

## Taos rivers: A little less wild, a little less scenic

Environmentalists want more protections as Forest Service culls unremarkable streams

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Say the phrase “wild and scenic” around Taos and the Rio Grande Gorge most often comes to mind. In the recreation area north of Questa, the sound of one of the continent’s most important rivers whistles through the canyon and erupts onto sweeping vistas, lava fields and a relatively rare sense of seclusion.

In the wild landscapes of Taos County, especially the Carson National Forest, there are hundreds of streams that, even without the dramatic views of the Rio Grande, stand out among ribbons of water in the Southwest.

But just how many of those streams get legal protections against damming and development – enshrined in the 50-year-old Wild and Scenic Rivers Act – is likely to change.

The Carson National Forest recently cut the number of rivers that are considered “eligible” under the law while environmentalists are continuing to call on local leaders at the U.S. Forest Service to buck the trend of deregulation and seek more stringent protections for more rivers.

The evaluation of the forest’s streams came in the last several years as a component of the forest plan revision, a planning process that shapes local management of the forest for decades to come. The last forest-wide plan was finished in 1986. Rivers are among the “resources” – such as animals, cultural sites and geologic features – the forest has to take stock of under the plan, especially those rivers that could be eligible for the illustrious “wild and scenic” designation.

The previous eligibility studies – conducted between 1994 and 2001 – evaluated 125 streams and rivers.

In the most recent study, the Carson National Forest evaluated 217 rivers for wild and scenic eligibility, including 25 that are unnamed on official maps of the forest. The number of “wild and scenic”- eligible river segments in the forest dropped from 103 to 48 as a result of the assessment.

By ranger district, there are seven eligible rivers on the Camino Real, three on the Canjilòn, five on the El Rito, two on the Jicarilla, four on the Tres Piedras and 27 on the Questa.

While it’s typical for federal agencies to review their wild and scenic rivers during yearslong planning initiatives, Amigos Bravos, a local environmental nonprofit, was one of the groups that challenged the Carson leadership’s decision to review the rivers en masse.

“On the eve of the 50th anniversary of the Wild and Scenic Rivers Act, it is ever more important to ensure that we protect the last remaining free-flowing rivers on our national

forests and their outstandingly remarkable values. We should be looking for ways to increase Wild and Scenic protections, not drastically reduce them as the Forest Service is proposing,” Rachel Conn, projects director for Amigos Bravos, said via email Monday (Oct. 23).

“Instead of spending resources on downgrading Wild and Scenic protections, the forest service should have been focusing on moving currently eligible rivers further down the path to final designation. If the Forest Service had questions about particular rivers they should have done a case by case review, not re-evaluate the entire forest,” Conn wrote.

Amigos Bravos also submitted a joint statement early in the planning process with The Wilderness Society, American Rivers, Rivers & Birds, New Mexico Wilderness Alliance, Western Environmental Law Center and New Mexico Wildlife Federation.

But what qualities make a river count as “free-flowing” – the heart and soul of the Wild and Scenic Rivers Act – is open to interpretation.

Under the law, “free-flowing” means any river or part of a river that exists “in a natural condition without impoundment, diversion, straightening, rapping or other modification of the waterway,” though “low dams” and “diversion works” don’t automatically exclude a stream.

Segments of rivers that have flowing water – even if it’s seasonal or dammed – can meet the definition for free-flowing, according to the government-run Wild and Scenic website (*rivers.gov*).

The other necessary element of a “wild and scenic” designation is that a river must have an “outstanding remarkable value,” or a feature that’s “unique, rare or exemplary” compared to surrounding regions. Those “values” could be anything like an exceptional pocket of wilderness, a population of a protected animal or, as in the Rio Grande Gorge, out-of-this-world scenery.

Peter Rich, a forest planner with the Carson, said that “outstanding remarkable” is a subjective criteria with “flexible” definitions.

Under the previous studies, he said, forest managers were using too broad a definition for “outstanding remarkable,” resulting in a number of eligible rivers that was an outlier among all national forests.

“It just doesn’t make any sense. We weren’t finding things that were really remarkable enough,” Rich said.

For example, the South Fork tributary and those that flow down Yerba, Long and Gavilan canyons near Taos Ski Valley were deemed ineligible under the re-evaluation. All were listed for their scenery, fish, wildlife and riparian habitat in previous evaluations. Of the Rio Hondo tributaries, only the Italianos Canyon and Manzanita Canyon streams retained their eligibility.

In other cases, Rich said, the values that were previously used as justification for the designation were actually in conflict with the intention of the law.

A prime example is the Rio de las Trampas and its acequias. Some acequias were listed as the cultural values to make the river worthy of protection under the law. Yet acequias are a type of dam and interfere with the streambed, Rich said.

“We’re not saying acequias aren’t outstanding and remarkable things ... but it’s not appropriate to use wild and scenic to protect that value,” he said.

Still, some changes to the streams are OK, such as low dams and barriers 3 to 10 feet tall that separate interbreeding varieties of trout. That's especially true when those improvements "enhance" the value that makes the river special. Barriers are a common feature on the wild and scenic rivers in the Valle Vidal unit of the Carson National Forest.

Through the eligibility study, the Forest Service "answered [our] questions about how to manage these streams appropriately" and in context of the constellation of federal laws, priorities and prohibitions, Rich said.

Eligibility is not an outright protection against development on or near the river. "Water resources projects that modify free-flowing character may occur only when they mimic natural river processes, restore more natural river function, and are otherwise consistent with the river's eligibility," the forest's proposed new standard reads.

"People think we're losing protections, but the only thing we're really doing is [deciding the] level of analysis" if a project or development proposal comes before the forest, Rich said.

"We still have a lot of eligible rivers," he said.

Nonetheless, Amigos Bravos has concerns for the real impacts of the reclassified streams.

"Currently eligible rivers, depending on their [values] and classification ... are protected from development. Their free-flowing status is protected. When rivers are removed from the eligibility, a barrier to new dams, roads, and other development is removed," said Conn.

The Carson National Forest is accepting public comment on the draft "wild and scenic" eligibility study. Rich said comments are "most useful" by Nov. 15 and can be emailed to [carsonplan@fs.fed.us](mailto:carsonplan@fs.fed.us).

Sometime in early 2018, the forest managers are anticipating opening up a formal comment period of the entire forest plan revision.

### **Get involved**

Public comment will be accepted through Nov. 15 on the Carson National Forest plans to decrease the candidates for "wild and scenic" river designation. Email comments to [carsonplan@fs.fed.us](mailto:carsonplan@fs.fed.us).

The draft "wild and scenic" eligibility study is available online at the Carson National Forest's planning website: [goo.gl/mT5LiZ](https://goo.gl/mT5LiZ).



Just because a river is “wild and scenic” eligible doesn’t mean that it’s in an undeveloped landscape devoid of humans. A 3.5-mile segment of the Rio Grande del Rancho, which runs along State Road 518 between Pot Creek and Talpa, is an eligible river despite a highway, string of power lines and homes in the area. The river clinched the designation because of its “degraded,” but iconic red willow thicket that is “critical habitat” for Southwestern willow flycatcher.

Katharine Egli



The Rio Grande and the lower sections of the Red River near the confluence of the two rivers (shown here from a March file photo) have the highest protections under the 50-year-old Wild and Scenic Rivers Act. They were among the first rivers included in the wild and scenic system. Taos has many mountain streams that are considered “eligible” under the act – which affords some, but fewer protections than full congressional designation – though that number dropped after a recent inventory by the Carson National Forest.

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