; diverse and productive fisheries; healthy aquatic ecosystems; resident and migratory waterfowl habitat; recovery of endangered species; and, increasingly, the vitality and sustainability of local economies."[66]

Rescission of the Roadless Rule would inflict extreme financial and technical challenges on the State of New Mexico, which would struggle to meet the high, long-term costs of securing clean drinking water supplies in the absence of the contributions from our current roadless area network. A decision to retain the Roadless Rule will avoid imposing these hardships on New Mexico's economy, taxpayers, municipalities, traditional and rural communities, and sovereign Pueblos, Nations, and Tribes.

B. Roadless Areas Are Necessary for Management of New Mexico's Diverse Plants and Wildlife, Including Imperiled Species and Game and Fish Species.

New Mexico's biological diversity is among the highest in the country. Nearly 6,000 species of wildlife and approximately 3,783 species of vascular plants have been

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[62] 20.6.4.9(D)(3) NMAC.

[63] Carson LMP at 70.

[64] 20.6.4.9(D) NMAC.

[65] DellaSala et al., *supra* note 37, at 81A.

[66] *Id.*

documented in the state.[67] Worldwide, the largest threat to biological diversity are land use changes that result in the "outright destruction of habitat, along with habitat alteration and fragmentation of large habitats into smaller patches."[68] IRAs protect large, unfragmented areas of land that are critical to supporting biodiversity. The best way to protect healthy populations of New Mexico's native plants and wildlife is by maintaining large intact natural areas, including IRAs.

Roads destroy and fragment habitat, causing adverse impacts to numerous species. As our landscapes become increasingly developed, IRAs gain importance for maintaining wildlife and plant diversity, as well as healthy wildlife populations and ecosystems. When USDA adopted the Roadless Rule, the Agency acknowledged that the rate of development and urbanization had been escalating, increasing faster than the rate of human population growth.[69] The rescission of the Roadless Rule would accelerate habitat destruction and fragmentation with adverse impacts on biodiversity, especially imperiled species, species that require large blocks of undisturbed habitat, and species that rely on healthy aquatic and riparian habitat.

Roadless areas provide strongholds for imperiled species. When USDA adopted the Roadless Rule, the Agency recognized that IRAs provided habitat to approximately 25% of animal species and 13% of plant species federally listed as threatened, endangered, or proposed for listing under the Endangered Species Act.[70] IRAs provide an even greater role in supporting imperiled species in New Mexico. "In the USFS Southwestern Region, which includes New Mexico and Arizona, 57% of threatened, endangered and proposed species under the federal Endangered Species Act, and 54% of the USFS sensitive species are dependent on habitat within or affected by IRAs. These imperiled wildlife populations will not persist without healthy and naturally functioning ecosystems."[71]

All of New Mexico's national forests support biodiversity, including large numbers of species identified as endangered, threatened, candidate, or proposed for listing under the federal Endangered Species Act, and those documented in applicable forest plans as Species of Conservation Concern, i.e., species for which the best available scientific information raises substantial concern about the species' ability to persist over the long-term in the area. The Carson National Forest has over 1,000 species of plants and

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[67] N.M. Dep't of Game & Fish, State Wildlife Action Plan for New Mexico, p. 1 (July 2, 2025), *available at* https://wildlife.dgf.nm.gov/conservation/state-wildlife-action-plan/.
[68] N.M. Dep't of Game & Fish, Watson, Mark L., & Compiler-W. Mark Gruber, "Wildlife, Habitat and Hunting: New Mexico's Roadless Areas," p. 13 (2006) [hereinafter Watson et al.]. *But see* Lindsay Rosa, Laura Nunes, & Talia Niederman, "Biodiversity in Crisis: Exploring Threats To America's Most Imperiled Species," (Nov. 2023) (concluding that in the United States, "99% of listed species are threatened by at least one of the five drivers of the global crisis, with climate change endangering the greatest number of them"), *available at* https://defenders-cci.org/publication/biodiversity-in-crisis/.
[69] Roadless Rule, 66 Fed. Reg. 3245.
[70] *Id.*
[71] Watson et al, *supra* note 68, at 16.

animals, including 6 federally listed species and 26 Species of Conservation Concern.[72] The Santa Fe National Forest is home to 4 federally listed species as well as 32 Species of Conservation Concern.[73] The Cibola National Forest has 9 federally listed species within or adjacent to the forest planning area, as well as 22 Species of Conservation Concern.[74] The Lincoln National Forest hosts over 1,000 species of plants and animals,[75] including 20 species that are federally recognized under the Endangered Species Act and an additional 59 Species of Conservation Concern.[76] Finally, at least 2,300 known native plant and animal species make their home in the incredibly biodiverse Gila National Forest, including over a dozen species that are recognized under the Endangered Species Act and almost 60 additional Species of Conservation Concern.[77] The Gila also supports high rates of endemism, with some endemic species isolated to a single drainage, and "hosts some of the strongest remaining populations of rare species in the region."[78]

Road construction directly destroys a substantial amount of terrestrial habitat and alters a wide swath of land adjacent to roadsides.[79] Impacts to roadside areas include increased temperature extremes and pollution from motor vehicle exhaust and fluids, dust, herbicides, trash, and noise. Roadways displace sensitive wildlife species while supporting higher populations of competitive and predatory species. Roads facilitate the spread of nonnative invasive plant species, provide access for poachers, and cause wildlife fatalities from motor vehicle collisions. Roads and associated development bisect wildlife corridors and affect critical aspects of wildlife behavior, including feeding and reproduction activities. Finally, as discussed in in Section III above, roads increase the incidence of wildfire ignitions, often outside the normal fire season, and timber harvesting exacerbates the high-risk conditions that lead to catastrophic, unnatural fire and habitat loss.

Large mammals such as elk, bighorn sheep, pronghorn, and wolves are especially dependent on large, unfragmented landscapes.[80] Many large mammal species exhibit road avoidance behavior and avoid significant buffer areas around roads.[81] Elk, for example, avoid not only the roadside itself but also "adjacent habitat from the road edge to more than ½ mile away."[82] "On a larger scale, entire ranges can be abandoned if disturbance from traffic on roads and the associated habitat loss and fragmentation exceeds some threshold level."[83] Large carnivores like Mexican gray wolves and

[72] Carson LMP at 93.
[73] Santa Fe LMP at 294-95.
[74] Cibola LMP at 79-80.
[75] Lincoln Draft LMP at 7.
[76] *Id.* at 71.
[77] Gila LMP at 129 (record of decision pending).
[78] *Id.* at 19.
[79] Watson et al., *supra* note 68, at 12-16.
[80] *Id.* at 14.
[81] *Id.*
[82] *Id.* at 18.
[83] *Id.*

mountain lions are vulnerable to habitat fragmentation because they are large, long-lived species with low population densities, low rates of reproduction, and large home range requirements.[84] Wide-ranging carnivore species "are particularly vulnerable to road traffic accidents."[85] "In New Mexico and Arizona, roads and associated traffic have proven to be a major factor in the mortality of state- and federally-endangered Mexican wolves by facilitating illegal killing and roadkill."[86]

In addition to terrestrial impacts, road construction and logging cause especially significant impacts to aquatic ecosystems, which play an outsized role in supporting wildlife populations and biodiversity. Road construction alters the hydrology of watersheds and often requires structures such as culverts and bridges that remove habitat and block fish passage.[87] Roads and logging increase runoff, sedimentation, erosion, and landslides. Sediments raise the temperature of streams and decrease available oxygen, which in turn harms fish and aquatic invertebrates.

Fish are especially susceptible to harm from roads and logging. "Road entry into unroaded areas generally presents short and long-term risks to aquatic ecosystems,"[88] including impacts to fish. "Increased fine-sediment deposition in stream gravel, a common consequence of road-derived sediments entering streams, has been linked to decreased fry emergence, decreased juvenile densities, loss of winter carrying capacity, and increased predation of fishes."[89] Increased sedimentation from road construction and reconstruction "can cause mortality of eggs and fry through increased sedimentation in stream gravels."[90] Roads and culverts act as barriers to fish passage and can impede migration of adults to spawning areas.[91]

Riparian and aquatic habitats make up only about 1% of New Mexico's landscape, but these habitats are essential for supporting wildlife populations.[92] About 80% of New Mexico's sensitive vertebrate species rely on riparian or aquatic habitats.[93] Limiting new road construction and reconstruction in these habitats provides immense benefits to New Mexico's fish and wildlife. "In New Mexico, many state-listed and native fishes, both warm- and coldwater species, are highly susceptible to habitat fragmentation caused by culverts, and also to adverse impacts by sedimentation from roads."[94] "New Mexico's two native trout species, the Rio Grande cutthroat trout and Gila trout, are both

[84] *Id.* at 14.
[85] *Id.* at 15.
[86] *Id.*
[87] *Id.* at 10.
[88] *Id.*
[89] *Id.* at 10-11.
[90] *Id.* at 11.
[91] *Id.*
[92] University of N.M., Utton Transboundary Resources Center, Water Matters!, Water for New Mexico Rivers p. 17-1 (2014), *available at* https://uttoncenter.unm.edu/resources/research-resources/water-for-nm-rivers.pdf [hereinafter Utton].
[93] *Id.*
[94] Watson et al., *supra* note 68, at 11.

found primarily in high elevation wilderness or roadless area strongholds."[95] New Mexico rivers are also home to two-thirds of the Important Bird Areas (IBAs) in the state, providing essential breeding, wintering, and migration habitat for birds.[96] Further, riparian and aquatic resources support a wide variety of imperiled species. For example, areas in the Cibola National Forest "are especially important to wildlife, including many federally listed species and species of conservation concern . . . , such as Mexican spotted owl, southwestern willow flycatcher, Lewis's woodpecker, Chiricahua leopard frog, Zuni Bluehead Sucker, and Arizona myotis."[97] Similarly, about two-thirds of the Species of Conservation Concern in the biologically diverse Gila National Forest are dependent on riparian or aquatic ecosystems.[98]

The State of New Mexico has been working hard to steward the wildlife populations within our borders as a public trust resource for current and future generations. Over the past several years, multiple state legislative efforts have advanced New Mexico's ability to sustain healthy wildlife populations. In 2023, New Mexico adopted Senate Bill 9, which created both the Conservation Legacy Permanent Fund and the Land of Enchantment Legacy Fund, which provide recurring funding for land and water conservation programs.[99] Between 2023 and 2024, the Legislature appropriated a combined total of $400 million into these funds, and in 2024, the state made its first round of disbursements to state agencies, including $2.75 million to the New Mexico Department of Game and Fish, which receives 22% of the dispersed funds.[100]

The New Mexico Legislature has also been working to improve habitat connectivity and wildlife corridors. In 2019, New Mexico adopted the Wildlife Corridors Act, which directed state agencies to develop a Wildlife Corridors Action Plan to prioritize areas for wildlife movement, with a focus on large mammals and species of concern.[101] In 2022, New Mexico finalized its Wildlife Corridors Action Plan, which identifies wildlife-vehicle collision hotspots and important wildlife corridors.[102] The plan identifies multiple wildlife corridors where partnerships with USFS are necessary due to the adjacency of National Forest System lands to other land ownership types. In 2023, New Mexico created the Wildlife Corridors Fund for projects aimed at reducing wildlife-vehicle collisions, improving driver safety, and maintaining habitat connectivity.[103] In 2024 and 2025, the Legislature appropriated a combined total of $55 million to the fund.[104]

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[95] *Id.* 12.
[96] Utton, *supra* note 92, at 17-1.
[97] Cibola LMP at 64.
[98] Gila LMP at 129 (record of decision pending).
[99] S.B. 9, Regular Session (N.M. 2023), *available at* https://www.nmlegis.gov/Legislation/Legislation?Chamber=S&LegType=B&LegNo=9&year=23.
[100] Land of Enchantment Fund, 1st Fiscal year Report (FY25), *available at* https://www.enchantmentfund.org/report.
[101] NMSA 1978, §§ 17-9-1 to -3 (2019).
[102] N.M. Wildlife Corridors Action Plan (2022), *available at* https://wildlifeactionplan.nmdotprojects.org/.
[103] NMSA 1978, § 17-9-5 (2003).
[104] H.B. 2, Regular Session (N.M. 2025); H.B. 2, Regular Session (N.M. 2024).

In 2025, New Mexico passed a comprehensive wildlife bill that updates the mission of the state wildlife agency to clarify management authority over any species of wildlife (not just game and fish species), ensures that qualified individuals serve on the State Wildlife Commission, provides for the conservation of Species of Greatest Conservation Need, and sustains healthy fish and wildlife populations for hunters, anglers, wildlife watchers, and other non-consumptive users.[105] The Legislature also approved an appropriation from the New Mexico Government Results and Opportunity Fund in the amount of $3.5 million for next 3 fiscal years "for agency capacity building to conserve species of greatest conservation need."[106] Finally, in 2025 the state wildlife agency completed an update of New Mexico's State Wildlife Action Plan to identify Species of Greatest Conservation Need, including pollinating insects, and to create a blueprint for proactive conservation of New Mexico's wildlife diversity.[107]

New Mexico's investments in wildlife stewardship will be compromised if USDA moves forward with the proposal to rescind the Roadless Rule. Like the State of New Mexico, USDA has an obligation to work toward the recovery of imperiled species and to manage and conserve fish and wildlife. USDA should be a good partner to the state and promote the shared goal of sustaining healthy fish and wildlife populations. Retaining the Roadless Rule is a simple way to ensure that there are large, intact areas of undisturbed habitat to support imperiled species, species that rely on large ranges, and species that need healthy aquatic and riparian ecosystems.

C. Roadless Areas Support New Mexico's Growing and Thriving Outdoor Recreation and Tourism Economy.

The rescission of the Roadless Rule would affect an array of dispersed outdoor recreation opportunities that are popular in New Mexico's roadless areas, including hunting, fishing, hiking, camping, scenic viewing, wildlife watching, paddling, climbing, snow activities, and horseback riding. As compared with more developed recreation opportunities, dispersed recreation within IRAs provides a more solitary experience, access to more remote areas, a closer connection with nature, and better wildlife viewing opportunities. Secluded, less-visited places offer better hunting, foraging, and fishing opportunities, and a place to hike and camp undisturbed.

Impacts to recreation would affect not only New Mexican's quality of life, but also our local and statewide economy. The most recent economic data from the U.S. Bureau of Economic Analysis (BEA), published through its Outdoor Recreation Satellite Account (ORSA), shows that in 2023, New Mexico's outdoor recreation industry produced 29,182

[105] S.B. 9, Regular Session (N.M. 2025) (providing for the Department of Game and Fish to be renamed the Department of Wildlife and for the State Game Commission to be renamed the State Wildlife Commission, among other changes).
[106] H.B. 2, Regular Session (N.M. 2025).
[107] N.M. Dep't of Game and Fish, State Wildlife Action Plan, *available at* https://wildlife.dgf.nm.gov/conservation/state-wildlife-action-plan/.

jobs and $3.2 billion in economic output.[108] New Mexico's roadless forests heighten New Mexico's appeal as a destination for recreation by residents and tourists alike. In 2023, tourism accounted for 8.0% of all jobs in New Mexico and a total $11.6 billion in business sales.[109]

Most of the people who visit the Carson National Forest, up to one million visitors annually, come to engage in some form of recreation.[110] The forest's diverse wildlife and scenic beauty attract photographers, bird watchers, nature lovers, hikers, campers, mountain bikers, anglers, and hunters.[111] In winter, the Carson provides skiing, snowboarding and snowshoeing opportunities.[112] "[T]he Carson's greatest local economic impact by far is through recreational tourism."[113] Many local residents have jobs or businesses that directly or indirectly depend on this industry.[114] The Carson provides excellent hunting opportunities, hosting 7 of New Mexico's big game species and 5 of the 10 small game species, and provides abundant fishing opportunities.[115]

The Santa Fe National Forest hosts approximately 1.3 million visitors each year, and like the Carson, recreation is the primary purpose of these visits.[116] Many of the most popular recreational opportunities in the Santa Fe can be enjoyed in IRAs, including hiking and walking, viewing natural features, viewing wildlife, relaxing, nature study, cross-country skiing, fishing, and picnicking. At least 8% of visitors to the Santa Fe engage in each of these activities.[117] Additional types of recreation that are increasing in popularity, such as mountain biking and climbing, are compatible with IRA management. IRAs also support recreational special uses such as hunting, rafting and backpacking with local outfitters and guides, providing economic opportunities and sustainability to local communities surrounding the forest.[118]

Recreation also constitutes the primary draw for visitors to the Cibola Nation Forest.[119] Part of the Cibola lies adjacent to Albuquerque, New Mexico's largest city, providing crucial outdoor recreation opportunities to New Mexico's urban dwellers. As recognized in the Cibola forest plan, "[r]ecreation contributes greatly to the physical, mental, and spiritual health of individuals, bonds family and friends, instills pride in heritage, and

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[108] Bureau of Economic Analysis, Outdoor Recreation Satellite Account, New Mexico (2023), *available at* https://www.bea.gov/data/special-topics/outdoor-recreation.
[109] Tourism Economics, Economic Impact of Tourism in New Mexico (2023), *available at* https://assets.simpleviewinc.com/simpleview/image/upload/v1/clients/newmexico/Economic_Impact_of_Tourism_in_New_Mexico_2023_7d36f19d-9a9b-4853-b200-6374b6beb6d8.pdf.
[110] Carson LMP at 5, 128.
[111] *Id.* at 5.
[112] *Id.*
[113] *Id.* at 4.
[114] *Id.* at 5.
[115] *Id.* at 94.
[116] Santa Fe LMP at 126.
[117] *Id.* at 126 n.18.
[118] *Id.* at 134.
[119] Cibola LMP at 118.

provides economic benefits to communities, regions, and the Nation."[120]

The Lincoln National Forest similarly provides unique combinations of resources and opportunities that attract a diverse spectrum of recreational users. "Most visitors to the Lincoln National Forest engage in some form of recreation, making tourism the single largest contributor to the local economy for surrounding communities and states," including adjacent Texas.[121] "Diverse wildlife provides enjoyment and aesthetic value for photographers, bird-watchers, nature lovers, hikers, campers, and hunters."[122] "Game species support traditional ways of life and employment for hunting outfitters and guides; elk and turkey hunting are especially popular."[123] In winter, visitors flock to the mountains for skiing, snowboarding and snowshoeing. "The rest of the year, the mountains attract hikers, mountain bikers, campers, and recreationists from New Mexico and other states."[124]

Like New Mexico's other forests, the Gila National Forest contributes to local communities through recreation and tourism.[125] The majority of recreational use in the Gila takes place on the forest's approximately 1,930 miles of trails, with hiking and walking being the most popular use.[126] Recreational activities permitted in IRAs include hiking, backpacking, climbing, mountain biking, bike-packing, horseback riding and packing, fishing for native Gila and Rio Grande cutthroat trout, hunting, canoeing, kayaking, rafting, exploring caves, geocaching, and nature viewing.[127] The Gila's vast network of roadless forest offers excellent opportunities for multi-day backpacking, stock-packing, and whitewater rafting.[128]

In New Mexico's five national forests combined, there are 756 miles of trails within IRAs, including many of the state's most popular. To provide just a few representative examples, in the Carson National Forest, these include the Wheeler Peak/Bull of the Woods Trail #90 in the Bull-of-the-Woods IRA, the Continental Divide Trail #11 in the Cruces Basin IRA, and the Middle Fork Santa Barbara Trail #24 and Serpent Lake Trail #19 in the Pecos IRA. In the Santa Fe National Forest, these include Winsor Trail #254, Chamisa Trail #183, and associated trail system in the Juan de Gabaldon Grant IRA; and the Atalya Trails #170 and #172 and St. John's Trail #174 in the Thompson Peak IRA, which are all right outside the City of Santa Fe. In the Cibola National Forest, these include the Gooseberry Trail #077 and Water Canyon Trail #076 in the Mt. Taylor IRA, near the city of Grants. In the Lincoln National Forest, these include the Dog Canyon Trial #106 and Alamo Canyon Trail #104 in the West Face Sacramento Mountains IRA,

[120] *Id.*
[121] Lincoln Draft LMP at 8.
[122] *Id*. at 7
[123] *Id.*
[124] *Id.*
[125] Gila LMP at 162 (record of decision pending).
[126] *Id.* at 219, 221.
[127] *Id.* at. 130, 220.
[128] *Id.* at 220-21.

outside the City of Alamogordo. Finally, in the trail-rich Gila National Forest, these include Bear Canyon Trails #104, #963, #960, #962, #964, and #964A; Signal Peak Trails #742 and #961, and Continental Divide Trail #74 within the Meadow Creek IRA.

The popularity of New Mexico's forests for recreational pursuits continues to grow, and at the same time, the state has been advancing policies to expand tourism and our outdoor recreation economy to enhance both economic growth and revenue diversification. In 2019, New Mexico established an Outdoor Recreation Division within the Economic Development Department to increase outdoor recreation-based economic development and tourism, promote stewardship and preservation of our state's unique environment and cultural assets, and provide equitable access to outdoor experiences for residents.[129] The New Mexico Tourism Department touts the state's five national forests as destinations for backcountry camping, singletrack mountain biking, and rafting.[130] Allowing new roads and development in New Mexico's IRAs will obstruct the growth and success of New Mexico's outdoor recreation and tourism economy, in addition to harming recreational opportunities and quality of life for residents and visitors.

D. Roadless Areas Contain High Densities of Cultural Resources and Carry Deep Cultural Significance to Sovereign Pueblos, Tribes, and Nations Affiliated with These Landscapes.

Indigenous peoples have stewarded the forests in New Mexico since time immemorial. National Forest System lands in the state contain evidence of humans using and occupying the forests for at least twelve thousand years.[131]

For most of human history, Indigenous peoples were the only humans occupying and using the lands that today comprise the Carson National Forest, and their use continues to the present day. "The earliest inhabitants were small bands of nomadic hunters and gatherers that roamed the Southwest beginning approximately 13,000 years ago."[132] The Carson contains evidence of "almost continuous human presence for at least the past 12,000 years" by "American Indians ancestral to the ethnic affiliations of the contemporary Pueblo, Athabascan, Ute, and Comanche people."[133] This evidence consists of "cultural and historic resources" including "pit houses, pueblitos, masonry structures, quarries, rock art, traditional cultural properties, and culturally modified trees."[134] Recorded cultural resources within the boundary of the Carson represent a fraction of the cultural resources on the landscape. While at least 6,636 cultural resources have been documented, as of 2016, only 15% of the forest had been

[129] NMSA 1978, §§ 9-15-14.1 (2019, as amended through 2020).
[130] N.M. Tourism Dep't, New Mexico True, Outdoor Adventures, https://www.newmexico.org/things-to-do/outdoor-adventures.
[131] Santa Fe LMP at 6.
[132] Carson LMP at 2.
[133] *Id.* at 115.
[134] *Id.*

surveyed.[135] The Carson National Forest shares boundaries with Taos Pueblo, the Jicarilla Apache Nation, the Southern Ute Tribe, and Picuris Pueblo, and is located near other Tribal communities.[136] "Taos Pueblo is considered to be one of the oldest continuously inhabited communities in the United States, dating back almost 1,000 years."[137]

Similarly, the Santa Fe National Forest contains abundant cultural and historic resources that are significant to sovereign Pueblos, Tribes, and Nations, as well as "local communities, the State of New Mexico, the Southwestern region, and the United States."[138] Indigenous people "with Pueblo and Athabaskan ethnic affiliation and groups ancestral to these ethnic affiliations have occupied and used" the lands comprising the Santa Fe National Forest for at least 12,000 years.[139] Today, the Santa Fe National Forest "shares a common boundary with the Jicarilla Apache Nation, the Pueblo of Santa Clara, the Pueblo of San Ildefonso, the Pueblo of Santo Domingo, the Pueblo of Jemez, the Pueblo of Nambe, the Pueblo of Tesuque and the Pueblo of Zia, and is near several other Tribal communities."[140]

Every management unit of the Cibola National Forest has places that are currently valued and used by Tribes.[141] "Some of these places include locations with long-standing cultural uses; locations that figure prominently in oral traditions regarding origin, place of emergence, and migration; locations that play a vital role in cosmology; locations of buried human remains repatriated under the Native American Graves Protection and Repatriation Act; locations where ceremonial objects have been retired; locations of contemporary ceremonies; and locations where specific forest products are gathered for ceremonial use and subsistence."[142] Today, the Cibola "shares approximately 102 miles of common boundary with many tribal nations. For the Mount Taylor Ranger District, these are the Navajo Nation, Acoma, Laguna, and Zuni Pueblos. The Mountainair Ranger District shares a boundary with the Pueblo of Isleta, and the Sandia Ranger District shares a boundary with the Pueblo of Sandia. Many other tribal nations have historical areas now managed by the Cibola."[143]

Like other forests in New Mexico, the Lincoln National Forest "contains historic properties and archaeological resources that demonstrate human occupation and use for about 12,000 years."[144] "The Mescalero Apache, Hopi, and Zuni tribes consider the

[135] *Id.*
[136] *Id.* at 1.
[137] *Id.* at 2.
[138] Santa Fe LMP at 110.
[139] *Id.*
[140] *Id.* at 103.
[141] Cibola LMP at 96.
[142] *Id.* at 96.
[143] *Id.* at 2.
[144] Lincoln Draft LMP at 5.

lands in the plan area to be their traditional lands."[145] Affiliated tribes use forest lands for ongoing cultural and spiritual practices and rely on an array of forest resources and places. "For example, entire mountain ranges are commonly regarded as sacred and viewed as an integral part of a tribe's cultural landscape."[146]

Finally, archaeological resources on the Gila National Forest also reflect "more than 12,000 years of human presence, including some of the best-preserved Mogollon and Mimbres sites in existence."[147] "The Pueblos of Acoma, Isleta, Laguna, Zuni, and Ysleta Del Sur; the Navajo Nation; the Hopi Tribe; Comanche Nation; Yavapai-Apache Nation; and the San Carlos, Ft. Sill, Mescalero, and the White Mountain Apache Tribes recognize the lands within the Gila National Forest as part of their aboriginal or traditional homes and use areas."[148] As of 2020, "9,292 archaeological sites had been recorded" on the Gila National Forest, with densities ranging "from 5 or fewer to over 25 sites per square mile."[149] These numbers represent a small fraction of the cultural resources present; only about 20% of the Gila National Forest has been inventoried.[150]

New Mexico's forests are thus embedded in New Mexico's cultural landscape. Cultural resources and landscapes are nonrenewable and irreplaceable. Indigenous peoples' long history of use and occupation of New Mexico's forests means that undisturbed roadless areas contain an especially high concentration of cultural resources. These resources include sites, buildings, structures, and objects with spiritual, historical, archaeological, scientific, architectural, or cultural significance that meet the criteria for listing in the National Register of Historic Places. And yet, a high percentage of these resources have not been inventoried, let alone evaluated for eligibility. Road construction and commercial timber operations in New Mexico's remaining roadless forests will inevitably result in cultural resources being disturbed, damaged, moved, altered, and removed. New roads and logging will increase the frequency of fire, flooding, and erosion, further disturbing cultural sites. Roads also increase motorized visitation and the associated risk of cultural resource damage from vandalism and theft.

In addition to an abundance of cultural landscapes, objects, and sites, undisturbed roadless areas support sustainable supplies of traditional forest products. Tribal communities and members rely on forest products for a wide array of personal, traditional, ceremonial, and subsistence uses, including firewood collection, plant gathering for food and medicine, and collection of piñon nuts. Finally, like other communities across New Mexico, Pueblos, Tribes, and Nations rely on IRAs to support their clean drinking water supply and to satisfy their water rights; to retain intact ecosystems that host healthy populations of native plants, fish, and wildlife; and to

[145] *Id.* at 87.
[146] *Id.*
[147] Gila LMP at 13 (record of decision pending).
[148] *Id.* at 163.
[149] *Id.* at 167.
[150] *Id.*

provide recreational and economic opportunities.

The rescission of the Roadless Rule would have a disproportionately large impact on New Mexico's cultural resources. The state has an especially long history of use and occupation by Indigenous peoples, and many sovereign Tribes, Pueblos, and Nations maintain a long-term affiliation with National Forest System lands. Before considering any changes to existing roadless area protections, USDA must consider impacts to New Mexico's cultural resources and sovereign Tribes, Pueblos, and Nations through robust Tribal consultation. The cultural resources in New Mexico's forests also hold importance to local communities, the State of New Mexico, the Southwestern region, the United States, and beyond. Significant changes to forest management, such as the Roadless Rule, demand robust Tribal consultation, careful shared decision-making, public participation, and potential co-stewardship of forest resources to prevent irreversible damage to New Mexico's nonrenewable cultural heritage.

E. The Roadless Rule Supports Traditional Communities and Institutions in New Mexico that Rely on National Forest System lands, Including Land Grant-Mercedes and Acequias.

Roadless areas in New Mexico are intertwined with the state's unique legal and cultural institutions, including mercedes (land grant communities) and acequias (community ditches). Land grant-merced and acequia communities have a long history of maintaining shared natural resources within the geographical boundaries of New Mexico and are statutorily recognized as political subdivisions of the state.[151]

Many land grants are within or proximate to National Forest System lands. Before New Mexico became a territory, the Spanish and Mexican governments encouraged settlement in New Mexico by making grants of land to communities and individuals. These land grants-mercedes facilitated traditional uses including ranching and agriculture. When Mexico and the United States signed the Treaty of Guadalupe Hidalgo in 1848, the Treaty stated that existing personal and property rights would be recognized by the United States. The Treaty was incorporated into the New Mexico Constitution in 1912.[152] Despite these Treaty provisions, some of the common lands of community land grants-mercedes are now under federal ownership, managed by the Forest Service.[153] Although land grant-mercedes lost a significant amount of land in the years after the Treaty was signed, land grants-mercedes remain an integral part of New Mexico's legal and cultural framework, and the national forests continue to provide a source of shared, communal resources. As a result of this history, traditional Hispanic

[151] NMSA 1978, § 49-1-1 (1907, as amended through 2004) ("All land grants-mercedes . . . shall be managed, controlled and governed by their bylaws, by the Treaty of Guadalupe Hidalgo and as provided in Sections 49-1-1 through 49-1-18 NMSA 1978 as political subdivisions of the state."); NMSA 1978, § 73-2-28 (1965, as amended through 2002) ("Acequia and community ditch associations are political subdivisions of this state.").
[152] N.M. Const. Art II, Sec. 5.
[153] USDA Forest Service, Santa Fe National Forest Land Management Plan, p. 106 (July 2022).

communities in New Mexico maintain deep ties to National Forest System lands and continue to rely on them for ranching and livestock grazing, water use and agriculture, stone and clay products, timber harvest for firewood, vigas, and latillas, game and fish, medicinal plant and herb gathering, religious and cultural use, and recreation.

New Mexico's acequias, or community ditches, are some of the oldest water management systems in the United States. Many of New Mexico's acequias were in use before the National Forest System was established and have valid rights and status under federal and state law. The first water laws passed by the Territory of New Mexico In 1851 incorporated the traditional governance structure of acequias. Each acequia is governed by a commission and a mayordomo who allocates available water to the parciantes, or members, of the acequia. Acequias continue to practice centuries-old traditions of water sharing, bringing irrigation water to agricultural fields across the state. Much of the water diverted by acequias for agriculture comes off National Forest System lands and passes through IRAs on the way to the fields.

USDA must consider how any changes to the Roadless Rule will impact the resources relied upon by New Mexico's traditional communities. Allowing new road construction and prioritizing commercial logging and mineral extraction in IRAs will decrease the clean water supply that acequias need and will reduce the communal supply of forest resources relied upon by land grant-mercedes. USDA should retain the Roadless Rule to avoid harming the resources relied upon by New Mexico's traditional communities.

F. The Rescission of the Roadless Rule Would Result in Degradation to the High-Scenic Quality of New Mexico's Forests.

New Mexico's national forests are packed with gorgeous scenery. When adopting the Roadless Rule, USDA recognized that IRAs promote the value of natural-appearing landscapes with high scenic quality. As further described below, New Mexico's roadless areas exemplify this value. "Research shows that there is a high degree of public agreement regarding scenic preferences and people tend to value most highly those landscapes that are more visually attractive and natural-appearing," such as landscapes within IRAs and Wilderness Areas.[154] "High-quality scenery, especially scenery with natural-appearing landscapes, enhances people's lives and benefits society."[155]

"The Carson is the scenic backdrop for many communities in northern New Mexico. Scenery defines the region's character and contributes to the experiences people seek on the national forest."[156] "The forest boasts beautiful breathtaking views of far-off mountains, the valley below, and unsurpassed sunsets from almost every elevation. Green forests with expansive mountain meadows, winding streams, colorful wildflowers, and vibrant fall colors are all peppered throughout the Carson's broad

[154] Carson LMP at 140.
[155] Cibola LMP at 124.
[156] Carson LMP at 140.

landscape."[157]

The Santa Fe National forest likewise draws visitors with "its diversity of scenic features including higher-elevation spruce-fir forests, brilliant gold aspen during autumn, lush high mountain meadows filled with wildflowers, dramatic landforms with vibrant colors, breathtaking red rock canyons and cliffs, sandstone bluffs, and mountain peaks."[158] People visit the Santa Fe for its "inspiring mountain scenery, cool mountain air, and flowing waters," which "provide relief from and contrast to the surrounding desert landscape."[159] The scenery enhances quality of life for locals and visitors alike by offering "dark night skies" and providing a "variety of scenic settings with mesas, canyons, and peaks rising from deserts, meadows, and grasslands."[160]

The forest plan for the Cibola National Forest states an intention to safeguard "high-quality scenery for present and future generations."[161] The Cibola's scenic values include "diverse sky island landscapes that range in elevation and character from semi-desert grasslands to mixed-coniferous forests and alpine meadows.[162]

"People are drawn to the Lincoln National Forest area for its stunning views," and "users expect to see a natural-appearing landscape" when they visit.[163] The Lincoln offers "[p]erennial streams and springs throughout the landscape, unique waterfalls, diverse vegetation, higher elevation tree-covered mountains, and steep, vibrant-colored cliffs and canyons."[164] The forest offers dark night skies and provides the backdrop to many communities and homes, including in Alamogordo and Ruidoso New Mexico. The unique and outstanding scenery on the Lincoln provide "cultural ecosystem services through aesthetics, recreation, and tourism."[165]

Finally, like New Mexico's other forests, the landscapes of the Gila National Forest offer an abundance of features that combine to present spectacular scenery.[166] "People are drawn to the forest for its diversity of scenic features including high cool mountains forested with mixed conifer and aspen, mountain meadows filled with wildflowers, rolling hills and semi-arid grasslands and woodland savannahs, dramatic and complex assemblages of landforms, rugged canyons where flowing water supports ribbons of green, and dark night skies. The forest provides a scenic backdrop to local communities, offers a sense of place, and contributes to the identity of those

[157] *Id.*
[158] Santa Fe LMP at 157.
[159] *Id.*
[160] *Id.*
[161] Cibola LMP at 124.
[162] *Id.*
[163] Lincoln Draft LMP at 111.
[164] *Id.*
[165] *Id.*
[166] Gila LMP p. 228 (record of decision pending).

communities."[167]

The visually attractive and natural-appearing scenic resources of IRAs (and Wilderness Areas) benefit New Mexicans by enhancing physical and psychological well-being and providing reprieve and restoration from the built urban environment.[168] "Increased well-being in turn contributes to increased job productivity, increased community involvement, and improved well-being in society as a whole."[169] High-quality scenery also benefits New Mexico's tourism and outdoor recreation economy, as described above.

The benefits of visual resources do not end there—scenery within IRAs also increases residential property values.[170] The impact of beautiful scenery on property values is generally difficult to study and quantify, but a recent peer-reviewed article in an economic journal provides a measurement of these economic contributions.[171] The authors used models to consider whether the density of IRAs has a positive and statistically significant effect on the median price of a home in New Mexico. The analysis concluded that in New Mexico, homeowners near IRAs enjoy a significant increase in the value of their real property. The results indicated that "there is a 5.6% gain in the property value of a house from being in, or adjacent to, a Census tract with IRAs. In the aggregate, this gain represents 3.5% of the value of all owner-occupied units in New Mexico ($1.9 billion in capitalized value, or an annualized value in perpetuity of $95 million, assuming a 5% interest rate)."[172]

Humans agree that natural-appearing, intact landscapes in our forests, including IRAs and Wilderness Areas, have the highest scenic value. Many of New Mexico's communities center their identities and lives around these roadless forests and their scenic beauty. Natural landscapes improve the quality of life and property values for New Mexico's residents and provide outstanding experiences for visitors. Rescinding the Roadless Rule will harm these values, which the rule was adopted to promote.

VI. A Decision to Rescind the Roadless Rule Could Leave New Mexico's Inventoried Roadless Areas with Less Protection than They Had in 2001, and Would Disregard Years of Agency and Stakeholder Engagement in the Forest Planning Process.

At the time that the 2001 Roadless Rule was adopted, individual forest plans directed management of IRAs in New Mexico and across the country. The forest plans in effect

[167] *Id.*
[168] Cibola LMP p. 124.
[169] *Id.*
[170] *Id.*
[171] Izón, Germán M., Michael S. Hand, Matias Fontenla, & Robert P. Berrens (2010). "The economic value of protecting inventoried roadless areas: a spatial hedonic price study in New Mexico." *Contemporary Economic Policy* 28, no. 4 (2010): 537-553.
[172] *Id.* at 537.

for New Mexico's forests allowed road construction and reconstruction in portions of the state's IRAs and prohibited road construction and reconstruction in others. As of 2001, 5% (430,000 acres) of National Forest System lands in New Mexico were designated as IRAs that allowed road construction and reconstruction; 12% (1,101,000 acres) were designated as IRAs that did not allow road construction and reconstruction; and 1% (66,000 acres) of IRAs were being managed as recommended wilderness.[173]

All five of New Mexico's national forests[174] have recently engaged in forest plan revision activities. The Carson, Santa Fe, and Cibola National Forests completed new plans in 2022; the revisions for the Gila and Lincoln National Forests are still pending.

The forest plans adopted in 2022 recognize that all IRAs must be managed consistent with the Roadless Rule and express the benefits of maintaining large roadless tracts within our forests, as exemplified by this excerpt from the 2022 Carson forest plan:

> Inventoried roadless areas provide clean drinking water and function as biological strongholds for populations of threatened and endangered species. They provide large, relatively undisturbed landscapes with high scenic quality that are important to biological diversity and the long-term survival of many at-risk species. Inventoried roadless areas provide opportunities for dispersed outdoor recreation. They also serve as buffers against the spread of nonnative invasive plant species and serve as reference areas for study and research.[175]

The 2022 forest plans for the Carson, Santa Fe, and Cibola contain minimal management direction for IRAs because the plans incorporate the Roadless Rule and the Forest Service planning directives (Forest Service Handbook (FSH) 1909.12, Chapter 24, updated in 2015), which contemplate long-term protection for IRAs by generally prohibiting road construction, reconstruction, and commercial timber harvest, obviating specific management prescriptions. It is unclear how existing forest plans would be revised or interpreted if the Roadless Rule is rescinded, but based on available information it appears that the outcome would be that IRAs in these forests would lose protections for road building, road reconstruction, and commercial timber harvest, leaving sensitive resources and undeveloped landscapes at greater risk than they were when the Roadless Rule was adopted.

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[173] USDA Forest Serv., Forest Service Roadless Area Conservation, Final Environmental Impact Statement, Vol. 2 - Maps of Inventoried Roadless Areas, p. 127 (Nov. 2000) [hereinafter 2000 Roadless FEIS].
[174] In addition to the five national forests located entirely within the State of New Mexico, a small portion of the Coronado National Forest is located in Hidalgo County, New Mexico, in the Southwest corner of the state. The New Mexico portion of the Coronado comprises 81% of the Peloncillo Ecosystem Management Area, as identified in the 2018 forest plan, and includes IRAs. Although this letter does not focus on roadless values in the Coronado, we strongly support retaining Roadless Rule protection for these IRAs.
[175] Carson LMP at 163; *see also* Santa Fe LMP at 170; Cibola LMP at 147.

A. Carson National Forest

At the time the Roadless Rule was adopted, the 1987 forest plan for the Carson National Forest did not allow road construction or reconstruction in any IRAs.[176] Approximately 57,000 acres (4% of the forest) were designated as IRAs where road construction and reconstruction were prohibited.[177] Another 44,000 acres of IRAs (3% of the forest) were being managed as recommended wilderness.[178]

The Carson completed a revised Land Management Plan in 2022. The new plan identifies 12 IRAs subject to the Roadless Rule, totaling 105,331 acres, as follows:[179]

- Bull Canyon (11,512 acres)
- Canjilon Mountain (7,971 acres)
- Osier Mesa (2,840 acres)
- Comales Canyon (4,388 acres)
- Pecos (13,434 acres)
- Sierra Negra (9,469 acres)
- Cruces Basin (5,243 acres)
- Latir Peak (3,572 acres)
- Columbine-Hondo Wilderness (43,738 acres)
- Bull-of-the-Woods (487 acres)
- Wheeler Peak Wilderness (2,677 acres)

In addition to recognizing IRAs, the 2022 Carson plan designated six areas totaling 9,295 acres to be managed as Recommended Wilderness Management Areas (RWMAs).[180] The RWMAs are subject to management standards that prohibit road construction and commercial timber harvest, along with other desired conditions, management standards, and management guidelines.[181]

When working on the forest plan revision, the forest supervisor, forest staff, and stakeholders, including signatories to this letter, all relied on the understanding that 105,331 acres of IRAs would be managed to protect roadless area values under the Roadless Rule. This understanding may have led to the responsible official's decision to manage only a tiny fraction of wilderness quality lands as RWMAs.

It is unclear how the 2022 Carson forest plan will be interpreted and implemented if the Roadless Rule is rescinded, but it appears that many of the IRAs in the Carson that were protected from road construction and reconstruction at the time the Roadless Rule was adopted could lose protection. This result is unacceptable to stakeholders like us that

[176] 2000 Roadless FEIS, Vol. 2, at 128.
[177] *Id.*
[178] *Id.*
[179] Carson LMP at 163.
[180] USDA Forest Serv., Final Record of Decision, Carson National Forest Land Management Plan, p. 26 (July 2022).
[181] Carson LMP at 175.

participated in the forest planning process in good faith and relied on the mutual understanding that IRAs and their many values would be protected from road building, road reconstruction, and timber harvest for current and future generations.

B. Santa Fe National Forest

At the time the Roadless Rule was adopted, the 1987 forest plan for the Santa Fe National Forest prohibited road construction and reconstruction on more than half of the IRAs in the forest.[182] Approximately 133,000 acres of IRA (8% of the forest) allowed road construction and reconstruction, and 154,000 acres of IRAs (10% of the forest) did not allow road construction and reconstruction.[183] An additional 2,000 acres were being managed as recommended wilderness.[184]

The Santa Fe completed a revised Land Management Plan in 2022. Under the new plan, the Santa Fe manages 54 IRAs totaling about 241,000 acres, as further broken out below by geographic area ("GA").[185]

The Canadas and Nacimiento Geographic Area includes the following four IRAs:[186]

- Chama Wilderness (286 acres, 22 percent is in this GA)
- Chama Wild and Scenic River (85 acres, 2 percent is in this GA)
- Pollywog (8,556 acres, 100 percent is in this GA)
- San Pedro Parks (5,793 acres, over 99 percent is in this GA)

The Jemez Mesas and Canyons Geographic Area include the following nine IRAs:[187]
Alamo Canyon (8,628 acres, 100 percent is in this GA)

- Bearhead Peak (8,274 acres, 100 percent is in this GA)
- Canada Bonita RNA (487 acres, 100 percent is in this GA)
- Cerro La Jara (1,122 acres, 100 percent is in this GA)
- Ghost Town (219 acres, 100 percent is in this GA)
- Guaje Canyon (6,101 acres, 100 percent is in this GA)
- Peralta Ridge (4,025 acres, 100 percent is in this GA)
- Rendija (2,175 acres, 100 percent is in this GA)
- Virgin Canyon (6,067 acres, 100 percent is in this GA)

The North Jemez Mountains Geographic includes the following 17 IRAs:[188]

- Arroyo de la Presa (6,171 acres, 100 percent is in this GA)
- Arroyo de los Frijoles (5,275 acres, 100 percent is in this GA)
- Cañones Creek (3,937 acres, 100 percent is in this GA)

[182] 2000 Roadless FEIS, Vol. 2, p. 133.
[183] *Id.*
[184] *Id.*
[185] Santa Fe LMP at 170.
[186] *Id.* at 223.
[187] *Id.* at 225.
[188] *Id.* at 228-29.

- Chama Wilderness (1,006 acres, 78 percent is in this GA)
- Chama Wild and Scenic River (4,080 acres, 98 percent is in this GA)
- Clara Peak (787 acres, 100 percent is in this GA)
- El Invierno (29,911 acres, 100 percent is in this GA)
- El Lagunito (6,796 acres, 100 percent is in this GA)
- Lemitas (8,122 acres, 100 percent is in this GA)
- Mesa Alta (1,868 acres, 100 percent is in this GA)
- Oso Vallecitos (1,116 acres, 100 percent is in this GA)
- Polvadera (2,486 acres, 100 percent is in this GA)
- Polvadera Peak (6,289 acres, 100 percent is in this GA)
- Pueblo Mesa (3,538 acres, 100 percent is in this GA)
- Rio Medio (2,841 acres, over 99 percent is in this GA)
- San Pedro Parks (26 acres, less than 1 percent is in this GA)
- Youngsville (6,117 acres, 100 percent is in this GA)

The West Sangres and Caja Geographic Area include the following 12 IRAs:[189]

- Arroyo Montoso (6,267 acres, 100 percent is in this GA)
- Black Canyon (1,920 acres, 100 percent is in this GA)
- Caja (5,297 acres, 100 percent is in this GA)
- Juan de Gabaldon Grant (8,016 acres, 100 percent is in this GA)
- Little Tesuque (814 acres, 100 percent is in this GA)
- McClure Reservoir (375 acres, 100 percent is in this GA)
- Nichols Reservoir (1,517 acres, 100 percent is in this GA)
- Pacheco Canyon (1,007 acres, 100 percent is in this GA)
- Rancho Viejo (3,825 acres, 100 percent is in this GA)
- Rio Medio (less than 1 acre, less than 1 percent is in this GA)
- Tesuque Creek (810 acres, 100 percent is in this GA)
- Thompson Peak (18,984 acres, 58 percent is in this GA)

The Pecos River Canyon Geographic Area includes the following 7 IRAs:[190]

- Grass Mountain (3,251 acres, 100 percent is in this GA)
- Holy Ghost (2,351 acres, 100 percent is in this GA)
- Jacks Creek (740 acres, 100 percent is in this GA)
- Pecos Wild and Scenic River (5,392 acres, 100 percent is in this GA)
- Thompson Peak (13,993 acres, 42 percent is in this GA)
- Wesner Spring (15 acres, 3 percent is in this GA)
- Willow Creek (1,476 acres, 100 percent is in this GA)

The East Sangres Geographic Area includes the following 10 IRAs:[191]

- Bear Mountain (1,382 acres, 100 percent is in this GA)
- Enchanted Lakes (1,275 acres, 100 percent is in this GA)

[189] *Id.* at 231.
[190] *Id.* at 233.
[191] *Id.* at 236.

- Falls (2,475 acres, 100 percent is in this GA)
- Gallinas (13,198 acres, 100 percent is in this GA)
- Grace Tract (999 acres, 100 percent is in this GA)
- Lost Lake (469 acres, 100 percent is in this GA)
- Maestas (474 acres, 100 percent is in this GA)
- Sparks Creek (80 acres, 100 percent is in this GA)
- Valle Del Toro (1,861 acres, 100 percent is in this GA)
- Wesner Spring (583 acres, 98 percent is in this GA)

The Rowe Mesa and Anton Chico Geographic Area includes 1 IRA:

- Ladrones Mesa RNA (701 acres, 100 percent is in this GA)

In addition to recognizing IRAs, the 2022 Santa Fe plan identified 5 areas totaling 23,845 acres to be managed as Recommended Wilderness Management Areas (RWMAs).[192] The RWMAs are subject to management standards that prohibit road construction and commercial timber harvest, along with other desired conditions, management standards, and management guidelines.[193]

When working on the forest plan revision, the forest supervisor, forest staff, the public, and stakeholders, including signatories to this letter, all relied on the understanding that 241,000 acres of IRAs would be managed to protect roadless area values under the Roadless Rule. This understanding may have led to the decision to manage only a tiny fraction of wilderness quality lands as RWMAs.

It is unclear how the 2022 Santa Fe forest plan will be interpreted and implemented if the Roadless Rule is rescinded, but it appears that the vast majority of the IRAs in the Santa Fe that were protected from road construction and reconstruction at the time the Roadless Rule was adopted will lose protection. This result is unacceptable to stakeholders like us that participated in the forest planning process in good faith and relied on the mutual understanding that IRAs and their many values would be protected from road building, road reconstruction, and timber harvest for current and future generations.

C. Cibola National Forest

At the time the Roadless Rule was adopted, the 1985 forest plan for the Cibola National Forest prohibited road construction and reconstruction on more than half of the IRAs in the forest.[194] Approximately 86,000 acres of IRA (5% of the forest) allowed road construction and reconstruction, and 160,000 acres of IRAs (8% of the forest) did not

[192] USDA Forest Service, Final Record of Decision, Santa Fe National Forest Land Management Plan, p. 17 (July 2022).
[193] Santa Fe LMP at 214-15.
[194] 2000 Roadless FEIS, Vol. 2, p. 129.

allow road construction and reconstruction.[195]

The Cibola completed a revised Land Management Plan in 2022. Under the new plan, the Cibola manages 13 IRAs totaling 239,143 acres. Five are in the Mount Taylor Ranger District and eight are in the Magdalena Ranger District as follows:[196]

Mount Taylor Ranger District:
- Mount Taylor (6,355 acres)
- Ranger Cabin (6,124 acres)
- Cerro Alesna (6,184 acres)
- Guadalupe (13,619 acres)
- Ignacio Chavez Contiguous (993 acres)

Magdalena Ranger District:
- Madre Mountain (19,839 acres)
- Datil (13,957 acres)
- Scott Mesa (39,515 acres)
- Goat Spring (5,755 acres)
- Ryan Hill (34,200 acres)
- White Cap (8,036 acres)
- Apache Kid Contiguous (67,542 acres)
- San Jose (16,950 acres)

In addition to recognizing IRAs, the 2022 Cibola plan designated five areas totaling 14,900 acres to be managed as Recommended Wilderness Management Areas (RWMAs).[197] The RWMAs are subject to management standards that prohibit road construction and commercial timber harvest, along with other desired conditions, management standards, and management guidelines.[198]

When working on the forest plan revision, the forest supervisor, forest staff, and stakeholders, including signatories to this letter, all relied on the understanding that 239,143 acres of IRAs would be managed to protect roadless area values under the Roadless Rule. This understanding may have led to the decision to manage only a tiny fraction of wilderness quality lands as RWMAs.

It is unclear how the 2022 forest plan will be interpreted and implemented if the Roadless Rule is rescinded, but it appears that the vast majority of the IRAs in the Cibola that were protected from road construction and reconstruction at the time the Roadless Rule was adopted will lose protection. This result is unacceptable to stakeholders like

[195] *Id.*
[196] Cibola LMP at 147.
[197] USDA Forest Service, Final Record of Decision, Cibola National Forest Land Management Plan, p. 15 (July 2022).
[198] Cibola LMP at 136-37.

us that participated in the forest planning process in good faith and relied on the mutual understanding that IRAs and their many values would be protected from road building, road reconstruction, and timber harvest for current and future generations.

D. Lincoln and Gila National Forests

The Lincoln and Gila National Forests have been working on forest plan revisions for many years, with extensive stakeholder and public input.

The Lincoln National Forest is operating under the 1986 Forest Plan, which was in effect when the Roadless Rule was adopted.[199] The LNF has begun the process of revising its forest plan and issued a draft plan and draft environmental impact statement in 2021.

The draft Lincoln plan identifies the following 12 IRAs with a total combined acreage of 176,900 acres,[200] including the following:[201]

- Capitan Mountains (13,900 acres)
- Carrizo Mountain (17,200 acres)
- Culp (3,200 acres)
- Grapevine (2,100 acres)
- Jefferies Canyon (8,900 acres)
- Last Chance Canyon (8,900 acres)
- Little Dog and Pup Canyons (25,400 acres)
- North Rocky Canyon (8,100 acres)
- Ortega Peak (11,500 acres)
- South Guadalupe Mountains (20,000 acres)
- Tucson Mountain (16,800 acres)
- West Face Sacramento Mountains (40,900 acres)

The Gila National Forest is also operating under a 1986 Forest Plan. Like the Lincoln, the Gila has begun the process of revising the forest plan, but the Gila has nearly finished this process. On July 30, 2024, the Gila released a draft record of decision, final environmental impact statement, and proposed land management plan. The Gila conducted an objection period, hosted objection resolution meetings, and issued final responses to the objections on May 6, 2025.

The proposed new Gila plan identifies 29 IRAs totaling 733.836 acres (22%) of the land in the forest, including the following:[202]

- 1978 Administratively Endorsed Wilderness Proposal (4,286 acres)
- Apache Mountain (17,506 acres)

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[199] USDA Forest Serv., Lincoln National Forest Land and Resource Management Plan (Sept. 1986), *available at* https://www.fs.usda.gov/r03/lincoln/planning.
[200] USDA Forest Serv., Lincoln National Forest Plan Revision, Draft Environmental Impact Statement, Vol. 1, p. 362 (Aug. 2021).
[201] *Id.* at 362, Table 3-70.
[202] Gila Final LMP, p. 248-49 (record of decision pending).

- Aspen Mountain (23,783 acres)
- Brushy Mountain (7,199 acres)
- Brushy Springs (5,735 acres)
- Canyon Creek (9,824 acres)
- Contiguous to Black & Aldo Leopold Wilderness (111,811 acres)
- Contiguous to Blue Range Wilderness (1,980 acres)
- Contiguous to Gila Wilderness and Primitive Area (79,048 acres)
- Devils Creek (89,915 acres)
- Dry Creek (26,719 acres)
- Eagle Peak (34,016 acres)
- Elk Mountain (6,550 acres)
- Frisco Box (38,977 acres)
- Gila Box (23,759 acres)
- Hell Hole (19,553 acres)
- Largo (12,730 acres)
- Lower San Francisco (26,459 acres)
- Meadow Creek (34,167 acres)
- Mother Hubbard (5,895 acres)
- Nolan (13,050 acres)
- Poverty Creek (8,770 acres)
- Sawyers Peak (59,743 acres)
- Stone Canyon (6,801 acres)
- T Bar (6,823 acres)
- Taylor Creek (16,639 acres)
- The Hub (7,498 acres)
- Wagon Tongue (11,411 acres)
- Wahoo Mountain (23,121 acres)

Stakeholders have engaged in the planning process for the Lincoln and the Gila in good faith for many years. Many of the compromises and balances that were struck in the draft and proposed forest plans were based on a mutual understanding that the Roadless Rule will remain in place to promote roadless area values for current and future generations. A decision to rescind the Roadless Rule would disregard the extensive work and public engagement that has gone into the development of these modern plans. We strongly urge the USDA to finalize the draft and proposed final forest plans that retain Roadless Rule protections for the 176,900 acres of IRAs in the Lincoln National Forest and the 733,836 acres of IRAs in the Gila National Forest.

VII. Conclusion

In conclusion, the 25 signatory organizations listed below strongly oppose the proposed rescission of the Roadless Rule. The NOI for this proposed rulemaking fails to provide adequate opportunities for public input and participation. USDA has not provided an adequate justification for rescinding the Roadless Rule. There are significant flaws in

the logic that USDA sets forth in the notice of intent, including the purpose and need for this action. Additionally, by repealing the Roadless Rule, USDA will impose significant new costs on taxpayers, including but not limited to the costs of additional drinking water filtration and infrastructure to replace the natural filtration and ecosystem services of the forest and the cost of additional road construction and maintenance.

USDA has changed its position regarding the benefits of the Roadless Rule. The proposal by USDA to rescind the Roadless Rule diverges significantly from past practice and policy to retain unfragmented areas of the forest to protect roadless area values, including clean drinking water supplies, intact wildlife habitat, cultural resources, traditional uses, outdoor recreation opportunities, and scenic values. New Mexico relies on the longstanding benefits of IRAs, which provide an array of cultural and ecosystem services for our state and communities. Rescinding the Roadless Rule will harm all New Mexicans by adversely impacting our clean drinking water supply, healthy plant and wildlife populations, outdoor recreation and tourism economy, quality of life, and cultural heritage. Finally, at the time the Roadless Rule was adopted, many of New Mexico's roadless forests were protected under applicable forest plans that have since been replaced, and rescission of the Roadless Rule could result in a significant decrease in protected acreage, as compared to 2001. Stakeholders have a reliance interest in retaining protections for IRAs in New Mexico's forests, as crafted and implemented through the recently completed and ongoing planning processes.

If you have any questions regarding this letter, please contact Sally Paez, Staff Attorney at New Mexico Wild, sally@nmwild.org. Thank you for your consideration of our comments.

Sincerely,

Sally A. Paez
Staff Attorney
New Mexico Wilderness Alliance (New Mexico Wild)
P.O. Box 25464
Albuquerque, NM 87125
sally@nmwild.org
505.843.8696

Melissa Amarello
Executive Director
Advocates for Snake Preservation
P.O. Box 2752
Silver City, NM 88062
mel@snakes.ngo

Rachel Conn
Deputy Director
Amigos Bravos
P.O. Box 238
Taos, NM 87571
rconn@amigosbravos.org

Nina Eydelman
Chief Program & Policy Officer – Equine & Wildlife
Animal Protection New Mexico
(505) 934-3911

Paul F. Reed
New Mexico State Director
Archaeology Southwest
281 N Stone Ave Tucson, AZ 85701
preed@archaeologysouthwest.org

Linda Moore
President
Bird Alliance of Southwestern New Mexico
P.O. Box 1473
Silver City, NM 88062
birdallianceswnm@gmail.com

Zoe Barker
Legislative Director
Conservation Voters New Mexico
zoe@cvnm.org

Bryan Bird
Defenders of Wildlife
bbird@defenders.org
505-395-7332

Andrew Black
EarthKeepers 360
208 Grant Avenue, Santa Fe, NM 87501
andrewdouglasblack@gmail.com

Donna Stevens
Board President
Gila Native Plant Society
P.O. Box 457
Silver City, NM 88062
gilanative@gmail.com

Allyson Siwik
Executive Director
Gila Resources Information Project
305A North Cooper St.
Silver City, NM 88061
grip@gilaresources.info

Marcia Stout
Leader
Aldo's Silver City Chapter of Great Old Broads for Wilderness
mccstout@gmail.com

Susan Ostlie
Co-Leader
Rio Grande Valley Broadband of the Great Old Broads for Wilderness
2401 Madre Dr. NE
Albuquerque, NM 87112
susanostlie@yahoo.com

Carlos Matutes
GreenLatinos New Mexico
carlosmatutes@greenlatinos.org

Patrice Mutchnick
Board Chair
Heart of the Gila
9 Airstrip Road, Mimbres, NM 88049
heartofthegila@gmail.com

Erin Hunt
Managing Director
Lobos of the Southwest
928-421-0187
erin@mexicanwolves.org

Adrian Angulo Montaño
Campaigns and Programs Director
(he/him)
Nuestra Tierra Conservation Project
PO Box 16172 | Las Cruces, NM 88004
adrian@nuestra-tierra.org

Christopher Thomson
President
Pecos River Open Spaces
POB 579
Ribera, New Mexico 87560
christothoms@aol.com

Sam Hitt
Santa Fe Forest Coalition
sam@wildwatershed.org

Morika Vorenberg Hensley, M.S.
Executive Director
Santa Fe Watershed Association
1413 Second St., Suite 3
Santa Fe, NM 87505
mori@santafewatershed.org

Teresa Seamster, MS EDS
Water Sentinels,
Sierra Club/Rio Grande Chapter
2501 Yale Blvd. SE
Albuquerque, NM 87106
ctc.seamster@gmail.com

Carol Ann Fugagli
Executive Director
Upper Gila Watershed Alliance
P.O. Box 1536
Silver City, NM 88062
Director@ugwa.org

Lela McFerrin
Vice President
Upper Pecos Watershed Association
lelamcferrin3@gmail.com

Chris Smith
Wildlife & Wild Places Program Director
WildEarth Guardians
csmith@wildearthguardians.org

Michelle Lute, PhD
Executive Director
Wildlife for All
michelle@wildlifeforall.us