

Forest Plan Amendment No. 9:

Attached are replacement pages for the Gila National Forest Land and Resource Management Plan, 1986. The pages represent the 2002 decision amending the Gila National Forest Plan to incorporate Forest Service direction to protect eligible rivers for their outstandingly remarkable values, and preserve their classification pending determination of their suitability for inclusion into the National Wild and Scenic River System. This interim management applies to rivers that have been inventoried and deemed eligible on the Gila National Forest.

<u>Existing pages</u>	<u>Replacement Pages</u>
49	49
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50	50

RESEARCH NATURAL AREAS
MANAGEMENT AREA

This Management Area includes one designated RNA and four candidate RNA'S. The Gila River RNA is located in Management Area 7A and features 125 acres of pinyon-juniper woodland, 52 acres of riparian hardwood, and 225 acres of desert shrub for total size of 402 acres.

Potential or candidate RNA's are: Turkey Creek in Management Area 8B is 1,335 acres and features riparian hardwood as a major ecosystem; Rabbit Trap in Management Area 7A is 297 acres and features scrub grassland; Largo Mesa in Management Area 9A is 300 acres and features classic pinyon-juniper woodland; and Agua Fria Mountain in Management Area 9B is 350 acres and features mountain grassland as a major ecosystem.

Management
Emphasis:

Management will be to maintain the Gila River Research Natural Area and manage all potential candidate RNA's in their present natural condition. Manage to provide protection to natural features and vegetative communities while providing opportunities for research and education.

All areas are unsuitable for timber production.

- A03 The Visual Quality Objective of preservation will be met.
- A15 Manage dispersed recreation at low intensity reduced service level.
ORV use prohibited.
Manage ROS class according to existing inventory.
Post all boundaries outside wilderness.
- D05 Minimal range improvements developed, i.e boundary fences and appropriate interior fences. No additional developments will be authorized which might change the existing character of the area.
- E06 No permits for fuelwood or other wood products will be issued.
- J04 Work toward withdrawing from mineral entry the existing RNA and potential candidate areas if they are selected.
- P08,P09 Unplanned ignition will receive appropriate suppression action.
Wildfires burning outside the area, which threatens the area, will be suppressed.

RESOURCE	ACTIVITY	APPLICABLE AREA	STANDARDS AND GUIDELINES
ELIGIBLE WILD/ SCENIC/ RECREATION/ RIVER AREAS	A01, F02 J12, T01	ALL	<p>Wild and Scenic Rivers</p> <p>River corridors identified in the National River Inventory, or otherwise identified for suitability study, will be protected in the following ways:</p> <p>Manage wild and scenic river study areas to protect existing characteristics through the study period and until designated or released from consideration. [FSM 2354.21]</p> <p>Rivers identified for study are managed to maintain their outstanding values. [FSM 1924.03]</p> <p>To the extent the Forest Service is authorized under law, control stream impoundments and diversions. The free flowing characteristics of the identified river cannot be modified. [FSH 1909.12, Section 8.12]</p> <p>Outstandingly remarkable values of the identified river area must be protected and, to the extent practicable, enhanced. [FSH 1909.12, Section 8.12]</p> <p>Management and development of the identified river and its corridor cannot be modified to the degree that eligibility or classification would be affected (i.e., classification cannot be changed from wild to scenic or scenic to recreational). [FSH 1909.12, Section 8.12]</p> <p>The protection requirements will continue until a decision is made as to the future use of the river and adjacent lands. [FSH 1909.12, Section 8.12]</p> <p>Congressionally authorized rivers will be protected, as specified in Section 12(a) of the Wild and Scenic Rivers Act, until action is taken by the Congress. [FSH 1909.12, Section 8.12]</p>

WILD, SCENIC, AND RECREATION RIVERS ELIGIBILITY MANAGEMENT GUIDELINES

Wild Rivers [FSH 1909.12, 8.2]

Timber Production: Cutting of trees will not be permitted except when needed in association with a primitive recreation experience (such as clearing for trails and protection of users) or to protect the environment (such as control of fire). Timber outside the boundary, but within the visual corridors, will be managed and harvested in a manner to provide special emphasis to visual quality.

Water Supply: All water supply dams and major diversions are prohibited.

Hydroelectric Power: No development of hydroelectric power facilities would be permitted.

Flood Control: No flood control dams, levees, or other works are allowed in the channel or river corridor. The natural appearance and essentially primitive character of the river area must be maintained.

Mining: Locatable - Existing or new mining activity on 5(d)(1) study rivers is subject to regulations in 36 CFR 228, Subpart A and must be conducted in a manner that minimizes surface disturbance, sedimentation and pollution, and to the extent practicable, harmonize operations with scenic values. River values will be protected through reasonable mitigation and reclamation measures.

Leasable - For existing leases, licenses, and permits under mineral leasing laws, reasonable conditions of approval may be applied to protect identified river values according to 36 CFR 228, Subpart E. New leases, licenses, and permits under mineral leasing laws would include stipulations to protect the eligible river's values. Saleable - In wild river corridors, prohibit new authorizations for disposal of saleable mineral material to protect river values. In scenic and recreational river corridors, identified river values will be protected through reasonable mitigation and reclamation measures according to 36 CFR 228, Subpart C.

Road Construction: No roads or other provisions for overland motorized travel would be permitted within a narrow incised river valley or, if the river valley is broad, within 1/4 mile of the riverbank. A few inconspicuous roads leading to the boundary of the river area at the time of study will not disqualify wild river classification. Also, unobtrusive trail bridges could be allowed.

Agriculture: Agricultural use is restricted to a limited amount of domestic livestock grazing and hay production to the extent currently practiced. Row crops are prohibited.

Recreation Development: Major public-use areas, such as large campgrounds, interpretive centers, or administrative headquarters are located outside the wild river area. Simple comfort and convenience facilities, such as fireplaces or shelters may be provided as necessary within the river area. These should harmonize with the surroundings.

Structure: A few minor existing structures could be allowed assuming such structures are not incompatible with the essentially primitive and natural values of the viewshed. New structures would not be allowed except in rare instances to achieve management objectives (i.e. structures and activities associated with fisheries enhancement programs could be allowed).

Utilities: New transmission lines, gas lines, water lines, etc. are discouraged. Where no reasonable alternative exists, additional or new facilities should be restricted to existing rights-of-way. Where new rights-of-way are indicated, the scenic, recreational, and fish and wildlife values must be evaluated in the selection of the site.

Motorized travel: Motorized travel on land or water could be permitted, but is generally not compatible with this classification.

Scenic Rivers [FSH 1909.12, 8.2]

Timber Production: A wide range of silvicultural practices could be allowed provided that such practices are carried on in such a way that there is no substantial adverse effect on the river and its immediate environment. The river area should be maintained in its near natural environment. Timber outside the boundary but within the visual scene area should be managed and harvested in a manner that provides special emphasis on visual quality.

Water Supply: All water supply dams and major diversions are prohibited.

Hydroelectric Power: No development of hydroelectric power facilities would be allowed.

Flood Control: Flood control dams and levees would be prohibited.

Mining: Subject to regulations at 36 CFR 228 that the Secretaries of Agriculture and the Interior may prescribe to protect the values of rivers included in the National System, new mining claims and mineral leases could be allowed and existing operations allowed to continue. However, mineral activity must be conducted in a manner that minimizes surface disturbance, sedimentation and pollution, and visual impairment.

Road Construction: Roads may occasionally bridge the river area and short stretches of conspicuous or longer stretches of inconspicuous and well-screened roads or screened railroads could be allowed. Consideration will be given to the type of use for which roads are constructed and the type of use that will occur in the river area.

Agriculture: A wider range of agricultural uses is permitted to the extent currently practiced. Row crops are not considered as intrusion of the "largely primitive" nature of scenic corridors as long as there is not a substantial adverse effect on the natural appearance of the river area.

Recreation Development: Larger scale public use facilities, such as moderate size campgrounds, public information centers, and administrative headquarters are allowed if such structures are screened from the river. Modest and unobtrusive marinas also can be allowed.

Structures: Any concentrations of habitations are limited to relatively short reaches of the river corridor. New structures that would have a direct and adverse effect on river values would not be allowed.

Utilities: This is the same as for wild river classifications.

Motorized Travel: Motorized travel on land or water may be permitted, prohibited or restricted to protect the river values.

Recreational Rivers [FSH 1909.12,8.2]

Timber Production: Timber harvesting would be allowed under standard restrictions to protect the immediate river environment, water quality, scenic, fish and wildlife, and other values.

Water Supply: Existing low dams, diversion works, rip rap and other minor structures are allowed provided the waterway remains generally natural in appearance.

New structures are prohibited.

Hydroelectric Power: No development of hydroelectric power facilities is allowed.

Flood Control: Existing flood control works may be maintained. New structures are prohibited.

Mining: Subject to regulations (36 CFR 228) that the Secretaries of Agriculture and the Interior may prescribe to protect values of rivers included in the National System, new mining claims and mineral leases are allowed and existing operations are allowed to continue. Mineral activity must be conducted in a manner that minimizes surface disturbance, sedimentation and pollution, and visual impairment.

Road Construction: Paralleling roads or railroads could be constructed on one or both riverbanks. There can be several bridge crossings and numerous river access points.

Agriculture: Lands may be managed for a full range of agricultural uses, to the extent currently practiced.

Recreation Development: Campgrounds and picnic areas may be established in close proximity to the river. However, recreation classification does not require extensive recreation development.

Structures: Small communities as well as dispersed or cluster residential developments are allowed. New structures are allowed, both habitation and for intensive recreation use.

Utilities: This is the same as for wild and scenic river classifications.

Motorized Travel: Motorized travel on land or water may be permitted, prohibited or restricted. Controls will usually be similar to surrounding lands and waters.

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MANAGEMENT AREAS

This section includes Management Areas 2A-9E, which are major Ranger District Subdivisions. Each Management Area provides a description, management emphasis, and standards and guidelines specific to that area.

MANAGEMENT AREA 2A
Description:

This 18,027 acre Management Area is on the Black Range Ranger District. It is approximately 12 miles west of Beaverhead and is bounded on the southwest by the Middle Fork of the Gila River. The northern boundary is the Black Range-Reserve District boundary, while Forest Road 142 is the approximate boundary on the east. Elevations range from approximately 7,760 feet to 8,180 feet. Vegetation includes approximately 8,286 acres of Ponderosa pine, 7,007 acres of woodland, 64 acres of riparian, 523 acres of plains grassland and 2,147 acres of mountain grassland. This area includes no acres of suitable timber. The estimated levels of primary game species include 25 elk, 58 deer, and 55 turkey. Other game and nongame species occupy the area, including those that are associated with riparian habitats.

The Management Area is made up of two grazing allotments; Canyon Creek and Indian Creek. The present permitted use on these allotments is 1,790 AUMs.

Approximately 14,327 acres of this area are in the Gila Wilderness.

Analysis Area:

Contiguous Analysis Area 2A
LTMA: None

Management Emphasis:

Through coordination with the New Mexico Department of Game and Fish, featured species population levels will be established and managed. Coniferous and woodland forest habitats will be managed to provide a quality and quantity of habitat that compliments the level of herbaceous forage and cover for this area. Management of the wilderness resource will be directed toward protecting and restoring natural conditions and maintaining the physical and biological characteristics of the wilderness environment. Past range condition monitoring indicates that most portions of the Management Area are in satisfactory range condition. No livestock adjustments are anticipated, but capacity for livestock will be verified and permits adjusted based on updated standard range analysis procedures. Permittee management and investment may be used to sustain permitted numbers above projected levels provided the management emphasis can be maintained. The long term forage objective is to manage for a livestock/wildlife utilization ratio of 80/20.

Fuelwood harvest will be limited to project generated fuels.

Existing game species emphasized in this area include elk, deer, turkey, and small game.

The following Visual Quality acres have been inventoried for this Management Area:

1. Preservation	14,327 Acres
2. Retention	0 Acres
3. Partial Retention	1,915 Acres
4. Modification	1,785 Acres
5. Max. Modification	0 Acres

Management emphasis will be to maintain the visual quality values identified in the Forestwide Standards and Guidelines.

The following Recreation Opportunity Spectrum (ROS) has been established for this Management Area:

WILDERNESS:	Primitive	11,462 Acres
	Semi-Primitive	2,865 Acres
OTHER:	Semi-Primitive	1,800 Acres
	Roaded Natural	1,900 Acres

Decision Notice and Finding of No Significant Impact

Gila Forest Plan Amendment 9

Protection of Eligible Wild, Scenic or Recreation River Areas

Gila National Forest

Catron, Grant, Hidalgo, and Sierra Counties, New Mexico

Decision and Rationale:

It is my decision to amend the Gila National Forest Land and Resource Management Plan (Gila Forest Plan) to protect eligible¹ rivers (river areas²) for their outstandingly remarkable values, and preserve their classification pending determination of their suitability for inclusion into the National Wild and Scenic River System.³ This interim management applies to rivers that have been inventoried and deemed eligible on the Gila National Forest.

Catron County participated as a cooperative agency. In this capacity, county representatives commented on effects of this proposal and evaluated consistency of this proposal with Catron County laws, plans, and activities.

Forest Service Handbook (FSH 1909.12, Chapter 8.12) guidelines will be added to the Gila Forest Plan under Forest-wide Prescriptions as shown in the attachment to this document. Direction taken from the Forest Service Handbook (FSH 1909.12, Chapter 8.2) will also be included. This amendment pulls agency policy into a common place and gives better assurance that eligible river areas are protected.

My decision does not select which rivers are eligible or identify which rivers the Forest Service will formally recommend to Congress for designation. The next step would be suitability assessments, which would be conducted in compliance with the National Environmental Policy Act (NEPA). This is when people may express support or concern on whether or not an eligible river (or segment) is suitable for Wild and Scenic River designation.

My reason for this decision is to comply with Forest Service policy, which requires clear and appropriate management prescription for eligible rivers in Forest Plans. The Forest Service Handbook states...

The protection requirements... must be documented in the forest plan prescriptions and continued until a decision is made as to the future use of the river and adjacent lands. (FSH 1909.12, 8.12)

The preferred process is to proceed with determining suitability by completing a river study in the draft forest plan. An alternative is to delay the suitability determination on eligible rivers until a subsequent separate study is carried out. If this latter alternative is used, the forest plan must provide for protection of the river area until a decision is made as to the future use of the river and adjacent lands. Unless the study process would be unduly delayed, subsequent study of eligible rivers may be coordinated with a general revision of the forest plan. (FSH 1909.12, 8.14).

The Gila Forest Plan contains the programmatic prescriptions for future proposed actions. When the Gila Forest Plan was approved in 1986, direction on how to protect eligible rivers was not included. Having direction in the Forest Plan helps assure that, as proposals are designed on the Forest, mitigation measures will be incorporated to assure protection of the outstandingly remarkable values for which river areas were determined eligible.

My decision also meets one of the terms in a 1999 Stipulation and Settlement Agreement (*SW Center for Biological Diversity et al. v. Forest Service*) where the Forest Service agrees to protect eligible rivers according to Forest Service policy as set forth in the Forest Service Handbook, Chapter 8 --"Wild and Scenic River

¹ Eligibility is an inventory as to whether a river is free-flowing and possesses one or more outstandingly remarkable values.

² The river area equals the river and ¼ mile on either side, or approximately 320 acres per mile.

³ 1968 Wild and Scenic Rivers Act (USC§1271)

Evaluation" and "Interim Management of Study Rivers." My decision fulfills this stipulation from the court ordered agreement.

The 1999 Stipulation and Settlement Agreement also required the Gila National Forest to conduct a river assessment (eligibility and classification) for rivers within its respective jurisdiction pursuant with the Wild and Scenic Rivers Act. Eligibility is an inventory as to whether a river is free flowing and possesses one or more outstandingly remarkable values. The Gila National Forest completed an inventory of all potential rivers and/or segments.

A team made up of various disciplines (wildlife, recreation, hydrology, fisheries, etc.) was identified to conduct the analysis for each ranger district on the Gila National Forest. These district interdisciplinary teams systematically identified and evaluated the free-flowing nature and existence of potential outstandingly remarkable values for rivers or river segments on the Gila National Forest. Ninety nine rivers/river segments were evaluated and eight were determined eligible. The determination that a river area contains outstandingly remarkable values was a professional judgment on the part of each member of the interdisciplinary team. Input from organizations and individuals familiar with specific river resources was sought and documented as a part of the process. A list of eligible rivers, their outstandingly remarkable values and their potential classification are included as an appendix to the environmental assessment. *This decision does not in any way make a determination on the eligibility of these rivers or any others that were analyzed during the inventory process.*

Issues and Alternatives Considered:

The 1999 Stipulation and Settlement Agreement is an expression of concern by the Center for Biological Diversity and Amigos Bravos that the Gila National Forest (as well as other National Forests in New Mexico) would not protect eligible rivers unless direction from the Forest Service Manual (FSM 1924.03) and Forest Service Handbook (FSH 1909.12, 8.12) were also incorporated into the Forest's Land and Resource Management Plan. The proposed action (and this decision) simply duplicates existing Forest Service requirements.

No significant issues relating to copying direction from the Forest Service Manual and Handbook into the Forest Plan were identified on which to build alternatives; therefore, only two alternatives were considered:

- **Alternative A:** *No Action; do not amend the Gila Forest Plan.*
- **Alternative B:** *Place direction from the Forest Service Manual and Forest Service Handbook into the Forest Plan (see attached replacement pages).*

The purpose and need for the proposed action was to comply with existing agency direction and the 1999 Stipulation and Settlement Agreement. No other alternatives were considered in detail, since no variations on wording (standards/guidelines) from what is already stated in the Forest Service Manual and Forest Service Handbook could be made. Modifications to existing Forest Service policy and regulations would need to go through a formal rulemaking process; thus, an alternative to include something different than what is already stated in agency direction would be beyond the scope of the analysis.

Scoping and Public Participation:

Scoping applies to all proposed actions that require an environmental analysis. However, the type and level of scoping and public participation is *commensurate with the nature and complexity of the proposed action* (FSH 1909.15, 10.3 [2a]). My decision is in direct response to public concerns expressed by the Center for Biological Diversity and Amigos Bravos. This decision assures the public that the Forest Service will protect eligible rivers (or river areas) for their outstandingly remarkable values, and preserve their classification pending determination of their suitability for inclusion into the National Wild and Scenic River System. More extensive and comprehensive public involvement would take place as a part of the NEPA process involving suitability.

Finding of No Significant Impact (FONSI):

This is not a major Federal action that would significantly affect the quality of the human environment. Therefore, an environmental impact statement was not prepared. This determination was made considering the following:

Context: This is local decision. It affects the Gila National Forest and has no national or regional effect.

Intensity:

- **Beneficial and Adverse Impacts:** *Implementation of this decision has no environment effects. It is simply duplicating direction already stated in agency policy and regulation.*
- **Public Health and Safety:** *Since implementation of this decision has no environmental effects, it will not pose any public health or safety risk.*
- **Unique Characteristics:** *This decision protects the unique characteristics for which a river or river segment was identified as eligible, until further analysis is completed to determine whether or not it should be included into the National Wild and Scenic River System.*
- **Controversy of Effects:** *There is no controversy over the effects of copying existing direction into the Forest Plan.*
- **Uncertainty and Risks:** *This decision will incorporate existing law and agency policy and regulation into the Forest Plan. This direction has been implemented and adhered to by the Forest Service and other agencies (in the case of the Wild and Scenic Rivers Act) for many years. Therefore, implementation of this decision will carry no uncertain effects or risks.*
- **Precedent:** *This decision does not set a precedent, for similar direction has already been incorporated in many forest plans across the nation. In addition, the determination to have such standards and guidelines has already been made in the Forest Service Manual, Forest Service Handbook.*
- **Cumulative Effect:** *It is not reasonable to anticipate that this decision to copy protective statements into the Forest Plan, in conjunction with other actions, would cumulatively have significant effects. Cumulative effects of past activities have, by definition, been imprinted on the ground and the inventoried area still met the eligibility criteria in the inventory process.*
- **Significant Scientific, Cultural or Historical Resources:** *This decision has no effect on any of these resources, for they are already protected on current regulation.*
- **Threatened or Endangered Species:** *This decision has no effect on any federally listed threatened or endangered species because we are required now to protect these species and this action merely places current direction into the Forest Plan.*
- **Laws:** *This decision does not violate Federal, State or local laws or requirements imposed for the protection of the environment. This decision actually reinforces legislation in the Wild and Scenic Rivers Act.*

Appeal Rights:

This decision to copy existing direction from the Forest Service Manual and Handbook into the Gila Forest Plan is subject to appeal in accordance with 36 CFR 217. My decision does not select which rivers are eligible or identify which rivers the Forest Service will formally recommend to Congress for designation. The next step would be suitability assessments, which would be conducted in compliance with the National Environmental Policy Act (NEPA). This is when people may express support or concern on whether or not an eligible river (or segment) is suitable for Wild and Scenic River designation.

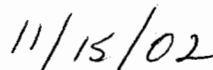
A Notice of Appeal concerning duplicating Forest Service Manual and Handbook direction into the Forest Plan must be in writing and clearly stated that it is a Notice of Appeal being filed pursuant to 36 CFR 217. Appeals must be fully consistent with 36 CFR 217, "Content of Notice of Appeal," and must be filed with the Regional Forester, Southwestern Region, 333 Broadway SE, Albuquerque, NM, 87102 within 45 days of the date of legal notice of this decision in The Silver City Daily Press newspaper.

More Information:

For additional information, contact Steve Libby at 505/388-8201 or write to him at Gila National Forest, 3005 E. Camino del Bosque, Silver City, NM, 88061.

**MARCIA R. ANDRE**

Forest Supervisor, Gila National Forest

**Date**