

NEW MEXICO WILD * ADVOCATES FOR SNAKE PRESERVATION *
ARCHAEOLOGY SOUTHWEST * BIRD ALLIANCE OF SOUTHWESTERN NEW MEXICO *
CONSERVATION VOTERS NEW MEXICO * DEFENDERS OF WILDLIFE * ENVIRONMENT
NEW MEXICO * FRIENDS OF RIO GRANDE DEL NORTE * GILA NATIVE PLANT SOCIETY *
GILA RESOURCES INFORMATION PROJECT * GREAT OLD BROADS FOR WILDERNESS,
ALDOS SILVER CITY CHAPTER * NEW MEXICO WILDLIFE FEDERATION *
RIO GRANDE VALLEY BROADBAND OF THE GREAT OLD BROADS FOR WILDERNESS *
SANTA FE FOREST COALITION * SANTA FE WATERSHED ASSOCIATION *
SIERRA CLUB/RIO GRANDE CHAPTER * THE WILDERNESS SOCIETY *
UPPER PECOS WATERSHED ASSOCIATION * WESTERN ENVIRONMENTAL LAW CENTER *
WILDEARTH GUARDIANS * WILDLIFE FOR ALL

October 6, 2026

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

**Re: Comments from New Mexico Stakeholders Opposing USDA Forest Service's
Proposal to Rescind the 2001 Roadless Rule; Rulemaking Docket No. FS-2025-0001**

To whom it may concern:

These comments are submitted to the United States Department of Agriculture ("USDA") by New Mexico stakeholders including the New Mexico Wilderness Alliance ("New Mexico Wild"), Advocates for Snake Preservation, Archaeology Southwest, Bird Alliance of Southwestern New Mexico, Conservation Voters New Mexico, Defenders of Wildlife, Environment New Mexico, Friends of Rio Grande del Norte, Gila Native Plant Society, Gila Resources Information Project, Gila Resources Information Project, Great Old Broads for Wilderness Aldo's Silver City Chapter, Great Old Broads for Wilderness, Aldos Silver City Chapter, New Mexico Wildlife Federation, Rio Grande Valley Broadband of the Great Old Broads for Wilderness, Santa Fe Forest Coalition, Santa Fe Watershed Association, Sierra Club/Rio Grande Chapter, The Wilderness Society, Upper Pecos Watershed Association, Western Environmental Law Center, WildEarth Guardians, and Wildlife for All.

For decades, our organizations, along with our millions of members and supporters, 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 USDA's proposal to rescind the 2001 Roadless Area Conservation Rule ("Roadless Rule")¹ as set forth in the Proposed Rule² and Draft Environmental Impact Statement ("DEIS")³ issued on August 20, 2026. 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 approximately 1.6 million acres of Inventoried Roadless Areas ("IRAs" or "Roadless Areas") in New Mexico. We also oppose USDA's Alternative 3, which would remove Roadless Rule protections from over two-thirds of the IRAs in our national forests.

The proposed rescission of the Roadless Rule violates multiple laws, contradicts reasoned decision-making, and constitutes unsound public policy. As discussed in these comments, USDA has failed to provide an adequate public process, USDA's rationale for the proposed rescission is arbitrary and illogical, the environmental and economic analyses conducted by the agency are inadequate and incomplete, and the information set forth in the DEIS confirms that the rescission would harm critical values and resources, including water supplies and quality, fish and wildlife populations, recreation opportunities, scenic values, Tribal rights, cultural resources, and the economy.

II. USDA Has Curtailed Opportunities for Public Input Despite the Extraordinary Amount of Public Interest in Retaining the Roadless Rule.

USDA has failed to provide adequate public notice and participation in the proposed revocation of the Roadless Rule. This is a significant federal action that will have far-reaching impacts in New Mexico's national forests and across the state. Prior to commenting, New Mexicans deserve a meaningful opportunity to review the Proposed Rule and analyze relevant factual and scientific information. The current 47-day comment period offers inadequate opportunities for New Mexicans to evaluate the proposal and to make their voices heard.

USDA initiated this rulemaking through a Notice of Intent (NOI) that was published August 29, 2025, for a truncated three-week comment period that closed on September 19, 2025.⁴ 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 never responded to our extension request. During this comment period, USDA accepted written comments only and did not schedule any public information sessions or public meetings. Despite the brevity of this initial comment period,

¹ USDA Forest Serv., Special Areas; Roadless Area Conservation; Final Rule, 66 Fed. Reg. 3243 (Jan. 12, 2001) [hereinafter Roadless Rule].

² USDA Forest Service, Special Areas; Roadless Area Conservation; Proposed Rule; request for comment, 91 Fed. Reg. 53827 (Aug. 20, 2026) [hereinafter Proposed Rule].

³ USDA Forest Service, 2001 Roadless Area Conservation Rule Rescission Draft Environmental Impact Statement, Nationwide Project #68605 (Aug. 2026) [hereinafter DEIS].

⁴ USDA Forest Serv., Special Areas; Roadless Area Conservation; National Forest System Lands, 90 Fed. Reg. 42179 (Aug. 29, 2025) [hereinafter NOI].

USDA received input from over 625,000 members of the public, demonstrating an extraordinary level of interest in the proposed rescission.⁵ Moreover, approximately 99% of the comments received were opposed to the proposed rule rescission, demonstrating overwhelming support for retaining Roadless Rule protections in our forests.⁶

On August 20, 2026, USDA published the Proposed Rule and DEIS, which identify full rescission as the preferred alternative contrary to nearly unanimous public opinion, and commenced a 30-day written comment period. USDA did not schedule any public meetings or informational sessions on this proposal. On August 28, 2026, New Mexico Wild submitted a letter on behalf of 18 entities requesting an extension of the comment period for a minimum of 90 days (Comment Tracking Number: mtd-6lvv-mks0). On September 11, 2026, USDA granted a 15-day extension of the comment period, through October 6, 2026,⁷ without scheduling any public hearings or informational sessions. In the absence of agency-led public meetings, local communities and organizations have been left to conduct our own public forums to offer information and assistance to interested members of the public seeking to understand and navigate the substantive and procedural aspects of this rulemaking.⁸

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. 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 then 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.”⁹

Before considering whether to strip away the Rule’s protections, the Forest Service should provide additional opportunities for meaningful public engagement in the Proposed Rule

⁵ DEIS at Appendix 3, p. 19.

⁶ *Id.*

⁷ USDA Forest Serv., Special Areas; Roadless Area Conservation; Proposed rule; extension of comment period, 91 Fed. Reg. 57841 (Sept. 11, 2026).

⁸ See, e.g., Patric Lohmann, “New Mexico environmentalists host ‘people’s public hearing’ to decry Roadless protection removal,” *Source NM*, Sept. 10, 2026, <https://sourcenm.com/2026/09/10/new-mexico-environmentalists-host-peoples-public-hearing-to-decry-roadless-protection-removal/>; Lily Alexander, “Environmental groups organize ‘People’s Public Hearings’ to protest ‘Roadless Rule’ repeal,” *Santa Fe New Mexican*, Sept. 9, 2026, https://www.santafenewmexican.com/news/local_news/environmental-groups-organize-peoples-public-hearings-to-protest-roadless-rule-repeal/article_1932fac8-27e3-410c-949c-f8c4d21fbf57.html; Nickolas Seibel & Raleigh Burleigh, “Conservation orgs plan ‘People’s Public Hearing’ on Roadless Rule,” *Silver City Daily Press*, Sept. 10, 2026, <https://www.scdailypress.com/2026/09/10/conservation-orgs-plan-peoples-public-hearing-roadless-rule/>.

⁹ Roadless Rule, 66 Fed. Reg. at 3248.

and DEIS. USDA should extend the current comment period by a minimum of 73 additional days, to December 18, 2026, or later. In addition, the Forest Service should host accessible public meetings and information sessions in affected areas across New Mexico and around the country, as the agency did when promulgating the Roadless Rule that it now seeks to rescind.

III. The Asserted Purpose and Need for the Proposed Action Lacks a Rational Basis, Runs Contrary to the Best Available Science, Facts, and Law, Regulation and Policy and Is Rife with Logical Contradictions.

The purpose and need provided for the proposed rescission of the Roadless Rule contains numerous logical inconsistencies and runs contrary to the best available science, facts, and existing law, regulation, and policy. Specifically, the asserted purpose and need suggests that rescinding the Roadless Rule is necessary for USDA to “increase local management flexibility and, where necessary, allow for active management to respond to changing and localized conditions, such as increasing wildfire risk, the spread of insect and disease infestations, and the need for community protection in the wildland-urban interface.”¹⁰

As further described below, the Roadless Rule has built in management flexibilities to address hazardous fuel reduction needs 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 often 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. The best use of limited agency resources is to therefore target the Wildland-Urban Interface (“WUI”) for fuel reduction treatments. The vast majority of the WUI exists outside of IRAs.

The asserted purpose and need further states that rescinding the Roadless Rule is necessary to address (1) limitations on “the Forest Service’s ability to conduct vegetation management within inventoried roadless areas,” which “has contributed to the lack of active management of the national forests;”¹¹ (2) “the limited number of roads within inventoried roadless areas and the inability to reconstruct or build new roads to provide the needed access further limit management flexibility;”¹² (3) the need to “better meet the multiple-use mission and provide benefits to the American people;”¹³ and (4) “return land management decision-making for inventoried roadless areas to local Forest Service officials” to prioritize “decision-making by local Forest Service officials informed by Tribes,

¹⁰ DEIS at 10.

¹¹ *Id.* at 11.

¹² *Id.*

¹³ *Id.* at 10.

State, and local communities.”¹⁴ Each of these purported rationales lacks a rational basis.

As promulgated in 2001, the Roadless Rule allows for a wide array of “active management” activities to address issues such as insect and disease infestations and more. Trump administration actions and priorities, such as reducing the federal workforce, appear to play a larger role in hindering the ability of the agency to implement priority management actions. Further, the Roadless Rule is plainly consistent with the agency’s multiple-use mission and, given the national significance of the Roadless Rule and IRAs, reserving decisions on exceptions to the Roadless Rule for the Chief is consistent with longstanding Forest Service policy. Lastly, USDA’s assertion that the Roadless Rule needs to be rescinded to further local decision-making is overtly inconsistent with current Trump administration direction, agency actions, and public engagement strategies that have disregarded the interests of local communities.

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 for wildfire risk reduction 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.”¹⁵ 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[.]”¹⁶

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.

It is therefore unnecessary to rescind the Roadless Rule to address purported management constraints (which do not actually exist), nor to increase opportunities for road construction, especially given the lack of financial resources to do so. Indeed, the DEIS acknowledges that, based on the best available information about activities that have been implemented in IRAs, over the past decade a total of 1.8 million acres of hazardous fuels reduction has occurred within IRAs managed under the 2001 Roadless Rule, with approximately 25% of these acres resulting from prescribed burn treatments.¹⁷

¹⁴ *Id.*

¹⁵ Roadless Rule, 66 Fed. Reg. at 3273.

¹⁶ *Id.* at 3258.

¹⁷ DEIS at 7.

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

In addition to the fictitious “need” in the DEIS 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 increase ecological resilience; and, over the past decade, a lower proportion of the land area of IRAs has burned than that of “Other NFS Lands.” Conversely, wildfires in areas managed for timber harvest burn at higher intensities.

First, recent analysis¹⁸ 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 research¹⁹ demonstrate that wildfires are substantially more likely to occur in roaded areas, particularly in areas that are close to roads. USDA acknowledges this reality in the DEIS: “Past research and new analyses presented here indicate that more fires, both in absolute numbers and density, originate on other NFS lands compared to IRAs.”²⁰

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 facts 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.²¹ 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.

¹⁸ 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>

¹⁹ 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 al.].

²⁰ DEIS at 85.

²¹ National Interagency Fire Center, Wildland fire investigation: common wildfire causes, *available at* <https://www.nifc.gov/fire-information/fire-prevention-education-mitigation/wildfire-investigation>

USDA also provides related data from 2014 to 2024 showing that a higher percentage of “Other NFS Lands” (lands other than IRAs and Wilderness) has burned as compared to IRAs. Specifically, during this time period, 13.8% of Other NFS Lands burned, whereas 8.7% of IRAs burned.²² So, according to data and information provided in the DEIS, not only are fires more likely to start in close proximity to roads than in IRAs, a substantially larger proportion of the land area of Other NFS Lands have burned in the past decade as compared to the land area of IRAs.

Second, published research demonstrates that wildfire ignitions in unroaded areas tend 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.²³ 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.²⁴

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.²⁵ At the local level, a recent

²² DEIS at 87.

²³ 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>.

²⁴ Johnston et al., *supra* note 19.

²⁵ 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.

comparison study of soil moisture levels and wind speeds on treated and untreated sites in New Mexico's 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.²⁶ 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 Are 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.²⁷ 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.²⁸ 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.

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

²⁶ Seamster, T, Seamster, V.A, Smallwood, J. and L. Markovchick. 2025. Santa Fe Mountains Soil Research Study. (PowerPoint slides presented at 2025 International Wildland Fire Safety Conference on Oct. 22, 2025).

²⁷ 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>.

²⁸ 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>.

D. The Roadless Rule Prohibitions on Timber Cutting and Road Building Do Not Meaningfully Hinder Forest Service Active Management and Management Flexibility.

The purported need to rescind the Roadless Rule to increase “active management” and “management flexibility” is inconsistent with the rule itself, budget realities, and other drivers limiting the capacity of the Forest Service to implement projects. First, as discussed above, the Roadless Rule allows for a wide array of management activities related to hazardous fuels reduction, thinning, and wildfire risk reduction in IRAs. The rule also allows for timber cutting, sale, or removal in IRAs “[t]o improve threatened, endangered, proposed, or sensitive species habitat ... [and to] maintain or restore the characteristics of ecosystem composition and structure.”²⁹ The rule contains additional exceptions to prohibitions on timber cutting where such activities are “incidental to implementation of a management activity not otherwise prohibited by this rule.” Examples of such activities provided in the rule include trail construction, removal of hazard trees for public health and safety reasons, survey and maintenance of property boundaries, and development and maintenance of other authorized activities such as ski runs and utility corridors. The rule makes it explicit that these are examples and not an exhaustive list of authorized activities. Lastly, the rule also clarifies that cutting trees to address administrative and personal use needs, for example firewood cutting, are allowed in IRAs.³⁰

The purpose and need also suggests that insect and disease issues necessitate additional management flexibilities that justify rescinding the Roadless Rule. The Forest Service “Protecting the Forest” website describes the agency’s strategy of using Integrated Pest Management to employ “a variety of chemical, cultural, mechanical, and biological techniques and tools to prevent, detect, and thwart forestry pests, such as invasive weeds, insects and pathogens.”³¹ The use of chemical, cultural, and biological techniques to address insect and disease issues is clearly not inconsistent with the Roadless Rule’s prohibitions on road building and timber cutting. The Forest Service therefore has a wide array of management flexibilities at its disposal to address insect and disease issues in IRAs.

Additionally, as discussed above, the Roadless Rule’s prohibition on timber cutting, sale, or removal in IRAs explicitly allows these activities “[t]o improve threatened, endangered, proposed, or sensitive species habitat” and “[t]o maintain or restore the characteristics of ecosystem composition and structure.” As such, where insect or disease (or other) issues have the potential to adversely affect threatened, endangered, or sensitive species or ecosystem composition and structure, the Forest Service could employ mechanical treatments, such as removal of diseased trees or forest thinning, in IRAs to address these issues.

²⁹ Roadless Rule, 66 Fed. Reg. at 3273.

³⁰ *Id.* at 3258.

³¹ USDA Forest Service, “Protecting the Forest,” available at, <https://www.fs.usda.gov/science-technology/forest-health-protection/protecting>

The Forest Service also claims that limitations in the Roadless Rule on road construction and reconstruction hinder its ability to “actively manage” IRAs. As described below, the budget realities facing the Forest Service roads program render the notion that the Forest Service can build new roads to meaningfully increase “active management” patently infeasible – these budget constraints are so severe that the Forest Service cannot even manage to assess the maintenance needs on the vast majority of its road system. The Forest Service acknowledges this reality in the DEIS in the context of discussing management challenges in the WUI, undermining its own argument that prohibitions on road construction in IRAs truly hinders its management abilities: “Although lifting restrictions on road construction could expand treatment options in the WUI, the high cost of road building and declining budgets for road construction and maintenance mean the overall increase in treatment capacity would be modest.”³²

In sum, the Forest Service already enjoys broad latitude to “actively manage” IRAs to address wildfire threats, address insect and disease issues, implement projects to improve threatened, endangered, and sensitive wildlife populations, and more.

Additionally, budget realities do not support the purported need put forth by the agency to build roads in IRAs to facilitate increased management flexibilities. Attributing a stated need to rescind the Roadless Rule to increase “active management” and “management flexibilities” therefore amounts to a red herring to distract from Trump administration policies hindering the ability of the Forest Service to meet its management goals.

For instance, administration priorities to reduce the federal work force have negatively affected the ability of the Forest Service to conduct its mission. Specifically, reporting by the New York Times states that “[t]he The administration has cut more than 5,800 jobs from the Forest Service.”³³ Fewer staff logically means decreased capacity to manage our national forests, a concept supported by recent analysis by the Center for Western Priorities, which found that the Forest Service treated 35% fewer acres of hazardous fuels in 2025 as compared to 2024 due to these staffing reductions.³⁴ Given this, it would appear that it is not limitations on management activities set forth in the Roadless Rule that are hindering the ability of the Forest Service to implement its mission, but a lack of staff capacity directly resulting from administration priorities to reduce the federal workforce.

E. The Roadless Rule Protects an Array of Values Central to the Forest Service Multiple-Use Mission.

While the Forest Service also asserts that rescinding the Roadless Rule is needed “to better meet the multiple-use mission and provide benefits to the American people,”³⁵ the rule

³² DEIS at 225.

³³ Dance, Scott. “Federal Job Cuts Are Making Wildfires Harder to Fight.” *The New York Times*, 14 Aug. 2026, available at <https://www.nytimes.com/2026/08/14/climate/wildfires-forest-service-trump-cuts.html>.

³⁴ Center for Western Priorities. “New analysis finds U.S. Forest Service treated 35% fewer acres for wildfire risk in 2025.” Available at <https://westernpriorities.org/2026/05/new-analysis-finds-u-s-forest-service-treated-35-fewer-acres-for-wildfire-risk-in-2025/>.

³⁵ DEIS at 10.

supports a wide array of values central to the multiple-use concept. Specifically, the Multiple Use Sustained Yield Act of 1960 dictates that “the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, wildlife and fish purposes.”³⁶ While commercial harvest and sale of timber cut in IRAs is prohibited under the Roadless Rule, the rule itself, as described throughout these comments, is integral in protecting outdoor recreation, watershed, wildlife, fish, and many other values. Additionally, commercial grazing is allowed in and widely occurs in IRAs.

The purported need to rescind the Roadless Rule to better meet the Forest Service multiple-use mission is therefore contrary to the multiple-use concept itself, as codified in the Multiple Use Sustained Yield Act of 1960. Indeed, facilitation of more logging and energy development as directed under Executive Orders 14225, *Immediate Expansion of American Timber Production*, and 14154, *Unleashing American Energy*, as cited in the purpose and need to justify rescission of the Roadless Rule, would reduce protections for outdoor recreation, watershed, wildlife, fish, cultural, and other values in IRAs would constitute movement away from, not better adherence to, the multiple-use mission and the benefits that it provides to the American people.

F. The Forest Service Should Balance Both Local and National Decision-Making; Asserted Needs to Consider Local Community Input Are Not Consistent with the Proposed Roadless Rule Rescission.

The purported need to rescind the Roadless Rule to “return land management decision-making for inventoried roadless areas to local Forest Service officials” to prioritize “decision-making by local Forest Service officials informed by Tribes, State, and local communities”³⁷ is inconsistent with longstanding agency policy and numerous actions and policies set forth by the Trump administration.

First, according to Forest Service Manual 1900, Chapter 1950, “The Chief is the responsible official for environmental analyses, documentation, and decisions relating to proposed actions of national importance.”³⁸ As discussed above, approximately 39,000 people across the United States attended public meetings in 1999 and 2000 related to the establishment of the Roadless Rule and submitted more than 1.6 million comments associated with this process. By one account, the proposal to enact the Roadless Rule generated the most public comments of any other rule in the nation’s history.³⁹ And, despite a truncated three-week comment period on the NOI and proposal to rescind the Roadless Rule, more than 625,000 people submitted or signed onto comments submitted on this proposal in 2025.

This vast public interest and engagement in these public participation processes associated with the establishment of and now proposed rescission of the Roadless Rule makes it

³⁶ Multiple-Use Sustained-Yield Act of 1960, 16 U.S.C. § 528–531 (1960).

³⁷ DEIS at 12.

³⁸ U.S. Department of Agriculture, Forest Service. (2012). *Forest Service Manual* (FSM 1950.41a, Environmental Policies and Procedures). Washington, D.C., p. 6.

³⁹ Earthjustice. Timeline of the Roadless Rule, available at <https://earthjustice.org/feature/timeline-of-the-roadless-rule>

difficult to argue that the Roadless Rule and associated management of IRAs is anything less than an issue of national significance and importance. Therefore, per longstanding Forest Service policy, decisions pertaining to the Roadless Rule and IRAs are appropriate to reserve for the Chief (though in 2012 were actually delegated to the Regional Foresters,⁴⁰ who routinely engage at the state and local levels).

Second, numerous Trump administration decisions and policies contradict the assertion that the Forest Service seeks to prioritize local decision-making informed by Tribes, states, and local communities. For example, as discussed above, the Forest Service has eliminated an estimated 5,800 jobs under the Trump administration. It is impossible to argue that these deep staffing cuts don't reduce the capacity of Forest Service units to plan and implement projects at the local level, including those critical to reduce wildfire risk, address forest health issues, and provide important benefits to local communities.

Similarly, the DEIS and Proposed Rule cite implementation of Executive Orders 14225, *Immediate Expansion of American Timber Production*, and 14154, *Unleashing American Energy*, in the purpose and need as necessitating rescission of the Roadless Rule. These orders constitute national directives, not local decisions, dictating an increase in logging and energy production on our public lands, including on national forests. These orders contradict the notion that the Roadless Rule needs to be rescinded to return land management decision-making to local Forest Service officials.

Locally to New Mexico, a wide array of community members and stakeholders engaged heavily in the revision of the Gila National Forest Land Management Plan for a decade. Local community and public engagement in this planning process began in 2015,⁴¹ culminating in the issuance of the Draft Record Decision in July 2024 and a final resolution by the Forest Service on the objections to the revised Gila National Forest Land Management Plan on May 6, 2025.⁴² Yet, nearly 1.5 years later, the final Land Management Plan has not been issued nor has any information been provided by the Forest Service as to why. The only logical explanation is that the issuance of this revised Land Management Plan has been embargoed at higher levels of the Forest Service or at USDA, once again contradicting the notion in the purpose and need that the agency has a goal of increasing local decision-making informed by Tribes, States, and communities.

The lack of effort by USDA to conduct a robust public participation process that engages local communities in the proposed rescission of the Roadless Rule, coupled with the overwhelming opposition by the public to the proposed rescission, suggests that the Forest Service is not serious about considering local community input in this decision-making process. As discussed above, the agency hosted more than 600 public meetings in developing and enacting the Roadless Rule. Now the Forest Service is hosting zero public

⁴⁰ DEIS at 6.

⁴¹ USDA Forest Serv., Gila National Forest, Revised Forest Plan, Volume 3: Appendices B-M, p. 45 (July 2024), available at <https://www.fs.usda.gov/sites/nfs/files/legacy-media/gila/2024%20FEIS%20Vol%203.pdf>

⁴² Gila National Forest, "Forest Plan Revision," available at <https://www.fs.usda.gov/sites/nfs/files/styles/hero/public/legacy-media/gila/Plan%20Revision%20Hero%201.jpg?h=f9c93675&itok=PH473wxj>

meetings to educate and hear from community members in the ongoing process to rescind the rule and is instead offering only truncated public comment periods.

Additionally, as discussed above, more than 99% of the 625,000 comments submitted during the scoping period for the proposed rescission oppose rescinding the Roadless Rule. The current lack of effort by the Forest Service to show up in and engage with communities and seriously solicit public comments, and the overwhelming public support for retaining the Roadless Rule as demonstrated by the comments received during the scoping period for the proposed rescission of the Roadless Rule, further demonstrate that the Forest Service is not seeking to work with local communities to inform decision-making, despite framing this as contributing to the need to rescind the Roadless Rule.

G. The Science, Facts, and Law Support Retaining the Roadless Rule to Avoid Catastrophic Wildfire, Protect Communities, Address Insect and Disease Issues, and Implement Multiple-Use Management.

In sum, there is no need to rescind the Roadless Rule to address increasing wildfire risk, an expanding WUI, and forest health challenges such as insect and disease infestations. 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 Forest Service's ability to implement hazardous fuels and forest health 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. 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.

Further, the Roadless Rule contains exceptions that could be used to address many needs related to insect and disease issues, not to mention the fact that the agency routinely uses an array of integrated pest management strategies that do not require exception to timber cutting prohibitions in the Roadless Rule. The rule also includes exemptions for several other purposes. The Roadless Rule therefore does not meaningfully hinder active management and management flexibility, and the notion that new road construction in IRAs is needed to increase active management is inconsistent with Forest Service budget realities as acknowledged in the DEIS. Rather, Trump administration priorities, including workforce reductions affecting the Forest Service, are hindering the agency's ability to implement its management goals, including related to hazardous fuels reduction.

The Roadless Rule is also entirely consistent with and furthers the Forest Service multiple-use mission. There is no need to delegate decision-making pertaining to IRAs to the local level, as exceptional public interest in the Roadless Rule demonstrates that the rule is a matter of national significance and importance. The delegation of decisions related to Roadless Rule exceptions is therefore consistent with Forest Service policy delegating decisions of national importance to the Chief, despite the fact that current authorities for such decisions currently reside at the Regional Forester level.

Lastly, there are numerous contradictions in the logic provided in the purpose and need's assertion that the Roadless Rule must be rescinded to increase decision-making at the local level and ensure that such decisions are informed by Tribes, States, and communities. Perhaps most notably, the lack of a robust public engagement process associated with the proposal to rescind the rule itself demonstrates that the Forest Service does not seek to inform its decisions based on local community input.

IV. The Forest Service Lacks Funding and Resources to Adequately Maintain its Existing Road Network; and 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."⁴³ 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."⁴⁴ 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.⁴⁵ 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."⁴⁶

The most recent deferred maintenance report available from USDA (Fiscal Year 2026, Quarter 2) reflects a backlog of about \$6.1 billion for passenger car (Maintenance Level 3, 4, 5) roads, plus an additional \$950 million for road bridges.⁴⁷ 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

⁴³ Roadless Rule, 66 Fed. Reg. at 3244.

⁴⁴ Id. at 3245.

⁴⁵ Id.

⁴⁶ Id. at 3246.

⁴⁷ USDA Forest Serv., Fiscal Year 2026, Quarter 2 Deferred Maintenance Needs, p. 1, *available at* <https://www.fs.usda.gov/sites/default/files/fy26-q2-deferred-maint-report.pdf>.

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 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).⁴⁸ While the Forest Service road system has since decreased to 368,000 miles,⁴⁹ the Forest Service no longer measures the deferred maintenance on Maintenance Level 1 and 2 roads due to a lack of resources.⁵⁰ 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 Forest Service roads maintenance and construction was \$229,666,000.⁵¹ By FY 2026, actual appropriations for roads maintenance and construction had decreased to \$73,000,000.⁵² Not accounting for inflation, this amounts to a decrease in the Forest Service budget for both roads maintenance and construction of 68% 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,⁵³ \$1 in 2002 is worth \$1.86 today. This means that in 2026 dollars, the Forest Service's FY 2002 budget for roads maintenance and construction was equivalent to \$426,940,635. This equates to a reduction in the real purchasing power of the Forest Service budget for roads maintenance and construction of 83% from FY 2002 to FY 2026.

In sum, it is patently fiscally irresponsible for USDA to rescind the Roadless Rule for the purpose of allowing road construction and reconstruction in IRAs, as the agency is clearly

⁴⁸ 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://ntlrepositary.blob.core.windows.net/lib/17000/17300/17319/PB2001100726.pdf>.

⁴⁹ DEIS at 35.

⁵⁰ *Id.* at 43.

⁵¹ 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.

⁵² USDA Forest Serv., FY 2027 Budget Justification, p. 29a-95 (Apr. 2026), *available at* <https://www.fs.usda.gov/sites/default/files/fs-fy27-congressional-budget-justification.pdf>.

⁵³ Federal Reserve Bank of Minneapolis, Inflation Calculator, <https://www.minneapolisfed.org/about-us/monetary-policy/inflation-calculator>.

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 the DEIS Confirms that These Values 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.⁵⁴

As described below, roadless forests provide indispensable 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. When adopted in 2001, the Roadless Rule limited 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 of roadless area values and characteristics."⁵⁵ If USDA proceeds with the proposal to rescind the Roadless Rule, New Mexico will suffer significant economic, environmental, and cultural losses, as described in this Section.

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

National forests hold critical importance for maintaining New Mexico's fragile water supply. 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 people with existing water rights are entitled use almost the entire supply and that state officials can order temporary reductions in water diversions in times of drought and shortage. New Mexico is already experiencing serious water shortages and is anticipating more water scarcity in the near future. New Mexico's 50-Year Water Action Plan, finalized in 2024, predicts that over the next 50 years, the

⁵⁴ Roadless Rule, 66 Fed. Reg. at 3244.

⁵⁵ Id. at 3272.

amount of available water in our rivers and aquifers will decrease by 25%.⁵⁶

The DEIS confirms that New Mexico and other western states will need to confront a future with reduced water availability, even if the Roadless Rule is retained as proposed in the No Action Alternative. “Population and water demands are projected to increase in the western U.S., including communities adjacent to IRAs.”⁵⁷ Meanwhile, “temperatures are increasing, snowpack is declining and melting sooner, and drought and summer water deficits are more frequent and longer.”⁵⁸ The combined result is that “[s]treamflow reductions ranging from 10 to 45 percent are likely for the western states over the next half century,” which could be catastrophic, given that a mere 10% decrease “in streamflow is considered calamitous by municipal water districts.”⁵⁹ Rising demand for clean water, combined with the diminishing water supply due to severe drought and climate change, dictate careful management and protection of undisturbed watersheds in protected areas, especially in places with arid climates like New Mexico, which is already facing a water crisis due to extensive drought and aridification.

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.”⁶⁰ “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.”⁶¹ A quarter century later, the DEIS confirms the important role that our national forests play in securing our nation’s water supply, stating that national forests serve as “an important source of clean drinking water for over 150 million people in the United States” and “provide more than half of the national water yield from lands in the lower 48 States.”⁶²

Designated IRAs within our national forests provide stronger protection for watersheds than areas that are open to road construction and logging. The DEIS recognizes that rescinding the Roadless Rule or decreasing the scope of its coverage will lead to new road construction and timber harvest, and that these activities negatively impact water quality by increasing the amount of sediment in surface waters.⁶³ “[S]ediment delivered to surface waters is a major source of water quality degradation.”⁶⁴ Unpaved forest roads are considerably more prone to erosion than undisturbed forest surfaces, often generating

⁵⁶ State of N.M. Office of the Governor, 50-Year Water Action Plan, p. 3 (2024).

⁵⁷ DEIS at 119.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ Roadless Rule, 66 Fed. Reg. at 3246; *see also* Organic Administration Act of 1897 (stating a purpose to “secure favorable conditions of water flow”).

⁶¹ Roadless Rule, 66 Fed. Reg. at 3245.

⁶² DEIS at 119.

⁶³ DEIS at 122; *id.* at 130 (concluding that “additional road construction and timber harvest . . . could contribute to reducing forest soil productivity and water quality”).

⁶⁴ DEIS at 122.

orders of magnitude more sediment over a given area.⁶⁵ Excess sediment in rivers and streams chokes critical water infrastructure and damages fish and wildlife habitats. Road surfaces impair infiltration of water into the subsurface, substantially increasing runoff rates and potential flood danger in rural areas,⁶⁶ even when they cover a small fraction of the watershed.⁶⁷

Communities throughout New Mexico and across the nation rely on IRAs for their drinking water supplies. Recently published peer-reviewed research found that IRAs protect over 80,000 miles of rivers across the country and serve as the primary protection mechanism for over 60,000 of these miles.⁶⁸ Approximately 25 “million people rely on million people rely on watersheds influenced by IRAs for their public drinking water supply.”⁶⁹ Roadless areas provide an especially critical source of clean drinking water for New Mexico. About 39% of New Mexico’s population depends on drinking water from rivers and streams within IRA-influenced watersheds.⁷⁰ Roads also impact groundwater supplies. By reducing infiltration in wetter, high-elevation areas, forest roads impede the most important source of recharge for groundwater aquifers,⁷¹ which supply drinking water for about 78% of New Mexicans.⁷² Negative impacts of forest road building tend to be more extreme in steep, complex terrain.⁷³ 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 quality and quantity.

⁶⁵ 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>.

⁶⁶ 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>.

⁶⁷ 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](https://doi.org/10.1016/S0022-1694(96)03288-X). Available at <https://www.sciencedirect.com/science/article/abs/pii/S002216949603288X>.

⁶⁸ Olden JD, Postel SL, Dombeck MP, Kesting H, Freeman P, Comte L. (2026). “Assessing the value of the U.S. Roadless Rule for people and nature.” *PLOS Water* 5(6): e0000538, at 16, available at <https://doi.org/10.1371/journal.pwat.0000538> {hereinafter Olden et al.}.

⁶⁹ Olden et al. at 16.

⁷⁰ *Id.*

⁷¹ 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.

⁷² N.M. Environment Dep’t, Water Resources & Management, <https://www.env.nm.gov/water/>.

⁷³ Kastiridis, 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>.

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."⁷⁴ 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."⁷⁵ "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."⁷⁶ The Carson also contains the headwaters of numerous rivers and streams that flow into the San Juan and Canadian Rivers.⁷⁷

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.⁷⁸ 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 River, 95% of the Santa Fe National Forest lies within the Rio Grande watershed.⁷⁹ 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.⁸⁰ 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 City of Santa Fe, and the Gallinas watershed, which supplies the City of Las Vegas, New Mexico.

⁷⁴ 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. 80A, available at https://www.researchgate.net/publication/264975754_Roadless_areas_and_clean_water [hereinafter DellaSala et al.].

⁷⁵ 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].

⁷⁶ *Id.* at 5.

⁷⁷ *Id.* at 69.

⁷⁸ 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].

⁷⁹ *Id.* at 3.

⁸⁰ 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.>

As compared to the higher mountains of Northern New Mexico, the Cibola National 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."⁸¹

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."⁸² "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."⁸³

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.⁸⁴ "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."⁸⁵ These waters are critical to traditional agriculture: 30 acequias depend on water that flows from the Gila.⁸⁶

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.⁸⁷ In 2010, the Water Quality Control Commission

⁸¹ 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].

⁸² 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].

⁸³ *Id.*

⁸⁴ 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)].

⁸⁵ *Id.* at 177-78.

⁸⁶ *Id.* at 179.

⁸⁷ 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-lambda.trtsaas.com/PublicFiles/d89c47bd0d70402dba89b03a22bda6d1/f4b82e3d-d8e3-482e-b3ef-0ba8b9320e18/20.006.0004.pdf>.

designated all perennial rivers, streams and wetlands located within designated Wilderness Areas as Outstanding National Resource Waters.⁸⁸ 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;⁸⁹ and multiple surface waters in the Pecos River headwaters in the Santa Fe National Forest within the Thompson Peak IRA and surrounding area.⁹⁰ 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 because New Mexico relies on undisturbed headwaters in our National Forests 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."⁹¹ 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."⁹²

Rescission of the Roadless Rule would inflict extreme financial and technical challenges on New Mexico, which is already struggling to meet the high, long-term costs of securing clean drinking water supplies, even with the contributions of clean water from IRAs. USDA should adopt the No Action Alternative to prevent extreme hardship on New Mexico's economy, taxpayers, counties and 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.

The Roadless Rule was intended to promote biological diversity.⁹³ 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 documented in the state.⁹⁴ Biological diversity faces serious threats from land use changes that result in the "outright destruction of habitat, along with habitat alteration and fragmentation of large habitats

⁸⁸ 20.6.4.9(D)(3) NMAC.

⁸⁹ Carson LMP at 70.

⁹⁰ 20.6.4.9(D) NMAC.

⁹¹ DellaSala et al., *supra* note 74, at 81A.

⁹² *Id.*

⁹³ Roadless Rule, 66 Fed. Reg. at 3244.

⁹⁴ 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/>.

into smaller patches.”⁹⁵ IRAs protect large, unfragmented areas of land that are critical to supporting biodiversity. 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.

Roads and logging destroy and fragment habitat, causing adverse impacts to numerous species. As recognized in the DEIS, road construction and logging decrease “biodiversity by increasing habitat fragmentation, loss of connectivity, negative edge effects, and human disturbance.”⁹⁶ The DEIS acknowledges that habitat fragmentation reduces biodiversity by as much as 75%.⁹⁷ Conversely, “[c]onnectivity, the degree to which a landscape facilitates or impedes the movement of organisms and the flow of natural processes, is crucial for maintaining biodiversity and allowing species to access essential resources and new or discontinuous habitats in dynamic landscapes.”⁹⁸

The DEIS describes a multitude of adverse impacts that road construction has on terrestrial animals and habitat, including the following:

Habitat loss and degradation . . . Habitat fragmentation and edge effects . . . Bird richness tends to decline with road presence in habitats with dense tree cover . . . Elk avoid areas near roads and select for habitat away from roads . . . Introduction and spread of invasive species . . . Encroachment of generalist, competitor species into novel ecosystems . . . Recreational disturbance . . . Increased human wildlife conflict . . . Barriers to movement and dispersal . . . Increased disturbance from human interactions leading to physiological stress for some species and lowered success in reproduction and rearing of young . . . Direct mortality . . . Loss of genetic diversity and genetic connectivity within and between populations . . . Changes in behavior . . . [and] Decline in species abundance.⁹⁹

Regarding logging, the DEIS lists the following adverse effects of timber harvest on terrestrial animal species and habitats:

Declines in abundance for some species . . . Habitat loss, fragmentation, and negative edge effects . . . Loss of snags and downed logs . . . Lowered success in reproduction and rearing of young . . . Increased physiological stress for some

⁹⁵ 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/>.

⁹⁶ *Id.* at 25.

⁹⁷ *Id.* at 133.

⁹⁸ *Id.*

⁹⁹ *Id.* at 141-45.

species . . . Altered trophic dynamics . . . Direct mortality; impacts to ground dwelling species (loss of burrows, soil compaction) . . . [and] Disruption of dispersal and species migration.¹⁰⁰

As the DEIS makes clear, a common-sense strategy for protecting healthy populations of native plants and wildlife is to maintain large intact natural areas, including IRAs. 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.¹⁰¹ As our landscapes become increasingly developed, IRAs continue to gain importance for maintaining wildlife and plant diversity, as well as healthy wildlife populations and ecosystems.

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 (ESA).¹⁰² 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.”¹⁰³

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 animals, including 6 federally listed species and 26 Species of Conservation Concern.¹⁰⁴ The Santa Fe National Forest is home to 4 federally listed species as well as 32 Species of Conservation Concern.¹⁰⁵ 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.¹⁰⁶ The Lincoln National Forest hosts over 1,000 species of plants and animals,¹⁰⁷ including 20 species that are federally recognized under the Endangered Species Act and an additional 59 Species of Conservation Concern.¹⁰⁸ 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

¹⁰⁰ *Id.* at 146-48.

¹⁰¹ Roadless Rule, 66 Fed. Reg. at 3245.

¹⁰² *Id.*

¹⁰³ Watson et al, *supra* note 95, at 16.

¹⁰⁴ Carson LMP at 93.

¹⁰⁵ Santa Fe LMP at 294-95.

¹⁰⁶ Cibola LMP at 79-80.

¹⁰⁷ Lincoln Draft LMP at 7.

¹⁰⁸ *Id.* at 71.

Species of Conservation Concern.¹⁰⁹ 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.”¹¹⁰

The DEIS confirms that repealing the Roadless Rule or reducing its scope (as proposed in Alternative 3) would have catastrophic impacts on federally listed and sensitive species. The DEIS explains that the “most recent USFWS and NMFS data indicate that the potentially affected environment of inventoried roadless areas provides habitat for more than 300 threatened, endangered, and proposed species.”¹¹¹ The DEIS goes on to conclude, based on the preliminary draft biological assessment, that the *proposed action is likely to adversely affect 327 species listed under the ESA and 71 critical habitats designated under the ESA*.¹¹² The repeal would also affect 3,490 of the 3,500 species that are “listed as Regional Forester Sensitive Species on Forest Service-managed lands.”¹¹³

Our wildlife populations cannot survive without intact ecosystems. Road construction directly destroys a substantial amount of terrestrial habitat and alters a wide swath of land adjacent to roadsides.¹¹⁴ 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 Section III above, roads increase the incidence of wildfire ignitions, often outside the normal fire season, and logging 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.¹¹⁵ Many large mammal species exhibit road avoidance behavior and avoid significant buffer areas around roads.¹¹⁶ Elk, for example, avoid not only the roadside itself but also “adjacent habitat from the road edge to more than ½ mile away.”¹¹⁷ “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.”¹¹⁸ Large carnivores like Mexican gray wolves and mountain lions are vulnerable to habitat fragmentation because they are large, long-lived species with low

¹⁰⁹ Gila LMP at 129 (record of decision pending).

¹¹⁰ *Id.* at 19.

¹¹¹ DEIS at 133.

¹¹² DEIS at 25, 161 (emphasis added); see also Appendix 5, p. 40.

¹¹³ *Id.* at 160, 162.

¹¹⁴ Watson et al., *supra* note 95, at 12-16.

¹¹⁵ *Id.* at 14.

¹¹⁶ *Id.*

¹¹⁷ *Id.* at 18.

¹¹⁸ *Id.*

population densities, low rates of reproduction, and large home range requirements.¹¹⁹ Wide-ranging carnivore species “are particularly vulnerable to road traffic accidents.”¹²⁰ “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.”¹²¹

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.¹²² 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. The DEIS confirms that “[r]oad construction, reconstruction, maintenance, use, and even the presence of roads in a watershed can have numerous adverse effects to aquatic habitats and the species they support.”¹²³ Conversely, the Roadless Rule supports aquatic systems because “with fewer disturbances caused by roads and associated activities, stream channel characteristics, such as channel and floodplain configuration, substrate embeddedness, riparian condition, amount and distribution of woody debris, stream flows, and temperature regime, are less likely to be altered.”¹²⁴

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,”¹²⁵ 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.”¹²⁶ Increased sedimentation from road construction and reconstruction “can cause mortality of eggs and fry through increased sedimentation in stream gravels.”¹²⁷ Roads and culverts act as barriers to fish passage and can impede migration of adults to spawning areas.¹²⁸

Riparian and aquatic habitats make up only about 1% of New Mexico’s landscape, but these habitats are essential for supporting wildlife populations.¹²⁹ About 80% of New Mexico’s

¹¹⁹ *Id.* at 14.

¹²⁰ *Id.* at 15.

¹²¹ *Id.*

¹²² *Id.* at 10.

¹²³ *Id.* at 151.

¹²⁴ *Id.* at 136.

¹²⁵ Watson et al., *supra* note 95, at 10.

¹²⁶ *Id.* at 10-11.

¹²⁷ *Id.* at 11.

¹²⁸ *Id.*

¹²⁹ 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].

sensitive vertebrate species rely on riparian or aquatic habitats.¹³⁰ 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."¹³¹ "New Mexico's two native trout species, the Rio Grande cutthroat trout and Gila trout, are both found primarily in high elevation wilderness or roadless area strongholds."¹³² 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.¹³³ 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."¹³⁴ Similarly, about two-thirds of the Species of Conservation Concern in the biologically diverse Gila National Forest are dependent on riparian or aquatic ecosystems.¹³⁵

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.¹³⁶ 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.¹³⁷

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.¹³⁸ In 2022, New Mexico finalized its Wildlife Corridors Action Plan, which identifies wildlife-vehicle collision hotspots and important wildlife corridors.¹³⁹ The plan identifies multiple wildlife corridors where partnerships with USFS are necessary due to the adjacency of National Forest

¹³⁰ *Id.*

¹³¹ Watson et al., *supra* note 95, at 11.

¹³² *Id.* 12.

¹³³ Utton, *supra* note 129, at 17-1.

¹³⁴ Cibola LMP at 64.

¹³⁵ Gila LMP at 129 (record of decision pending).

¹³⁶ S.B. 9, Regular Session (N.M. 2023), *available at* <https://www.nmlegis.gov/Legislation/Legislation?Chamber=S&LegType=B&LegNo=9&year=23>.

¹³⁷ Land of Enchantment Fund, 1st Fiscal year Report (FY25), *available at* <https://www.enchantmentfund.org/report>.

¹³⁸ NMSA 1978, §§ 17-9-1 to -3 (2019).

¹³⁹ N.M. Wildlife Corridors Action Plan (2022), *available at* <https://wildlifeactionplan.nmdotprojects.org/>.

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.¹⁴⁰ In 2024 and 2025, the Legislature appropriated a combined total of \$55 million to the fund.¹⁴¹

In 2025, New Mexico passed a comprehensive wildlife bill that updated 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.¹⁴² 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.”¹⁴³ 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.¹⁴⁴

As reflected in these state policy initiatives, New Mexicans place a high value on wildlife for hunting, fishing, wildlife watching, and conservation. In the DEIS, USDA acknowledges that the “biodiversity found within [IRAs] supports highly valued ecosystem services such as hunting and fishing, wildlife viewing, and activities such as outdoor recreation in large blocks of contiguous older forest.”¹⁴⁵ 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. The DEIS confirms that adopting either of the action alternatives will harm biological diversity.¹⁴⁶ 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 adversely impact an array of dispersed outdoor

¹⁴⁰ NMSA 1978, § 17-9-5 (2003).

¹⁴¹ H.B. 2, Regular Session (N.M. 2025); H.B. 2, Regular Session (N.M. 2024).

¹⁴² 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).

¹⁴³ H.B. 2, Regular Session (N.M. 2025).

¹⁴⁴ N.M. Dep’t of Game and Fish, State Wildlife Action Plan, *available at* <https://wildlife.dgf.nm.gov/conservation/state-wildlife-action-plan/>.

¹⁴⁵ DEIS at 132.

¹⁴⁶ DEIS at 136-37, 140, 157, 162.

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 economies. 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 2024, New Mexico’s outdoor recreation industry produced 31,454 jobs and \$3.6 billion in economic output.¹⁴⁷ New Mexico’s roadless forests heighten New Mexico’s appeal as a destination for recreation by residents and tourists alike. In 2025, tourism accounted for approximately 8.0% of all jobs in New Mexico and had a total economic impact of \$11.9 billion.¹⁴⁸

The DEIS acknowledges that rescinding the Roadless Rule would decrease recreational opportunities and diminish the contributions of outdoor recreation to the U.S. economy.¹⁴⁹ As described in USDA’s Cost Benefit Analysis (CBA), “[o]ne of the main costs to the public [would be] the benefit loss to recreationists from the degraded user experience from effects to solitude, scenery, and from new roads.”¹⁵⁰ Although the CBA suggests that timber harvest and road construction could potentially yield new permanent roads open to the public or other recreation infrastructure,¹⁵¹ USDA acknowledges that the “estimated cost of existing deferred maintenance” for developed recreation sites totals \$1.28 billion and that rescission is unlikely to increase opportunities for road-based and developed-site recreation.¹⁵² National Forest System lands already contain 10,755 developed recreation sites, which “provide the infrastructure necessary for the access and enjoyment of a wide variety of recreation activities.”¹⁵³ Instead of promoting new recreational opportunities, the DEIS states that the proposed rescission is “likely to result in negative effects to 920 miles of National Recreation Trail and 1,075 miles of National Scenic and Historic Trails” and to negatively impact “nature-based activities such as hiking, backpacking, horseback riding, mountain biking, hunting, fishing, wildlife viewing, dispersed camping, and off-highway vehicle (OHV) use on designated routes.”¹⁵⁴

¹⁴⁷ Bureau of Economic Analysis, Outdoor Recreation Satellite Account, New Mexico (2024), *available at* <https://apps.bea.gov/regional/outdoor-recreation/pdf/New%20Mexico2024.pdf>.

¹⁴⁸ Tourism Economics, Economic Impact of Tourism in New Mexico (2025), *available at* https://assets.simpleviewinc.com/simpleview/image/upload/v1/clients/newmexico/Economic_Impact_of_Visitors_to_New_Mexico_2025_7786230a-217f-4144-9f46-e15fab64e7a0.pdf.

¹⁴⁹ DEIS at 223-24.

¹⁵⁰ USDA Forest Service, Proposed Rule: Special Areas; Roadless Area Conservation; National Forest System Lands Cost Benefit Analysis and Consideration of Impacts on Small Entities, at 25 [hereinafter CBA].

¹⁵¹ CBA at 25.

¹⁵² DEIS at 176, 224.

¹⁵³ *Id.* at 176.

¹⁵⁴ *Id.* at 180-81.

The DEIS does not reconcile the proposed rescission with the growing popularity of forest-based recreation. Over half of Americans enjoy outdoor recreation activities, and about 13-16% of people over age six “engage in each of the most popular nature-based recreation activities: day hiking, camping, and fishing.”¹⁵⁵ National Forest System lands received approximately 163 recreation visits in 2024, and “[d]emand for recreation activities common on national forests is projected to continue increasing, sometimes dramatically, by 2040 and 2070.”¹⁵⁶ Consistent with national trends, New Mexico’s National Forests draw millions of recreationists each year.

For example, approximately one million people visit the Carson National Forest annually, and most of them come to engage in some form of recreation.¹⁵⁷ The forest’s diverse wildlife and scenic beauty attract photographers, bird watchers, nature lovers, hikers, campers, mountain bikers, anglers, and hunters.¹⁵⁸ In winter, the Carson provides skiing, snowboarding and snowshoeing opportunities.¹⁵⁹ “[T]he Carson’s greatest local economic impact by far is through recreational tourism.”¹⁶⁰ Many local residents have jobs or businesses that directly or indirectly depend on this industry.¹⁶¹ 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.¹⁶²

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.¹⁶³ 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 one of these nature-based activities.¹⁶⁴ Additional types of popular recreation, 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, which provide economic opportunities and sustainability to local communities surrounding the forest.¹⁶⁵

Recreation also constitutes the primary draw for visitors to the Cibola Nation Forest.¹⁶⁶ 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 provides

¹⁵⁵ *Id.* at 210.

¹⁵⁶ *Id.* at 211.

¹⁵⁷ Carson LMP at 5, 128.

¹⁵⁸ *Id.* at 5.

¹⁵⁹ *Id.*

¹⁶⁰ *Id.* at 4.

¹⁶¹ *Id.* at 5.

¹⁶² *Id.* at 94.

¹⁶³ Santa Fe LMP at 126.

¹⁶⁴ *Id.* at 126 n.18.

¹⁶⁵ *Id.* at 134.

¹⁶⁶ Cibola LMP at 118.

economic benefits to communities, regions, and the Nation.”¹⁶⁷

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, which lacks national forest land in the western part of the state.¹⁶⁸ “Diverse wildlife provides enjoyment and aesthetic value for photographers, bird-watchers, nature lovers, hikers, campers, and hunters.”¹⁶⁹ “Game species support traditional ways of life and employment for hunting outfitters and guides; elk and turkey hunting are especially popular.”¹⁷⁰ 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.”¹⁷¹

Like New Mexico’s other forests, the Gila National Forest contributes to local communities through recreation and tourism.¹⁷² 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.¹⁷³ 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.¹⁷⁴ The Gila’s vast network of roadless forest offers excellent opportunities for multi-day backpacking, stock-packing, and whitewater rafting.¹⁷⁵

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 a few representative examples, the Carson National Forest hosts the Wheeler Peak/Bull of the Woods Trail #90 in the Bull-of-the-Woods IRA (which accesses the tallest peak in the state), 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, hikers flock to the Winsor Trail #254, Chamisa Trail #183, and associated trail system in the Juan de Gabaldon Grant IRA; and the Antalya Trails #170 and #172 and St. John’s Trail #174 in the Thompson Peak IRA, all of which are located near the City of Santa Fe. In the Cibola National Forest, popular IRA trails include the Gooseberry Trail #077 and Water Canyon Trail #076 in the Mt. Taylor IRA, near the city of Grants. Trails in the Lincoln National Forest IRAs include the Dog Canyon Trail #106 and Alamo Canyon Trail #104 in the West Face Sacramento Mountains IRA, outside the City of Alamogordo. Finally, in the trail-rich Gila National

¹⁶⁷ *Id.*

¹⁶⁸ Lincoln Draft LMP at 8.

¹⁶⁹ *Id.* at 7

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

¹⁷² Gila LMP at 162 (record of decision pending).

¹⁷³ *Id.* at 219, 221.

¹⁷⁴ *Id.* at 130, 220.

¹⁷⁵ *Id.* at 220-21.

Forest, popular IRA trails 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.

Our state relies on the protections of the Roadless Rule to further the quality of life for our residents and tourists alike. 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.¹⁷⁶ The New Mexico Tourism Department touts the state's five national forests as destinations for backcountry camping, singletrack mountain biking, and rafting.¹⁷⁷ 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.

According to USDA's own analysis, rescinding the Roadless Rule or decreasing its geographic scope would have "long-term negative effects on Tribal rights and interests,"¹⁷⁸ as well as on "cultural resources including historic properties."¹⁷⁹ Both action alternatives are reasonably foreseeable to result in new roads and logging, which "usually have negative long-term impacts on cultural resources."¹⁸⁰ "Construction of new roads may fragment or obscure ancestral trails that hold deep religious, spiritual, and cultural significance."¹⁸¹ Additionally, new roads and logging would undermine traditional subsistence practices such as hunting, fishing, and gathering by reducing the availability and quality of traditional resources.¹⁸² "Timber harvest and road construction increase the risk of disturbance, looting, or destruction of archaeological and cultural sites, especially in the absence of robust monitoring and protection protocols."¹⁸³ In sum, according to the DEIS, rescinding the Roadless Rule would inflict cumulative and intergenerational negative impacts on an array of ecological, cultural, and spiritual resources and values.¹⁸⁴

¹⁷⁶ NMSA 1978, §§ 9-15-14.1 (2019, as amended through 2020).

¹⁷⁷ N.M. Tourism Dep't, New Mexico True, Outdoor Adventures, <https://www.newmexico.org/things-to-do/outdoor-adventures>.

¹⁷⁸ DEIS at 201.

¹⁷⁹ *Id.* at 25, 196.

¹⁸⁰ *Id.* at 196.

¹⁸¹ *Id.* at 201.

¹⁸² *Id.* at 202.

¹⁸³ *Id.*

¹⁸⁴ *Id.*

Rescinding the Roadless Rule would have especially pronounced adverse effects in New Mexico, where Indigenous peoples have stewarded the forests since time immemorial. The National Forest System lands in our state contain evidence of humans using and occupying the forests for at least twelve thousand years.¹⁸⁵

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.”¹⁸⁶ 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.”¹⁸⁷ This evidence consists of “cultural and historic resources” including “pit houses, pueblitos, masonry structures, quarries, rock art, traditional cultural properties, and culturally modified trees.”¹⁸⁸ 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 surveyed.¹⁸⁹ 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.¹⁹⁰ “Taos Pueblo is considered to be one of the oldest continuously inhabited communities in the United States, dating back almost 1,000 years.”¹⁹¹

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.”¹⁹² 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.¹⁹³ 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.”¹⁹⁴

Every management unit of the Cibola National Forest has places that are currently valued and used by Tribes.¹⁹⁵ “Some of these places include locations with long-standing cultural uses; locations that figure prominently in oral traditions regarding origin, place of

¹⁸⁵ Santa Fe LMP at 6.

¹⁸⁶ Carson LMP at 2.

¹⁸⁷ *Id.* at 115.

¹⁸⁸ *Id.*

¹⁸⁹ *Id.*

¹⁹⁰ *Id.* at 1.

¹⁹¹ *Id.* at 2.

¹⁹² Santa Fe LMP at 110.

¹⁹³ *Id.*

¹⁹⁴ *Id.* at 103.

¹⁹⁵ Cibola LMP at 96.

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.”¹⁹⁶ 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.”¹⁹⁷

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.”¹⁹⁸ “The Mescalero Apache, Hopi, and Zuni tribes consider the lands in the plan area to be their traditional lands.”¹⁹⁹ 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.”²⁰⁰

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.”²⁰¹ “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.”²⁰² 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.”²⁰³ These numbers represent a small fraction of the cultural resources present; only about 20% of the Gila National Forest has been inventoried.²⁰⁴

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

¹⁹⁶ *Id.* at 96.

¹⁹⁷ *Id.* at 2.

¹⁹⁸ Lincoln Draft LMP at 5.

¹⁹⁹ *Id.* at 87.

²⁰⁰ *Id.*

²⁰¹ Gila LMP at 13 (record of decision pending).

²⁰² *Id.* at 163.

²⁰³ *Id.* at 167.

²⁰⁴ *Id.*

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.²⁰⁵

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 provide recreational and economic opportunities.

The DEIS purports to minimize the effect that rescinding the Roadless Rule would have on cultural resources by suggesting that adverse effects to historic properties would be resolved through environmental review under the National Environmental Policy Act (NEPA) and application of Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations.²⁰⁶ But these assurances ring hollow in light of recent efforts to weaken NEPA, NHPA, and their implementing regulations.

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

²⁰⁵ Hedquist, S.L., L.A. Ellison, and A. Laurenzi. 2014. "Public Lands and Archaeological Resource Protection: A Case Study of Human Impacts to Archaeological Sites on the Tonto National Forest, Arizona." *Advances in Archaeological Practice* 2(4): 298–310.)

²⁰⁶ DEIS at 196.

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.²⁰⁷

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 1912.²⁰⁸ Despite these Treaty provisions, some of the common lands of community land grants-mercedes are now under federal ownership, managed by the Forest Service.²⁰⁹ 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 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.

In the DEIS, USDA has failed to analyze how 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.

²⁰⁷ 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.").

²⁰⁸ N.M. Const. Art II, Sec. 5.

²⁰⁹ USDA Forest Service, Santa Fe National Forest Land Management Plan, p. 106 (July 2022).

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 that would be adversely affected if USDA rescinds the Roadless Rule or decreases its geographic scope. When adopting the Roadless Rule, USDA recognized that IRAs promote the value of "natural-appearing landscapes with high scenic quality."²¹⁰ The DEIS reconfirms the importance of scenery as follows:

Scenery contributes to a community's sense of place and quality of life. People value scenery because it is integral to community character and recreation experiences. Research shows that high-quality scenery, especially scenery with natural-appearing landscapes, enhances people's lives and benefits society. Scenery and natural settings provide the backdrop for homes and communities, and inspire people to visit, recreate in, and live near national forests and grasslands. More people are choosing to live and recreate in scenic environments, as evidenced by population increases in areas known for their recreational and natural amenities. High-quality scenery and access to recreational opportunities provide social and economic benefits locally, regionally, and nationally.²¹¹

All of New Mexico's national forests exemplify the value of high-quality scenery. "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."²¹² "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 landscape."²¹³

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."²¹⁴ 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."²¹⁵ 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."²¹⁶

The forest plan for the Cibola National Forest states an intention to safeguard "high-quality

²¹⁰ Roadless Rule, 66 Fed. Reg. at 3244.

²¹¹ DEIS at 167 (citations omitted).

²¹² Carson LMP at 140.

²¹³ *Id.*

²¹⁴ Santa Fe LMP at 157.

²¹⁵ *Id.*

²¹⁶ *Id.*

scenery for present and future generations.”²¹⁷ 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.”²¹⁸

“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.²¹⁹ 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.”²²⁰ 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.”²²¹

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.²²² “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 communities.”²²³

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.²²⁴ “Increased well-being in turn contributes to increased job productivity, increased community involvement, and improved well-being in society as a whole.”²²⁵ 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.²²⁶ 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.²²⁷ The authors used models to consider whether the density of IRAs has a positive and statistically significant

²¹⁷ Cibola LMP at 124.

²¹⁸ *Id.*

²¹⁹ Lincoln Draft LMP at 111.

²²⁰ *Id.*

²²¹ *Id.*

²²² Gila LMP p. 228 (record of decision pending).

²²³ *Id.*

²²⁴ Cibola LMP at 124.

²²⁵ *Id.*

²²⁶ *Id.*

²²⁷ 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.

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).”²²⁸

As acknowledged in the DEIS, humans place a high value on the natural-appearing, intact landscapes in our forests, including IRAs and Wilderness Areas, which 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. USDA has not provided a rational basis for rescinding the Roadless Rule and harming scenic values, which the rule was adopted to promote.

VI. The DEIS and Cost Benefit Analysis Omit Critical Economic Information Yet Demonstrate the Immense Economic Costs of Rescinding the Roadless Rule.

As described throughout these comments, roadless areas hold immense economic value for New Mexicans. The DEIS and associated Cost Benefit Analysis (CBA) omit crucial information about the economic values of IRAs, but the analyses nonetheless demonstrate that rescission of the Roadless Rule would impose immense economic costs on USDA and on New Mexico’s state and local governments, taxpayers, and communities. USDA has failed to meaningfully analyze these costs, as required by NEPA and other applicable laws, and has failed to identify a preferred alternative that will maximize net benefits.²²⁹

First, as described above, USDA has presented no logical rationale for building new expensive roads, when the agency lacks the resources to maintain the extensive existing road network. New roads will compound the deferred maintenance costs of the national forest travel network and decrease its overall safety and effectiveness. The DEIS has failed to estimate the environmental costs of the existing deferred maintenance, the cost of new road construction and maintenance costs, or the cost of limiting public access to new roads, as proposed in the DEIS.

Second, as described above, the cost and necessity of securing New Mexico’s clean drinking water supply have increased since the adoption of the Roadless Rule and will continue to rise dramatically in the near future, even if the Roadless Rule remains in place. Intact watersheds in roadless areas have immense economic value. In the Western United States, about 90% of people are served by public drinking water systems derived from NFS lands

²²⁸ *Id.* at 537; see David J. Mildrexler, Logan T. Berner, Beverly E. Law, Mary S. Booth, Roadless rule rescission threatens highest integrity forest ecosystems in the United States, *Biological Conservation*, Volume 321, 2026, 111950, ISSN 0006-3207, available at <https://doi.org/10.1016/j.biocon.2026.111950>.

²²⁹ See CBA at 6 (“The economic analysis provides a cost-benefit analysis, as required by Executive Orders 12866 and 13563, which direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and equity”).

that include 71% of all IRAs in the nation.²³⁰ 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.²³¹ 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.”²³² As of 2006, IRAs in New Mexico were estimated to “provide an estimated water quality benefit up to \$42 million annually.”²³³ As of 2011, roadless areas were estimated to 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.”²³⁴ These figures are undoubtedly much higher today, with increased water demand and drying conditions. The DEIS acknowledges that in coming years, streamflows will decrease dramatically, beyond what municipal water districts are prepared to manage, and that flood risks will increase, along with the costs of flood control, repair, reconstruction, and insurance.²³⁵ Despite these acknowledgements, the DEIS and CBA fail to meaningfully analyze the water-related costs of the proposed action, including impacts to surface water quality and quantity, groundwater quality and quantity, and aquatic resources.

Third, as described above, roadless areas contribute significantly to the outdoor recreation economy. 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).²³⁶ The DEIS states that outdoor recreation is a “key engine of the U.S. economy” that comprises a greater share of the gross domestic product than either the mining or utility sectors.²³⁷ The CBA suggests that “increased access for recreation” is a potential benefit of recission,²³⁸ yet the DEIS says this is unlikely because the agency lacks funding for new recreational infrastructure, and new roads could be closed to the public.²³⁹ Closed roads do not improve recreational access, and USDA has a poor track record of enforcement when it comes to excluding the public from closed roads. For example, the Cibola National Forest, spread across northern and central New Mexico, currently does not have a single law enforcement officer on staff.

Finally, the DEIS omits or glosses over many other important economic factors that must be considered in this proposal, including impacts on climate and greenhouse gas emissions;

²³⁰ N. Liu, G.R. Dobbs, P.V. Caldwell, C.F. Miniati, G. Sun, K. Duan, S.A.C. Nelson, P.V. Bolstad, C.P. Carlson Quantifying the Role of National Forest System and Other Forested Lands in Providing Surface Drinking Water Supply for the Conterminous United States Gen. Tech. Rep. WO-100. Washington, DC: U.S. Department of Agriculture, Forest Service, Washington Office (2022), p. 40, available at [10.2737/WO-GTR-100](https://www.fs.fed.us/research/pubs/gtr/gtr100.pdf).

²³¹ DellaSala et al., *supra* note 74, at 79A.

²³² *Id.*

²³³ *Id.* at 80A.

²³⁴ *Id.* at 79A-80A.

²³⁵ DEIS at 119.

²³⁶ DellaSala et al., *supra* note 74, at 80A.

²³⁷ DEIS at 211.

²³⁸ CBA at 4.

²³⁹ DEIS at 105.

the cost of adversely affecting more than 300 listed species, 79 final or proposed critical habitats, and over 3,500 sensitive species; the increased prevalence of invasive species; harm to soils and watersheds; and the loss of cultural resources and traditional and sustenance practices.

VII. Conclusion

The organizations listed below strongly oppose the proposed rescission of the Roadless Rule or any decrease in Roadless Rule protections. The process that USDA has followed in rulemaking has failed 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 DEIS and CBA. The DEIS confirms that either USDA's preferred Alternative 2 or Alternative 3 would harm "ecosystem health including watershed health, forest health, and biodiversity," reduce scenic values, diminish recreation opportunities, degrade air and water quality, and destroy the legacy of undisturbed natural lands for future generations of New Mexicans.²⁴⁰

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, the cost of responding to increased wildfire ignitions along new roaded access, a loss of contributions from the outdoor recreation economy, and the cost of additional road construction and maintenance.

A decision to repeal the Roadless Rule also represents a significant deviation from USDA's prior 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. Stakeholders have a reliance interest in retaining protections for IRAs in New Mexico's forests, as established in the Roadless Rule and implemented through the recently completed and ongoing forest planning processes throughout the state.

If you have any questions regarding this letter, please contact Sally Paez, Staff Attorney at New Mexico Wild, who has been authorized to submit these comments on behalf of the undersigned organizations. Thank you for your consideration of our comments.

²⁴⁰ DEIS at 225-26.

Sincerely,



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