

State of New Mexico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Erin Taylor
Acting Cabinet Secretary

Ben Shelton
Deputy Secretary



Brook Rollins
U.S. Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave., S.W.,
Washington, DC
20250

Erin Taylor
Acting Secretary
Energy, Minerals and Natural Resources Department
State of New Mexico
1220 S St Francis Dr,
Santa Fe, NM
87505

Public Comment of the State of New Mexico on the Proposed Rescission of the 2001 Roadless Area Conservation Rule

2026-16965 (91 FR 53827)

Department of Agriculture
Forest Service
36 CFR Part 294
RIN 0596-AD66

Submitted: September 21, 2026

Dear Secretary Rollins,

The State of New Mexico appreciates the opportunity to comment on the U.S. Department of Agriculture's proposed rescission of the 2001 Roadless Area Conservation Rule and the associated Draft Environmental Impact Statement (Draft EIS). New Mexico's agencies, including the New Mexico Department of Wildlife (NMDOW), the New Mexico Interstate Stream Commission (NMISC), the New Mexico Department of Cultural Affairs (DCA), and the Energy, Minerals and Natural Resources Department Forestry Division (EMNRD-Forestry), have reviewed the Proposed Action and Draft EIS and jointly submit the following comments.

New Mexico strongly opposes rescission of the 2001 Roadless Rule.

1. Introduction: New Mexico's Interest in Roadless Area Management

New Mexico contains over 1.5 million acres of Inventoried Roadless Areas (IRAs) across five National Forests. These landscapes include:

- Headwater watersheds that supply drinking water to downstream communities
- High-integrity wildlife habitat supporting nearly 300 special-status species, including ESA-listed species
- Critical erosion-control zones in steep, fire-prone terrain
- Priority conservation landscapes identified in the State Wildlife Action Plan and the 2020 Forest Action Plan

New Mexico's agencies have extensive on-the-ground experience implementing fuels treatments, watershed protection projects, wildlife conservation actions, and post-fire recovery efforts in partnership with the U.S. Forest Service.

2. Background: The 2001 Roadless Rule Provides Sufficient Flexibility for Fire Management

The Draft EIS acknowledges that: "Agency management records show that a lack of roads has not prevented fire prevention or protection measures, especially wildland fire use and prescribed fire" (USDA 2026a, p. 157).

The 2001 Roadless Rule already allows road construction when needed to protect public health and safety during imminent threats; timber harvest to reduce uncharacteristic wildfire risk; and Prescribed fire, managed fire, and hand thinning. These authorities provide sufficient flexibility to ensure effective fire management for federal, state and local entities. Rather than expanding motorized access or constructing new roads, a more prudent investment strategy would strengthen environmental planning capacity and increase funding for service contracts that implement these treatments at scale.

In the last 10 years, 88% of fires on USFS lands in New Mexico started within 1 mile of a road. This pattern underscores that additional roads or expanded motorized access do not improve fire-management outcomes and may instead increase ignition risk in fire-prone landscapes. The existing framework already provides the access needed for suppression and fuels-reduction operations without introducing new ignition pathways.

New Mexico agencies have repeatedly used these authorities to implement fuels reduction projects within IRAs, including thinning and prescribed fire in the Gila National Forest near Silver City and Pinos Altos.

The Proposed Action does not demonstrate that rescission would meaningfully increase management flexibility beyond what already exists.

3. Analysis of the Draft EIS: Insufficient Justification for Rescission

3.1 Purpose and Need Are Not Supported by the Record

The Draft EIS states that rescission is needed to "increase local management flexibility" and address wildfire risk. However:

- 77% of National Forest System lands are already outside IRAs and fully available for active management.
- Only 5% of IRA acres nationwide have received fuels treatments since 2014, not because of roadless restrictions, but because of limited funding, staffing, and road maintenance capacity.
- New Mexico's forests contain 19,903 miles of roads, of which less than 9% are maintained. The barrier to active management is maintenance, not access.

Opening new roads will not solve the underlying constraints.

3.2. Road Construction Would Increase Risks to Water Resources

New Mexico's headwater IRAs are steep, erosion-prone, and hydrologically sensitive. The Draft EIS does not adequately analyze:

- Sedimentation increases from unpaved roads (Mazur et al. 2026: unpaved roads generate 5× more runoff and hundreds-fold higher erosion rates)
- Post-fire hydrologic hazards exacerbated by roads (Cao et al. 2021: post-fire erosion increases up to 100×, with highest soil loss directly below road segments)
- Groundwater recharge reductions from soil compaction
- Contamination risks from increased vehicle access and heavy equipment
- Water treatment cost increases for downstream communities

IRAs currently function as natural buffers protecting water quality. Rescission would degrade these functions.

3.3. Biodiversity Impacts Are Severe and Well-Documented

NMDOW's review found:

- Approximately 300 special-status species may occur in New Mexico's IRAs
- Approximately 40% are ESA-listed or state-listed
- 95% of IRA acreage scores 1 or 2 (most crucial habitat) in NMCHAT
- The USFWS Biological Assessment concludes the Proposed Action "may affect, likely to adversely affect" 329 Endangered Species Act (ESA) species

The Draft EIS lists potential "beneficial impacts" of road building and timber harvest but provides no supporting evidence, while extensive literature documents:

- Wildlife mortality from roads (Fahrig et al. 1995; Cramer et al. 2022)
- Habitat fragmentation (Reed et al. 1996; Theobald et al. 2011)
- Invasive species spread (Tyser & Worley 1992; Greenberg et al. 1997)
- Negative impacts of timber removal on birds, mammals, insects, amphibians (Franzreb & Ohmart 1978; Zwolak 2009; Todd & Andrews 2008)

The Draft EIS does not reconcile these impacts with the Proposed Action.

3.4. Rare Plant Conservation Would Be Significantly Harmed

EMNRD-Forestry identifies:

- Rare plant occurrences in all five National Forests, including ESA-listed species

- Roadless areas as New Mexico's least fragmented remaining habitats
- Road construction as a driver of increased survey needs, consultation burdens, and mitigation requirements

The Forest Service's own sensitive species policy (FSM 2670) emphasizes avoiding actions that contribute to species becoming threatened or endangered. Rescission conflicts with this mandate.

4. Costs and Feasibility: New Road Construction amid Multi-Billion Dollar Road Maintenance Backlogs Further Strain the Agency's Limited Resources.

The U.S. Forest Service already faces a multibillion-dollar backlog of deferred road maintenance, a challenge that significantly limits its ability to manage existing infrastructure. The Draft EIS acknowledges that annual road maintenance ranges from \$5,000 to \$50,000 per mile, new dirt-road construction costs \$80,000 to \$100,000 per mile, and gravel surfacing can reach \$300,000 to \$500,000 per lane-mile, all within the context of an \$8.4-billion maintenance backlog. Expanding motorized access or authorizing new road construction, particularly in fire-prone, erosion-sensitive landscapes, would compound these financial pressures rather than address them. A more prudent approach would prioritize maintaining existing infrastructure and investing in environmental planning, workforce capacity, and service contracts that directly support forest-health and wildfire-risk-reduction goals.

New Mexico's experience confirms that:

- Timber revenues are insufficient to maintain existing roads
- Stewardship agreements rely on federal funding for road work, which could be strained by expanded motorized access or new road construction and thereby complicate implementation of New Mexico's newly signed Shared Stewardship Agreement
- New roads would increase long-term federal financial burdens without improving management outcomes

The Draft EIS does not explain how new roads would be maintained.

3.5. Cultural Resources and Section 106 Consultation Requirements

The New Mexico Department of Cultural Affairs (DCA) reviewed the Proposed Action and Draft EIS and identified significant concerns regarding impacts to historic properties, traditional cultural places, and Tribal cultural resources. Rescinding the Roadless Rule constitutes a federal undertaking under Section 106 of the National Historic Preservation Act and therefore requires formal consultation with each State Historic Preservation Office (SHPO) and with affected Tribes.

The opportunities provided to Tribes to comment on the Draft EIS do not meet Section 106 consultation requirements and do not provide adequate time for meaningful evaluation of how rescinding the rule could affect historic properties and cultural resources.

Historic properties and cultural resources sacred to Tribes are found throughout National Forest System lands. In New Mexico, these include:

- small room blocks representing seasonal use
- agricultural fields

- hunting blinds and eagle traps
- peeled trees
- tinajas and sacred springs
- plant-gathering areas
- traditional cultural landscapes not readily identifiable to non-Native archaeologists

Many culturally significant sites are not recognizable without Tribal knowledge, making direct Tribal consultation essential to identify resources and assess impacts.

Although rescission does not explicitly authorize ground-disturbing activity, it would allow new road construction in areas that have never been surveyed due to their remoteness and steep terrain. Any new roads would require cultural resource surveys under Section 106; surveys that are costly, time-consuming, and difficult to complete given current staffing and funding constraints within the Forest Service.

Additionally, revising Forest Plans to reflect a rescission would require extensive stakeholder engagement and Tribal consultation. Three Forest Service units in New Mexico completed new plans in 2022 after years of meetings with Tribes, SHPO, and other stakeholders. Reopening these plans would impose significant administrative burdens and delay other critical management work.

Finally, new roads also increase public access to archaeological sites, heightening risks of vandalism, looting, inadvertent damage from vehicles, and long-term impacts from road maintenance.

5. Recommendations

New Mexico respectfully recommends that USDA elect Alternative 1 (No Action) and retain the 2001 Roadless Rule.

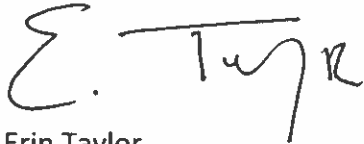
- a. Improve implementation of existing authorities for fuels reduction within IRAs, including prescribed fire, managed fire, and hand thinning.
- b. Increase federal investment in road maintenance, environmental planning, and forest workforce capacity.
- c. Strengthen protections for headwater watersheds, rare plants, and high-integrity wildlife habitat.
- d. Engage states, tribes, and local communities in any future policy development affecting IRAs.

6. Conclusion

The Draft EIS itself acknowledges that “impacts to biodiversity would likely be the least under Alternative 1” (USDA 2026a, p. 157), and the State of New Mexico concurs. The record demonstrates that the Proposed Action would increase wildfire-related hydrologic hazards; degrade water quality and watershed resilience, an especially serious concern in the aridifying West, where intact headwater forests are essential for sustaining downstream communities; fragment high-value wildlife habitat; and elevate risks to rare and imperiled species. It would expand road networks that cannot be maintained, fail to address the actual barriers to active

forest management, and create significant risks to historic properties and Tribal cultural resources while triggering extensive Section 106 obligations without demonstrating a need for new roads. Collectively, these impacts would diminish ecological integrity, strain federal and state management capacity, and undermine long-standing collaborative stewardship efforts across New Mexico's forests. For these reasons, the State of New Mexico strongly urges USDA to retain the existing travel management framework and select Alternative 1, No Action.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Taylor". The signature is fluid and cursive, with a large initial "E" and a stylized "Taylor" written in a single line.

Erin Taylor
Acting Cabinet Secretary
Energy, Minerals and Natural Resources Department