

May 29, 2024

Bureau of Land Management
Las Cruces District Office
Attn: Allie Bettinger, Gila Lower Box RAMP
1800 Marquess Street
Las Cruces, NM 88005

Submitted via e-Planning: <https://eplanning.blm.gov/eplanning-ui/project/2018358/595/8020310/comment>

Re: Comments on Gila Lower Box Recreation Area management Plan Draft Environmental Assessment

Dear Bureau of Land Management:

On behalf of the undersigned organizations, thank you for accepting our comments on the Gila Lower Box Recreational Area Management Plan (RAMP) Draft Environmental Assessment (draft EA).

As described in the comments that we and several other organizations submitted on Chapters 1 and 2 of the draft EA, we appreciate the BLM's intent to address ongoing impacts from unmanaged recreation activities that are occurring in and around the Gila Lower Box Wilderness Study Area (WSA) and Area of Critical Environmental Concern (ACEC), particularly issues related to unauthorized motorized recreation. However, we remain concerned about two components of Alternative B (proposed plan) in the draft EA. First, we oppose the BLM's proposal to formalize a spur road and parking facilities within the WSA because this action would be inconsistent with the "non-impairment" standard for WSAs and BLM policies. Second, we are concerned that the proposed plan does not adequately prioritize improving opportunities for non-motorized recreation, specifically, the proposed plan does not include adequate river access from Nichols Canyon Road for boating.

1. The BLM Proposes to Formalize a User-Created Spur Road and Two Parking Areas Within the WSA.

At Fisherman's Point, "[a]n unmaintained dirt spur road cuts off from the county road through approximately 160 feet of flat dirt surface in the WSA."¹ In preferred Alternative B, the BLM proposes to "[m]anage the spur road from the junction with the county road to where the route heads downhill for motorized travel"² and to "[e]stablish a parking area at the end of the county road leading to the WSA."³ The discussion and maps provided in the draft EA reflect that the

¹ Draft EA, p. 66.

² Draft EA, p. 23

³ *Id.*, p. 24.

spur road at Fisherman’s Point passes through the WSA, and “the parking area would be within” the WSA.⁴

At Spring on the Bluff, “[v]isitors park in a dirt area off to the left side of the road in the WSA,” and “[m]otorized vehicles have created additional disturbance in the WSA extending out from the parking area.”⁵ The BLM proposes to “[e]stablish a new trailhead and formalize the existing parking area at the intersection of the county road and the existing pedestrian trail,” and to “[i]nstall posts and cabling to designate a pull-out parking area.”⁶ The draft EA confirms that this parking area, like the proposed parking area at Fisherman’s Point, encroaches into the WSA.⁷

2. The Spur Road and Parking Areas within the WSA Were Created by Users after the WSA Was Established.

A review of the records regarding the WSA and its creation demonstrates that the user-created spur road and parking areas were not present when the WSA was established. As reflected in the Draft EA, the WSA was established in 1980.⁸ In 1991 the BLM recommended 5,835 acres of the Gila Lower Box for wilderness designation and 2,720 acres as nonwilderness.⁹ The acreage recommended as nonwilderness is all in the western portion of the WSA, specifically in T. 19 S., R. 20 E., Sections 19, 20, 29, and 30.¹⁰

In its 1991 description of the Gila Lower Box’s naturalness, the BLM stated:

Several impacts of man are located in the WSA south of the canyon. A vehicle way approximately 1 1/2 miles long provides access to the private inholding in T. 19 S., R. 20 W., Section 21, SE1/4 SE1/4. Two prospect pits are located on the mining claims in Section 20. Several fences are also located in this portion of the WSA. There are some impacts of man in the area not recommended for wilderness designation. These include several erosion control dikes and 2 miles of pasture fence in the western portion and corrals and a drinking trough in the south portion.¹¹

Fisherman’s Point is located in T. 19 S., R. 19. W. Section 30, and Spring on the Bluff is located in T. 19. S., R. 20 W., Section 26. Neither the proposed spur road at Fisherman’s Point nor the proposed parking areas at Fisherman’s Point and Spring on the Bluff were identified as existing impacts in the 1991 study. We also reviewed the BLM’s 1980 reports, New Mexico Wilderness

⁴ *Id.*, pp. 24, 68, Figure 2-10: Alternative B (Proposed Plan): Fisherman’s Point.

⁵ *Id.* at 66.

⁶ *Id.*, p. 24.

⁷ *Id.*, p. 68.

⁸ *Id.* at 3.

⁹ Department of the Interior Bureau of Land Management. New Mexico Wilderness Study Report: Volume 2 – WSA Recommendations, September 1991, p. 75.

¹⁰ *Id.*, p. 74.

¹¹ *Id.*, pp. 77-78.

Study Area Proposals and New Mexico Wilderness Study Area Decisions, and while these documents summarize impacts to the Gila Lower Box's naturalness, they likewise lack any reference in text or maps to these two parking areas and the spur road. Consistent with our review of these historical records, the draft EA also does not provide information about the origin or timing of these impacts.

In sum, based on the above, impacts within the WSA, including the spur road and parking area at Fisherman's Point and the parking area at Spring on the Bluff, appear to have originated sometime after 1991, well after the WSA was established in 1980. Additionally, based on the gentle topography and sparse vegetation surrounding these impacts to the WSA, it is reasonable to assume that these impacts are a result of unauthorized, unmanaged recreation use (specifically, people illegally driving into the WSA).

3. The Proposal to Formalize the Parking and Spur Road Improvements Within the WSA Violates BLM Policy.

The policies in applicable BLM Manuals demonstrate that the proposed spur road and parking area in the WSA at Fisherman's Point and the proposed parking area in the WSA at Spring on the Bluff are not allowable. These "improvements" should therefore be remediated and removed from the proposed plan.

First, BLM Manual 6330 – Management of BLM Wilderness Study Areas (Manual 6330), reflects the BLM's obligation to manage and protect WSAs to preserve wilderness characteristics so as not to impair the suitability of such areas for designation by Congress as Wilderness. The manual provides guidance related to motorized and mechanical transport in WSAs and explains how those activities relate to the non-impairment standard and prolonged stewardship. This guidance states that the BLM should allow motorized and mechanical transport in a WSA only where routes were designated as open prior to the passage of FLPMA or if the routes were identified as "primitive routes" prior to October 21, 1976, or prior to the designation date of Section 202 WSAs.¹²

The Draft EA does not provide information to show that the proposed parking areas and spur road in the WSA meet these conditions in BLM Manual 6330. Specifically, as discussed above, available documentation demonstrates that these impacts did not exist until sometime after 1991. The BLM references the spur road at Fisherman's Point as a "primitive road" a single time in the draft EA (in its response to public comments¹³), but there is no substantiating information anywhere in the EA that suggests that the spur road was ever formally designated as "open" or as a "primitive route" prior to October 21, 1976. As such, motorized use in the WSA – including use of the parking areas and the spur route at Fisherman's Point and Spring on the Bluff – are not allowable per Manual 6330.

¹² BLM Manual 6330, 1.6 D.6.b.i.A. and B., p. 1-27.

¹³ Draft EA, p. G-10.

Second, BLM Manual 1626 – Travel and Transportation Management (Manual 1626) provides similar guidance:

In wilderness study areas, the BLM may permit motorized and mechanized use to continue along existing routes identified in the wilderness inventory conducted in support of sections 603 and 202 of FLPMA.¹⁴

As stated above, the study reports and decisions from 1980 and 1991 do not identify the spur road and parking areas in the WSA, and the draft EA does not provide any additional related inventory or information. As such, formalizing these impacts as open to motorized use in the WSA is not allowable per Manual 1626.

The BLM acknowledges that the proposed plan does not conform to the non-impairment standard for WSAs, as required in BLM policy. Instead, the BLM asserts that the parking and spur road “improvements” in the WSA qualify for the following exception to the non-impairment standard set forth in Manual 6330:

As described in section 1.6.A.2 of this manual, Section 2(c) of the Wilderness Act of 1964 outlines the characteristics required of every wilderness. Actions that clearly benefit a WSA by protecting or enhancing these characteristics are allowable even if they are impairing, though they must still be carried out in the manner that is least disturbing to the site.¹⁵

To justify its application of this exception, BLM asserts that “[c]onstruction of the new parking area [at Fisherman’s Point] would confine disturbance in the WSA to a single area” and that the installation of post and cable barriers and the parking areas at Spring on the Bluff would prevent additional impacts in the WSA. In our view, the draft EA does not convincingly explain how the adoption and formalization of what appear to be unauthorized, user-developed impacts from motorized use in the WSA “clearly benefit [the] WSA.” To the contrary, we believe that permanently formalizing these impacts would degrade the WSA and that installing post-and-cable barriers or other fencing or barriers on the boundary of the WSA to prevent continued motorized incursions into the WSA would result in less disturbance to the WSA’s naturalness and scenic character. The proposed plan includes post-and-cable barriers on the boundary of the WSA in several locations, demonstrating that the BLM believes this to be an appropriate tool for preventing motorized incursions, at least into some parts of the WSA. BLM Policy Manual 6310 – Conducting Wilderness Characteristics Inventory on BLM Lands, confirms that such barriers can be consistent with wilderness characteristics, stating, “Human impacts outside the area will not normally be considered in assessing naturalness of an area.”¹⁶ Post-and-cable fencing installed on the boundary of the WSA (outside of the WSA) would be a minor impact and should not be considered as degrading the WSA’s naturalness.

¹⁴ BLM Manual 1626, 6.5 E.1., p. 6-3.

¹⁵ BLM Manual 6330, 1.6 C.2.f., pp. 1-12-13.

¹⁶ BLM Manual 6310, 1.6 C.2.b., p. 1-9.

The Draft EA confirms that the BLM agrees that post-and-cable barriers can provide an appropriate means of managing WSAs. For example, in its description of the proposed plan at Spring on the Bluff, the BLM states:

Construction of post-and-cable boundaries around the existing dirt parking area in the WSA at Spring on the Bluff would reduce naturalness by making the parking area more noticeable from a short distance. However, the post-and-cable boundaries would improve naturalness in a larger area of the WSA beyond the parking area by reducing additional disturbance in the WSA from unauthorized user-created routes extending from the parking area and allowing revegetation of existing unauthorized routes.¹⁷

Despite this recognition in the Draft EA, in response to a public comment suggesting that the BLM should not formalize motor vehicle intrusions in the WSA, the BLM stated:

There is already disturbance on the ground in the WSA near the Spring on the Bluff. The only way to keep the public from parking in the current disturbed area would be to build a long fence along the boundary of the WSA which would be much more visually intrusive than a small flat parking area. The road into Fisherman's point is a primitive road and would be kept that way and not developed further.¹⁸

The BLM's response appears to be internally inconsistent with other information provided in the draft EA. It is not clear why the installation of post-and-cable boundaries at Spring on the Bluff would be beneficial to the naturalness in the WSA, but the use of fencing (or post-and-cable barrier) on the boundary of the WSA in other areas to prevent motorized intrusion into the WSA would be detrimental to the WSA. We note that the BLM also proposes to install post-and-cable barrier along the boundary of the WSA at Gauge Dispersed Camping Area, presumably to prevent unauthorized motorized use in the WSA.¹⁹

In conclusion, formalizing the user-created spur road and parking areas would violate BLM policies, and we do not think it is appropriate for the BLM to justify the proposed parking and road "improvements" in the WSA under the rationale that this is an appropriate exception to the non-impairment standard.

4. Conclusions and Recommendations Related to Recreation Infrastructure Within and Adjacent to the WSA.

We acknowledge and appreciate that the proposed plan seeks to better manage recreation use in and around the Gila Lower Box WSA and that some or many of the existing impacts from

¹⁷ *Id.*, p. 68.

¹⁸ *Id.*, p. G-10.

¹⁹ *Id.*, Figure 2-9: Alternative B (Proposed Plan): Gauge Dispersed Camping Area.

unmanaged recreation in the area are at least in part a result of a lack of recreation and/or transportation infrastructure. However, in the case of the proposed spur road and parking areas within the WSA at Fisherman's Point and Spring on the Bluff, it appears that the BLM is seeking to simply adopt and formalize user-developed impacts. We urge the BLM to instead make full use of existing parking opportunities at the enlarged ends of the county roads to Fisherman's Point and Spring on the Bluff. Further, formalizing trailheads and rerouting existing trails to begin at these locations would strongly encourage people to park outside of the WSA. The present locations of these trails encourage motorized intrusion into the WSA because the most convenient place to park proximate to the trails requires driving over WSA the boundary. Rather than formalizing parking areas to the existing trails near Fisherman's Point and Spring on the Bluff as Alternative B proposes, rerouting the trails to the existing parking opportunities outside of the WSA would better align with BLM policies on the management of WSAs while also maintaining hiking opportunities in the project area. It is also not evident that additional parking capacity in these areas is needed based on numerous visits to the project area, though where such a need may exist today or in the future the BLM should also explore whether the rights-of-way for the two county roads may allow adequate space outside of the WSA and the roadway for parking along the roads.

We also firmly believe that the BLM should restore impacts from vehicular use in the WSA at Fisherman's Point and Spring on the Bluff. Specifically, BLM Manual 6330 instructs the BLM to restore, rather than formalize, user-created impacts. The manual includes an exception to the non-impairment standard related to the restoration of impacts from violations or emergencies. This guidance states, "Human-caused impacts from violations and emergencies will be restored as soon as possible after they occur. All restoration should be to a level as close as possible to, or better than, that which existed at the site prior to the disturbance."²⁰ Given that the spur road and parking "improvements" proposed within the WSA at Fisherman's Point and Spring on the Bluff appear to have originated after 1991 and are therefore unauthorized and user-developed, these user-developed impacts constitute "violations" and should be restored, not adopted and formalized.

Lastly, consistent with parts of the proposed plan, the installation of fencing or barriers will be needed in some locations to block future unauthorized motorized use in the WSA. The BLM should use an adaptive management approach to address these issues as they arise, and where BLM staff feel that post-and-rail or other fencing may degrade the scenic qualities of the WSA, other alternatives such as the placement of large boulders to prevent off-road travel should be considered.

5. Concerns About Boating Access.

The draft EA states that the Gila Lower Box Special Recreation Management Area overlaps much of the planning area and is managed "for a variety of recreation opportunities, primarily centered around dispersed water-based and water-dependent recreation, such as fishing,

²⁰ BLM Manual 6330, 1.6 C.2., pp. 1-11.

boating, camping, hiking, and nature viewing.”²¹ It also states that the proposed plan is consistent with numerous program objectives from the 1993 Mimbres Resource Management Plan (RMP) and 1985 Gila River Coordinated RMP, including providing for 2,000 visitor days of boating annually, among other uses.

However, requiring physical transport of boats from the river to the proposed trailhead will effectively eliminate the opportunity for low impact boating for most people, creating a de facto ban on boating in the Gila Lower Box. The proposed plan would require that boaters carry or roll their boats and associated equipment, likely taking multiple trips, over 0.65 miles between the river and proposed trailhead at Nichols Canyon.²² While boating technology is continuously evolving and lightweight and compact boats that can be carried for long distances, such as packrafts, are becoming more common, they are expensive and represent a small share of the boats used in the river community. The use of inflatable and hard-shell kayaks, canoes, and rafts is much more common, these types of boats are much heavier and bulkier than packrafts, and for many people these types of boats are infeasible to carry long distances. This is particularly true for people with disabilities and other mobility challenges. Creating a constrained corridor leading to the river, controlled by a changeable combination lock, would open up the boating opportunity to a broader recreational public. Use of this access would require communication with the BLM to acquire the combination. This communication would provide the agency with much better information about boater use and create an educational opportunity for the agency to encourage low impact use of the river.

The Gila Lower Box has been proposed for wild and scenic river designation, has garnered an exceptional level of community support, and is included in legislation that has now been introduced in both the U.S. Senate and House of Representatives. If this legislation is signed into law, recreation will almost certainly be found to be an outstandingly remarkable value for the stretch of the Gila River that flows through the Lower Box. A wild and scenic designation for this section of the Gila River would also likely attract additional boaters to the area, though without reasonable access this beneficial outcome would be artificially limited, with a resulting reduction in the associated social and economic benefits that would stem from increased responsible recreation use on the river. We believe that this can be rectified, as the BLM Taos Field Office manages a very successful river program on the Rio Grande Wild and Scenic River that both provides adequate boating access and protects natural and cultural resources along the river.

In sum, the proposed plan has a purpose (among several) of improving recreation opportunities in the planning area.²³ However, the mitigations planned to address unauthorized motorized use in the Nichols Canyon area will unfortunately functionally serve to reduce boating opportunities on the river due to an inability by many to carry their boats 0.65 miles to the river. We therefore encourage the BLM to consider other ways that they could facilitate boating use in

²¹ Draft EA, p. 50.

²²*Id.*, p. 21.

²³ *Id.*, pp. 3-4.

the Gila Lower Box Special Recreation Management Area, for instance by installing a combination lock on the proposed gate at the trailhead and parking area in the proposed plan to allow boater access, or perhaps the use of post-and-cable or other barriers to move the trailhead closer to the river while preventing cross-country motorized use in the floodplain.

6. Summary.

As discussed throughout this letter, the BLM has opportunities to strengthen the Gila Lower Box Recreation Area Management Plan, better conform with BLM policies related to WSAs, better protect the Gila Lower Box WSA, and encourage appropriate, quiet recreation activities in the area by dropping the proposed spur road and parking improvements at Fisherman's Point and Spring on the Bluff, and by improving access to the river for boaters.

Thank you for considering our comments.

Sincerely,

Bjorn Fredrickson, Conservation Director
New Mexico Wild
bjorn@nmwild.org

Hattie Johnson, Southern Rockies Restoration Director
American Whitewater
hattie@americanwhitewater.org

Patrice Mutchnick, Director
Heart of the Gila
heartofthegila@gmail.com

Todd Schulke, Co-founder and Senior Staff
Center for Biological Diversity
tschulke@biologicaldiversity.org