

State of New Mexico
Energy, Minerals and Natural Resources Department

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September 17, 2025

The Honorable Secretary Brooke L. Rollins
U.S. Department of Agriculture
1400 Independence Ave. SW
Washington, D.C. 20250-0108

Comments on Docket Number FS-2025-001; submitted electronically through the Federal eRulemaking Portal <https://www.regulations.gov>

Dear Secretary Rollins:

The New Mexico Energy Minerals and Natural Resources Department (EMNRD) Forestry Division and New Mexico Department of Game and Fish (DGF) submit this letter in response to the U.S. Department of Agriculture's (USDA) request for comments on the proposed rescission 2001 Roadless Area Conservation Rule (2001 Roadless Rule) (66 FR 3244, 36 CFR Subpart B (2001)), which prohibits road construction, road reconstruction, and timber harvesting in inventoried roadless areas, with limited exceptions. Through this comment, the EMNRD Forestry Division and DGF expresses deep concern regarding the proposed rescission of the 2001 Roadless Rule.

EMNRD Forestry Division's mission is to address the critical needs of New Mexico's 24.7 million acres of forests and watersheds by reducing the fuels that increase the dangers of wildland fires, supplying wood products to New Mexico wood processors and residents, identifying invasive insects that lead to mortality and disease, conserving rare plants, and promoting healthy forests and watersheds for generations to come. EMNRD Forestry Division is the lead state agency for wildland fire management on 43 million acres of non-federal, non-tribal, and non-municipal lands, with responsibility to maintain fire suppression capacities and ensure public and firefighters' safety.

DGF's mission is to conserve, regulate, propagate and protect the wildlife and fish within the state of New Mexico, using a flexible management system that ensures sustainable use for public food supply, recreation and safety and to provide for off-highway motor vehicle recreation that recognizes cultural, historic and resource values while ensuring public safety. DGF is the lead agency in conserving and managing fish and wildlife populations across the state of New Mexico, including making best practice recommendations for ways to mitigate impacts of development activities on state-protected species.

The USDA purpose and need for proposing to rescind the 2001 Roadless Rule is “provide discretion for local land managers to tailor management, as appropriate, to local land conditions.” In New Mexico, the 2001 Roadless Rule applies to 1,549,469 acres of Inventoried Roadless Areas (IRA), which is approximately 15% of the National Forest System lands in the New Mexico, and about 2% of all lands in the state. The New Mexico Forest Action Plan identified the top 500 watersheds with the highest risk of catastrophic wildfire that would negatively affect communities, wildlife habitat and water supplies, and 80% of the IRA are in the watersheds with high risk of wildfire.

EMNRD Forestry Division and DGF are concerned about long-term mitigation of wildfire risk in IRA but feel the exceptions in the 2001 Roadless Rule are sufficient to allow the necessary fuels reduction work.

EMNRD Forestry Division and DGF support aggressive and strategic hazardous fuels removal to reduce the risk of catastrophic wildfire and long-term damage to watersheds that are critical for habitat and water supply and reliability (see caveats for wildlife-friendly practices below).

The 2001 Roadless Rule already allows for road construction under circumstances wherein “a road is needed to protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property.” Furthermore, the 2001 Roadless Rule also allows timber harvesting “to maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period.”

To achieve its purpose in rescinding the 2001 Roadless Rule, which is to provide discretion for local land management to tailor management to local land conditions, the USDA Forest Service will need to carefully consider and minimize unintended impacts to wildlife and their habitats. DGF expresses deep concern regarding the proposed rescission of the 2001 Roadless Rule and has the following more specific comments regarding this proposed rescission.

- 1) **Impacts of roads on wildlife and their habitats:** The scientific literature very clearly indicates the threat to biodiversity as a whole (e.g., Findlay and Bourdages 2000) and to different taxonomic groups (e.g., birds, Holbrook and Vaughan 1985; fishes, Franklin et al. 2024; insects, Muñoz et al. 2015; mammals, Oxley et al. 1974, Lyon 1979; reptiles and amphibians, Fahrig et al. 1995, USFWS 2013, Andrews et al. 2015) from roads. Threats from roads come in the form of direct mortality resulting from wildlife-vehicle collisions (e.g., Fahrig et al. 1995, Cramer et al. 2022) and indirect threats associated with increasing human access to otherwise undisturbed areas and related increases in harvest or poaching (e.g., Holbrook and Vaughan 1985, DGF comments in USDA 2000, Haines et al. 2012), introduction of invasive species (e.g., Tyser and Worley 1992, Greenberg et al. 1997, Christen and Matlack 2009), and habitat fragmentation/loss of habitat connectivity (e.g., Reed et al. 1996, Warren and Pardew 1998, Theobald et al. 2011). It also clearly indicates the value of structures that increase permeability of roads (e.g., culverts, Yanes et al. 1995, open-box crossings, Warren and Pardew 1998). Further, there are at least 131 Species of Greatest Conservation Need (SGCN) as identified in the [2025 State Wildlife Action Plan for New](#)

[Mexico](#) (SWAP) and 66 state-listed species that have either been observed in or may be found in, based on local habitat types, the roughly 1,500,000 acres of inventoried roadless areas currently in New Mexico (see Appendix A). This is a minimum count of SGCN potentially present in these areas as spatial occurrence data are not yet available for all 505 SGCN identified in the 2025 SWAP. Additionally, the final rule and record of decision for the 2001 Roadless Rule (USDA 2001) indicates that the U.S. Forest Service receives insufficient funds to maintain the existing road infrastructure on National Forest System lands; it is not logical to create more roads that cannot be maintained, especially given their anticipated impacts on wildlife. DGF requests discussion of these impacts from roads on wildlife and their habitats in the proposed EIS.

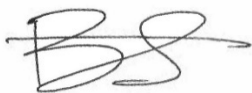
- 2) **Impacts of timber cutting on wildlife and their habitats:** There is evidence of the impacts of timber cutting and removal on different taxonomic groups (e.g., birds, Franzreb and Ohmart 1978; insects, Baker et al. 2015; mammals, Zwolak 2009; reptiles and amphibians, Todd and Andrews 2008, USFWS 2013). Effects are especially notable for clear cutting that does not retain sufficient unlogged patches or suitable forest habitat. Threats from timber cutting include loss of key habitat features (e.g., forage sites and prey, Franzreb and Ohmart 1978). Given the potential for timber cutting to negatively impact a diversity of wildlife, DGF encourages incorporation of more wildlife-friendly thinning approaches in the proposed EIS, relevant to any areas where timber cutting is undertaken (e.g., [Ponderosa Pine Restoration Guidelines to Benefit Wildlife](#), Reynolds et al. 1992, Darr et al. 2022).
- 3) **Relationship of roads to wildfire ignition and frequency:** On page 42180, the NOI states the following: 1) “Between 1984 and 2024, 13 percent of inventoried roadless areas (5.5 million acres) experienced high or moderate severity wildfire”; 2) “Currently, forty percent of lands within inventoried roadless areas have a high or very-high wildfire hazard potential...”; and 3) “...the area encompassing the WUI [Wildland-Urban Interface] has increased alongside increased insect and disease and wildfire activity throughout the National Forest System, including within inventoried roadless areas”. The Department requests the specific data sources supporting these statements. Further, on page 42181, the NOI states that “the proposed rule responds to the need for national forests to take swift and immediate action to reduce wildfire risk...”. These statements in the NOI imply that greater access to current inventoried roadless areas, through road construction and timber harvest, is required to address high wildfire risk in these areas. As stated previously, the 2001 Roadless Rule (36 CFR Part 294.13.b.1.ii) already allows for cutting, sale, and removal of timber in order to “maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period;”, thus allowing for treatments to address wildfire risk in inventoried roadless areas. There is also mixed evidence regarding the relationship between road presence and wildfire occurrence. For example, there is evidence that the presence of roads, even minor roads, and increased road density can increase fire ignition frequency (Faivre et al. 2014) and that most wildfires are human caused and occur within 0.5 miles of a road; only 3% of fires start in wilderness or backcountry areas far from roads (Morrison 2007). Conversely, there is evidence that roads are poor predictors of fire ignition (Fusco et al. 2016) and that, while human-caused ignitions are concentrated near roads, fires occurring in roaded areas are smaller than those occurring

in roadless and wilderness areas (Narayanaraj and Wimberly 2012). There are also factors other than tree density driving changes in fire occurrence; while wildfires have become increasingly large (i.e., burn area has increased), more severe (i.e., area burned at high severity has increased), more frequent, and last longer in the western U.S. than they did historically, these changes have been documented to be associated with warmer temperatures, earlier spring snowmelt, and drought (Westerling et al. 2006, Westerling 2016, Parks and Abatzoglou 2020). Increasing access via roads to current inventoried roadless areas will not alleviate the climate-related causes of these trends toward higher wildfire frequency and severity may in fact increase the risk of wildfire ignition as described above. Additionally, whenever feasible, DGF encourages the use of less invasive approaches to implementing forest treatments to reduce wildfire risk (e.g., hand thinning) in currently undisturbed or less disturbed areas, as opposed to the more invasive approaches associated with the large equipment for which roads provide access. Even if roads that are constructed to allow for forest treatments are temporary, it is often hard to close roads and maintain them as closed (DGF comments in USDA 2000). For the proposed EIS, DGF requests clarification of the relationship between the presence of roads and wildfire frequency and severity and an emphasis on the use of the least invasive methods possible and minimizing the use of roads, even temporary roads, when conducting forest treatments to reduce the potential for severe wildfire occurrence.

Conclusion

EMNRD Forestry Division and DGF deeply value the partnership with USDA, Forest Service and the five National Forests in New Mexico. We appreciate the opportunity to comment on the proposed rescission of the 2001 Roadless Rule and hope that it is one of many such opportunities to provide feedback on how the rescission will affect New Mexico's human and wildlife communities. If you have questions related to these comments, please contact Mr. Jacob Pederson at (505) 629-6643 or Jacob.Pederson@emnrd.nm.gov or Dr. Virginia Seamster at (505) 629-7738 or Virginia.Seamster@dgf.nm.gov.

Sincerely,



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CC: Michael B. Sloane, Director, New Mexico Department of Game and Fish
Courtney Kerster, Director of Federal Relations for Governor Lujan Grisham

Brad Kinder, Acting Director, Ecosystem Management Coordination, USDA Forest Service

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Appendix A Species of Greatest Conservation Need, with state-listed species noted, that may occur in the over 1,500,000 acres of inventoried roadless areas in New Mexico.

Common Name	Scientific Name	Taxonomic Group	State-Listed
Arizona Toad	<i>Anaxyrus microscaphus</i>	Amphibian	
Barking Frog	<i>Craugastor augusti</i>	Amphibian	
Boreal Chorus Frog	<i>Pseudacris maculata</i>	Amphibian	
Chiricahua Leopard Frog	<i>Lithobates chiricahuensis</i>	Amphibian	
Colorado River Toad	<i>Incilius alvarius</i>	Amphibian	Threatened
Great Plains Narrowmouth Toad	<i>Gastrophryne olivacea</i>	Amphibian	Endangered
Jemez Mountains Salamander	<i>Plethodon neomexicanus</i>	Amphibian	Endangered
Lowland Leopard Frog	<i>Lithobates yavapaiensis</i>	Amphibian	Endangered
Mountain Treefrog	<i>Hyla wrightorum</i>	Amphibian	
Northern Leopard Frog	<i>Lithobates pipiens</i>	Amphibian	
Plains Leopard Frog	<i>Lithobates blairi</i>	Amphibian	
Rio Grande Leopard Frog	<i>Lithobates berlandieri</i>	Amphibian	
Sacramento Mountain Salamander	<i>Aneides hardii</i>	Amphibian	Threatened
Western Toad	<i>Anaxyrus boreas</i>	Amphibian	Endangered
Abert's Towhee	<i>Melospiza aberti</i>	Bird	Threatened
American Bittern	<i>Botaurus lentiginosus</i>	Bird	
American Peregrine Falcon	<i>Falco peregrinus anatum</i>	Bird	Threatened
Aplomado Falcon	<i>Falco femoralis</i>	Bird	Endangered
Arizona Grasshopper Sparrow	<i>Ammodramus savannarum ammodramus</i>	Bird	Endangered
Baird's Sparrow	<i>Ammodramus bairdii</i>	Bird	Threatened
Bald Eagle	<i>Haliaeetus leucocephalus</i>	Bird	Threatened
Common Name	Scientific Name	Taxonomic Group	State-Listed
Bank Swallow	<i>Riparia riparia</i>	Bird	
Bell's Vireo	<i>Vireo bellii</i>	Bird	Threatened
Bendire's Thrasher	<i>Toxostoma bendirei</i>	Bird	
Black Swift	<i>Cypseloides niger</i>	Bird	
Black-Chinned Sparrow	<i>Spizella atrogularis</i>	Bird	
Black-Throated Gray Warbler	<i>Setophaga nigrescens</i>	Bird	
Boreal Owl	<i>Aegolius funereus</i>	Bird	Threatened
Broad-Billed Hummingbird	<i>Cynanthus latirostris</i>	Bird	Threatened
Brown-Capped Rosy-Finch	<i>Leucosticte australis</i>	Bird	
Cassin's Finch	<i>Haemorhous cassinii</i>	Bird	
Chestnut-Collared Longspur	<i>Calcarius ornatus</i>	Bird	
Clark's Grebe	<i>Aechmophorus clarkii</i>	Bird	
Clark's Nutcracker	<i>Nucifraga columbiana</i>	Bird	
Common Black-Hawk	<i>Buteogallus anthracinus</i>	Bird	Threatened
Common Ground-Dove	<i>Columbina passerina</i>	Bird	Endangered
Common Nighthawk	<i>Chordeiles minor</i>	Bird	
Costa's Hummingbird	<i>Calypte costae</i>	Bird	Threatened
Elegant Trogon	<i>Trogon elegans</i>	Bird	Endangered

Elf Owl	<i>Micrathene whitneyi</i>	Bird	
Evening Grosbeak	<i>Coccothraustes vespertinus</i>	Bird	
Flammulated Owl	<i>Psiloscops flammeolus</i>	Bird	
Gila Woodpecker	<i>Melanerpes uropygialis</i>	Bird	Threatened
Grace's Warbler	<i>Setophaga graciae</i>	Bird	
Gray Vireo	<i>Vireo vicinior</i>	Bird	Threatened
Juniper Titmouse	<i>Baeolophus ridgwayi</i>	Bird	
Lewis's Woodpecker	<i>Melanerpes lewis</i>	Bird	
Loggerhead Shrike	<i>Lanius ludovicianus</i>	Bird	
Long-Billed Curlew	<i>Numenius americanus</i>	Bird	
Lucifer Hummingbird	<i>Calothorax lucifer</i>	Bird	Threatened
Lucy's Warbler	<i>Leiothlypis luciae</i>	Bird	
Common Name	Scientific Name	Taxonomic Group	State-Listed
Mexican Spotted Owl	<i>Strix occidentalis lucida</i>	Bird	
Mountain Bluebird	<i>Sialia currucoides</i>	Bird	
Mountain Plover	<i>Charadrius montanus</i>	Bird	
Neotropic Cormorant	<i>Phalacrocorax brasilianus</i>	Bird	Threatened
Northern Beardless-Tyrannulet	<i>Camptostoma imberbe</i>	Bird	Endangered
Olive-Sided Flycatcher	<i>Contopus cooperi</i>	Bird	
Peregrine Falcon	<i>Falco peregrinus</i>	Bird	Threatened
Pinyon Jay	<i>Gymnorhinus cyanocephalus</i>	Bird	
Pygmy Nuthatch	<i>Sitta pygmaea</i>	Bird	
Red-Faced Warbler	<i>Cardellina rubrifrons</i>	Bird	
Red-Headed Woodpecker	<i>Melanerpes erythrocephalus</i>	Bird	
Southwestern Willow Flycatcher	<i>Empidonax traillii extimus</i>	Bird	Endangered
Sprague's Pipit	<i>Anthus spragueii</i>	Bird	
Thick-Billed Kingbird	<i>Tyrannus crassirostris</i>	Bird	Endangered
Thick-billed Longspur	<i>Rhynchophanes mccownii</i>	Bird	
Varied Bunting	<i>Passerina versicolor</i>	Bird	Threatened
Vesper Sparrow	<i>Poocetes gramineus</i>	Bird	
Violet-Crowned Hummingbird	<i>Amazilia violiceps</i>	Bird	Threatened
Virginia's Warbler	<i>Leiothlypis virginiae</i>	Bird	
Western Bluebird	<i>Sialia mexicana</i>	Bird	
Western Burrowing Owl	<i>Athene cunicularia hypugaea</i>	Bird	
Whiskered Screech-Owl	<i>Megascops trichopsis</i>	Bird	Threatened
White-Tailed Ptarmigan	<i>Lagopus leucura</i>	Bird	Endangered
Williamson's Sapsucker	<i>Sphyrapicus thyroideus</i>	Bird	
Yellow-Billed Cuckoo	<i>Coccyzus americanus</i>	Bird	
Chihuahua Chub	<i>Gila nigrescens</i>	Fish	Endangered
Desert Sucker	<i>Catostomus clarkii</i>	Fish	
Gila Chub	<i>Gila intermedia</i>	Fish	Endangered
Gila Trout	<i>Oncorhynchus gilae</i>	Fish	Threatened

Headwater Chub	<i>Gila nigra</i>	Fish	Endangered
Loach Minnow	<i>Rhinichthys cobitis</i>	Fish	Endangered
Rio Grande Chub	<i>Gila pandora</i>	Fish	
Common Name	Scientific Name	Taxonomic Group	State-Listed
Rio Grande Sucker	<i>Catostomus plebeius</i>	Fish	
Roundtail Chub	<i>Gila robusta</i>	Fish	Endangered
Sonora Sucker	<i>Catostomus insignis</i>	Fish	
Spikedace	<i>Meda fulgida</i>	Fish	Endangered
Suckermouth Minnow	<i>Phenacobius mirabilis</i>	Fish	Threatened
White Sands Pupfish	<i>Cyprinodon tularosa</i>	Fish	Threatened
American Pika	<i>Ochotona princeps</i>	Mammal	
Arizona Montane Vole	<i>Microtus montanus arizonensis</i>	Mammal	Endangered
Arizona Shrew	<i>Sorex arizonae</i>	Mammal	Endangered
Black-Footed Ferret	<i>Mustela nigripes</i>	Mammal	
Black-Tailed Prairie Dog	<i>Cynomys ludovicianus</i>	Mammal	
Gunnison's Prairie Dog	<i>Cynomys gunnisoni</i>	Mammal	
Jaguar	<i>Panthera onca</i>	Mammal	
Least Shrew	<i>Cryptotis parva</i>	Mammal	Threatened
Lesser Long-Nosed Bat	<i>Leptonycteris yerbabuenae</i>	Mammal	Threatened
Mexican Long-Nosed Bat	<i>Leptonycteris nivalis</i>	Mammal	Endangered
Mexican Long-Tongued Bat	<i>Choeronycteris mexicana</i>	Mammal	
Mexican Wolf	<i>Canis lupus baileyi</i>	Mammal	Endangered
Mink	<i>Neovison vison</i>	Mammal	
New Mexican Meadow Jumping Mouse	<i>Zapus hudsonius luteus</i>	Mammal	Endangered
Organ Mountains Colorado Chipmunk	<i>Neotamias quadrivittatus australis</i>	Mammal	Threatened
Pacific Marten	<i>Martes caurina</i>	Mammal	Threatened
Southern Pocket Gopher	<i>Thomomys umbrinus</i>	Mammal	Threatened
Spotted Bat	<i>Euderma maculatum</i>	Mammal	Threatened
Townsend's Big-Eared Bat	<i>Corynorhinus townsendii</i>	Mammal	
Western Yellow Bat	<i>Lasiurus xanthinus</i>	Mammal	Threatened
White-Sided Jackrabbit	<i>Lepus callotis gaillardi</i>	Mammal	Threatened
Jemez Woodlandsnail	<i>Ashmunella ashmuni</i>	Mollusc	
Mineral Creek Mountainsnail	<i>Oreohelix pilsbryi</i>	Mollusc	Threatened
Silver Creek Woodlandsnail	<i>Ashmunella binneyi</i>	Mollusc	
Arizona Black Rattlesnake	<i>Crotalus cerberus</i>	Reptile	
Banded Rock Rattlesnake	<i>Crotalus lepidus klauberi</i>	Reptile	
Big Bend Slider	<i>Trachemys gaigeae</i>	Reptile	
Common Name	Scientific Name	Taxonomic Group	State-Listed
Bunch Grass Lizard	<i>Sceloporus slevini</i>	Reptile	Threatened
Desert Massasauga	<i>Sistrurus catenatus edwardsii</i>	Reptile	
Gila Monster	<i>Heloderma suspectum</i>	Reptile	Endangered

Gray-Banded Kingsnake	<i>Lampropeltis alterna</i>	Reptile	Endangered
Gray-checked Whiptail	<i>Aspidoscelis tessellata</i>	Reptile	Endangered
Green Rat Snake	<i>Senticolis triaspis</i>	Reptile	Threatened
Mountain Skink	<i>Plestiodon callicephalus</i>	Reptile	Threatened
Narrowhead Garter Snake	<i>Thamnophis rufipunctatus</i>	Reptile	Endangered
New Mexico Ridgenose Rattlesnake	<i>Crotalus willardi obscurus</i>	Reptile	Endangered
Northern Mexican Garter Snake	<i>Thamnophis eques megalops</i>	Reptile	Endangered
Plainbelly Water Snake	<i>Nerodia erythrogaster</i>	Reptile	Endangered
Rock Rattlesnake	<i>Crotalus lepidus</i>	Reptile	
Sonoran Mud Turtle	<i>Kinosternon sonoriense</i>	Reptile	
Western Ribbon Snake	<i>Thamnophis proximus</i>	Reptile	Threatened
Western River Cooter	<i>Pseudemys gorzugi</i>	Reptile	Threatened
