



October 17, 2024

Submitted electronically via BLM e-Planning project website:

<https://eplanning.blm.gov/eplanning-ui/project/2024165/510>

Tracy Stone-Manning
BLM Director
Attention: Protest Coordinator (HQ210)
P.O. Box 151029
Lakewood, CO 80215

Re: Protest Regarding Proposed Final Resource Management Plan Amendment and Final Environmental Assessment for the Río Grande del Norte National Monument Management Plan

Dear Director Stone-Manning,

Pursuant to 43 C.F.R. § 1610.5-2, the New Mexico Wilderness Alliance (New Mexico Wild), American Rivers, The Wilderness Society, Conservation Lands Foundation, Amigos Bravos, and Sierra Club submit this protest addressing certain aspects of the Río Grande del Norte (RGDN or Monument) National Monument Plan, as set forth in the Proposed Final Resource Management Plan Amendment and Final Environmental Assessment (Final RMPA/EA)¹ and reflected in the Draft Finding of No Significant Impact (Draft FONSI).²

Specifically, we protest (1) the designation of new and expanded rights of way (ROWs) in violation of the express limitations in the Wild and Scenic Rivers Act and Proclamation 8946, which created the monument; (2) the decision to not manage all BLM-identified lands with wilderness characteristics (LWCs) to protect and maintain their wilderness characteristics; (3) the decision to manage only 5,120 acres at Cerro de la Olla to protect wilderness characteristics despite the BLM's own inventory identifying 12,236 qualifying acres; and (4) language on page 21 of the Final RMPA/EA (which is likely a clerical error) stating that certain LWCs will be managed to "minimize impacts" on wilderness characteristics instead of to "protect and maintain" wilderness characteristics.

¹ U.S. Dep't of Interior, BLM Taos Field Office, Proposed Taos Resource Amendment Plan Amendment and Environmental Assessment for the Rio Grande del Norte National Monument (Sept. 2024) [hereinafter Final RMPA/EA].

² U.S. Dep't of Interior, BLM Taos Field Office, Draft Finding of No Significant Impact (Sept. 2024) [hereinafter Draft FONSI].

New Mexico Wild is a 501(c)(3) nonprofit organization dedicated to the protection, restoration, and continued enjoyment of New Mexico's wild lands and wilderness areas. New Mexico Wild has a long-standing interest in the management of Bureau of Land Management (BLM) lands in New Mexico and engages frequently in the decision-making processes for land use planning and project proposals that could potentially affect wilderness-quality lands and other important natural and cultural resources managed by the BLM in New Mexico.

American Rivers is the only national organization dedicated entirely to protecting and restoring the rivers on which all life depends. Since our founding 50 years ago, we have worked with partners across the country to safeguard our most outstanding rivers under the Wild and Scenic Rivers Act. Our Southwest River Protection Program focuses on the most culturally and ecologically important rivers in our region and, as such, we are committed to ensuring the Rio Grande Wild and Scenic River's existing protections under the Act are maintained and enforced.

The Wilderness Society (TWS) has a mission of uniting people to protect America's wild places. We envision a future where people and wild nature flourish together, meeting the challenges of a rapidly changing planet. For over eight decades, TWS has been a national leader in the conservation movement, creating some of our country's most important conservation laws and working with partners across the U.S. to protect more than 110 million acres of wilderness in 44 states. TWS has also worked with communities and government agencies to protect another 100 million acres as national monuments or with other designations. Our niche in the conservation community is its national policy experience, combined with deep local roots and scientific expertise. TWS is now building on our history and experience to pursue two new, bold priorities: Making public lands a solution to the climate and extinction crises; and transforming conservation policy and practice so all people benefit equitably from public lands.

Conservation Lands Foundation believes local and community-based conservation is the blueprint for achieving long-lasting protections for essential and vulnerable public lands. Conservation Lands Foundation harnesses the collective power of our Friends Grassroots Network, a national movement of more than 80 community-based organizations, to protect, restore and expand National Conservation Lands.

Amigos Bravos is a statewide water conservation organization based in Taos, New Mexico guided by social justice principles and dedicated to preserving and restoring the ecological and cultural integrity of New Mexico's water and the communities that depend on it. While rooted in science and the law, our work is inspired by the values and traditional knowledge of New Mexico's diverse Hispanic and Native American land-based populations, with whom we collaborate.

Sierra Club was founded in 1892 and is the nation's oldest grassroots environmental organization. The Sierra Club is incorporated in California, and has approximately 3.8 million members and supporters nationwide, and is dedicated to the protection and preservation of the environment. The Sierra Club's mission is to explore, enjoy and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; and to educate and enlist humanity to protect and restore the quality of the natural and human environments. The Sierra Club has a New Mexico chapter, known as the Rio Grande chapter, with members that live near and use Bureau of Land Management (BLM) lands for recreation such as hiking, climbing, backpacking, camping, fishing, and wildlife viewing, as well as for scientific, spiritual, aesthetic and environmental purposes.

Our organizations have participated throughout the BLM Taos Field Office’s planning process for the RGDN Monument Management Plan. On September 20, 2023, we submitted scoping comments signed by sixteen non-governmental organizations.³ On May 23, 2024, we submitted comments on the Draft Resource Management Plan Amendment and Environmental Assessment signed by fourteen non-governmental organizations.⁴ We have standing to submit this protest based on our participation in this planning process and because approval of the Proposed RMPA, final EA, and draft FONSI would adversely affect our interest in the Monument, as managed by the Taos Field Office.

New Mexico Wild’s Staff Attorney, Sally Paez, is authorized to file this protest on behalf of the organizations and their members. The BLM released the Proposed RMPA and EA on September 18, 2024. This protest is timely submitted on or before October 18, 2024.

I. Statement of the Issues Being Protested

- A. The BLM erred by proposing to designate 183 acres of new and expanded right-of-way corridors without demonstrating that the designation is consistent with the care and management of Monument objects and the outstandingly remarkable values of the Rio Grande, a Wild and Scenic River.
- B. The BLM should implement its 2017 inventory of Lands with Wilderness Characteristics by managing all qualifying areas to protect and maintain wilderness characteristics.
- C. The BLM erred by proposing to manage only 5,120 acres at Cerro de la Olla to protect and maintain wilderness characteristics where the BLM’s 2017 inventory identified 12,236 acres of qualifying lands with wilderness characteristics.
- D. The BLM should correct language on page 21 of the Final RMPA/EA, which says the BLM will “minimize impacts” to wilderness characteristics (instead of “protect and maintain” wilderness characteristics).

³ **Attachment 1**, American Rivers, Amigos Bravos, Audubon Southwest, Conservation Lands Foundation, Defenders of Wildlife, EarthKeepers 360, Friends of Rio Grande Del Norte, Hispanics Enjoying Camping Hunting and the Outdoors, National Wildlife Foundation, New Mexico Backcountry Hunters and Anglers, New Mexico Wilderness Alliance, New Mexico Wildlife Federation, Rivers and Birds, Sierra Club Rio Grande Chapter, The Wilderness Society, and WildEarth Guardians, Scoping Comments for Río Grande del Norte National Monument Resource Management Plan Amendment (Sept. 20, 2023) [hereinafter Coalition Scoping Comments].

⁴ **Attachment 2**, Friends of Rio Grande del Norte National Monument, American Rivers, Amigos Bravos, Conservation Lands Foundation, Defenders of Wildlife, EarthKeepers 360, Hispanics Enjoying Camping Hunting and the Outdoors, National Wildlife Foundation, New Mexico Wilderness Alliance, New Mexico Wildlife Federation, Rivers and Birds, Sierra Club Rio Grande Chapter, The Wilderness Society, and WildEarth Guardians, Comments on Draft Resource Management Plan Amendment and Environmental Assessment for Río Grande del Norte National Monument (May 23, 2024) [hereinafter Coalition Comments on Draft RMPA/EA].

II. Statement of the Parts of the Plan Being Protested

A. Designation of new and expanded right-of-way corridors

The following parts of the Proposed Final RMPA/EA address the designation of 183 acres of new and expanded right-of-way (ROW) corridors: Section 1.2 (Purpose and Need), pages 9-10; Section 2.4 (Proposed Action), page 21; Section 3.2.13 (Land Tenure and Land-use authorizations), pages 76-79; Appendix B, Map B.14; and Appendix C: Alternatives, page C-102.

B. Management of lands with wilderness characteristics

The following parts of the Proposed Final RMPA/EA address the proposed management of lands with wilderness characteristics (LWCs): Section 2.4 (Proposed Action), page 21; Section 3.2.10 (Lands with Wilderness Characteristics), pages 65-69; Table 3-7 (2017 LWC Inventory), page 66; Section 3.2.13 (Land Tenure and Land-use authorizations), page 78; Section 3.2.17 (Special Designations), page 100; Appendix B, Maps B-9, B-10, and B-11; and Appendix C, pages C-86 to C-88.

C. Management of Cerro de la Olla

The following parts of the Proposed Final RMPA/EA address the proposed management of LWCs at Cerro de la Olla: Section 2.4 (Alternatives), pages 21, 23; Section 3.2.8 (Visual Resources), page 62; Section 3.2.10 (Lands with Wilderness Characteristics), pages 65-69; Table 3-7 (2017 LWC Inventory), page 66; Section 3.2.17 (Special Designations), page 100; Appendix B, Maps B-10, B-11, and B-12; and Appendix C, pages C-86 to C-88.

D. Language stating BLM will “minimize impacts” on wilderness characteristics

There is one reference in Section 2.4, page 21, stating that the BLM will “minimize impacts” on wilderness characteristics (instead of “protect and maintain” wilderness characteristics).

III. Argument

A. The BLM erred by proposing to designate 183 acres of new and expanded right-of-way corridors without demonstrating that the designation is consistent with the care and management of Monument objects.

This aspect of our protest arises under the Antiquities Act of June 8, 1906,⁵ the Wild and Scenic Rivers Act of 1968,⁶ the National Environmental Policy Act of 1969 (NEPA),⁷ the Omnibus Public Land Management Act of 2009,⁸ Proclamation 8946, and applicable BLM regulations and policies,⁹ as described below.

⁵ Antiquities Act of June 8, 1906, 54 U.S.C. § 320301.

⁶ Wild and Scenic Rivers Act of 1968, 16 U.S.C. §§ 1271-1287.

⁷ The National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321 et seq.

⁸ Omnibus Public Land Management Act of 2009, 16 U.S.C. § 7202(b).

⁹ See, e.g., BLM National Landscape Conservation System Management Manual, M-6100 (2012); BLM National Monuments, National Conservation Areas, and Similar Designations Manual, M-6220 (2017).

The Monument was designated on March 25, 2013, by Presidential Proclamation 8946,¹⁰ which directs the BLM to manage the Monument as part of the National Landscape Conservation System (NLCS). Proclamation 8946 reflects the need for utility line rights of way (ROWs) within the Monument, acknowledges the potential damage that ROWs could inflict on Monument objects and values, and places limitations on the designation of new and expanded ROWs.¹¹ The proclamation states,

Nothing in this proclamation shall be construed to preclude the Secretary from renewing or authorizing the upgrading of existing utility line rights-of-way within the physical scope of each such right-of-way that exists on the date of this proclamation. *Additional utility line rights-of-way or upgrades outside the existing utility line rights-of-way may only be authorized if consistent with the care and management of the objects identified above.*¹²

Despite the proclamation's express limitation on new or expanded ROWs, the Proposed Final RMPA/EA would designate 183 acres of new and expanded ROW corridors. Specifically, the Final RMPA/EA would widen the existing Powerline Falls ROW corridor, which spans over the Río Grande gorge, from 190 feet to 600 feet (47 acres).¹³ The BLM also proposes to designate a new ROW corridor following an existing 115-kilovolt transmission line within Horsethief Mesa and the Arroyo Hondo Land Grant. The new corridor would be approximately 2.5 miles long and have a width of 450 feet (136 acres).¹⁴

The BLM's proposed ROW designation lacks adequate support and justification in the record to demonstrate that the new ROWs will be "consistent with the care and management of the objects" that the Monument was designated to protect. In the Purpose and Need section, the BLM states that "[o]pportunities for new rights of way (ROWs) for electrical transmission in support of renewable energy development is an evolving circumstance that may require new authorizations consistent with the parameters specified in Proclamation 8946."¹⁵ The BLM further explains that the ROW designation will allow for "new, expanded, and upgraded utility ROWs that serve local communities in a manner consistent with the protection, preservation, and restoration of Monument objects. Proclamation 8946, which established the Monument, allows for limited opportunities to upgrade or modify utility ROWs. The linear layout of the Monument makes it difficult to avoid crossing the Monument with transmission lines and other utilities."¹⁶ The BLM's conclusory statement that the ROWs will "serve local communities in a manner consistent with the

¹⁰ Final RMPA/EA, Appendix A, Presidential Proclamation 8946, Establishment of the Río Grande del Norte National Monument (Mar. 25, 2013) [hereinafter Proclamation 8946].

¹¹ See 43 C.F.R. § 2801.5(b) ("Designated right-of-way corridor means a parcel of land with specific boundaries identified by law, Secretarial order, the land use planning process, or other management decision, as being a preferred location for existing and future linear rights-of-way and facilities. The corridor may be suitable to accommodate more than one right-of-way use or facility, provided that they are compatible with one another and the corridor designation.").

¹² Final RMPA/EA, Appendix A, pp. A-3 to A-4.

¹³ *Id.* at Appendix C, p. C-102.

¹⁴ *Id.*

¹⁵ *Id.* at p. 9.

¹⁶ *Id.* at p. 10.

protection, preservation, and restoration of Monument objects” is insufficient to meet the requirements of the proclamation and applicable law.

The Monument was designated to protect multiple objects, including the Río Grande gorge, the Wild and Scenic River, extraordinary scenery and viewsheds, and an array of birds and animals that depend on the river corridor for habitat and migration. The first sentence of Proclamation 8946 reflects the importance of the Río Grande gorge as an object that led to the Monument’s designation: “In far northern New Mexico, the Río Grande Wild and Scenic River flows through a deep gorge at the edge of the stark and sweeping expanse of the Taos Plateau.”¹⁷ The proclamation further explains,

The Río Grande gorge connects the northern reaches of the river's watershed with its middle and lower stretches. Deep within the gorge, beneath soaring cliffs that rise hundreds of feet above the river, stands of willow and cottonwood thrive in riparian and canyon ecosystems that have been present since the river first appeared in the Río Grande Rift Valley. The river provides habitat for fish such as the Río Grande cutthroat trout as well as the recently reintroduced North American river otter. The Río Grande del Norte is part of the Central Migratory Flyway, a vital migration corridor for birds such as Canada geese, herons, sandhill cranes, hummingbirds, and American avocets. Several species of bats make their home in the gorge, which also provides important nesting habitat for golden eagles and numerous other raptor species, as well as habitat for the endangered southwestern willow flycatcher.¹⁸

Given the Monument objects identified in Proclamation 8946 and the limitations that the proclamation places on new or expanded ROWs, it is especially problematic that the BLM proposes to designate enormous ROWs through this RMPA process without any specific project proposal available for review.¹⁹ Designated ROW corridors are intended to provide “a preferred location for existing and future linear rights-of-way and facilities. The corridor may be suitable to accommodate more than one right-of-way use or facility, provided that they are compatible with one another and the corridor designation.”²⁰ Without knowing what transmission line or infrastructure projects might be proposed within these enormous new ROWs,²¹ neither the BLM nor the public can meaningfully evaluate whether the project violates Proclamation 8946, which prohibits any new or expanded ROWs that are inconsistent with the care and management of Monument objects, including visual and wildlife resources.

The expansion of the existing Powerline Falls ROW corridor is also inconsistent with the Wild and Scenic Rivers Act. In 1968, Congress designated 74 miles of the Río Grande as a Wild and Scenic

¹⁷ *Id.* at Appendix A, p. A-1.

¹⁸ *Id.* at p. A-2.

¹⁹ In the Final RMPA/EA, the BLM explains that explains that “[a]lthough no formal application has been accepted by the BLM, a local electric cooperative has expressed interest in crossing the gorge at Powerline Falls.” Final RMPA/EA, p. 78.

²⁰ 43 C.F.R. § 2801.5(b).

²¹ Under the BLM’s recently released final rule for renewable energy ROWs, leasing, and operations, the BLM may issue a ROW grant or lease for energy generation facilities, energy storage facilities, or electric transmission lines for up to 50 years. Dep’t of Interior, BLM, Rights-of-Way, Leasing, and Operations for Renewable Energy, Final Rule, 89 Fed. Reg. 35,634, 35,677 (May 1, 2024) (eff. July 1, 2024) (to be codified at 43 C.F.R. § 2801.9(d)(3), (4), (6)).

River to protect its free-flowing nature and outstandingly remarkable values (ORVs).²² The BLM recognizes that the ORVs for the Rio Grande “include cultural, fish and wildlife habitat, geological, recreational, riparian, and scenic values. The river gorge is home to numerous species of wildlife, including big horn sheep, river otter, and the Rio Grande cutthroat trout. The Rio Grande [provides] a wide variety of recreational opportunities, luring anglers, hikers, artists, and whitewater-rafting enthusiasts.”²³ The Wild and Scenic Rivers Act requires the BLM to “protect and enhance” the designated portion of the Río Grande for the benefit of present and future generations by preserving its ORVs.²⁴

Consistent with the proclamation and Wild and Scenic Rivers Act, the BLM currently classifies the Wild and Scenic River corridor along the Río Grande as “Visual Resource Management Class I.”²⁵ The objective of Class I “is to preserve the existing character of the landscape.”²⁶ Although Class I management “does not preclude very limited management activity,” the “level of change to the characteristic landscape should be very low and should not attract attention.”²⁷ Contrary to the proclamation and the Wild and Scenic Rivers Act, the RMPA/EA proposes to designate a 600’ right of way (ROW) across the gorge and to change the Visual Resource Management classification within the ROW corridor from Class I to Class III.²⁸ This proposal would have a significant impact on the Monument’s viewshed and visual resources.

New infrastructure would also have significant negative impacts on the wildlife that uses the gorge as a connected wildlife migratory corridor, and on the locals and visitors who use the gorge as a unique recreation waterway. Additionally, the construction of new transmission lines and utility infrastructure would impact soil health and vegetation and would cause erosion and water quality degradation. The large width of the proposed ROW is intended to accommodate multiple future uses and facilities, but the ultimate impact of this proposed ROW is unknown because the BLM is not currently evaluating any specific project proposals.

In its response to public comments received, the BLM explains that the “RMPA/EA is a programmatic document and subsequent projects, including any applications for transmission/utility facilities and ROWs, will be analyzed during site-specific NEPA analysis processes.”²⁹ We are concerned, however, that by designating ROWs through this RMPA process, the BLM might unintentionally pave the way for expedited review and approval of future transmission lines, infrastructure, and facilities without adequate review of Monument impacts or sufficient opportunities for public participation. The BLM recently updated its regulations addressing ROWs, leasing, and operations for renewable energy to promote solar and wind development and maximize “commercial interest” in lease sales and ROW grants.³⁰ The BLM also finalized an updated Western Solar Plan to expedite implementation of national clean energy

²² Final RMPA/EA, p. 97; Wild and Scenic Rivers Act of 1968, 16 U.S.C. § 1274(a)(4).

²³ Final RMPA/EA, p. 97.

²⁴ Wild and Scenic Rivers Act of 1968, 16 U.S.C. §§ 1271, 1281.

²⁵ Final RMPA/EA, Appendix B, Maps B-4, B-5.

²⁶ *Id.* at p. 60, Table 3-5.

²⁷ *Id.*

²⁸ *Id.* at Appendix B, Map B-6.

²⁹ *Id.* at Appendix J, p. J-5.

³⁰ Dep’t of Interior, BLM, Rights-of-Way, Leasing, and Operations for Renewable Energy, Final Rule, 89 Fed. Reg. 35634 (May 1, 2024) (eff. July 1, 2024).

goals.³¹ In the future, we anticipate that the BLM and federal public lands will continue to play an important role in the renewable energy transition, and the agency will likely enact more regulations and policies to facilitate and expedite siting and approval decisions. The agency may face pressure to adopt regulations that decrease environmental review and public participation for projects that occur in designated ROWs. The development of public lands for renewable energy is important to meet our nation's goals, but within RGDN and the Wild and Scenic River corridor, the BLM must give more weight to the conservation of Monument objects and ORVs. Without a specific project proposal, the BLM cannot evaluate whether it is striking an appropriate balance and complying with applicable law.

We urge the BLM to reconsider its proposal to designate new ROW corridors through the RMPA, especially the proposed 600' ROW corridor across the gorge. This aspect of the RMPA/EA runs contrary to Proclamation 8946, the Wild and Scenic Rivers Act, and to the intent of community stakeholders who advocated for the Monument's designation in part to prevent new development. If a specific transmission project is proposed in the future, the BLM should share the details of the project with the public, invite public input, and consider other transmission routes and options for reconductoring or adding upgraded lines to existing towers before designating a new or expanded ROW through a subsequent RMPA.

- B. The BLM should implement its 2017 inventory for Lands with Wilderness Characteristics by managing all qualifying LWC units to protect the wilderness characteristics of those lands.

This aspect of our protest arises under the Federal Land Policy and Management Act of 1976 (FLPMA),³² the Wilderness Act,³³ and BLM regulations³⁴ and policy guidance³⁵ addressing management of LWCs.

As acknowledged in the RMPA/EA,³⁶ Section 201 of FLPMA imposes an affirmative legal duty on BLM to “prepare and maintain on a continuing basis an inventory of all public lands and their resource and other values (including, but not limited to, outdoor recreation and scenic values), giving priority to areas of critical environmental concern.”³⁷ BLM's inventory must include lands with wilderness characteristics (LWCs), as described in the Wilderness Act.³⁸ The BLM must keep this inventory “current so as to reflect changes in conditions and to identify new and emerging

³¹ U.S. Dep't of Interior, BLM, Final Programmatic Environmental Impact Statement and Proposed Resource Management Plan Amendments for Utility-Scale Solar Energy Development, Doc. #DOI-BLM-HQ-3000-2023-0001-RMP-EIS (Aug. 2024).

³² Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. §§ 1701-1785.

³³ Wilderness Act of 1964, 16 U.S.C. §§ 1131 to 1136.

³⁴ See generally 43 C.F.R. Part 1600.

³⁵ See BLM Policy Manual 6310 — Conducting Wilderness Characteristics on BLM Lands (01/08/2021), available at <https://www.blm.gov/sites/default/files/docs/2021-01/BLM-Policy-Manual-6310.pdf>; BLM Policy Manual 6320 — Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process (01/08/2021), available at <https://www.blm.gov/sites/default/files/docs/2021-01/BLM-Policy-Manual-6320.pdf>.

³⁶ Final RMPA/EA, pp. 65-66.

³⁷ FLPMA, 43 U.S.C. § 1711(a).

³⁸ *Ore. Natural Desert Ass'n v. BLM*, 531 F.3d 1114, 1119 (9th Cir. 2008).

resource and other values.”³⁹ Additionally, FLPMA mandates that BLM must inventory and consider LWCs during the resource management planning process.⁴⁰

In the late 1970s, the BLM conducted its first LWC inventory of lands that are now within the Monument, which resulted in the designation of the Rio San Antonio Wilderness Study Area (WSA).⁴¹ In 2006, prior to completion of the 2012 Taos RMP, the BLM conducted a new inventory of LWCs, which “identified approximately 23,300 acres of [LWCs] across two units: (1) San Antonio East (9,830 acres); and (2) Ute Mountain (13,172 acres).”⁴² In the 2012 Taos RMP, the BLM decided to manage Ute Mountain (13,190 acres) and San Antonio East (9,859 acres) to preserve wilderness characteristics.⁴³ In 2017, following the designation of the Monument, the BLM completed a follow-up LWC inventory.⁴⁴ The 2017 inventory considered desktop and in-the-field reviews, input from livestock permittees, and citizen inventories.⁴⁵ The 2017 inventory identified 166,106 acres of LWCs in 11 units, as shown below in Table 3-7.⁴⁶ Two of these units, San Antonio North and Ute Mountain, were subsequently designated as the Rio San Antonio Wilderness and Cerro del Yuta Wilderness, respectively.

Table 3-7. 2017 Lands with Wilderness Characteristics Inventory

Name	Acreage (Decision Area)¹
Central Playas	8,339
Cerro de la Olla	12,236
Guadalupe Mountains	7,131
La Junta Rim	9,335
Llano	6,588
North Chiflo	34,452
Plover Prairie	32,636
Punche Valley	25,772
San Antonio East ²	9,855
San Antonio North	5,841
Ute Mountain ³	13,921
TOTAL	166,106

Source: BLM 2017a.

¹ The BLM notes slight discrepancies in acreages reported between the 2017 *Lands with Wilderness Characteristics Inventory Report* and geographic information system data.

Of the LWC inventory units in Table 3-7, the following units have not been designated as Wilderness and currently qualify for management in the Final RMPA/EA to protect and maintain

³⁹ FLPMA, 43 U.S.C. § 1711(a).

⁴⁰ *Id.*

⁴¹ Final RMPA/EA, p. 66.

⁴² *Id.*

⁴³ Dep/t of Interior, BLM Taos Field Office, Taos Resource Management Plan, Table 2-3, p. 28 (May 2012), available at [https://eplanning.blm.gov/public_projects/lup/68121/86167/103325/Approved_Taos_RMP_-_5.16.12_\(print_version\).pdf](https://eplanning.blm.gov/public_projects/lup/68121/86167/103325/Approved_Taos_RMP_-_5.16.12_(print_version).pdf) [hereinafter “2012 Taos RMP”].

⁴⁴ Final RMPA/EA, p. 66.

⁴⁵ *Id.*

⁴⁶ *Id.*

wilderness characteristics: Central Playas (8,339 acres), Cerro de la Olla (12,236 acres), Guadalupe Mountains (7,131 acres), La Junta Rim (9,335 acres), Llano (6,588 acres), North Chiflo (34,452 acres), Plover Prairie (32,636 acres), Punche Valley (25,772), and San Antonio East (9,855 acres). The BLM's 2017 LWC inventory report reflects that the BLM intended to use this Monument planning process to evaluate and decide how to manage identified LWC units.⁴⁷

In our previous comments, we recommended that the BLM confirm that it has an up-to-date LWC inventory and manage all qualifying LWCs within the Monument to protect and maintain wilderness characteristics.⁴⁸ In particular, we urged the BLM to prioritize North Chiflo (34,452 acres) for LWC management, and we encouraged the BLM to consider managing as LWCs the entire width of the Río Grande gorge to the top of the rim on the East side from the confluence of the Red River north to the Colorado state line, as well as the portion of the Red River canyon within the Monument.⁴⁹

Yet, in the Final RMPA/EA the BLM discusses only a small percentage of these LWCs. Specifically, the BLM's proposed action (Alternative B) would carry forward the existing management of San Antonio East (9,855 acres) to protect and maintain wilderness characteristics and would also manage 5,120 acres of the 12,236-acre Cerro de la Olla unit to protect and maintain wilderness characteristics.⁵⁰ In response to our previous comments, the BLM explains that it "anticipates that other, overlapping management will help preserve wilderness characteristics in inventoried areas not specifically managed to preserve wilderness characteristics. This includes management where the BLM is required to ensure the proper care and management of Monument objects."⁵¹

The BLM should revise the Final RMPA/EA and protect qualifying LWCs for the following reasons. First, by failing to manage qualifying LWCs to protect wilderness characteristics, the BLM is missing a critical opportunity to "protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; . . . preserve and protect certain public lands in their natural condition; [and] provide food and habitat for fish and wildlife," as required by FLPMA.⁵² Managing LWCs to protect wilderness characteristics furthers the BLM's ability to protect these related resources and values, as well as the objects the Monument was designated to protect.

Second, in 2021, after the Taos Field Office conducted its most recent 2017 inventory, the BLM adopted new policy guidance for conducting wilderness characteristics inventories and considering wilderness characteristics in the land use planning process. Manual 6310, Conducting Wilderness Characteristics Inventory on BLM Lands, contains policy and guidance for conducting the LWC inventories mandated by FLPMA.⁵³ Manual 6310 emphasizes that, "[r]egardless of past inventory, the BLM must maintain and update as necessary, its inventory of wilderness resources on public lands."⁵⁴ Manual 6320, Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process, describes how the BLM should incorporate an LWC inventory into the

⁴⁷ Coalition Comments on Draft RMPA/EA, Exhibit C: Rio Grande del Norte National Monument Inventory for Lands with Wilderness Characteristics, p. 7.

⁴⁸ *Id.* at pp. 11-12; Coalition Scoping Comments, pp. to 19-21.

⁴⁹ Coalition Comments on Draft RMPA/EA, p. 12.

⁵⁰ Final RMPA/EA, p. 68.

⁵¹ *Id.* at Appendix J, pp. J-74 to J-75.

⁵² FLPMA, 43 U.S.C. § 1701(a)(8).

⁵³ BLM Manual 6310, *supra* note 35.

⁵⁴ *Id.* at 1-2. Part 1.6(A).

development of an RMP.⁵⁵ In the Final RMPA/EA, the BLM states that the 2017 inventory was conducted “utilizing the inventory processes outlined in BLM Manual 6310,” but the 2017 inventory occurred before the 2021 updates to Manual 6310, which revised existing “guidance and general procedures for conducting wilderness-characteristics inventories.”⁵⁶

Third, the BLM should strive to protect LWCs as part of the Biden Administration’s 30x30 Initiative. On January 27, 2021, President Biden signed Executive Order 14008, Tackling the Climate Crisis at Home and Abroad.⁵⁷ The Executive Order, among other ambitious goals, committed the administration to preserve 30% of lands and waters by 2030, often referred to as 30x30. The Executive Order was followed by the publication of the America the Beautiful report.⁵⁸ The State of New Mexico has likewise committed to a 30x30 conservation plan.⁵⁹ These new commitments and goals are intended to protect biodiversity and help address the current crises of climate change and mass extinction. The Biden Administration’s adoption of the 30x30 initiative in the interim between the 2017 inventory and the BLM’s development of the RMPA/EA warrants a new inventory of LWCs and a commitment to protect wilderness characteristics on qualifying lands.

Finally, in 2024 the BLM finalized its new Conservation and Landscape Health Rule (Public Lands Rule).⁶⁰ The Public Lands Rule directs BLM offices to implement a suite of conservation policy tools to foster ecosystem resilience and restore lands in the face of a warming climate. The Rule clarifies that conservation is a “multiple use” under FLPMA and should be on equal footing with extractive uses such as mineral extraction and grazing. A primary objective of the Public Lands Rule is to protect “the most intact, functioning landscapes.”⁶¹ Although the Public Lands Rule may not apply to the current planning effort, the BLM should consider the policies expressed in the rule, which reflect the importance of conservation in the public lands management framework. Managing LWCs to protect wilderness characteristics is consistent with and furthers the objectives of the Public Lands Rule.

For these reasons, we urge the BLM to ensure that its LWC inventory for RGDN is current and to make an express decision in the Monument Management Plan to manage all LWCs to protect and maintain wilderness characteristics.

- C. The BLM erred by proposing to manage only 5,120 acres at Cerro de la Olla to protect and maintain wilderness characteristics where the BLM’s 2017 inventory identified 12,236 acres of qualifying lands with wilderness characteristics.

As described in our previous comments⁶² and acknowledged by the BLM,⁶³ in 2023 New Mexico’s congressional delegation reintroduced the Cerro de la Olla Wilderness Establishment Act to

⁵⁵ BLM Manual 6320, *supra* note 35.

⁵⁶ See Final RMPA/EA, p. 66.

⁵⁷ Executive Order 14008, Tackling the Climate Crisis at Home and Abroad (Jan. 27, 2021).

⁵⁸ DOI, USDA, USDOC, & CEQ, *Conserving and Restoring America the Beautiful* (2021).

⁵⁹ State of N.M. Executive Order 2021-052, *Protecting New Mexico’s Lands, Watersheds, Wildlife, and Natural Heritage* (Aug. 25, 2021).

⁶⁰ Dep’t of Interior, BLM, *Conservation and Landscape Health Final Rule*, 89 Fed Reg. 40308 (May 9, 2024).

⁶¹ 89 Fed. Reg. 40308.

⁶² Coalition Scoping Comments, p. 18-19.

⁶³ Final RMPA/EA, p. 97 (“Additional proposed wilderness legislation for Cerro de la Olla (12,898 acres) is pending Congressional action as of 2024 (Senate Bill S.593 2023).”).

formally designate a 12,898-acre area as the Cerro de la Olla Wilderness.⁶⁴ The boundaries of the proposed wilderness area were developed through a careful on-the-ground inventory of roads that are open to motorized travel, dispersed camping sites adjacent to them, and reasonable access to traditional uses such as wood cutting and hunting.⁶⁵ The BLM formally supported designating the 12,898 acres as Wilderness in a hearing before the Senate Energy and Natural Resources Committee on June 16, 2021, and the full Senate passed the bill in the 117th Congress.⁶⁶ In July 2023, the Committee considered the bill as reintroduced in the 118th Congress and recommended that the Senate pass the bill again.⁶⁷ The BLM should manage the entire 12,236 acre area, as described in the legislation, to protect and maintain its wilderness characteristics pending a decision by Congress.

During Scoping, we requested that the BLM protect this area by designating Cerro de la Olla as a WSA under Section 202 of FLPMA.⁶⁸ In December 2023, New Mexico's full congressional delegation submitted a letter to the BLM New Mexico State Director, also urging the BLM to prioritize protection of Cerro de la Olla by designating the area as a WSA under Section 202.⁶⁹ We were pleased that both of BLM's action alternatives in the Draft RMPA/EA would manage Cerro de la Olla to protect its wilderness qualities. Under Alternative B, the BLM would "manage 5,120 acres of the Cerro de la Olla unit to protect and maintain wilderness characteristics."⁷⁰ Under Alternative B1, the BLM would designate the area as a new WSA under the authority of Section 202 of FLPMA.⁷¹ We were disappointed, however, that both action alternatives included only 5,120 acres, and we urged the BLM to protect the full 12,898 acres recommended by the Senate Energy and Natural Resources Committee and supported by the New Mexico congressional delegation.⁷²

In the Final RMPA/EA, the BLM proposes to adopt Alternative B and to manage 5,120 acres to protect and maintain wilderness characteristics.⁷³ We are not protesting the BLM's decision to move forward with Alternative B instead of Alternative B1, but we do protest the size of the area to be protected. The BLM explains that the 5,120-acre area includes only lands above 8200' in elevation "to account for existing access, wildlife-habitat improvements, and other resource uses."⁷⁴ However, the congressional proposal already accounted for existing access, wildlife-habitat improvements, and traditional resource uses through on-the-ground surveys and carefully delineated boundaries. Both the Draft and the Proposed Final RMPA/EA ignored those boundaries, instead using the very coarse approach of a standard elevation for a boundary.

We urge the BLM to manage all LWCs at Cerro de la Olla to protect and maintain wilderness characteristics, so as not to impair the suitability of the area for designation by Congress as Wilderness. Protecting this larger area would also substantially improve the protection and proper

⁶⁴ See Cerro de la Olla Wilderness Establishment Act, S. 593; H.R. 1313 (118th Cong. 2023).

⁶⁵ Coalition Comments on Draft RMPA/EA, p. 19.

⁶⁶ See S. Rept. 118-54, Cerro de la Olla Wilderness Designation (July 11, 2023).

⁶⁷ *Id.*

⁶⁸ Coalition Scoping Comments, pp. 16-19.

⁶⁹ Coalition Comments on Draft RMPA/EA, Exhibit D: Letter from N.M. Congressional Delegation in Support of WSA for Cerro de la Olla.

⁷⁰ Draft RMPA/EA, p. 60.

⁷¹ *Id.*; see FLPMA, 43 U.S.C. § 1712.

⁷² Coalition Comments on Draft RMPA/EA, p. 20.

⁷³ Final RMPA/EA, p. 68.

⁷⁴ *Id.*

management of Monument objects, including by protecting habitat for the wildlife that frequently use the lower elevations and by reducing the potential for adverse impacts on cultural resources. Although we are confident that the 12,898 acres described in the pending legislation qualify for designation, we understand that the BLM may wish to protect the 12,236 acres identified by the BLM's own 2017 inventory, and we defer to the BLM in this regard.

- D. The BLM should correct the language on page 21 that says BLM will “minimize impacts” to wilderness characteristics instead of “protect and maintain” wilderness characteristics.

In the discussion of alternatives, Section 2.4, the BLM states that under the proposed Monument Management Plan, the BLM would “[m]anage the Cerro de la Olla (5,120 acres) and San Antonio East (9,855 acres) units to **minimize impacts** on wilderness characteristics, while allowing compatible uses that are consistent with the protection of Monument objects.”⁷⁵ The “minimize impacts” language is inconsistent with other parts of the proposed Monument Management Plan, which state that the LWCs at San Antonio East (9,855 acres) and Cerro de la Olla (5,120 acres) would be managed to “protect and maintain wilderness characteristics.”⁷⁶ We suspect that use of the “minimize impacts” language on page 21 of the Final RMPA/EA was an inadvertent clerical error, and we request that the BLM correct this language to state that the BLM will manage the LWCs to “protect and maintain” the wilderness characteristics, consistent with other parts of the Monument Management Plan and Draft FONSI.

Conclusion

New Mexico Wild, American Rivers, The Wilderness Society, Conservation Lands Foundation, Amigos Bravos, and the Sierra Club protest the BLM's proposal to designate new and expanded ROW corridors, to not manage LWCs identified in the 2017 inventory to protect and maintain the wilderness characteristics of those areas, and to manage only 5,120 acres at Cerro de la Olla to protect wilderness characteristics when the BLM's own inventory identified 12,236 qualifying acres. These actions would be consistent with recent regulatory and policy guidance intended to protect intact landscapes and healthy ecosystems, including the Public Lands Rule and the America the Beautiful initiative. We also request that BLM make a clerical correction on page 20 of the Final RMPA/EA to reflect that Cerro de la Olla and San Antonio East will be managed to protect and maintain wilderness characteristics. Please contact us if you have any questions regarding this protest.

Sincerely,

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⁷⁵ *Id.* at p. 20 (emphasis added).

⁷⁶ *Id.* at pp. 68, 100; Appendix C, pp. C-61 to C-62; see also Draft FONSI, p. 6.

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Attachments:

1. Scoping Comments: American Rivers, Amigos Bravos, Audubon Southwest, Conservation Lands Foundation, Defenders of Wildlife, EarthKeepers 360, Friends of Rio Grande Del Norte, Hispanics Enjoying Camping Hunting and the Outdoors, National Wildlife Foundation, New Mexico Backcountry Hunters and Anglers, New Mexico Wilderness Alliance, New Mexico Wildlife Federation, Rivers and Birds, Sierra Club Rio Grande Chapter, The Wilderness Society, and WildEarth Guardians, Scoping Comments for Río Grande del Norte National Monument Resource Management Plan Amendment (Sept. 20, 2023).
2. Draft RMPA/EA Comments: Friends of Rio Grande del Norte National Monument, American Rivers, Amigos Bravos, Conservation Lands Foundation, Defenders of Wildlife, EarthKeepers 360, Hispanics Enjoying Camping Hunting and the Outdoors, National Wildlife Foundation, New Mexico Wilderness Alliance, New Mexico Wildlife Federation, Rivers and Birds, Sierra Club Rio Grande Chapter, The Wilderness Society, and WildEarth Guardians, Comments on Draft Resource Management Plan Amendment and Environmental Assessment for Río Grande del Norte National Monument (May 23, 2024).