

New Mexico Off Highway Vehicle Alliance
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Mark Sando, Coyote District Ranger
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April 10, 2024

Dear Ranger Sando,

I am submitting these comments on the Encino Vista Landscape Restoration Project (Encino Vista) Environmental Assessment (EA) dated March 2024 on behalf of the New Mexico Off Highway Vehicle Alliance (NMOHVA). NMOHVA is a statewide nonprofit alliance of motorized recreation enthusiasts and organizations. Our mission is to promote, protect, and preserve responsible off-highway vehicle (OHV) recreation through education and advocacy. NMOHVA is committed to creating new motorized recreation opportunities in New Mexico. NMOHVA supports local groups and individuals working with city, state, and federal land managers and agencies by developing projects, participating in grant programs, and acting as a fiduciary agent where needed.

NMOHVA has faced historical challenges to preserving our access to public lands. We have resisted those challenges where possible, by rallying our membership, by cooperating with receptive land managers, by participating in statutory processes like the National Environmental Policy Act (NEPA), and by litigating where and when necessary. We will continue to use all tools available to us in pursuit of our mission. The Santa Fe National Forest (SFNF), and specifically the Coyote Ranger District that is the primary subject of the Encino Vista EA, provides important recreational resources to the members of the public we represent.

We offer the following comments on the Encino Vista EA:

1. NMOHVA supports Encino Vista EA Alternative B

After careful study and consideration of the draft EA, NMOHVA generally supports Alternative B. We strongly support active management of the SFNF as it is the only practical way for the USDA Forest Service (agency) to significantly move the Forest towards its Desired Conditions. That was our foundational reasoning behind our numerous inputs to the recent Forest Plan Revision

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process. To that end, we will re-state some of our reasoning here as it pertains to the Encino Vista EA,

We would like to see increased attention in identifying opportunities to convert underutilized Forest system routes (including ML-1 classified routes) to trails suitable for OHV and mountain bike use. Utilizing existing system routes where practical and sustainable minimizes cost for both the required project planning/analysis and the actual system construction. Meeting the motorized/mechanized public's need in a managed environment will help encourage and accommodate these uses in a sustainable manner and can greatly minimize unauthorized use and the creation of additional "pirate" routes. Our identification of both ML-1 and unauthorized routes that currently exist on the ground as potentially valuable recreation assets is the basis for the following comments.

2. The Encino Vista EA does not adequately link the Need for the decommissioning of existing routes with the primary Purpose and Need identified

The primary Purpose and Need for the Encino Vista project is clearly stated. The Notice of Opportunity to Comment on Environmental Assessment states (emphasis added):

*"The goal of the project is to improve ecosystem and watershed resiliency while reducing the risk of uncharacteristic wildfire events to the surrounding communities of Caones[sic], Coyote, Gallina, and Youngsville in Rio Arriba County, New Mexico."*¹

The EA leads with this statement in Section 1.1 Introduction: Background (emphasis added):

*The Santa Fe National Forest (SFNF) is proposing the Encino Vista Landscape Restoration Project (Encino Vista or EVLRP), an approximately 130,305-acre **vegetation management project** located on the Coyote and Cuba Ranger Districts.*²

The Introduction: Background goes on to further explain why the project is being considered:

"Currently, frequent-fire forest types within the project area have departed from reference forest and fire return interval conditions which promote healthy, resilient forest. The project was developed based on the need to improve ecosystem and watershed resiliency and reduce the risk of uncharacteristic wildfire events to the surrounding

¹ Albuquerque Journal, NOTICE OF OPPORTUNITY TO COMMENT ON ENVIRONMENTAL ASSESSMENT (EA) Encino Vista Landscape Restoration Project USDA Forest Service Santa Fe National Forest Coyote Ranger District Rio Arriba County, New Mexico, Published Date 03/14/2024.

² Encino Vista Landscape Restoration Project Preliminary Environmental Assessment, p. 9.

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communities of Cañones, Coyote, Gallina, and Youngsville in Rio Arriba County, New Mexico.

The Encino Vista Landscape is a priority landscape for the Santa Fe National Forest and the Rio Chama Collaborative Forest Landscape Restoration Program (CFLRP). The project goal is to move current conditions towards desired conditions, as described in the 2022 SFNF Land Management Plan (LMP), to improve forest health, increase landscape resiliency, and reduce potential wildfire hazard to wildland urban interface (WUI) areas.”³

In Section 1.2 Purpose and Need, the EA states:

“Currently, frequent-fire forest types within the project area have departed from historic structures and processes which promoted a healthy, resilient forest. Fire suppression activities have increased the risk for uncharacteristic wildfire across the landscape, threatening watersheds and local communities. Insects and disease have contributed to an overall decline in forest health in the area; especially in mixed conifer with aspen, spruce-fir, and Piñon-Juniper communities. Current forest conditions are dynamic and unpredictable as a result of recent uncharacteristic wildfires, insects and diseases, and climate change.

*The **Purpose** of the Encino Vista Landscape Restoration project is to restore overall forest health, lower uncharacteristic high severity fire risk, improve watershed health, and protect wildlife habitat across the project area.”⁴*

And then the EA tacks on a “need” to the stated Purpose:

“In order to implement restoration activities and improve forest health, there is also a need to improve and maintain a transportation system in a manner that reduces negative impacts to watershed health and facilitates access to project areas.”⁵

Irrespective of the misplaced “need” in the Purpose statement, the EA clearly identifies this need to “improve and maintain a transportation system” to support the stated primary Purpose. And then, in the formal Need statement following, it tacks on a much broader, more encompassing, need:

*“The **Need** of the Encino Vista Landscape Project is to move the forest toward desired conditions, as described in the SFNF LMP (USDA, 2022b) ...”⁶*

We assert that all activities undertaken by the agency are required to move the forest toward desired conditions. Thus, the specific inclusion of road decommissioning to support watershed quality considerations is extremely suspect. The need to improve and maintain a transportation that facilitates access to the project areas while avoiding negative impacts to the watersheds is

³ Encino Vista Landscape Restoration Project Preliminary Environmental Assessment, p. 9.

⁴ Encino Vista Landscape Restoration Project Preliminary Environmental Assessment, p. 11.

⁵ Encino Vista Landscape Restoration Project Preliminary Environmental Assessment, p. 11.

⁶ Encino Vista Landscape Restoration Project Preliminary Environmental Assessment, p. 11.

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rational and clearly linked to the primary Purpose and supported by the LMP. Singling out road decommissioning activities under the guise of moving the forest toward desired conditions is not. We specifically point out that there are other desired conditions documented in the LMP that could be impacted positively or negatively by this project:

“The design, construction, and maintenance of trails creates a trail system that is sustainable and consistent with user desires, enhances the recreation experience, diminishes user conflicts, and minimizes damage to other resources.”⁷

Please remove the specific need for decommissioning of roads and routes from the Need statements or include all other potential activities in the project area that would move the forest toward its wider range of desired conditions.

3. The Encino Vista EA contains numerous data presentation errors and arithmetical errors that preclude the public from adequately analyzing the project and making informed substantive comments

The EA section 1.3.5 Roads is too confusing to allow the public to adequately analyze the proposed activities and make substantive comments. The confusion starts with stating:

“The EVLRP area contains approximately 761 miles of NFSRs. Out of the 761 total miles, 362 miles of roads open to the public are identified within the project area, approximately 80 miles of roads will be maintained under the SFNF’s annual road maintenance plan.”⁸

We assume that what the agency means is “The EVLRP area contains approximately 761 miles of NFSRs, of which 362 miles are identified by the existing MVUM as being open to the public.” The public has no way of knowing what the rest of the sentence means. Why are only 80 miles of the roads being maintained by the annual road maintenance plan? Which of the of the 362 miles constitute the 80 miles in the maintenance plan and how where those 80 miles identified?

The EA doesn’t get any clearer as it continues:

“Of the approximately 210 miles (65percent) that have unacceptable levels of erosion¹, and of those, 55 miles are delivering the majority of sediment to streams (Appendix F).”⁹

The first issue is that “210 miles” isn’t 65 percent of any of the mileage identified in the document up to page 18 or any of the mileages listed in the following Table 3. The garbled grammar of the sentence implies some additional information or

⁷ Santa Fe National Forest Land Management Plan, page 131.

⁸ Encino Vista Landscape Restoration Project Preliminary Environmental Assessment, p. 18.

⁹ Encino Vista Landscape Restoration Project Preliminary Environmental Assessment, p. 18.

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classification was somehow omitted from the document. Lacking clarification, the public is clearly at a loss on how to quantify, qualify, or analyze the impacts. We also note for the agency that Appendix F does not contain any tabular data that includes a total of 210 miles. The confusion continues on the same page:

Of these 399 miles, 289 miles (78 percent) are badly eroding, and of those, 98 miles are delivering the majority of sediment to streams (Table 4, Appendix F).

Again, 289 miles is not 78 percent of 399 miles. Is the error in the numerator or the denominator or somewhere else? The public has no way of knowing so can't adequately even begin to quantify the impact. This error is substantive as it is not merely a typo, it precludes the participating public from identifying and understanding both the nature of the roads involved and the selection/analysis technique that is being employed. Please correct the presentation of this data so the public can clearly identify the quantity and the classification of the roads impacted and/or analyzed.

How did the agency determine that 98 of the miles are delivering the majority of sediment to streams? There is no Table 4 in Appendix F so the public has no way to analyze the validity of the agency's claim. Hopefully, it is not based on GRAIPLite modeling analysis. We cover the error inherent in using GRAIPLite modeling analysis in Item 4 of these comments.

The EA section identified as Road Activities continues the confusion (or obfuscation) involving road/route mileage. It states:

*"Up to 362 miles of open MVUM roads, of the 761 total miles of existing National Forest System Roads (NFSRs), would serve as the primary access for restoration activities. The GRAIPLite model [1] indicates that approximately 55 miles of the 281 miles are priority road segments [2] delivering >.25 tons/year to streams."*¹⁰

Which "281 miles" is the statement referring to? There appears to be a substantial disagreement between "up to 363 miles" and the "281" miles" in these statements. This same quantity of roads (281 miles) is then used several other places in the analysis. Please correct or clarify the quantity of roads identified in this statement.

The same type of confusing arithmetic error issue shows up in Table 9 and its following paragraph of explanation:

*"Within the project area, 7,903 acres are currently identified as meeting the criteria for mechanical commercial thinning treatment, which includes 84 miles of NFSRs required to accompany treatments (Table 9). Approximately 40 miles of these NFSRs are on the MVUM (open to the public) and 44 miles are in storage or for administrative use only."*¹¹

¹⁰ Encino Vista Landscape Restoration Project Preliminary Environmental Assessment, p.38.

¹¹ Encino Vista Landscape Restoration Project Preliminary Environmental Assessment, p.39.

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What “84 miles of NFSRs” is the statement referring to? The Table lists 81 miles of NFSRs. It states that 40 miles of the NFSRs are on the MVUM but Table 9 arithmetic says something different (81 miles of total NFSRs minus 44 miles of admin use only minus 15 miles of ML-1 = ???). This error is substantive, as it is not merely a obvious typo. The error precludes the participating public from identifying and understanding both the nature of the roads involved and the selection/analysis technique that is being employed. Please correct the presentation of this data so the public can clearly identify the quantitative and qualitative analysis used and the classification of the roads impacted and/or analyzed.

The EA states:

“There are also 44 miles of documented unclassified or undetermined routes.”¹²

This is a different type of error and leads to a different type of confusion among the public undertaking the task of reviewing these documents. What are the impacts of the 44 miles compared to any of the mileages given? Are they eroding more or less? Are they being used by the public or not (regardless of the lack of designation) and how is that use or lack of use impacting their erosion rates both independently and as compared to the MVUM roads. Please describe how the agency analyzed the 44 miles of documented unclassified or undetermined routes and what the agency’s conclusions were so that the public can make informed, substantive comments.

The next area of concern is Table 4 on page 21 of the EA:

Table 4. Summary Table of Road Erosion and Delivery, by Watershed

Watershed	Watershed Condition	Road Density (mi/mi ²)	Percent watershed area within project area	Miles of OPEN Road Eroding (>0.25 tons per year)	Percent Delivering Sediment to Streams	Miles of CLOSED Road Eroding (>0.25 tons per year)	Percent Delivering Sediment to Streams
Coyote Creek	Functioning at Risk	4	95%	41	29%	45	30%
Cañones Creek	Impaired Function	3.2	75%	28	26%	31	26%
Headwaters Rio Puerco	Functioning at Risk	3.6	65%	61	27%	73	34%
Poleo Creek	Functioning at Risk	4.5	60%	35	18%	38	26%

Unless we are badly misinterpreting something, this table grossly overstates the “Miles of OPEN Road Eroding (>.25 tons per year)” values based on the

¹² Encino Vista Landscape Restoration Project Preliminary Environmental Assessment, p.18.

corresponding values contained in Table 1 of Appendix F. We will post the “Total” line from the Cañones Creek Watershed as an example:

Table 1 List of Priority Roads

Watersheds	Roads	Segment Miles which Deliver 0.25-1 tons of Sediment	Segment Miles which Deliver 1-2 tons of Sediment	Total Miles of Road which deliver > 0.25 tons of Sediment
Cañones Creek		6.41	0.84	7.24

These is a very significant and substantive difference between the 41 miles listed in Table 4 of the main EA body and the 7.24 miles listed in Table 1 of Appendix F. The disagreement is just as large between the two tables for the other three watersheds. Please correct these gross errors so that the public can make informed and substantive analysis and comments. This error is particularly egregious as it likely impacted the agency’s analysis of the data and informed the formulation of this project’s “needs” pertaining to the proposed decommissioning of administrative, ML-1, and unauthorized roads.

4. The Encino Vista EA does not adequately identify which routes are being considered for decommissioning or what form of decommissioning will be used on a site specific basis.

The agency clearly states in this EA that the GRAIPLite model alone is not adequate to identify which road and route segments are appropriate for decommissioning:

“Road segments identified using the GRAIPLite model will need to be further evaluated on the ground for road maintenance and improvement for treatment to aid in watershed resiliency and rehabilitation.”¹³

Indeed, the development owner of the tool, makes the same point (emphasis added):

*“GRAIP_Lite uses the same principles as GRAIP to determine broad-scale road surface sediment risks over a much wider area very quickly, and is used as a tool to determine where the largest problems likely occur on a 6th code subwatershed scale. **Further work such as a full GRAIP inventory can then be applied in order to find the specific locations within the subwatershed that have problems that should be addressed.**”¹⁴*

And that takes us to Appendix F. The data presented in Appendix F pertaining to prioritization of road treatment is presented graphically by a series of

¹³ Encino Vista Landscape Restoration Project Preliminary Environmental Assessment, p.38.

¹⁴ <https://www.fs.usda.gov/research/rmrs/projects/graiplite>

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grainy/blurry maps at a very large scale. A portion of the data is also presented in Table 1 but the tabular data is limited to only those roads that are open to the public per the current MVUM (emphasis added):

“Note, this list only displays those roads which are OPEN to the public for motorized use on the current MVUM; therefore, the total listed road miles (55) does not include the other 100 miles which are CLOSED to motorized use by the public (for a total of 155 priority road miles to improve). Roads CLOSED to the public may be improved, but for administrative uses. Those MVUM CLOSED road miles appear in the list of roads to be prioritized for closure/storage or decommissioning, as those actions should also be considered.”

There are three specific shortcomings to this information divulged to the public in this EA. First, how can a prioritized list of roads for action be presented when the agency has not added the site-specific data to the initial “office” modeling exercise. The GRAIPLite model merely uses soil type and landform slopes to identify erosion potential. Site specific vegetative cover, natural mineral armoring, and road surface composition all make a very significant difference in erosion potential of the roads.. The agency does not yet possess, or has not divulged to the public, the key site-specific information to support the preliminary GRAIPLite modeled information.

Secondly, the public has been deprived of even a prioritized list of the currently closed roads and routes that are being considered for elimination from the road system and the current landscape. Those currently closed roads or unauthorized routes have only been identified on grainy maps presented at a very small scale and show only the GRAIPLite modeling information. The motorized recreation public is most interested in the roads closed to the public, subject to decommissioning, as they are an important potential resource opportunity. But most importantly, the public has been deprived of the key information of which specific road and route segments have been identified as subject to closure. Without this information, the public lacks the necessary information with which to formulate substantive comments.

Finally, and most importantly, merely presenting a prioritized list of roads is not adequate information for comment. It deprives the public of the necessary information of which specific roads have been identified for actual decommissioning or other action. The list of which closed roads would be removed/eliminated from the forest road system is the most necessary piece of information, both quantitatively and qualitatively, for the public to be able to make their substantive comments. The agency cannot remove roads from its system without going through a thorough and complete analysis as required by NEPA requirements. The agency has also not detailed how specific roads would be decommissioned. This is important because different techniques of decommissioning leave the roads and routes in vastly different states that greatly impact their value as potential future recreation resources/opportunities. Merely

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prioritizing roads for potential action but failing to identify specific agency actions will be implemented on which routes does not meet NEPA-required disclosure requirements.

The agency is well aware of the NEPA-required disclosure requirements. They specifically detail how the TAR and TAP fit into the NEPA-required analysis process (emphasis) added:

*“In 2008, to meet subpart A of the Travel Management Regulation (36 CFR Part 212), the SFNF produced a Travel Analysis Report (TAR)², which analyzed and identified a minimal transportation system for the entire Forest, including the EVLRP area. The TAR for the SFNF (USDA 2008) describes the Travel Analysis Process (TAP), which informs future project decisions related to motorized travel management. Development of the TAP was a comprehensive undertaking to match the transportation system to the desired future condition, as determined through existing direction, public input, and agency resource specialist suggestions. As documented, in the TAR, the TAP provides a comprehensive review and technical recommendations for changes to the existing road system and motorized trail network. **The TAP is not a NEPA process; it is an integrated ecological, social, and economic approach to transportation planning, addressing both existing NFSRs and future roads. In accordance with the TAR, a project specific analysis identifies recommended road changes (such as decommissioning, changing the road’s classification) that are directly related to achieving the purpose of the project.**”¹⁵*

Please complete the following actions to provide the public with the information needed to formulate substantive comments as required by NEPA:

1. Complete the necessary site-specific field work to bring the analysis process initiated with the GRAIPLite modeling to completion.
2. Present the completed analysis, including an identification of which specific road and route segments will receive what specific actions in support of this project.
3. Present this information for both the roads currently open to the public as documented by the MVUM and the roads and routes currently closed to the public for administrative use only, ML-1, and unauthorized routes.
4. After divulging this information to the public, re-open the required 30-day comment period as required by agency regulations.

The agency could also meet NEPA requirements by eliminating the change of status of any existing system roads in the project area and limiting the activities to approved maintenance of existing roads as necessary for the project.

Thank you for the opportunity to comment.

Sincerely,

¹⁵ Encino Vista Landscape Restoration Project Preliminary Environmental Assessment, p.19.

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